

## R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Design Standards Application No. DDS 581 requesting a departure for access to a loading space less than 50 feet from a residential zone 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 September 13, 2007, the Prince George's County Planning Board finds:

### **FINDINGS:**

- A. Location and Field Inspection:** The subject site, which comprises a portion of the Penn Mar Shopping Center, is located at 3400 Donnell Drive, at its intersection with Pennsylvania Avenue (MD 4) n Forestville. The site, also referred to as Parcel 1, is located at the southern end of the shopping center. Contained within Parcel 1 are four pad sites, including a Long John Silver's, a Starbucks and two banks, in addition to various retailers. Access to the site is from Donnell Drive; no access is provided from Pennsylvania Avenue.

**B. Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Shopping Center	Shopping Center
Acreage	4.80	4.80
Lots	1	1
Square Footage/GFA	64,786	71,756

- C. History:** The property was retained in the C-S-C Zone in the March 1986 Sectional Map Amendment for Suitland-District Heights and Vicinity. In 1996 a major addition was approved at the northern end of the shopping center, and in 2003 a pad site at the south end of the shopping center was redeveloped with a BB&T Bank.

- D. Master Plan Recommendation:** The Approved 1985 Master Plan for Suitland-District Heights and Vicinity recommends the subject property for retail commercial land use and shows a major community activity center on the site.

**2002 General Plan:** The subject site is in the Developed Tier where the vision is for a network of sustainable, transit supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

- E. Request:** This departure from design standards application seeks approval of an access drive leading to a loading space that is set back less than the required 50 feet from adjacent residential zoned land. The departure is required in order to construct a 6,970-square-foot addition to the shopping center with two loading spaces. A departure of 30 feet is necessary because the access

driveway leading to the proposed loading spaces is only 20 feet from the adjoining residential property to the east. The loading spaces are to be located behind the proposed retail area in the northern portion of Parcel 1, which is located at the southern end of the shopping center site. The applicant is also requesting approval of an application for alternative compliance to reduce the required bufferyard along the site's eastern property line which adjoins a residential zone.

**F. Surrounding Uses:**

**North:** The Penn Mar shopping center in the C-S-C Zone

**South:** Sun Trust Bank in the C-S-C Zone; across MD 4, First National Bank in the C-O Zone.

**East:** The Forest Spring Condominiums in the R-30 and R-30C Zone, undeveloped lots in the R-55 Zone.

**West:** Across Donnell Drive, Centre at Forestville in the C-S-C Zone.

**G. Design Requirements:** The applicant specifically requests a departure from Section 27-579(b) that pertains to the location of an access drive to a required loading space.

- 1. Section 27-579(b) Location:** “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.”

**Comment:** The applicant requires a departure of 30 feet from the distance of the driveway edge to adjoining residentially zoned land. The driveway access to the proposed loading spaces behind the shopping center must be located a minimum of 50 feet from the nearest residentially zoned land.

**2. Sections 27-568 and 27-582 - Parking and Loading Space Requirements:**

**Comment:** The site plan building tabulation table on the site plan coversheet indicates that the shopping center contains a total of 407,332 square feet. Based on this information, the existing shopping center use requires 1,630 parking spaces (one space for every 250 square feet) per Section 27-568. Section 27-582 requires three loading spaces for the first 100,000 square feet and one space for every additional 100,000 square feet. The applicant's parking schedule provides a total of 2,158 parking spaces, including 53 handicapped spaces, 12 of which are van accessible. Seven loading spaces are required; 13 are shown on parking schedule. No parking dimensions were provided. Staff notes that the building tabulation table calculates the square footage of the proposed retail units at 1,897 square feet each, for a total of 7,588 square feet. The site plan, however, shows two of the proposed units at 1,708.67 square feet and two units at 1,776.50 square feet for a total of 6,970 square feet of proposed retail space. The Board recommends the cover sheet be revised to reflect the correct square footage of the shopping center and the four proposed units so that the parking and loading requirements can be accurately calculated. The Board recommends the parking schedule be revised to include the dimensions of the parking and loading spaces.

