

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Parking and Loading Standards DPLS-410, Philmatt-Afrik, Inc., requesting a departure request of 14 of the 32 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 December 11, 2014, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property, 6690 Old Landover Road, is a 0.381-acre property located at the northeast intersection of Old Landover Road at its intersections with Cooper Lane to the west and Warner Avenue to the east in Landover Hills. The subject property is zoned Commercial Shopping Center (C-S-C) and is currently developed with a 4,900-square-foot single-story building used as a commercial retail food market. Access to the property is from Old Landover Road via an existing 22-foot-wide driveway. There is also access to the property from Cooper Lane via an existing 22-foot-wide driveway, which provides direct access to the loading area. The rear of the property is fenced and is adjacent to residential properties zoned One-Family Detached Residential (R-55).

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Grocery/Food Market	Grocery/Food Market
Acreage	0.38	0.38
Parcels	1	1
Square Footage/GFA	4,900	4,900

C. **History:** The building was constructed in 1967. Parking and loading standards were grandfathered and are shown on prior approved plans. The business has operated at this site since 2006 under the name of PCE, LLC. The name was recently changed to Philmatt-Afrik, Inc.

D. **Master Plan Recommendation:** The subject property is located in the Established Communities area of the Prince George's County Growth Policy Map in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The vision for established communities in Prince George's County is to have context-sensitive infill and low- to medium-density development. This application is consistent with Plan Prince George's 2035 and is in conformance with the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* (Bladensburg-New Carrollton Master Plan and SMA). The Bladensburg-New Carrollton SMA retained the property in the C-S-C Zone.

E. **Request:** The applicant is requesting a departure of 14 parking spaces from the Zoning Ordinance requirement of 32 parking spaces for a commercial retail food market. The purpose of the request is to bring the existing conditions of the subject property into conformance with the requirements of the Zoning Ordinance. The applicant is changing the name of the store and using the entire building for the store. There are no proposed disturbances on the site.

F. **Surrounding Uses:** The property, which is surrounded by commercial and residentially-zoned land, is part of the Landover Park subdivision and is adjacent to the Radiant Valley subdivision that is developed with single-family residential dwellings.

North— R-55-zoned land, Radiant Valley subdivision, developed with single-family residential dwellings. There is a single property zoned Commercial Office (C-O).

South and West— R-55 and C-S-C-zoned land developed with commercial buildings and a single-family residential dwelling.

East— R-55-zoned land developed with single-family residential dwellings.

G. **Design Requirements:**

1. **Departure from Parking and Loading Standards from Sections 27-568, Number of Required Parking and Loading Spaces:** Section 27-568 of the Zoning Ordinance requires one parking space for every 150 square feet of gross floor area (GFA). The GFA of the Philmatt-Afrik Market is 4,900 square feet and requires 32 parking spaces. A minimum of one loading space is also required. The applicant's parking schedule provides a total of 18 parking spaces, including 10 standard spaces, 4 compact spaces, 2 parallel spaces, 1 handicap space, and 1 van-accessible handicap space. One loading space is required and one is provided. The existing 18-space parking lot on-site does not provide sufficient parking spaces to meet the Zoning Ordinance requirements, resulting in the departure request of 14 of the 32 required parking spaces. The departure is justified because there is no space on-site to provide additional parking spaces and it accurately reflects the existing conditions of the developed site.

Parking and Loading Standard	Section 27-568 of the Zoning Ordinance requires one parking space for every 150 square feet of GFA.
Existing Parking	18
Required Parking	32
Departure Requested	-14
Total Proposed Parking	18

2. **Prince George's County Landscape Manual:** The site is exempt from the 2010 *Prince George's County Landscape Manual* since no new building or outdoor parking areas are to be constructed.
3. **Signs:** No freestanding signs are proposed for the subject use. Any sign that will be placed on the property must meet all area, height, and setback requirements.

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

1. **Community Planning**—There are no General Plan or master plan issues raised by this application.
2. **Urban Design:** No architectural review is being provided by the Urban Design Section for the subject project because architecture is not an issue for the subject departure applications. The application is exempt from the 2010 *Prince George's County Landscape Manual* (Landscape Manual) pursuant to Section 1.1(b) which states:

(b) **Existing conditions on developed sites not in conformance with the requirements of this manual that were otherwise lawful on December 13, 2010, and not the subject of any building or grading permit, may continue as a matter of right.**

However, General Note 23 indicates that there are no outdoor trash areas on the site, but recent aerial imagery shows outdoor dumpsters located in the southeast corner of the site. The Urban Design Section suggests that these dumpsters either be moved inside the building or be properly screened per Section 4.4 of the Landscape Manual. The subject application is exempt from the requirements of the Prince George's County Tree Canopy Coverage Ordinance, as it will not result in excess of 5,000 square feet of disturbance to the site. The Urban Design Section has no specific comments on the merits of the departure request in regards to the required findings for approval stated in Section 27-239.01(b)(7) of the Zoning Ordinance.

