



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 16-105

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Upper Marlboro, Maryland 20772
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File No. DPLS-428

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Parking and Loading Standards Application No. DPLS-428 requesting a departure for relief from one of the nine 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 September 8, 2016, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property, 3503 Maryland Avenue, is a 0.12-acre property located at the southeast section of Maryland Avenue, just southwest of the intersection of Maryland Avenue and Old Landover Road, at its intersections in Landover Hills. The subject property is zoned Commercial Shopping Center (C-S-C). The property, which consists of 3503 Maryland Avenue and 3505 Maryland Avenue is currently developed with a 5,040-square-foot two-story building which houses a barbershop (290 square feet), Ameritech Tires (2,230 square feet), and the proposed food and beverage store (400 square feet) and restaurant (2,120 square feet). Access to the property is from Maryland Avenue via an existing 22-foot-wide driveway, which provides direct access to the rear of the property where paved off-street parking is provided. The rear of the property is not fenced and is adjacent to John Hanson Highway (US 50).

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Restaurant/Food and Beverage store	Restaurant/Food and Beverage store
Acreage	0.12	0.12
Parcels	1	1
Square Footage/GFA	5,040	5,040

C. **History:** The building was constructed in 1965 and the addition approximately in 1976. Parking and loading standards were grandfathered and are shown on prior approved plans. There is an approved Special Exception SE-2725 which allows parking on the One-Family Detached Residential (R-55) property, an approved variance that allows lot coverage in excess of 30 percent and parking on residential property in excess of 20 percent, and an approved Departure from Design Standards DDS-11.

- 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 relief from one of the nine required parking spaces from the Prince George's County Zoning Ordinance requirement for a food and beverage store and restaurant use.
- F. **Surrounding Uses:** The property, which is surrounded by commercial and residentially-zoned land, is part of the Landover Park Subdivision. The Radiant Valley Subdivision, developed with single-family residential dwellings, is east of the subject site. There are no proposed disturbances on the site.

North— Old Landover Road (MD 202) and C-S-C-zoned land developed with commercial buildings and developed land zoned R-55, single-family residential.

South— Maryland State Highway Administration right-of-way for Landover Road (MD 202) and US 50.

West— Maryland Avenue and property zoned C-S-C.

East— R-55-zoned land.

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) for a food and beverage store and one parking space for every three seats for a restaurant. The GFA of the Tropicana Grill is 5,040 square feet and the eating and drinking portion of the Tropicana Grill will seat six guests; therefore, a total of nine parking spaces are required. A loading space is not required. The applicant's parking schedule provides a total of eight parking spaces, including seven standard spaces and one van-accessible handicap space. The existing on-site eight-space parking lot does provide sufficient parking spaces to meet the Zoning Ordinance requirements, resulting in the departure request of one of the nine required parking spaces. As recent as 2014, the applicant worked with M-NCPPC staff to develop a parking schedule which allowed all of the building tenants to obtain use and

occupancy permits. The building floor plans were revised to meet the requirements for the proposed food and beverage store and restaurant use. 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	8
Required Parking	11
Required Parking with 20% Reduction for joint uses	9
Departure Requested	-1
Total Proposed Parking	8

2. **Prince George's County Landscape Manual**—The site is exempt from the 2010 *Prince George's County Landscape Manual* (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 for the subject project because architecture is not an issue for the subject departure application. The application is exempt from the 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, during the site visit, outdoor dumpsters were located in the southeast corner of the site. These dumpsters should either be moved internal to 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.

3. **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 dimensions of the handicap-accessible parking space should be revised to 13 feet by 19 feet. The parking schedule should be updated to correct the required parking calculation for Ameritech Tire (3503 Maryland Avenue, lower level) and the total number of parking spaces required. The project number should be corrected to indicate DPLS-428. The parking spaces within the right-of-way of Maryland Avenue should not be demonstrated on the site plan. The floor plan labeled Attachment 3 indicates dining area six seats, 800 square feet. The parking schedule indicates 3505 Maryland Avenue eating and drinking 800 square feet, three seats; and 3503 Maryland Avenue eating and drinking 1,320 square feet, six seats. The applicant should provide floor plans for all uses in the buildings (3503 and 3505 Maryland Avenue) and the floor plans for both of the upper levels for 3503 and 3505 Maryland Avenue. The floor plan should clearly demonstrate the dimension of all areas, including seating and non-seating patron areas.

I. **Required Findings:** Section 27-588(b)(7) 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 areas to serve the needs of the use and to aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading. The provision

of on-site parking spaces at the subject location protects the residential character of Old Landover Road. Maryland Avenue fronts commercial properties. The subject property is surrounded by fully developed land. There is no room for expansion. The eight 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 one parking space 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 1965, is located in a fully developed area and has no room for expansion.

- (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 eight parking spaces. 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 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 other street parking or 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 commercial uses. The adjoining and nearby commercial uses have their own off-street parking facilities. There are available parking spaces within the public right-of-way on Maryland Avenue that are not counted as off-street parking. Per the applicant's justification statement, when the building was constructed in 1965, the 1949 Prince George's County Zoning Ordinance did not specifically prohibit parking in the right-of-way. Section 12.6 of the 1949 Zoning Ordinance, as amended through December 1974, was silent as to parking within the rights-of-way. At least three of these parking spaces in the rights-of-way on Maryland Avenue are used daily by the patrons of the established businesses located at 3503 and 3505 Maryland Avenue. There is no indication of a shortage in parking 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 parking 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 parking space that would not negatively impact neighborhood 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 demands for the food and beverage store and restaurant will be unchanged. The operating hours will be Monday–Friday (10:00 a.m.–9:00 p.m.), Saturday (11:00 a.m.–9:00 p.m.) and Sunday (11:00 a.m.–7:00 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 may impact 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 of operation are similar to the adjacent business. However, there is no indication that there is a negative demand for parking in the area. All commercial and retail parking demands are satisfied.

- (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 departure is 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 1965. The applicant has satisfied all of the requirements pertinent to obtaining the requested departure from the parking requirement. 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 existing businesses and the surrounding neighborhood.

There is opposition to the requested departure for one parking space by an adjacent business and property owner. The opposition contends that the applicant's proposal will negatively impact the existing businesses. The opposition has provided written and video documentation as evidence to support their position, which was in the technical staff report. The documentation was reviewed and it was determined that the evidence provided by the opposition, while relevant, is outside of the findings for a departure from the parking standards.

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, the site plan shall be revised to:
 - a. Correct the dimensions of the handicap-accessible parking space to 13 feet by 19 feet.
 - b. Correct the parking calculations and the total number of parking spaces required.
 - c. Remove the parking spaces within the right-of-way of Maryland Avenue from the site plan.
 - d. Provide floor plans for all uses in 3503 and 3505 Maryland Avenue and both of the upper levels of 3503 and 3505 Maryland Avenue. The floor plan shall clearly demonstrate the dimensions of all areas, including seating and non-seating patron areas.
2. Prior to issuance of permits, all trash dumpsters shall either be moved internal to the building or be properly screened per Section 4.4 of the 2010 *Prince George's County Landscape Manual*.

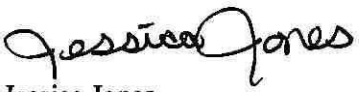
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, September 8, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of September, 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:IRT:rpg

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 9/21/16