



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

PGCPB No. 17-143

File No. DPLS-434

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Parking and Loading Standards Application No. DPLS-434, Family Dollar, requesting a departure of 18 of the 51 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 November 9, 2017, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The property is located on the west side of Walker Mill Road, approximately 350 feet south of its intersection with Addison Road in Capitol Heights. The site is comprised of one acre of land in the Commercial Shopping Center (C-S-C) Zone. The property is currently improved with a metal shed and a 1,434-square-foot vacant building, with signage indicating that the building was used as the Washington Art Glass Studio. The site has two driveway entrances from Walker Mill Road and an asphalt circular driveway around the building on the site.

During the field inspection, it was noted that the site has some existing natural wooded area along the west and south sides of the property. Some of the woodlands are beyond the subject site, which provide natural screening and buffering from the adjacent retail, commercial, and industrial land uses abutting the property. Six-foot-high wood and chain-link fences also exist along its northern and western property lines. Access to the site will be provided via a single driveway from Walker Mill Road.

- B. **History:** According to the Maryland Department of Assessment and Taxation database, the subject property was developed in 1954 with a 1,518-square-foot storage warehouse. There are no existing use and occupancy permits on record with the Prince George's County Department of Permitting, Inspection and Enforcement (DPIE) regarding the use history of this property.
- C. **Surrounding Uses:** The immediate area surrounding the subject property is developed with commercial and industrial uses.

West— Adjacent to the site is a construction storage yard in the Light Industrial (I-1) Zone.

East— Walker Mill Road and across Walker Mill Road, opposite the subject site, is the Saint Paul Church in the C-S-C Zone.

North— Immediately adjacent to the site is a gas station in the C-S-C Zone.

South— The Walker Mill Business Park development with various commercial uses (i.e. an insurance company, churches, a fitness center, a photography studio, etc.) in the I-1 Zone.

- D. **Request:** The application is for a departure of 18 parking spaces from the 51 spaces required by the Zoning Ordinance for the development of a 9,180-square-foot department and variety store (without food and beverage). The application was approved for 33 parking spaces.

E. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant	Department and variety store (without food and beverage)
Acreage	1	1
Lots	N/A	N/A
Parcels	1	1
Square Footage/GFA	1,434	9,180
Dwelling Units:	N/A	N/A

- F. **Master Plan and General Plan Recommendation:** The property is within the 2014 *Plan Prince George's 2035 Approved General Plan's* (Plan Prince George's 2035) designated Established Communities policy area. The vision for Established Communities is "context-sensitive infill and low-to medium-density development" (page 20). This site is located within the area subject to the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan and SMA), which recommends medium-high density residential (8 to 10 dwellings units per acre) land uses on the subject property. The development anticipated is inconsistent with the master plan and Plan Prince George's 2035's land use recommendation. However, pursuant to Section 27-588(b)(7) of the Prince George's County Zoning Ordinance, master plan conformance is not required for this application. Further, the Subregion 4 Master Plan and SMA retained the subject property in the C-S-C Zone, which permits the development of a department and variety store.

- G. **Zoning Ordinance Requirements:** The following requirements are evaluated for the effect they have on the approved departure from parking and loading requirements.

1. **Number of Required Parking and Loading Spaces**—Section 27.568(a)(5)(A), Schedule of Parking Spaces, of the Zoning Ordinance requires one parking space for every 150 square feet of gross floor area (GFA) for the first 3,000 square feet, and one space for each additional 200 square feet of GFA above the first 3,000 square feet. For a department and variety store of 9,180 square feet, 51 parking spaces are required. The site plan provides a total of 33 parking spaces, including two handicap-accessible parking spaces. The site plan is deficient by 18 parking spaces. Therefore, a departure from the parking and loading spaces is required to address this deficiency.

Section 27-582(a), Schedule of Loading Spaces, of the Zoning Ordinance requires one loading space (per store) for retail sales and service comprising 2,000 to 10,000 square feet of GFA and one space for each additional 10,000 to 100,000 square feet of GFA. The applicant is providing one loading space to satisfy the proposed use on the site.

2. **Prince George's County Landscape Manual**—The site is subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual) and the Prince George's County Tree Canopy Coverage Ordinance (per Section 25-127(b)(1)(B) of the Prince George's County Code because it includes an increase in GFA and a total area of disturbance above 5,000 square feet. Specifically, this application is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements.

