

Prince George's County Departure from Parking and Loading Standards Application No. 262

Applicant: Michael and Debra Franklin, Owners

Location: The subject property is located on the east side of Baltimore Avenue, south of its intersection with Alternative US 1

Request: Departure from Parking and Loading Standards

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

WHEREAS, the applicants are requesting a departure of 65 required parking spaces and 2 required loading spaces; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the adopted Rules of Procedure of the Prince George's County Planning Board; and

WHEREAS, the Technical Staff Report released April 26, 2000, recommends APPROVAL, with conditions; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on May 4, 2000, the Prince George's County Planning Board agreed with the staff recommendation; and

WHEREAS, the Prince George's County Planning Board decision is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

- A. Location and Field Inspection: The property is located on the east side of Baltimore Avenue (US 1), south of its intersection with Alternate US 1 in Hyattsville. The site comprises 4,787 square feet (.11 acres) of land and is improved with a two-story, aluminum siding building.
- B. History: The 1994 Sectional Map Amendment for Planning Area 68 retained the property's C-S-C zoning. The subject property is part of a subdivision that was recorded over 100 years ago. Some of the lots in the original subdivision are no longer in existence. The subject property is currently identified as part of Lot 2, in J.A. Register's Addition to Hyattsville. The remaining portion of Lot 2 is owned by the City of Hyattsville and is currently used as a parking lot. With the recent approval of Preliminary Plat Application No.4-00001 the subject property becomes a single parcel.
- C. Master Plan Recommendation: The 1994 Sectional Map Amendment for Planning Area 68 retained the commercial land use designation of the subject property. The Master Plan also places the property within the Hyattsville Town Center and recommends it for redevelopment with a two- to three-story mixed use building.
- D. Request: Michael and Debra Franklin, the applicants, own approximately 8,552 square feet of land located on the east side of Baltimore Avenue. The property, found on Tax Map 50, Grid C1, currently comprises three lots (2, 1 and 5) and bears the addresses 5119, 5121 and 5123 Baltimore

Avenue. The property is zoned C-S-C. The Franklin property is improved with an old hardware store (the ■Hyattsville Hardware Co.●) which the Franklins converted to a general store and delicatessen trading under the name of ■Franklin●'s General Store.● Adjacent to this store is an existing two-story aluminum siding shed. The portion of the Franklin●'s property containing the aluminum siding shed (5119 Baltimore Avenue) is the subject of this application.

The applicants wish to raze the shed and erect a three-story restaurant with 11,088 square feet of gross floor area to complement the general store and delicatessen.

The applicants●' site plan does not provide for the required parking and loading spaces for the proposed use. A departure of 65 parking spaces and two loading spaces is requested (DPLS-262). The applicants are also requesting a departure from design standards (DDS-511) to waive the required minimum 10-foot-wide landscaped strip along the property●'s boundary lines that are adjacent to public rights-of-way. In addition, the applicants are requesting variances (VDDS-511A) to the required building setback.

- E. Surrounding Uses: The immediate area surrounding the site is characterized by commercial developments and light-industrial uses in the C-S-C, C-M, C-O and I-1 Zones. The nearest residential uses are located approximately 550 feet west of the site on the east side of 43<sup>rd</sup> Avenue in the R-55 Zone. The subject property abuts US 1 to the west, railroad tracks and Alternate US 1 to the east and northeast, a parking lot to the north and a general store that is owned by the applicants to the south.

F. Design Requirements:

1. Number of Required Parking and Loading Spaces: **Section 27-568 of the Zoning Ordinance requires one parking space for every 3 seats for an eating and drinking establishment.**

The site requires 65 parking spaces for the proposed 195-seat restaurant. A departure of 65 parking spaces is requested

**Section 27-582 requires two loading spaces for a service establishment comprising over 10,000 square feet of gross floor area (GFA).**

A total of two loading spaces are required for the proposed restaurant that comprises 11,088 square feet of GFA. A departure of two loading spaces is requested.

2. Landscape Manual: The proposal is subject to the requirements of Section 4.2 of the *Landscape Manual*.

**Section 4.2 (Commercial and Industrial and Landscaped Strip requirements) of the Landscape Manual specify that a landscape strip with a minimum width of 10 feet shall be provided to all non residential properties adjacent to all public rights-of way.**

**The section also offers three options in terms of types, plant materials and average width that can be used in order to meet this requirement.**

The subject property has 40 feet of frontage on Baltimore Avenue (west). The property also abuts the right of way of Alternate US 1 (overpass) to the northeast and the 37-foot wide right of way of the Prince Georges Realty Company to the east, adjacent the railroad tracks.

Since the proposed restaurant building will occupy virtually the entire property, the required Landscape Strip cannot be provided in a manner that is consistent with the requirements of Section 4.2 of the *Landscape Manual*. The applicants are requesting a Departure from this requirement.

The request for departure from the *Landscape Manual* requirements addresses only the requirements of Section 4.2. The site plan shall be revised to reflect compliance with the requirements of Section 4.4(b) of the *Landscape Manual* with regard to screening. **All dumpsters, trash pads, and trash collection or storage areas must be carefully located and oriented on the site to be as inconspicuous as possible. They shall be screened from all adjoining properties, public roads, and retail parking areas.**

G. Sign Regulations: No sign is shown on the site plan. Any sign that will be placed on the property must meet all area, height and setback requirements

H. Other Issues:

1. The notation on the site plan identifies the existing two-story structure as a three-story structure. The plan need to be revised to reflect the correct number of floors.
2. Although no parking is provided on the site, a ramp/drop curb or other means of access for the physically handicapped should be indicated on the site plan.

