

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Beltsville Shop & Park requesting Departure of 90 of 166 parking spaces in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, the applicant has submitted documentation of permission from the State Highway Administration and the Department of Public Works and Transportation, to place landscape plantings in the proposed right-of-way for US1, Powder Mill Road, and Harford Avenue; and

WHEREAS, after consideration of the evidence presented at the public hearing on September 13, 2001, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The subject property is located in the northwest quadrant of the intersection of US 1 and Powder Mill Road (MD 212), extending north to Harford Avenue. The 2.2-acre site is developed with a small, three-building retail center known as ■Beltsville Shop & Park.●

The uses in the center include:

Building ■A● (US 1 and Powder Mill Road):

Allstate Insurance Company
Cellular Wireless Depot
Hogs on the Hill Restaurant
Nail Salon
Xclusive Hair Salon
Racecraft Speed Discount Performance Parts
Reacts (uniform sales)

Building ■B● (US 1 and Harford Avenue)

Jackson-Hewitt Tax Services
Gebco Insurance
Adult Books
Western Union/Checks Cashed
Fantastic Dry Cleaner
Oriental Noodle restaurant
Hair Gallery

Building ■C● (along Harford Avenue to the rear of the site)

Pakeeza Sweets & Spices (Indo-Pak grocery and 20-seat restaurant)
Eastern Camera
Milano's Pizza (40 seat rest)

Iroko International Foods grocery
Temporary Staffing services
Cherubim and Seraphim Church

- B. History: The property has been zoned C-S-C since prior to 1950, when the two buildings closest to US 1 were constructed. The third building, to the rear, along Harford Avenue was constructed in 1972.
- C. Master Plan Recommendation: The Subregion I Master Plan recommends retail/commercial uses for this site.
- D. Request: The property owner proposes to raze the building closest to the US 1/ Powder Mill Road intersection and replace it with a 10,125-square-foot CVS Pharmacy. A portion of the building at the intersection of US 1 with Harford Avenue will also be removed. The overall size of the center, which is currently 29,537 square feet, will be reduced by 555 square feet to 28,982 square feet. A total of 166 parking spaces is required for the center, and 76 are provided, leaving the need for a departure of 90 spaces. Three loading spaces are required. None are currently provided. The applicant proposes to add one loading space, leaving the need for a departure of two spaces. The applicant has also requested permission by the District Council to build a retaining wall within the right-of-way for Powder Mill Road.
- E. Surrounding Uses: The site is surrounded by the following uses:
- North - single-family homes in the R-R and R-10 Zones
Northeast and Southeast - commercial uses in the in the C-S-C and I-I Zones
Southwest - a church in the R-R Zone
- F. Design Requirements:
1. Number of Required Spaces: The parking spaces required for the uses proposed total 166 spaces. A total of 110 spaces are shown on the site plan, of which 76 can be counted toward the required number. The remaining 34 spaces are located within the proposed rights-of-way for US 1 and Powder Mill Road. A departure of 90 spaces (166-76) is required.

The proposed plan correctly notes that three loading spaces are required and one is proposed to be provided. Therefore, the requested departure for loading spaces is for two spaces.
 2. Landscape Manual: Alternative Compliance Application No. AC-01003 was requested for alternative compliance for Sections 4.2 (Commercial Landscape Strip) and 4.7 (Buffering of Incompatible Uses). Currently, the site is virtually devoid of landscaping. The applicant is proposing the addition of significant landscaping to the site. However the size of the site and location of existing buildings, place severe constraints upon the applicant to conform to the location and quantity of landscaping required by the *Landscape Manual*. (See Alternative Compliance Application No. AC-01003, June 21, 2001, attached.) The Alternative Compliance Committee and the Planning Director have recommended approval of AC-01003, finding that given the site's constraints, the applicant's proposal is equal to normal compliance with the *Landscape Manual*. Approval of this alternative compliance is

subject to the applicant obtaining permission from the State Highway Administration and Department of Public Works and Transportation for planting within the ultimate right-of-way. It was also noted that two dumpsters are proposed for the site. The site plan will require a revision to show screening of the dumpsters from residentially zoned land and from the street, in accordance with Section 4.4 of the *Landscape Manual*.

3. Signs: The existing freestanding sign is proposed to be replaced with a new sign which is located more than ten feet from the proposed right-of-way line for US 1, as required.
4. The site conforms to the standards of the C-S-C Zone. A retaining wall is proposed within the right-of-way for Powder Mill Road. A variance is not required for this wall, because the District Council will consider the proposed retaining wall in accordance with the requirements of Section 27-259.

G. Required Findings: **DPLS 271**

(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 Section 27-550 are:

- (1) **To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**
- (2) **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;**
- (3) **To protect the residential character of residential areas; and**
- (4) **To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

Although the parking space and loading space departures seem substantial, they will remain in harmony with the above purposes.