- **Section 4.2, Requirements for Landscaped Strips along Streets:** The site is subject to Section 4.2 along its eastern property line where it abuts Walker Mill Road. The site's frontage along Walker Mill Road is approximately 160 feet, and the schedule for this frontage indicates that Option 1 has been selected. Section 4.2 requires a minimum 10-foot-wide landscape strip to be planted with a minimum of 1 shade tree and 10 shrubs per every 35 linear feet of road frontage, or 5 shade trees and 46 shrubs. The site plan meets the requirements for the frontage in this area by proposing 7 shade trees and 46 shrubs. However, the plans have not provided a label to reflect the location of this landscape strip and shall be revised to reflect the location.

- **Section 4.3, Parking Lot Requirements:** The site is subject to Section 4.3 of the Landscape Manual, specifically Sections 4.3(c)(1) and 4.3(c)(2).

Section 4.3(c)(1)(C) requires parking lots within 30 feet of the property line to provide a 3-foot-wide landscape strip between the parking lot and any adjacent property line of a property considered compatible with the proposed use, to be planted with 15 shrubs for every 35 linear feet of parking lot. This use is considered compatible to the uses along the 61 feet of shared property line along the southern property line with the Walker Mill Business Park, where it abuts a conglomeration of uses including low-, medium-, and high-intensity uses. Therefore, the Planning Board determined the uses to be compatible and subject to Section 4.3, as opposed to Section 4.7. The plans provide the required amount of plant material and meet the requirements of Section 4.3-1. However, the plans do not provide a label to reflect the location of this landscape strip and shall be revised to reflect its location.

Section 4.3-2 stipulates that interior parking lot planting is required for parking areas that measure 7,000 square feet or larger. The application proposes a parking area of 18,685 square feet, and is required to provide an interior landscaped area of 8 percent, or 1,509 square feet. The landscape plan meets this requirement and includes 10 percent, or 1,892 square feet, of internal planting area. The internal landscape area is required to be planted with 1 shade tree for every 300 square feet of landscape area. Seven shade trees are required and seven are provided.

- **Section 4.4, Screening Requirements:** Section 4.4 of the Landscape Manual requires that access driveways, mechanical equipment, loading areas, and trash facilities, among other things, be screened in certain instances. All projects are subject to the requirements of Section 4.4.

All mechanical equipment, loading areas, and trash facilities shown on the plans are screened in accordance with Section 4.4.

- **Section 4.7, Buffering Incompatible Uses:** The submitted plans note that three of the four surrounding properties are incompatible uses and require a buffer per Section 4.7 of the Landscape Manual; specifically, along the northern property line where the site abuts the gas station use on Parcel A, and on its western side where the site abuts construction storage yards on Lots 6 and 7.

The proposed use is a department and variety store, and is regarded as medium impact. The surrounding properties contain uses that are categorized as high-impact uses, and would require a Type B bufferyard on the subject site. A Type B bufferyard requires a 30-foot building setback, a 20-foot landscape yard, and requires 80 plant units for every 100 feet of property line. This project is located within the land area previously known as the Developed Tier and, if a six-foot-high opaque fence is proposed in the bufferyard, the requirements for the bufferyard, building setback, and plant units may be reduced by 50 percent. The requirement is reduced to a building-setback of 15 feet, a 10-foot landscape yard, and 40 plant units for every 100 feet of property line under this provision. The project proposes a 15.8-foot building setback on the northern and western property lines, and a 78.7-foot building setback on the southwestern edge of the property. The required landscape yard and plant units have been provided along the northern and western property lines as required, in conjunction with a 6-foot-high opaque fence.

The site plan shows two 6-foot-high screening fences. One fence is located along the northern property line and continues along the western property line, and one fence is located along the western property line, behind the retaining wall to the rear of the proposed building. Although the Planning Board would not typically support double fencing along the western side of the site, due to the grading of the site, the screening fence located on top of the retaining wall will provide more

efficient screening of the subject site from the adjacent industrial use to the west. Therefore, the Planning Board approves the fence locations, as proposed. The height and material of the retaining wall and fence cannot be determined because neither the fence details, nor the wall details are provided on the site plan. Thus, the site plan shall be revised to clearly specify the detail of the fence and wall, including the height and material of the proposed wall and fence.

- **Section 4.9, Sustainable Landscaping Requirements:** Section 4.9 of the Landscape Manual requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) be native species or the cultivars of native species. The minimum percentage of each plant type required to be native species and/or native species cultivars is specified below:

<u>Type</u>	<u>Required</u>	<u>Provided</u>
Shade trees	50 percent	100 percent
Ornamental trees	50 percent	NA
Evergreen trees,	30 percent	100 percent
Shrubs	30 percent	100 percent

The plans demonstrate conformance with the requirements of Section 4.9. Any plant materials added to the plans, as required by conditions of approval, may require further revisions to the Section 4.9 schedule in the landscape plan.

