



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 16-31

File No. DDS-631

## RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Design Standards DDS-631 requesting a departure to allow the loading space and the driveway to the loading space to be located within 50 feet of the residentially-zoned property, 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 February 25, 2016, the Prince George's County Planning Board finds:

1. **Request:** The subject departure from design standards application is for the purpose of seeking relief from Section 27-579(b) of the Prince George's County Zoning Ordinance to locate an exterior loading space and its vehicular driveway within 50 feet of a residentially-zoned property. This case is companion to Detailed Site Plan DSP-15019 for a proposed 9,140-square-foot variety store and associated site improvements.

2. **Development Data Summary:**

|                          | EXISTING | APPROVED                             |
|--------------------------|----------|--------------------------------------|
| Zone                     | C-S-C    | C-S-C                                |
| Use                      | Vacant   | Commercial/Retail<br>(Variety Store) |
| Acreage                  | 1.17     | 1.17                                 |
| Parcel                   | 1        | 1                                    |
| Total Square Footage/GFA | 0        | 9,140                                |

### OTHER DEVELOPMENT DATA

|  |                  |
|--|------------------|
| <b>Total Parking Spaces Required</b>       | <b>45 spaces</b> |
| Commercial Trade (General Retail Services) |                  |
| 3,000 GFA @ 1 space per 150 GFA            | 20 spaces        |
| 3,000 +GFA@ 1 space per 200 GFA            | 25 spaces        |

|                                      |                  |
|--------------------------------------|------------------|
| <b>Total Parking Spaces Approved</b> | <b>45 Spaces</b> |
| Regular Spaces (9.5 ft. x 19 ft.)    | 30 spaces        |
| Compact Spaces (8 ft. x 16.5 ft.)    | 13 spaces        |
| ADA Spaces (8 ft. x 19 ft.)          | 2 spaces         |

|                                |                 |
|--------------------------------|-----------------|
| <b>Loading Spaces Required</b> | <b>1 space</b>  |
| <b>Loading Spaces Approved</b> | <b>1 space*</b> |

Note: \*The provided loading space and access to it is located within 50 feet of a residentially-zoned property and requires a departure from Section 27-579(b).

3. **Location:** The subject site is located on the south side of Livingston Road (MD 373), approximately 300 feet east of its intersection with Indian Head Highway (MD 210), in Planning Area 84 and Council District 9, in Accokeek, Maryland.
4. **Surrounding Uses:** The property is located at 15792 Livingston Road. The property is vacant and is bounded on the east side by Commercial Shopping Center (C-S-C) zoned property developed with a seafood store, and on the west side by vacant Rural Residential (R-R) zoned property. To the south is an R-R-zoned property developed with a single-family detached home. The site is bounded to the north by the public right-of-way of Livingston Road (MD 373), a historic road, with the Accokeek Village Shopping Center beyond.
5. **Previous Approvals:** The subject property is a part of the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA), which retained the site in the C-S-C Zone. A Preliminary Plan of Subdivision, 4-13017, was approved by the Prince George's County Planning Board on April 24, 2014, subject to 12 conditions (PGCPB Resolution No. 14-34). The site also has a Stormwater Management Concept Plan (6757-2013-00), which was approved on July 30, 2013 and is valid through July 30, 2016.

Detailed Site Plan DSP-15019 was approved by the Planning Board on February 25, 2016 and is companion to this application.

6. **Design Features:** The subject site is roughly rectangular in shape with both the west and south sides adjacent to residentially-zoned property and a commercially-developed property to the east. The site fronts on Livingston Road (MD 373) to the north with one vehicular access point, as approved with the preliminary plan.

The applicant proposes a one-story, 18-foot-high, 9,140-square-foot variety store located along the central eastern edge of the property. Two surface parking areas are located at the front and rear of the building, with the rear area also including a loading space and trash receptacle with enclosure. Stormwater management is being accommodated by on-site bioretention facilities along the north, east, and west sides of the site. A single freestanding, eight-foot-high, internally-illuminated, yellow and black, ground-mounted sign is proposed to be located in the northwest corner of the site.