With regard to the 90-space parking reduction, there is substantial information to show that the requirement for 166 spaces is unnecessary at this location. First of all, it should be noted that if this shopping center were to be considered an integrated shopping center, its parking requirement would be 115 spaces, 51 spaces less than now required. This site is not considered to be an integrated center because it was not all developed at the same time. However, in all other aspects, this center functions like any integrated shopping center, sharing common access driveways and parking areas. Secondly, as pointed out by the

applicant, CVS has determined, based upon lengthy experience, that only 38 spaces (18 less than the 56 required by the Zoning Ordinance) are needed for a store of the size proposed here. Thirdly, the pharmacy drive-through feature is likely to reduce further the need for parking spaces. Therefore, if the center functions like an integrated center requiring 115 spaces and the CVS store requires 18 spaces less than that assumed by the Zoning Ordinance, a total of 97 spaces would theoretically be needed for this site, and in fact, 110 spaces are shown on the site plan.

As noted above, 110 spaces will be available; however, 34 of those spaces are in the right-of-way for US 1 and Powder Mill Road. It is likely that these spaces will remain available for some time to come; however, ultimately improvements to this intersection will require the use of this right-of-way. If, in fact, a grade-separated interchange is eventually constructed, much more of this parcel will be lost. However, a final decision on the nature of the intersection improvement has not been made. Therefore, it is not known at this time to what extent any or all of the affected parking spaces will be removed if improvements to the intersection are made without construction of an interchange.

However, in a worst case scenario, the 76 spaces shown on the site plan which are not in the right-of-way will be sufficient to serve this site. At the request of staff, the applicant prepared a parking lot use survey which determined that the highest use of the site involved the use of 53 parking spaces. Several staff field inspections confirmed this finding. It is assumed that the construction of a new CVS will add some business to this location, even with the slight decrease in overall square footage. However, even given the Zoning Ordinance assumption that 56 parking spaces are required for CVS, that is only 18 spaces more than the current requirement for that portion of the shopping center. Even if we assume that 20 more spaces will be utilized due to the new store, this would result in a use of 73 spaces, three spaces less than those to be provided on site and out of the proposed right-of-way. Moreover, this does not take into account the number of patrons lost by the removal of several existing businesses.

With regard to the loading spaces, this site has operated for 50 years without a formal loading space. The size of the existing businesses did not require the use of large trucks for which a loading space would be a necessity. The proposed CVS will require such a space and one is provided. Therefore the center will have adequate loading facilities, and loading needs will not infringe upon neighboring streets.

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

If this could be considered an integrated center, a departure of only 37 spaces would be required, but a technicality requires the departure to be granted for 90 spaces. The two loading spaces are the minimum departure necessary given this proposed development.

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

This departure is necessary to alleviate circumstances prevalent in areas of the county developed prior to 1949. This part of Beltsville was developed prior to 1949 and the shopping center was initially constructed in 1950; therefore, there are numerous constraints based upon the existing configuration of buildings, parking, streets and surrounding development.

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

This application has considered all possible means for calculating the number of required spaces.

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

As noted above, the nature of the proposed uses and the evidence presented in the parking survey and staff field inspections indicate that the parking and loading needs of adjacent residential areas will not be infringed upon if this departure is granted. It should be noted that the 28 parking spaces in the northernmost corner of the site are relatively remote from the rest of the site and are not likely to be used by customers. As a condition of approval, it is recommended that if the parking spaces in the proposed right-of-way are removed for roadway improvements, shopping center employees should be required to use this parking area during daylight hours when parking generation is highest.

(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.

There are privately owned parking and loading spaces in adjacent businesses along US 1. Parking is allowed on Harford Avenue. No off-site parking or loading spaces are available to serve the property.

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

The Subregion 1 Master Plan encourages redevelopment of the older, existing businesses along US 1. The site is identified in the Master Plan. Parking availability at the property was stated to be poor; structural condition average; landscaping and exterior environment poor; facade, sign, screening and buffering average; with an overall rating of poor to average. (Master Plan page 98)

3. The recommendations of a municipality (within which the property lies) regarding the departure.

Not applicable.

4. Public parking facilities which are proposed in the county's Capital Improvement Program within the general vicinity of the property.

None are proposed.

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 DPLS 271 and AC-01003, subject to the following conditions:

1. The site plan shall be revised to show the specific parking requirements for the proposed uses and the methods of calculation in accordance with the recommendation of the Permit Review Section.
2. Should the parking spaces along US 1 or Powder Mill Road be removed for roadway improvements, shopping center employees shall be required to park in the northernmost parking area along Harford Avenue during daylight hours when parking generation is at its peak.
3. Loading for CVS shall only occur between the hours of 8:00 AM and 9:00 PM.
4. The site plan shall show appropriate screening for any dumpsters on the site in accordance with the requirements of the *Landscape Manual*.
5. The applicant shall obtain permission to build within the right-of-way for the proposed retaining wall in accordance with Section 27-259 of the Zoning Ordinance.

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 Eley, seconded by Commissioner Brown, with Commissioners Eley, Brown, Boone, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 13, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of October 2001.

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