**3. Section 27-564—Landscaping, screening and buffering:**

**Comment:** The proposed development is subject to Sections 4.2 (Landscape Strip Requirements), 4.4 (a) and (b) (Screening Requirements) and 4.7 (Buffering Incompatible Uses) of the Landscape Manual, because the proposed addition is greater than 5,000 square feet. Section 4.4 of the Landscape Manual requires that loading areas consisting of two or more loading spaces, and all dumpsters, be screened. The site plan proposes two new loading spaces in addition to the one that currently exists on Parcel 1. The field inspection revealed that a number of dumpsters are located on the site, behind the shopping center. The Alternative Compliance proposal for the eastern property line (discussed below) effectively addresses the screening requirements; however, staff recommends that the location of all dumpsters be shown on the site plan. The only area subject to Section 4.2 occurs at the southwest corner of the site in front of the Starbucks (where there is no parking area adjacent to the right-of-way). The Landscape Plans submitted July 10, 2007 show the required landscape strip and plant material at this location; however, they do not specify the species of trees proposed. As a condition of approval, the applicant will be required to revise the Landscape Plans to identify the tree species and provide planting details.

The area along the eastern property line, adjacent to the R-55, R-30 and R-30C residential zones, is subject to Section 4.7 of the *Landscape Manual* because the residential uses are considered incompatible with the shopping center use. Although the proposal exceeds the building setback requirement for a Type D buffer (a 50 foot setback is required, a 60 foot setback is provided), the applicant is able to provide only one half of the required 40-foot-wide landscaped yard along the entire 469 foot property line. Alternative Compliance (AC-07011) was granted to the applicant based on the following finding:

In 1996, alternative compliance for Section 4.7 was approved along the entire rear property line of the site, and the proposed new development will not interfere with or encroach upon the landscaping solution that was approved at that time. The proposed building addition is located 155.4 feet from the property line and does not extend as close to the property line as the existing buildings on either side, which are located approximately 60 feet from the property line. The loading spaces associated with the addition are no closer to the property line than existing loading areas.

The existing and proposed buildings significantly exceed the required setback. The mature plant material within the bufferyard exceeds the required amounts and is better-developed than new plant materials would be. There is a slope up from the shopping center's buildings towards the townhouses, and there is an existing board-on-board sight-tight fence along the property line within the property of the townhouse development. Although the fence cannot be counted as part of the bufferyard because it is not on the shopping center's property, it does contribute to the existing screening. The landscaped yard is narrower than required, but there are few options available for increasing the width of the bufferyard. There is not enough space between the property line and the curb of the shopping center driveway to add additional screening plants, and more space could only be provided by requiring removal of some of the existing asphalt, which would constrict the drive aisles behind the shopping center. The existing conditions along the rear property line provide a buffer that is equal or better to that required by the Landscape Manual.

Therefore, the Alternative Compliance committee recommends that the applicant's request for Alternative Compliance to Section 4.7 of the Landscape Manual along the eastern property line be re-approved subject to the following condition:

Correct the landscape schedule for Bufferyard 2 to acknowledge that the six-foot fence is located on the adjacent property and that the number of plant units required in the bufferyard is 751.

**H. Required Findings:**

**Section 27-587:** This section authorizes the Planning Board to grant departures from parking and loading design standards, under procedures and requirements in Part 3, Division 5, of the Zoning Ordinance.

**Section 27-239.01(b)(8)(A) of the Zoning Ordinance provides that in order for the Planning Board to grant a departure from [parking and loading] design standards, it shall make the following findings:**

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

**Comment:** The purposes of the Parking Regulations will be equally served by the applicant's proposal. The purposes of parking and loading design standards are contained in Section 27-550. The purposes pertain to the following:

- Providing sufficient loading areas to serve the loading needs of all persons associated with the building and uses.
- Relieving traffic congestion on streets by reducing the use of streets for loading.
- Protecting the residential character of residential areas.
- Providing loading facilities that are convenient and increase the amenities in the Regional District

The Board finds that these purposes are equally well served by the application. The applicant is providing two new loading spaces to serve a proposed addition that will serve four new tenants. The two loading spaces are provided in excess of the total number of loading spaces required by the Zoning Ordinance. The applicant is providing a total of 13 loading spaces; 7 loading spaces are required for the entire shopping center. The loading spaces will be conveniently located for the tenants' use and will not require any changes to the existing access driveway that currently serves the tenants. The location of the loading spaces and access driveway will not detract from the residential character of the neighborhood as they will be screened in accordance with the applicant's request for Alternative Compliance. The applicant is in compliance with all other required setbacks, and approval of the request for Alternative Compliance for landscaping will ensure the site will maintain

compatibility with adjacent residential land uses.

