

R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed a Departure from Design Standards requesting a departure from the requirements of the *Landscape Manual*; and

WHEREAS, after consideration of the evidence presented at the public hearing on July 28, 2005, the Prince George's County Planning Board finds:

FINDINGS:

A. **Location and Field Inspection:** The subject property is located on the south side of Forest Road approximately 1,000 feet east of Parkway Drive at its intersection with 64th Avenue, known as 6401 Forest Road. The property has 121 feet of frontage on Forest Road. Vehicular access to the property is from Forest Road. There are two existing buildings on the subject property. One of the buildings (4,217 square feet) is used for the Town of Cheverly's Public Works Department. The other building (4,270 square feet) is used for the town's Police Department. A 6,367-square-foot multipurpose room is attached to this building. The existing parking is adjacent to the buildings. The remaining property is parkland used for recreational purposes by the community. The parkland is developed with basketball courts, tennis courts, and an athletic field. The applicant is proposing a 4,182-square-foot addition to the existing police station building. Additional parking is proposed adjacent to the proposed addition.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-55	R-55
Use(s)	Police Station	Police Station
Acreage	12.4	12.4
Lots	NA	NA
Parcels	1	1
Square Footage/GFA	14,854	19,036

C. **Master Plan Recommendation:** The 1994 Approved Bladensburg New Carrollton and Vicinity master plan recommends public/quasi-public uses for the subject property.

D. **Request:** The applicant is proposing a 4,182-square-foot addition to the existing police station. Since the gross floor area of the addition is greater than ten percent of the existing police station, the proposal was subject to the following requirements of the *Landscape Manual*:

Section 4.7 (Buffering Incompatible Uses) along the western and southern property lines
Section 4.2 (Commercial and Industrial Landscape Strip) along US 50

On January 21, 2004, the Planning Director of The Maryland-National Capital Park and Planning Commission (M-NCPPC) denied Alternative Compliance Application AC-03035 in conjunction with Permit No. 35843-2002-CGU. The applicant is requesting a departure from the requirements of Sections 4.7 and 4.2 of the *Landscape Manual*.

E. **Surrounding Uses:** The property is surrounded with the following uses:

North: Forest Road and single-family residential in the R-55 Zone.

East: US 50

South: Single-family residential and vacant property in the R-55 Zone

West: Single-family residential in the R-55 Zone

F. **Neighborhood Boundaries:** The neighborhood boundaries are as follows:

North: Landover Road

South: US 50

East: US 50

West: Cheverly Avenue

G. **Landscape Manual Requirements:** The property is subject to the requirements of Section 4.2 and Section 4.7 of the *Landscape Manual*. The proposed landscape plan falls short of the required minimum building setback, minimum landscape yard, and minimum planting unit requirements. The Planning Director recommended denial of the applicant's proposal for alternative compliance (see attached review comments for AC-03035) and, consequently, the applicant is requesting a departure from these requirements.

H. **Signs:** No freestanding signs are proposed with this application.

I. **Other Issues:**

- a. The Permit Review Section (memorandum dated June 8, 2005) has requested the addition of notes regarding the correct area of the existing buildings, the height of the existing fence, the correct area of the existing buildings in the parking schedules, and the location of a new loading space. Conditions of approval have been added to require the same.
- b. The Environmental Planning Section (memorandum dated June 8, 2005) has stated that there are no environmental issues associated with the proposal.

- c. The Historic Preservation and Public Facilities Planning Section (memorandum dated July 7, 2005) has stated that the existing fire engine service is within the travel time guidelines. The existing police facilities are adequate.
- d. The Community Planning Division (memorandum dated June 28, 2005) has stated that the application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier and it conforms to the 1994 Approved Bladensburg New Carrollton and Vicinity master plan for public and quasi-public uses. The Cheverly Police Department and the town's Public Works and recreational parkland are designated public facilities.
- e. The Town of Cheverly (memorandum dated June 8, 2005) supports the subject Departure from Design Standards application.

J. 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 departures will in no way jeopardize these purposes.

The existing building has been on the property since the early 1950s. There is adequate landscaping on the property at strategic locations to screen the subject use and the existing and proposed buildings from the adjacent properties. A substantial portion of the property is covered with existing woodland and parkland.

The proposed addition to the police station is in the southwest corner of the site adjacent to the existing building. The addition is set back more than 60 feet from the south and west property lines. The existing landscaping adjacent to the proposed building is adequate to screen it from the adjacent properties.

No new buildings or paving are proposed along the eastern property line adjacent to US 50. The existing and proposed buildings are set back more than 900 feet from the property line adjacent to US 50. The existing woodland and parkland on the eastern portion of the property are adequate to screen the existing and proposed buildings from US 50.

Although the existing landscaping and fences are not as extensive as landscaping and screening required for an institutional use, they are adequate to screen the adjacent residential properties and improve the overall appearance of the property along Forest Road and US 50. The existing landscaping and screening enhance the visual quality of the site and project an aesthetically pleasing appearance. An attempt to achieve full compliance

with the *Landscape Manual* would be virtually impossible because the additional landscaping would encroach into areas utilized by the existing recreational uses and the parkland.

Given all of the above, the purposes of this Subtitle will be equally or better served by the applicant's proposal.

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

The requested departure is the minimum necessary. Strict compliance with the *Landscape Manual* would require the creation of additional landscape bufferyards that would encroach into areas utilized by the existing recreational uses and the existing parkland. Providing additional landscaping would create an economic hardship on the police station. The existing landscaping is adequate to screen the subject property from the adjacent properties and provide an aesthetically pleasing appearance.

3. The departure is necessary in order to alleviate circumstances that 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 commonly found in older areas initially developed with residential dwellings and later converted to commercial or institutional uses. A police station is a permitted use in the R-55 Zone. Compliance with the current landscaping standards will require encroachment into areas that accommodate the existing recreational uses and parkland. Therefore, the departure is necessary to alleviate circumstances that are unique to the site and unique to the use of the property as a police station, public works facility, and recreational parkland.

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

The departure, with the existing landscaping, will maintain the visual, functional and environmental quality or integrity of the site and the surrounding neighborhood by providing an aesthetically pleasing appearance and screening the buildings on the property. Granting of the departure will ensure the use of the property as a police station for protecting the public safety of the surrounding neighborhood.

(B) For a departure from a standard contained in the *Landscape Manual*, the Planning Board shall find, in addition to the requirements in paragraph (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.

Installation of landscaping according to the requirements of the *Landscape Manual* is not practical. These requirements cannot be provided without encroaching into the existing parkland and land used for recreational purposes. There is no feasible proposal for alternative compliance, as defined in the *Landscape Manual*, that would exhibit equal or better design characteristics.

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 Departure from Design Standards application DDS 546, subject to the following conditions:

1. Prior to certification of the departure from design standards application, the site plan shall be revised as follows:
 - a. Notes stating the correct area of the existing and proposed buildings. The correct area of the existing and proposed buildings shall also be shown on the site plan.
 - b. Parking schedule showing correct area of the existing and proposed buildings and correct number of required parking spaces.
 - c. Location of a new (12 feet by 33 feet) loading space for the police station. The loading space shall be located along driveways that are at least 22 feet in width
 - d. The height of the existing chain-link fence.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 28, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of September 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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