

Prince George's County Departure from Design Standards Application No. 512

Applicant: Joni Shapiro, Owner

Location: Southeast of the intersection of MD 458 and Marlboro Pike

Request: Departure from Design Standards

R E S O L U T I O N

WHEREAS, the applicant is requesting relief from the bufferyard requirements of Section 4.7 of the *Landscape Manual*; reduction of the width of the required landscape yard from 40 feet to 0 feet; reduction of the required plant units from 1,528.88 plant units to 0 plant units; to provide a six-foot-wide planting strip on the adjacent property providing 180 plant units and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the adopted Rules of Procedure of the Prince George's County Planning Board; and

WHEREAS, the Technical Staff Report released May 17, 2000, recommends APPROVAL, with conditions; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on May 25, 2000, the Prince George's County Planning Board agreed with the staff recommendation; and

WHEREAS, the Prince George's County Planning Board decision is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

1. The site is located southeast of the intersection of MD 458 and Marlboro Pike in the Parkland Stop and Shop Shopping Center. The site is zone CSC and encompasses 5.23 acres. The applicant is providing the required amount of parking and loading spaces.

The requests of the applicant in Departure from Design Standards DDS-512 are as follows:

- a. Relief from the bufferyard requirements of Section 4.7 of the *Landscape Manual*.
 - b. Reduction of the width of the required landscape yard from 40 feet to 0 feet.
 - c. Reduction of the required plant units from 1,528.88 plant units to 0 plant units.
 - d. To provide a six-foot-wide planting strip on the adjacent property providing 180 plant units.
2. Special Exception #3278 (PGCPB No. 81-301) was approved on November 12, 1981. This special exception was for an approval of a Jiffy Lube. This approval predates the requirements of the *Landscape Manual*. At the time of the approval the applicant was required to provide a

six-foot-wide landscaped strip to be located on both properties. This landscape strip was permitted by the applicant obtaining a Departure from Design Standards # 140 (PGCPB No.82-70) due to the plant materials not being installed on the subject property. A perpetual maintenance agreement was also required to ensure that this landscape strip would remain in perpetuity. At the time of the submittal of Detailed Site Plan SP-98043, staff became aware that the site was not in conformance with the prior above-referenced approvals. Since the site was not in conformance with prior approvals, it became subject to the requirements of the *Landscape Manual*. The applicant was required to seek relief from Section 4.7 of the of the Landscape Manual. The request for alternative compliance was recommended for denial by the Planning Director.

3. Section 27-239.01(b)(9) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:

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

The purposes of the Zoning Ordinance are set forth in Section 27-102. They are varied in nature, but in general, are to protect the health, safety and welfare of the residents and workers in Prince George=s County. In this instance, the facts establish that granting the requested departure will in no way jeopardize these purposes. The subject property is located in an older area outside the Beltway that was developed before most of current zoning and development standards came into effect. The current condition of the immediate area can be described as an older shopping center with low-rise apartments to the southwest. While the shopping center has had a face-lift, several vacancies remain. The proposed application of the subject property will create an environment and related amenities that will enhance and revitalize the shopping center as well as provide a service to the residents who live in the area.

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

The departure is the minimum necessary because the applicant has prior approvals allowing them to provide a landscape buffer strip on the adjacent property. Also, for the applicant to be required to conform with current standards, the required parking that now exists along the joint property lines would have to be eliminated, thus requiring the applicant to apply for a Departure from Parking and Loading Spaces as well as the subject DDS.

c. 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 necessary to alleviate circumstances which are unique to the site. The subject application is part of the shopping center which predates the current requirements of the *Landscape Manual*. The subject shopping center has been subject to several

previous applications (Special Exception #3278 (PGCPB No.81-301), Departure from Design Standards #140 (PGCPB No. 82-70), and Alternative Compliance #99024 (refer to Finding 6 of Technical Staff Report for SP-98043)) which have allowed the planting normally required on the shopping center property to be located on the adjacent property of the multifamily housing complex.

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

The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood. Staff believes that allowing the applicant to reduce the required landscaped yard from 40 feet to 0 feet, reduce plant materials from 1,528.88 plant units to 0 plant units, and provide a six-foot-wide landscape strip and 180 plant units on the adjoining property, will be a visual improvement for both the Parkland Village apartment complex and the Parkland Stop and Shop Shopping Center. This reduction in plant materials will allow for a safe corridor between these two properties.

e. For a departure from a standard contained in the *Landscape Manual*, the Planning Board shall find, in addition to the requirements above, that there is no feasible proposal for alternative compliance, as defined in the *Landscape Manual*, which would exhibit equal or better design characteristics.

The applicant applied for alternative compliance which was denied by the Planning Director, therefore, the applicant applied for the above-referenced Departure from Design Standards.

NOW, THEREFORE, BE IT RESOLVED, that Departure from Design Standards is hereby APPROVED subject to the following conditions:

1. The site plan shall be revised to reflect the split-rail fence along the entire length of the common property line.

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 Boone, seconded by Commissioner McNeill, with Commissioners Boone, McNeill and Hewlett voting in favor of the motion, and with Commissioner Brown absent, at its regular meeting held on Thursday, May 25, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of June 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LW:meg