



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 13-85

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
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File No. DPLS-388

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-388, Bates Trucking and Trash Removal requesting a departure from parking and loading standards for 22 of the 33 required parking spaces 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 11, 2013, the Prince George's County Planning Board finds:

1. **Request:** A Departure from Parking and Loading Standards of 20 spaces pursuant to Section 27-588 in order to be permitted to provide only 13 of the 33 parking spaces required by Section 27-582.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	I-1/I-D-O	I-1/I-D-O
Use(s)	Trucking and Trash Removal	Trucking and Trash Removal
Acreage	1.5	1.5
Lots in Block 7	1-4, 9-16, 23-32	1-4, 9-16, 23-32
Building Square Footage/GFA	11,880	16,004

OTHER DEVELOPMENT DATA

	REQUIRED	PROVIDED
Total parking spaces	38	11*
Total loading spaces	1	1

*Note: This deficiency is the subject of this approval.

3. **Location:** The site is in Planning Area 69, Council District 5. More specifically, it is located in the northwestern quadrant of the intersection of 49th and Webster Streets.
4. **Surrounding Uses:** The subject site is surrounded to the north by I-2-zoned (Heavy Industrial) property utilized as a storage yard beyond; to the west by 48th Street with I-1-zoned land beyond, used industrially by the Hour Glass Joint Venture; to the south by I-1-zoned property owned and utilized as a school bus storage yard by the Prince George's County Board of Education; and to the east by 49th Street with I-1-zoned property beyond utilized as a warehouse and owned by United Rentals, Inc.

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5. **Previous Approvals:** The site was the subject of DSP-96026, approved by the Planning Board on July 11, 1996 (PGCPB Resolution No. 96-219). A standard letter of exemption for the site was issued on May 13, 2013 and will remain in effect until its expiration date, May 13, 2015. The project also has a Stormwater Management Concept Approval (14385-2011-00) approved June 15, 2011 and which will remain in effect until its expiration date, June 15, 2014.
6. **Design Features:** The subject property is accessed from 49th Street to the east and from 48th Street to the west. Both accesses lead into parking and loading areas that serve the two buildings approved for the project. The first building, located in the western part of the site, is an existing 20.7-foot-tall, one-story 5,880-square-foot brick and block building which as a result of the approval of companion case DSP-96026-01 is to be renovated into 7,750 square feet of office space for the project. The other existing building on the site measuring 6,000 square feet is as a result of the approval of companion case DSP-96026-01 going to be removed and replaced with the second building for the project, a truck maintenance building containing four service bays plus one wash bay area for a total of a 7,480-square-foot footprint and proposed gross floor area of 8,254 square feet, with a height not to exceed 30 feet. A single loading space is provided for the project on the northern side of the new building, while vehicle parking is provided mainly on the western side of the site, more proximate to the office building to be renovated for office space. An area has been designated for outdoor truck storage which will be used for car parking during the day when trucks are off-site. A departure from parking and loading standards for 20 spaces of the required 33 parking spaces is approved herein.
7. **Departure from Parking and Loading Standards**—The Planning Board herein approves a Departure from Parking and Loading Standards of 20 spaces pursuant to Section 27-588 of the Zoning Ordinance to permit the provision of 22 of the 33 required parking spaces. The Planning Board hereby finds that the nature of the proposed operation does not necessitate the number of parking spaces required by the Zoning Ordinance. More specifically, because most employees working for the proposed trucking and trash removal operation will be driving the trucks during the day, they will leave their cars in the truck storage area while they work. Each required finding included in Section 27-588(b)(7) of the Zoning Ordinance for a Departure from Parking and Loading Standards is included below in [boldface] type.
 - (A) **In order for the Planning Board to grant the departure, it shall make the following findings:**
 - (i) **The purposes of this Part (Section 27-550) will be served by the applicant's request.**
 - (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;**

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This approval complies with this purpose as off-street parking will be provided both in the parking lot proximate to the office building and in the truck storage area which will be vacated when the trucks are in use off-site during the day. Sufficient loading has been provided in accordance with the Schedule provided in Part 11 of the Zoning Ordinance.

- (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;**

The subject project would relieve traffic congestion on the streets by reducing the use of public streets for parking and loading and reducing the number of access points in accordance with this stated purpose. More particularly, access points have been limited to two and on-site parking would be provided both in the parking spaces proximate to the office building and in the truck storage area during the day when the trucks are being utilized off-site.

- (3) To protect the residential character of the residential areas;**

The residential property located within 1,000 feet of the subject site is in the vicinity of, but still a considerable distance from the subject site and much of it is on the other side of Kenilworth Avenue. The subject approval will not impact the residential character of the residential areas.