The proposed architecture, which the applicant states was presented to and approved by the Accokeek Development Review District Commission (ADRDC), is very modest and representative of the overall look of existing buildings in the shopping center across Livingston Road. The building will be finished on all sides with split-face masonry blocks in a light tan color

with a base and accent band in a darker tan color. Pre-fabricated metal awnings and decorative shutters are located on the front elevation on both sides of the full-glass main entrance that also has an awning above it. The side and rear elevations do not have any fenestration, except for downspouts, metal access doors, and fencing around mechanical equipment. One building-mounted sign, consisting of a yellow and black internally-illuminated cabinet with the words "Dollar General," is located on the front elevation above the main entrance. According to a letter submitted by the applicant, the building is proposed to utilize environmentally-sustainable design and construction techniques, such as an Energy Management System that is designed to power down lighting and mechanical systems when the building is not occupied.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the C-S-C Zone and the site plan design guidelines of the Zoning Ordinance.
  - a. The subject DSP is in general conformance with the requirements of Section 27-461(b) of the Zoning Ordinance, which governs uses in commercial zones. The proposed variety store, not exceeding 125,000 square feet of gross floor area and not containing any food or beverage component, is a permitted use in the C-S-C Zone.
  - b. The DSP shows a site layout that is consistent with Section 27-462 regulations regarding building setbacks, although some of the numbers in the provided chart are incorrect and should be revised prior to certification. The DSP is also in conformance with the applicable site design guidelines.
  - c. Proposed signage and architectural elevations are shown on the DSP; however, the details and dimensions are unclear. It appears that they generally conform to the Zoning Ordinance standards in Section 27-613, which governs signs attached to a building or canopy; and Section 27-614, Freestanding Signs. Conditions regarding this were included in the DSP approval.
  - d. **Departure from Design Standards DDS-631:** The applicant is requesting a departure from design standards to locate an exterior loading space and its vehicular driveway within 50 feet of a residentially-zoned property, pursuant to Section 27-579(b) of the Zoning Ordinance. The proposed vehicular driveway is located within eight feet of the residentially-zoned property located to the west of the subject site.

Section 27-239.01(b)(7) of the Zoning Ordinance sets forth the required findings for a departure from design standards as follows:

- (A) **In order for the Planning Board to grant the departure, it shall make the following findings:**

**(i) 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 that, in general, are to protect the health, safety, and welfare of residents and workers in Prince George's County. In this instance, the facts establish that granting the requested departure will not jeopardize these purposes. The loading space is proposed to be located on the south side of the building, which provides off-street loading and is away from view of the street. The adjacent residential property to the west is currently vacant and the subject property proposes a six-foot-high fence along the common property line. Additionally, the applicant obtained an easement to provide a landscape buffer on the adjacent property which will remain in perpetuity, unless that property is rezoned to commercial use. Therefore, the purposes of this Subtitle, in regards to protection of the health, safety, and welfare of the citizens, can be said to be equally well served by the proposed development.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request;**

The departure is the minimum necessary to alleviate circumstances of the request. The proposed location is the best of many alternatives because it hides the loading space from the street. The applicant was unable to locate the loading space elsewhere on the site because it would require screening from the street and because the lot is narrow, less than 150 feet wide. Providing such a screening from the street would block the natural surveillance of the parking lot from the right-of-way which, in turn, can threaten the security of the future residents. Thus, the requested departure is the minimum necessary in order to prevent possible crime and provide a safer environment for all site users.

**(iii) 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 unique circumstances here are that the subject property is narrow, running from 148 feet in the north to 100 feet along the southern property line, and the adjacent residential property is vacant, with no current proposals for development. The entrance to the site was determined per SHA's requirements and was set to be within 50 feet of the adjacent property, automatically triggering the need for a departure. Additionally, the applicant was able to obtain a landscape easement on the adjacent property that will provide separation between the loading area and residential property. The narrow lot and necessary vehicular entrance location is a circumstance that is unique to the site, making the departure necessary.

- (iv) **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. It will rather maximize surveillance in the parking lot, and enhance the overall appearance of the property by obscuring the loading area behind the proposed building. Additionally, the proposed landscape easement will screen the loading area from the adjacent property, maintaining its integrity.

In conclusion, the Planning Board supports DDS-631 to allow the loading space and the driveway to the loading space to be located within 50 feet of the residentially-zoned property.