I. Required Findings - Departure from Parking and Loading Standards (DPLS-256):

(A) Section 27-588(b)(8) 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 Section 27-550 will be served by the applicant's request.**

The purposes of the Parking Regulations are as follows:

- a. **The off-street and on-street parking areas are sufficient to serve the parking and loading needs of all persons associated with the building and use.**

- b. **To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points.**
- c. **To protect the residential character of residential areas.**
- d. **To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

The applicants are requesting a waiver of all required 65 parking spaces and two loading spaces for the proposed restaurant use. The applicants have submitted into the record a License Agreement executed with the City of Hyattsville and the Parking Authority of Prince George's County that gives them the exclusive use of 65 parking spaces located on the adjoining property for the benefit of the proposed restaurant. The License Agreement also gives the applicants the right to use the parking lot to access the loading dock to be located on the subject property. The term of the license is for a period of five years, which may be extended for nine additional periods of five years each. In addition to providing a convenient parking accommodation to the proposed restaurant's patrons, the License Agreement will reduce potential traffic congestion on the area's streets.

There are no residential properties surrounding the site; therefore, none will be affected by the proposal. The proposed redevelopment of the area will enhance the appearance of the property and the immediate area. It would also contribute to the economic revitalization of this older, commercially-developed area in the County. The purposes of this Subsection will be served by the requested departure.

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

The availability and exclusive use of a parking facility that is located on the adjacent property compensates for the deficiency in off-street parking on the property. The provision of all 65 required parking spaces on the adjoining property adequately satisfies the parking needs of the proposed restaurant. Given the specific circumstances of the request, the departure is the minimum necessary.

3. **The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or to alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949.**

The subject site is currently identified as p/o Lot 2, J.A. Register's Addition to Hyattsville, recorded at Plat A at page 34, in 1884. Many of the lots in the original subdivision ceased to exist becoming part of road construction and improvements in the area. Part of Lot 2 is currently used as a public parking lot in the City of Hyattsville and is the subject of the Licence Agreement executed between the applicants and the City of Hyattsville and the Parking Authority of the County for the exclusive use of 65 parking spaces for the proposed restaurant.

The subject property is typical of many irregularly shaped small parcels of land that are found in several areas inside the Capital Beltway. Developments on many of these parcels often do not conform to current zoning regulations in terms of required parking spaces and design standards. The Master Plan for Planning Area 68 identifies the parking requirements as a frequently cited hindrance for development in older areas. The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location.

**4. All methods for calculating the number of spaces required have either been used or found to be impractical.**

All methods for calculation have been used and found impractical to further reduce the parking requirement.

**5. Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted**

There are no residential areas in the vicinity of the subject property or the adjoining property on which the parking spaces are provided.

**(B) In making its findings, the Planning Board shall give consideration to the following:**

**1. The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within 500 feet of the subject property.**

Most of the businesses in the area do not provide much in the way of on-site parking. However, the proposed restaurant will have exclusive access to 65 spaces on the adjoining lot.

**2. The recommendations of an area master plan, or County or local revitalization plan, regarding the subject property and its general vicinity.**

The Master Plan recommends retail-commercial use for this area. As such, the proposed departure will ensure the subject property remains consistent with the Master Plan. In addition, the proposed use is consistent with the recommended goal of the

Master Plan for Commercial Areas, which is to encourage attractive and thriving commercial development which provides a variety of goods and services for both local users and outside shoppers and which serves as an appealing focal point for the community. •

3. **The recommendations of a municipality (within which the property lies) regarding the departure.**
4. **Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.**

The subject property is within the municipal boundaries of the City of Hyattsville. The City supports this application and is a cosigner of the License Agreement between the applicants and the City of Hyattsville and the Parking Authority of Prince George's County for the exclusive use of 65 spaces in the public parking facility adjacent to the subject property.

**(C) In making its findings, the Planning Board may give consideration to the following:**

1. **Public transportation available in the area.**
2. **Any alternative design solutions to off-street facilities which might yield additional spaces.**
3. **The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within 500 feet of the subject property.**

The hours of operation for the proposed restaurant are generally unrestricted. The subject property is located in a commercial area and as indicated, parking demand that will be generated by the proposed restaurant will be adequately satisfied through the use of the public parking lot on the adjacent property. There will be no disruption to traffic flow or parking conditions on the surrounding streets resulting from the proposed use. The proposal will not affect the nature and hours of operation of other uses within 500 feet of the subject property.

NOW, THEREFORE, BE IT RESOLVED, that Departure from Parking and Loading Standards Application No. 262 is hereby APPROVED, subject to the following conditions:

1. All conditions of the approved subdivision (Preliminary Plat 4-0001) shall be complied with. The site plan shall be revised to reflect all applicable changes in accordance with the approved subdivision of the property.
2. The site plan shall be revised to reflect the correct number of floors for the existing structure.

3. The site plan shall be revised to show a ramp/drop curb or other means of access for the physically handicapped.
4. The site plan shall be revised to reflect compliance with the requirements of Section 4.4(b) of the *Landscape Manual* with regard to screening of dumpsters, trash pads, and trash collection or storage areas.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following 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 Brown, seconded by Commissioner Boone, with Commissioners Brown, Boone and McNeill voting in favor of the motion and Chairman Hewlett absent, at its regular meeting held on Thursday, May 4, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of May 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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