3. **Environmental Planning:** The site qualifies for a standard exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance. This exemption must be obtained via application from the Environmental Planning Section and must be submitted with any permit application. A stormwater management concept plan may be required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) at the time of any permit application. Due to the commercial use, traffic-generated noise is not regulated in relation to the application. The site does not front on any designated scenic or historic roadway. No other environmental requirements have been identified for this application.
4. **Permit Review:** The review of this referral does not include the review of any signage because it is not the subject of this particular application. The location of the dumpster

must be demonstrated with required screening, unless information is provided regarding where the trash will be stored. There are striped spaces on the site plan that will have to be removed if they are not in conformance with zoning. It appears that the building was constructed in 1967; the applicant still has the option of using pre-1970 standards for parking and loading. The pre 1970 parking space size is 10 feet by 20 feet, with a minimum 18-foot drive aisle. New parking spaces must be dimensioned at 9.5 by 19 feet in size. Compact parking spaces must also be dimensioned. The drive aisle widths for new parking must be shown on the site plan at 22 feet in size.

I. Required Findings:

Departure from Parking and Loading Standards DPLS-410

1. Section 27-588(b)(8) of the Zoning Ordinance provides that:

(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;

The purposes of Section 27-550 are as follows:

- (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.**

The purposes of the parking and loading regulations for an established use will be served by the applicant's request. The purposes seek to ensure sufficient parking and loading areas to serve the needs of the established use and to aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading. The market has operated at this location since 2006 under the name of PCE, LLC. The name of the business was recently changed to Philmatt-Afrik, Inc. The provision of

on-site parking spaces at the subject location protects the residential character of Old Landover Road, Cooper Lane, and Warner Avenue. The subject property is surrounded by fully developed land. There is no room for expansion. The 18 parking spaces provided are a convenient amenity to those patrons using the proposed services offered, which benefits the regional district. Additionally, public transportation is available in the area; thus, nearby properties are not likely to be affected by the proposed departure.

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

The departure of 14 spaces is the minimum necessary. Approval of this departure request allows the parking lot to be utilized to its maximum potential.

- (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;**

The departure is necessary to alleviate the special circumstances related to building use and the physical limitations of the subject property. A departure from parking and loading standards, generally, is a means to provide relief from the strict application of the Zoning Ordinance when a property has unique characteristics that make compliance with the standard impractical at that particular location. The property, which was developed in 1967, is located in a fully developed area and has no room for expansion. The market has operated at this location since 2006 and has sufficient parking to serve its patrons.

- (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**

All methods of calculation have been fully applied to this application. The current site plan shows 18 parking spaces. Permit Review staff cited Section 27-568(b), which allows for a 15 percent reduction in the number of required parking spaces if under certain conditions interior green is added. The applicant found this option of bringing the existing conditions into conformance with the Zoning Ordinance to be impractical. The applicant's position is supported because there are no proposed disturbances to the site.

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

The applicant submits that the parking and loading needs of the residential areas will not be infringed upon if this request is granted. Residential streets will not be impacted because there is access to public transportation, the area is pedestrian friendly, and there are sufficient parking spaces to accommodate the use. There will be no spillover into residential streets.

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

The area within 500 feet of the subject property is characterized by residential uses. The adjoining and nearby residential uses have their own off-street parking and loading facilities. There is no indication of a shortage in parking and loading spaces within the general vicinity of this facility.

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

The commercial land use associated with this application is consistent with Plan Prince George's 2035 and is in conformance with the land use recommendations of the Bladensburg-New Carrollton Master Plan and SMA.

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

There are no comments or recommendations submitted by a municipality.

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

There are no public parking facilities proposed for this area.

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

- (i) Public transportation available in the area;**

While public transportation is available, it has no impact on the requested departure from the required loading space.

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

There are no viable design solutions to off-street facilities for the required loading space that would not negatively impact parking, which would have a greater impact on the surrounding residential area.

(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 parking and loading demands for the existing retail food market will be unchanged. The market is open daily from 9:00 a.m. to 9:00 p.m. There will be no disruption to traffic flow or parking conditions on the surrounding streets resulting from the proposed use because there are similar commercial/ retail uses in the area. The proposal has no effect on the nature and hours of operation of other commercial/retail uses within 500 feet of the subject property if the departure is granted because the hours are similar to the market.

(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.

The subject property is in the C-S-C Zone; therefore, the above section is not applicable.

CONCLUSION

The requested departures are necessary to bring the existing conditions of the subject property into conformance with the requirements of the Zoning Ordinance. The building was constructed on the subject property in 1967. The market has operated at the subject property since 2006 under the current ownership with these conditions. The applicant has satisfied all of the 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. The request for a departure from the parking and loading standards meets the requirements of the Zoning Ordinance and will not adversely affect the subject property or the surrounding neighborhood. The proposed use is permitted by-right and will not alter the relationship between the market and the surrounding neighborhood.

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. Prior to certification of the site plan, the applicant shall correct General Note 19 and remove General Note 23.
2. Prior to issuance of permits, the applicant shall apply for a standard exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
3. Prior to issuance of permits, all trash dumpsters should either be moved internal to the building or be properly screened per Section 4.4 of the 2010 *Prince George's County Landscape Manual*.

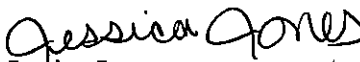
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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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 Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, December 11, 2014, in Upper Marlboro, Maryland.

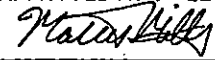
Adopted by the Prince George's County Planning Board this 8th day of January 2015.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:IT:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 12/22/14