3. **Tree Canopy Coverage**—The project is not exempt from the requirements of the Tree Canopy Coverage Ordinance pursuant to Section 25-128, and is located in the C-S-C Zone, which requires 10 percent, or 4,312 square feet of tree canopy coverage. The site plan reflects conformance to the Tree Canopy Coverage Ordinance.
4. **Signs**—The site plan is proposing one new freestanding sign near the east side of the site's entrance. No detail of this sign is provided as part of this review; therefore, prior to issuance of the sign permit, the detail of the sign must be reviewed for conformance to all sign regulations including area, height, and setback requirements, pursuant to Section 27-614 of the Zoning Ordinance.

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

1. **Permit Review**—Comments have either been addressed on the submitted plan or conditioned as part of this approval.
2. **Historic Preservation**—Given the existing building's age (circa 1954) and association with the Washington Art Glass Studio, a longstanding locally-owned family business, the building should be documented on a Maryland Inventory of Historic Properties form prior to its demolition.

3. **Transportation Planning**—There are no transportation issues with this parking departure.
4. **Urban Design**—All comments are incorporated in Finding G(2).

I. **Required Findings—Departure from Parking and Loading Standards:** 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 Section 27-550 will be served by the applicant's request.**

Per Section 27-550, the purposes of the parking regulations 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 regulations will be served by this approval. The purposes seek to ensure sufficient parking and loading 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 Planning Board finds that the site is providing sufficient parking to serve the use, and that there will be no overflow parking onto the area street. To determine the number of necessary parking spaces to adequately serve the use, a parking analysis was provided by the applicant in a letter dated June 28, 2016 (Dickey to the Maryland National Capital Park and Planning Commission (M-NCPPC)). The study suggests that a typical store size of 9,000 to 10,000 square feet requires a minimum of 25 parking spaces. This analysis was based on three factors:

1. There will be three to four employees working at any one time.
2. The store processes 20 to 25 transactions per hour.
3. Customers are typically in the store for 15 minutes or fewer.

While taking the applicant's analysis into the account, the Planning Board reviewed additional comparable departures for similar uses, in combination with other data that was used for other departures. Based on the examination, the Planning Board agrees with the applicant's assertion. Utilizing parking data from the Institute of Traffic Engineers, it is confirmed that the use would require 26 parking spaces to meet the parking needs for a store of this size.

As mentioned before, the site is located on Walker Mill Road, which is a master plan arterial within an ultimate 120-foot right-of-way. No on-street parking is available or allowed on Walker Mill Road. There are no residential areas in the immediate proximity to the subject site.

Upon reviewing the applicant's parking analysis and other departures for similar uses, the Planning Board concludes that the 33 parking spaces from the required 51 parking spaces is sufficient to serve the proposed use without overflowing parking onto the area street. Consequently, the purposes of this subsection will be served by the approved departure.

(ii) The departure is the minimum necessary, given the specific circumstances of the request.

The departure is the minimum necessary due to the physical limitations of the site. First, the existing site is significantly lower in elevation than the adjacent properties. Therefore, the site is required to be raised five feet above the finished grade level, which requires the installation of a retaining wall to accommodate the change in grade. Second, the property is encumbered by an undisturbed 32-foot-wide stormwater easement along the southwestern portion. Finally, the site is required to address the stormwater management design criteria. Therefore, a bioretention facility in the form of a planter box is proposed at the northwest corner of the property. The incorporation of on-site stormwater facilities limits the available area for providing additional parking spaces. In general, environmental site design limits each drainage facility to 20,000 square feet. The site plan, as currently designed with 33 parking spaces, is at the 20,000-square-foot maximum drainage area for the bioretention facility. Adding any more parking spaces would require installation of a second stormwater facility on the site. In order to provide another stormwater management facility, more parking spaces will be lost. These site constraints impact the applicant's ability to provide the required number of parking spaces. As such, the departure is the minimum necessary, given the specific circumstances.

- (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 in order to alleviate circumstances which are special to the subject use, given the nature and physical limitations of this site. The site is surrounded by existing commercial and industrial development from three sides, and a public right-of-way from another side. As stated above, it is significantly lower in elevation than the adjacent properties. Furthermore, the southeast portion of the property is encumbered by a 32-foot-wide stormwater easement which cannot be disturbed. These site constraints impact the applicant's ability to provide the parking required under the Zoning Ordinance. There is simply no space on the site to accommodate additional surface parking.