8. **Further Planning Board Findings and Comments from Other Entities:**

- a. **Transportation Planning**—The site is subject to the general requirements of site plan review, which include attention to parking, loading, on-site circulation, etc. No traffic-related findings are required. Preliminary Plan 4-13017 (PGCPB Resolution No. 14-34) was approved for the site in April 2014. A variation to Section 24-121(a)(3) of the Subdivision Regulations was also approved to allow direct vehicular access to Livingston Road (MD 373), an arterial roadway.

SHA was initially concerned about allowing left turns into the site from westbound MD 373. This issue was resolved. The site plan shows a shoulder on eastbound MD 373 approaching the site. Any operational or access issues at the site entrance will be addressed by SHA during the permitting stage of development.

The site is adjacent to MD 373, which is listed in the 2013 Subregion 5 Master Plan and SMA as an arterial roadway with a master plan right-of-way of 120 feet. Right-of-way dedication of 60 feet from the centerline of the roadway was required at the preliminary plan stage. No structures are being proposed within the master plan rights-of-way of MD 373.

The applicant is seeking a departure from the design standards in Section 27-579(b) of the Zoning Ordinance, which states that no loading spaces or vehicular entrances to any loading space shall be located within 50 feet of any residential zone. The loading area is shown at the rear of the property, at the end of a 22-foot-wide access drive, the narrowness of the property prevents the standard from being met. The Planning Board approved the departure, but there may be operational issues if trucks back into the site from MD 373.

From the standpoint of transportation, it is determined that the site plan is acceptable and meets the findings required for a DSP, as described in Section 27-285 of the Zoning Ordinance.

b. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated January 13, 2016, DPIE offered the following comments on the subject application:

- (1) The subject site is located at 15792 Livingston Road in Accokeek, which is located on the south side of Livingston Road, about 300 feet east of MD 210. The property is described as Lot 1, zoned C-S-C, and proposes a 9,100-square-foot Dollar General store.
- (2) A Departure from Design Standards, DDS-631, is to allow a loading area within 50 feet of the western residentially-zoned property. DPIE has no objection provided public safety is not compromised.
- (3) Livingston Road (MD 373) is a state-maintained historic roadway; therefore, coordination with SHA is required.
- (4) Sidewalks and Americans with Disabilities Act (ADA) ramps are required along County and state roads with concrete curb and gutter, in accordance with current Department of Public Works and Transportation (DPW&T) and SHA standards and specifications.
- (5) The site has an approved DPIE Stormwater Management Concept Plan 6757-2013, dated July 30, 2013. The concept plan is consistent with this DSP.
- (6) The applicant needs to provide adequate sight distance in accordance with AASHTO standards for all intersections and proposed egress locations within the site.
- (7) All storm drainage systems and facilities are to be in accordance with DPW&T's specifications and standards.
- (8) Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- (9) A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for the proposed building, is required.
- (10) DPIE has no objection to DSP-15019.

- (11) This memorandum incorporates the site development plan review pertaining to stormwater management (Section 32-182(b) of the Prince George's County Code). The following comments are provided pertaining to this approval phase:
- (a) Final site layout, exact impervious area locations are not shown on plans.
  - (b) The exact acreage of impervious areas has not been provided.
  - (c) Proposed grading is not shown on the plans.
  - (d) Delineated drainage areas at all points of discharge from the site have not been provided.
  - (e) Stormwater volume computations have not been provided.
  - (f) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
  - (g) A narrative in accordance with the County Code has not been provided.

The majority of DPIE's comments are either factual or are required to be addressed prior to issuance of permits and at the time of technical plan approvals by DPIE. It should be noted that DPIE has stated that the DSP is consistent with the approved stormwater management concept plan.

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.

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.

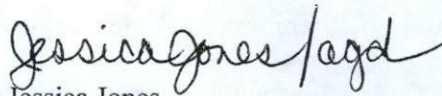
\* \* \* \* \*

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, Shoaff, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 25, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of March, 2016.

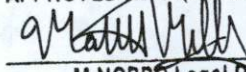
Patricia Colihan Barney  
Executive Director

By

  
Jessica Jones  
Planning Board Administrator

PCB:JJ:JK:rpg

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPPC Legal Department

Date 3/7/16