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

**Comment:** The departure is the minimum necessary given the specific circumstances of the request. There were no setback or screening requirements for loading spaces or access driveways adjacent to residential zones when the original portion of the shopping center was constructed in the 1960s. Between 1970 and 1973, the Zoning Ordinance was amended to include a 50 foot setback from a residential zone and screening requirements for loading spaces. In 1974, the Zoning Ordinance was amended to require setbacks and screening for both loading spaces and loading access driveways. The portion of the access driveway on Parcel 1, which is 23 feet wide at its narrowest point and averages 40 feet wide, was constructed in compliance with Zoning Ordinance regulations at the time it was built, between 1977 and 1980.

Parcel 1 does not currently include loading spaces, and vehicles utilizing the loading spaces on the original portion of the shopping center are not required to use the driveway on Parcel 1 to access them. In fact, they are required to access the rear loading areas via a cut-through from the front of the shopping center at the same location (the northern portion of Parcel 1) proposed for the 6,970 square foot addition. However, the driveway constructed on Parcel 1 is connected to the existing driveway; thus, delivery vehicles are able to access the existing loading spaces on the older portions of the shopping center from Parcel 1, even though they are technically required (per their permit) to use the cut-through. A departure is currently required because the cut-through will be replaced by the addition and delivery trucks will have no alternative but to utilize the driveway on Parcel 1 to access the new loading spaces. Although the loading spaces are set back 96 feet from the adjacent residentially zoned property, the access driveway is located within the 50 foot required setback. The Board finds that the access driveway leading to the proposed loading spaces is consistent with the goal of minimizing the departure required because it represents a pre-existing condition that was in conformance with all applicable regulations at the time of construction.

**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.**

**Comment:** The Board finds that the applicant's situation is specific to the subject site in that the proposed loading areas will be accessed via an existing driveway which extends along the entire length of the shopping center's eastern property line. As described above, the departure is required because the proposed loading spaces on Parcel 1 are replacing the current delivery vehicle cut-through, and the existing driveway on Parcel 1 will directly access the two new loading spaces. Both sections of the driveway (pre-and post-1970) are in compliance with Zoning Ordinance regulations in place at the time they were constructed. The departure is essentially validating an existing condition; the applicant is not making any changes to the existing driveway. The Board therefore finds the departure is necessary in order to alleviate circumstances that are unique to the site.

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

**Comment:** The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood. At the time Parcel 1 was developed, a minimum 12-foot-wide landscape strip was required along the eastern property line to buffer the adjacent residential zone. A 20-foot-wide planted strip was provided. A six-foot high board-on-board fence is located on the adjacent condominium property to provide additional screening. The driveway is not proposed to be realigned or widened; therefore, its impact on the adjacent residentially-zoned property will not change. Moreover, approval of an application for Alternative Compliance will ensure that the existing visual impacts is mitigated and, therefore, the proposal should enhance the visual quality and have no impact on the functional or environmental quality of the site and surrounding neighborhood. Thus, the Board finds that the request conforms to the purposes of required parking design standards contained in Section 27-550.

#### **CONCLUSION:**

The applicant has satisfied all requirements pertinent to obtaining the requested departure from the requirement that access drives to a loading space shall be a minimum of 50 feet from adjoining residentially zoned land.

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 above-noted application, subject to the following conditions:

1. The site plan cover sheet shall be revised to reflect the correct square footage of the shopping center and the four proposed retail units so that the parking and loading requirements can be accurately calculated.
2. The site plan shall be revised to show the location of all dumpsters.
3. The parking schedule shall be revised to include the dimensions of the parking and loading spaces.

The Board further recommends APPROVAL of AC-07011 subject to the following condition:

1. The landscape schedule for Bufferyard 2 shall be corrected to acknowledge that the six-foot fence is located on the adjacent property and that the number of plant units required in the bufferyard is 751.

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 Cavitt, seconded by Commissioner Squire, with Commissioners Cavitt, Squire, Vaughns, Clark and Parker voting in favor of the motion, at its regular meeting held on Thursday, September 13, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of October 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

RBC:FJG:JJ:CF:bjs