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

All methods of calculation have been explored, and found impractical to further reduce the parking requirement. The applicant has applied the correct method for calculating the number of spaces required. The applicant has also provided the maximum number of compact spaces and the minimum number of handicap-accessible spaces. Due to site constraints, no other parking standards can be applied to provide additional parking, or to further reduce the parking requirement.

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

There are no nearby residential uses. The closest residential property is located on the east side of Walker Mill Road, approximately 300 feet from the subject property. With the adjacent uses being a gas station to the north, a retail and service commercial development to the south, a construction storage yard to the west, and Walker Mill Road to the east, it is not likely that there will be any infringement on adjacent residential areas. Further, there will be more than enough parking spaces on-site to accommodate the proposed use, thus residential streets will not be impacted.

- (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.**

The area within 500 feet of the subject property is characterized by commercial and industrial uses. Across Walker Mill Road, opposite the subject property, is a church with a large parking lot. All adjoining and nearby 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 Subregion 4 Master Plan and SMA recommends medium-high density residential (8-to 10 dwelling units per acre) land uses on the subject property. The subject use is not consistent with the land use recommendations of the master plan. However, the subject site was retained in the C-S-C Zone and a department and variety store (without food and beverage) is a permitted use in the C-S-C Zone.

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

This subject property is not within 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.

There is an existing bus stop along the property frontage on Walker Mill Road. This bus stop is located on two Metro Bus routes (Core Route P12 and Local Route V12), as well as a Prince George's County TheBus route (Route 20). However, the applicant did not indicate any significant use of public transportation by their patrons.

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

The applicant appears to have exhausted any alternative design solutions that could yield additional parking spaces. The applicant has examined alternative parking lot layouts, provided the maximum number of compact spaces, and considered reversing the building, but has been unable to generate more parking spaces.

- (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 500 feet of the subject property.**

The subject property is located in a commercial area. The hours of operation for the retail store are Monday through Sunday from 9:00 a.m. to 9:00 p.m. The applicant's statement of justification indicates that the retail stores in the surrounding area have varied hours of operation. However, on average, most of the surrounding business hours in the area are from 9:00 a.m. to 5:00 p.m. Monday through Saturday, and 9:00 a.m. to 5:00 p.m. on Sundays. Even during the overlapping hours of operation for all businesses in the area (from 9:00 a.m. to 5:00 p.m. every day of the week), the Planning Board believes that there will be no disruption to traffic flow or parking conditions on the surrounding streets resulting from the proposed use. The use will not affect the nature and hours of operation of other uses within 500 feet of the subject property.

- (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 subsection is not applicable.

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 revise the site and landscape plans as follows:
 - a. The landscape plan shall label the length and width of the location of the Section 4.2 landscape strip.
 - b. The landscape plan shall be revised to label the length and width of the location of the Section 4.3(c)(1) landscape perimeter strip.
 - c. Provide details of the fences and the retaining wall, to be reviewed and approved by the Urban Design Section as designee of the Planning Board.
 - d. Provide the dimension of the interior driveway width on the site plan for the parking spaces located on the eastern side of the building.

- e. Provide the dimension of the handicap-accessible parking spaces on the parking schedule and on the site plan.
 - f. Clearly indicate the van-accessible spaces on the site plan.
 - g. Add a general note on the site plan indicating the purpose of the application.
 - h. The footprint of the building shall indicate the use to be "department and variety store," not "retail."
 - i. Label on the site plan the undisturbed 32-foot-wide stormwater easement along the southeastern corner of the site.
 - j. Revise the site plan to indicate that the subject property is one acre in size, consistent with the record plat.
2. Prior to issuance of the sign permit, the details of the sign must be reviewed for conformance to all sign regulations including area, height, and setback requirements, per Section 27-614 of the Prince George's County Zoning Ordinance.
3. Prior to issuance of a demolition permit, the applicant and the applicant's heirs, successors, and/or assignees shall record the existing building located at 6618 Walker Mill Road on a Maryland Inventory of Historic Properties (MIHP) form. Two copies of the MIHP form shall be submitted to, and approved by, the Historic Preservation Section.

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.

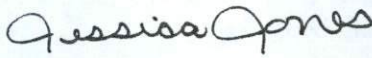
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, Geraldo, and Hewlett voting in favor of the motion, and with Commissioner Bailey temporarily absent at its regular meeting held on Thursday, November 9, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of November 2017.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:TA:rpg


APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 11/20/17