

Prince George's County Departure From Design Standards No.519

Applicant: Bishop McNamara High School

Location: The subject property is located on the north side of Marlboro Pike, east of MD 458

Request: Departure from Design Standards for Setback of Loading Access for Residentially Zoned Land

R E S O L U T I O N

WHEREAS, the applicant is requesting a departure of 22 to 38 feet from the 50 foot setback requirement from adjoining residential property to the west and a departure of 5 to 30 feet from the property to the north; 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 February 20, 2001, recommends APPROVAL; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on March 1, 2001, 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 on the north side of Marlboro Pike, east of MD 458. The site is zoned R-55 and encompasses 14.22 acres. The proposal is for construction of a fine arts and athletic center which encompasses 23,174 gross square feet and a reduction in the required 50 foot setback requirement stating that no exterior loading space and no vehicular entrances to any loading space shall be located within 50 feet of any Residentially Zoned or land used for residential purposes. The applicant is providing the required amount of parking and loading spaces.

2. The request of the applicant in Departure from Design Standards DDS-519 is as follows:

Section 27-579(b) of the Zoning Ordinance requires that: A No portion of an exterior loading space, and no vehicular entrances to any loading space (including driveways and doorways), shall be located within fifty (50) feet of any Residential Zone (or land proposed to be used for residential purposes on an approved ...Detailed site Plan).@ A departure of from 22 to 38 feet is requested from the 50 foot setback requirement from adjoining residential property to the west and a departure of 5 to 30 feet is requested from the property to the north.

3. Required Findings

(a) **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:**

1. 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 inside the Beltway that was developed before most current zoning and development standards came into effect. The current condition of the immediate area can be described as mostly residential in character. There is an adjoining church use and private school to the west of the subject property. The proposed application of the subject property will improve the environment and enhance the services provided by Bishop McNamara High School to the benefit of the residents who live in the area.

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

The departure is the minimum necessary given the specific circumstances of the site. An existing high school and track and football field dominate a large portion of the subject site, thus leaving the proposed location of the youth center the only developable portion of the site, and leaving no other possible route for access to the loading except along the western edge of the site. The access drive is shifted as far from the western property line as possible.

3. 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 an existing private school which predates the *Landscape Manual*. The specific use does not predate 1950, but the school and its location in an Inner Beltway Community on a limited parcel of land create a unique circumstance in trying to provide amenities to the immediate area.

4. 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.
The area to the north, behind the proposed loading space is improved with a

six-foot-high board-on-board fence, a berm and landscape plantings. This screening will alleviate any negative impacts to the single-family residence located approximately 120 linear feet from the common property line and 175 linear feet from the loading space. Mt. Calvary Church and school are located to the west of the subject application; this non-residential use is not likely to suffer any significant negative effects from the location of the loading access drive. The application is providing landscaping along the access, thus creating a visual barrier to the loading space.

NOW, THEREFORE, BE IT RESOLVED, that Departure from Design Standards is hereby APPROVED.

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.

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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 Brown, seconded by Commissioner Eley, with Commissioners Brown, Eley, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 1, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of March 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LW:rmk