

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 Section 27-558, Parking Space Sizes, 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 July 7, 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 University Boulevard, approximately 500 feet west of Riggs Road. The subject property is currently developed with an integrated shopping center. The property has 804 feet of frontage on University Boulevard. Vehicular access to the property is from two entrances along University Boulevard.

B. **Development Data Summary:**

| | EXISTING | PROPOSED |
|--------------------|----------------------------|----------------------------|
| Zone(s) | R-10 | R-10 |
| Use(s) | Integrated Shopping Center | Integrated Shopping Center |
| Acreage | 4.03 | 4.03 |
| Lots | 1 | 1 |
| Parcels | NA | NA |
| Square Footage/GFA | 52,140 | 52,140 |

C. **History:** The Prince George's County Planning Board approved Detailed Site Plan DSP-03039 for an integrated shopping center on January 22, 2004 (PGCPB No.04-04). Section 27-579 (b) of the Zoning Ordinance states that no portion of an exterior loading space shall be located within 50 feet of any residential zone. The required 50-foot setback was not provided on the detailed site plan and was simply and inadvertently missed by both the applicant and the Planning Staff.

The applicant has, therefore, filed the subject departure from design standards application. The applicant has filed a revision to Detailed Site Plan DSP-03039/01 for minor changes to the approved detailed site plan.

D. **Master Plan Recommendation:** The 1989 approved Langley Park-College Park-Greenbelt Master Plan recommended residential uses for the subject property and retained the property in the R-10

Zone.

E. **Request:** Section 27-579(b), of the Zoning Ordinance states that no portion of an exterior loading space and no vehicular entrances to any loading space (including driveways and doorways), shall be located within 50 feet of any Residential Zone (or land proposed to be used for residential purposes on an approved basic plan for a Comprehensive Design Zone, approved official plan for an R-P-C Zone, or any approved conceptual or detailed site plan). This application is seeking relief from this 50-foot setback requirement of the Zoning Ordinance. The loading space to the rear of the building is set back 42 feet from the adjacent residentially zoned property and the access to the loading space is set back 20 feet from the adjacent residentially zoned property.

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

North— University Boulevard

East— Integrated shopping center in the C-S-C Zone

South—School in the R-55 Zone

West— Integrated shopping center in the C-S-C Zone

G. **Landscape Manual Requirements:** The subject integrated shopping center must meet the requirements of Section 4.2, Commercial and Industrial Landscape Strip; Section 4.3, Parking Lot Requirements; and Section 4.7, Buffering Incompatible Uses of the *Landscape Manual*. The proposal complies with the requirements of the *Landscape Manual*.

H. **Signs:** The proposed sign was approved during the review of Detailed Site Plan DSP-03039. The proposed sign meets the requirements of the Zoning Ordinance.

I. **Other Issues:**

1. The Permit Review Section (memorandum dated May 4, 2005) recommends the following minor changes to the site plan. Conditions of approval have been added to require the same.
2. The Historic Preservation and Public Facilities Section (memorandum dated May 31, 2005) states that the existing fire engine service, ambulance service, paramedic service and ladder truck service are within the travel time guidelines. The existing police service is adequate to serve the population generated by the proposed use.
3. The Environmental Planning Section (memorandum dated April 27, 2005) states that there are no environmental issues related to this proposal.
4. The State Highway Administration (memorandum dated May 5, 2005) states that they have no objections to the subject departure from design standards application.
5. The Community Planning Division (memorandum dated May 16, 2005) states that there

are no master plan issues associated with the proposal. The property is in the developed tier. The General Plan recommends residential and nonresidential mixed use along designated corridors such as University Boulevard. The 1989 approved Langley Park-College Park-Greenbelt Master Plan recommends residential uses for the subject property.

6. The Historic Preservation Section (memorandum dated May 26, 2005) states that a Phase I archeological survey is not recommended by the county.

7. The Urban Design Section (memorandum dated April 26, 2005) states that they have no problems with the subject request because of the grade difference between the two properties and the landscaped bufferyards on the subject property.

8. The Transportation Planning Section (memorandum dated May 2, 2005) has no comment regarding the subject 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 location of the loading spaces in the rear of the subject building is ideal because it does not obstruct traffic in the parking lot and it enhances the overall appearance of the property by concealing the loading areas in the rear and side of the lot. The existing retaining wall and fence will adequately screen the loading space from the adjacent properties. The existing school on the adjacent residentially zoned property is located more than 100 feet from the property line of the subject property; therefore, the reduced setbacks for the loading space and the access driveways for the loading space will not have significant noise or visual impact on the adjacent residential property.

- 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 setback requirements would require either the building area or the parking area to be reduced and would not allow the applicant to build an integrated shopping center of sufficient size for the residents in the neighborhood.

- 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 unique to the site. The existing size of the property is not adequate to accommodate the proposed buildings, the required parking and loading, and the required setbacks for the loading areas. The site is unique in its location adjacent to residentially zoned property that is developed with a school rather than residential uses. The school is set back more than 100 feet from the property line and the school site is at a higher elevation than the subject property. The reduced setbacks will not, therefore, have any negative impacts on the adjacent school.

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 the surrounding area because the proposed loading spaces and the access driveways to the loading spaces will be adequately screened from the adjacent properties.

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-559, subject to the following conditions:

1. Prior to certification, the site plan shall be revised to show the following:
 - a. Section drawing for the small dumpster along the southwest corner of the site to verify compliance with the screening requirements of Section 4.4 of the *Landscape Manual*.
 - b. The height of the retaining wall and the security fence. If the height of the retaining wall and the security fence is over six feet, it shall meet the main building setbacks.

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 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 7, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of July 2005.

Trudye Morgan Johnson

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Executive Director

By Frances J. Guertin
Planning Board Administrator

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(Revised 8/9/01)