- (4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

This approval provides ample parking for the employees of Bates Trucking and Trash Removal and occasional visitors to the business. The parking and loading areas are convenient to the truck storage area and the business office, thereby providing a reasonable on-site amenity.

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

The request is the minimum necessary, given the design program of the business and the need to have an adequate storage area on this small site. The project provides as many off-street parking spaces as possible on the residual land after providing space for the needed buildings and truck storage area.

- (iii) 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;**

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The parking requirement on the site does not take into account the fact that the truck storage area is normally emptied of trucks during the working day. A departure is warranted in order to alleviate circumstances which are unique to a trucking operation of this kind, which requires that the trucks from the on-site truck storage area travel off-site during the work day, providing more than an adequate number of parking spaces for both employees and customers of this particular type of business.

- (iv) **All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this part) have either been used or found to be impractical; and**

The Planning Board finds that all methods of calculating the number of spaces had been explored, but provided no alternative to requesting a departure.

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

Though there are no immediately adjacent residential areas, the parking and loading needs of the limited residential areas in the project vicinity will not be infringed upon by the approval of the subject departure. The truck storage area vacated on the site during the work day will provide space for on-site parking, and the nature of the business is one that attracts very few visiting customers.

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

- (i) **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;**

Although there is on-street parking in the area of the subject property, given the ample space in the truck storage area, the Planning Board finds that the subject approval should not create a need for employees to utilize on-street parking.

- (ii) **The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;**

The subject application conforms to the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* and the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* for industrial uses.

- (iii) **The recommendations of a municipality (within which the property lies) regarding the departure; and**

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In a letter dated May 10, 2013, a representative of the Town of Bladensburg, in which the subject property lies, stated that they had reviewed the current plans for the project and had no objection to the proposal or to the request for a departure to reduce the required parking by 22 spaces.

(iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.

There are no parking facilities proposed in the County's Capital Improvement Program within the general vicinity of the property.

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

(i) Public transportation available in the area;

Public bus service is available along nearby Kenilworth Avenue (MD 201), and could potentially reduce somewhat the need for parking spaces on the subject site.

(ii) Any alternative design solutions to off-street facilities which might yield additional spaces;

The Planning Board finds that the applicant has explored alternative designs, but none have been successful in yielding additional spaces in accordance with this consideration.

(iii) 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 five hundred (500) feet of the subject property;

The nature of the business, with drivers exchanging their individual cars for trucks during the work day and the truck storage area being vacated so as to provide a parking area for the individual cars, has been considered by the Planning Board in deciding on the application. The general hours of operation of the business, however, do not in this case appear to be germane to whether or not the departure request should be granted.

(iv) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.

This consideration does not apply to the subject industrial project in the I-1 Zone.

8. **Further Planning Board Findings and Comments from Other Entities Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

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- a. **Transportation Planning**—The site encompasses much of the block between 48th, 49th, and Webster Streets, and Windom Road within the Town of Bladensburg, and it appears that the town maintains those streets (Windom Road is platted but un-built). None of these streets have master plan recommendations. The standard width for streets adjacent to industrially-zoned properties is 70 feet. Therefore, all four streets are substandard. Close coordination with the town will be needed to determine if the town can deem these streets to be acceptable as platted. The “deemed” right-of-way is accurately shown on the plan. Trash removal services are permitted in the I-1 Zone subject to detailed site plan approval. Detailed site plan review focuses on the location of driveways and requires that driveways not endanger pedestrians or create traffic hazards. Also, review covers control of odors, noise levels, hours of operation, and general appropriateness of the use in consideration of adjacent properties and the neighborhood. Given that the location is at the rear of an industrial area, and given that there are not nearby uses that would be expected to generate nonindustrial traffic or pedestrian activity, it can be found that the proposed driveways do not endanger pedestrians or otherwise create hazards to traffic. As such, the Planning Board deems DSP-96026-01 to be acceptable from a transportation-related perspective.
- b. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated October 3, 2012, the Department of Public Works and Transportation (DPW&T) offered the following comments with respect to the subject project:
 - (1) The subject site is located in the northwestern quadrant of the intersection of 49th and Webster Streets, approximately 500 feet north of the intersection of 49th Street and Kenilworth Avenue (MD 201). Webster, 48th, and 49th Streets are maintained by the Town of Bladensburg. Therefore, coordination with the Town of Bladensburg is required for possible right-of-way dedication and frontage improvements.
- c. **Towns of Bladensburg**—In a memorandum dated May 10, 2013, a representative of the Town of Bladensburg stated that they had reviewed the current plan and had no objection to the proposal and request for a departure to reduce the parking requirement by 22 spaces.

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.

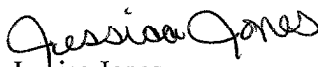
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 11, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of September 2013.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 7/23/13