

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DDS-543 requesting a departure from design standards for the building setback, bufferyard and minimum plant units required in the *Landscape Manual* 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 18, 2004, the Prince George's County Planning Board finds:

- A. Location and Field Inspection:** The subject property is a rectangular-shaped parcel located on the north side of Allentown Way, about 200 feet northeast of the intersection of Allentown Way and Allentown Road. The property is developed with a gas station and car wash. The gas station includes four pump islands under a large canopy. The car wash is located in a one-story, masonry structure along the western edge of the property. Two driveways provide access to the property from Allentown Way.

**B. Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Gas station & car wash	Gas station & car wash
Acreage	0.57± ac	0.57± ac
Lots	1	1
Parcels	1	1
Square Footage/GFA	3,356	3,356
Dwelling Units:	N/A	N/A

- C. History:** The subject use operates pursuant to SE-2204, which was approved by the District Council on January 21, 1970. The Board of Appeals approved a variance of 50 feet from the 150-foot street frontage requirement in February 1970 (Appeal No. 2696). Variances from Sections 27-358(a)(5)(driveway location and width) and 27-358(a)(7)(sidewalk width) were approved by the Board of Appeals in November 1998. The property was rezoned from the C-2 to the C-S-C Zone during the 1984 sectional map amendment for Subregion VII.
- D. Master Plan Recommendation:** The 1981 master plan for Subregion VII recommends retail commercial use for the subject property.
- E. Request:** A departure from design standards is requested from the building setback, bufferyard and minimum plant units required in the *Landscape Manual*. This application is the result of a recommendation for denial of an alternative compliance request (AC-03015/01). Specifically, a minimum building setback of 30 feet and a 20-foot-wide landscaped yard is required along the northeast and northwestern property lines. The existing car wash building is setback less than one foot from the northwestern property line and an existing shed is setback 23 feet from the

northeastern property line. In addition, 144 plant units are required within the landscaped yard. No additional plant units are proposed on the site plan. This application is companion to ROSP SE-2204/01, which proposes to revise the approved special exception site plan to validate the location of certain improvements on the site.

**F. Neighborhood and Surrounding Uses:**

North— PEPCO substation, gas station, and carpet store in the C-S-C Zone.

East— Retail center with a restaurant, nail salon, dry cleaners bookstore, and other commercial uses in the C-S-C Zone.

South— Across Allentown Way is a child development center and offices in the C-S-C Zone.

West— Auto glass shop and real estate office in the C-S-C Zone.

**G. Required Findings:**

**Section 27-239.01(b)(9)(A) requires the Planning Board to make the following findings in granting a departure:**

**1. The purposes of the Zoning Ordinance will be equally well or better served by the applicant's proposal.**

The purposes of the Zoning Ordinance will be equally well or better served by the applicant's proposal. The purposes of the Zoning Ordinance are provided in Section 27-102. The applicant proposes six-foot high, sight-tight fences along the western property lines adjoining Lots 1 and 3, Block A. It is important to note that the applicant is simply seeking to validate the existing location of the main building as originally constructed, as well as the location of drive aisles and parking spaces that have existed since 1970. The use will continue to promote the comfort and convenience of residents in accordance with the purposes of the Zoning Ordinance.

**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 request. The departure is necessary due to the applicant's inability to meet the requirements of the *Landscape Manual*. The subject use was approved in 1970 predates the *Landscape Manual*, which was adopted in 1989. Staff through the Alternative Compliance process reviewed the landscaping issues that are the subject of this application. It was determined that the property was fully developed long before the adoption of the *Landscape Manual*. Approval of the site plan essentially validates the location of development that has existed for many years. The site plan presented by the applicant therefore, proposes the minimum departure given the development that has already occurred.

**3. The departure is necessary 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 that are unique to the site. The subject use was approved in 1970 predates the *Landscape Manual* which was adopted in 1989. The use was developed in accordance with regulations in effect in 1970.

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

The departure will not impair the visual, functional, or environmental quality or integrity of the site or the surrounding neighborhood. The proposed six-foot-high, board-on-board fence will effectively screen the existing car wash and gas station from the adjacent offices. The subject use lies within a heavily developed commercial area and has co-existed with surrounding uses for many years. The proposed departure will not negatively impact the existing commercial area.

**Section 27-239.01(b)(9)(B) provides that:**

**B. For a departure from a standard contained in the *Landscape Manual*, the Planning Board shall find, in addition to the requirements in paragraph (9)(A), 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 proposed departure is from Section 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. The applicant submitted a request for Alternative Compliance (AC-03015/01) for the deficiencies in setback, landscaped yard and plant units. The Planning Director denied the request. The applicant then filed a departure from design standards application (DDS-543) based on a finding by the Planning Director that the plan proffered by the applicant was not equal to or better than the normal requirements of the *Landscape Manual*. The applicant has worked with staff on possible design solutions; however, the site is completely paved and developed. There are not feasible solutions that would yield equal or better design characteristics.

The application is also subject to Sections 4.2 (Commercial and Industrial Landscaped Strip Requirements) and Section 4.3(a) (Parking Lot Landscape Strip Requirements). The site plan shows a commercial landscaped strip along Allentown Way as required. This strip may also fulfill the requirement for a parking lot landscaped strip (Section 4.3(a)). The schedule on the site plan for Section 4.2 should be revised to indicate that the strip also addresses Section 4.3(a).

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 recommends APPROVAL the above-noted application, subject to a condition that the site plan be revised to indicate that the planting schedule for Section 4.2 also fulfills the requirements of Section 4.3(a) (Parking Lot Landscape Strip Requirements).

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.

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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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 18, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of April 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JJ:rmk

(Revised