

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on March 26, 2020, regarding Detailed Site Plan DSP-18037 for Clinton Veterinary Hospital, the Planning Board finds:

1. **Requests:** The subject application is for approval of a detailed site plan (DSP) for a 2,340-square-foot, two-story building addition to an existing certified, nonconforming animal hospital. This application also includes a request for a Departure from Parking and Loading Spaces DPLS-468 (PGCPB Resolution No. 2020-41) for a reduction of three parking spaces that was approved on the same date by the Prince George’s County Planning Board.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-80	R-80
Use	Animal hospital	Animal hospital
Total Acreage	0.52	0.52
Parcels	1	1
Gross Floor Area (sq. ft.)	2,140	4,480 (2,340 proposed)

Parking and Loading Requirements

Animal Hospital, Veterinarian	Spaces Required
2,729 sq. ft. of kennel area at 1 space/500 sq. ft.	6
1,751 sq. ft. of clinic area at 1 space/200 sq. ft.	9
Total	15
Of which handicap-accessible spaces	1
Of which compact spaces	5
Loading	Not required

	Spaces Provided
Standard Spaces	8 (5 compact)
Parallel Spaces	2
Handicap-accessible Spaces	2 (1 van)
Total	12*

*See DPLS-468

3. **Location:** The site is in Planning Area 81A, Council District 09. More specifically, it is located on the east side of Brandywine Road, approximately 395 feet south of its intersection with Clinton Manor Drive. The site is known as 9414 Brandywine Road, in Clinton, Maryland.
4. **Surrounding Uses:** The site is bounded to the south and east by residentially developed properties in the One-Family Detached Residential (R-80) Zone; to the north by a professional office use in the R-80 Zone; and to the west, across Brandywine Road, by residentially developed properties in the Mixed Use-Transportation Oriented Zone.
5. **Previous Approvals:** The site is currently improved as an animal hospital, which has been reported to be the use on the property since 1955. The site has been operating with a certificate of nonconforming use (CNU) since 1981, with the current CNU-10806-2010-U issued on May 12, 2010. The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) retained the property in the R-80 Zone. A Stormwater Management Concept Plan, 36009-2018-00, was approved on May 2, 2019 and expires on May 2, 2022.

In accordance with Section 24-107(c)(7)(B) of the Subdivision Regulations, this site is exempt from the requirement of filing a preliminary plan and a final plat of subdivision because the site was created by deed prior to January 1, 1982, and this application proposes less than 5,000 square feet of gross floor area.

6. **Design Features:** The subject DSP proposes a 2,340-square-foot addition to the rear of the existing building for an expansion to the existing animal hospital and veterinary office. The addition will be in keeping with the original building by maintaining a single-family residential appearance from Brandywine Road, extending the side walls back, and raising the roof height by two feet to increase the pitch and rotate the gable ends to the front and rear façades. The existing parking in front of the building will be redesigned to allow for sufficient drive aisle width outside of the right-of-way, as dedication is required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). This will result in two parking spaces in the front of the facility to accommodate the handicapped-accessible parking spaces. The applicant asserts that based on the layout of the facility, and the topography of the site, the handicap spaces cannot be located elsewhere. Additional parking is located to the side and rear of the building; however, this parking was never permitted, so it is being validated with this DSP. A trash enclosure with a six-foot-high, sight-tight, woodgrain, vinyl fence is located in the northeast corner of the site. A similar fence is proposed along the northern and southern property lines,

except in the area of the existing woodlands at the eastern end of the property. The plan shows two “New RTU” notations on the south side of the building. There are no other references to these notations on the plan; however, RTU traditionally stands for “roof top unit” in construction terms, and the elevations do not support this. A condition to clarify the notation has been included in this resolution.

Architecture

The proposed architectural elevations show that the addition will maintain the single-family style of the existing structure. The addition will have a parged concrete masonry unit (concrete block) foundation, and external insulation finishing system siding above the foundation. The walls will be painted dark blue on the lower level and along the front façade watertable, with powder blue paint above. Windows throughout the existing and proposed structure will have a residential appearance with white vinyl trim and double-insulated glass. The front façade will have a revised roofline with a gable end peak, an awning above the entrance, a fixed storefront window, and a decorative paw print impression painted on the southern half. The entrance also provides a handicap-accessible ramp.

Signage

A single proposed building-mounted sign, approximately two feet by five feet, with a white background and black letters bearing the clinic name “Clinton Animal Hospital,” is proposed on the front gable end; however, sign details and method of illumination have not been provided with this application. The existing freestanding sign near the property frontage on Brandywine Road is shown to remain within the right-of-way dedication, which is not allowed, yet the disposition of the sign is not represented on the plans. In addition, in accordance with Section 27-614(a)(1) of the Zoning Ordinance, which is applicable per Section 27-615, a freestanding sign is not permitted on a site where the main building is less than 40 feet behind the front street line, such as is the case here. Conditions have been included in this resolution for these two issues.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George’s County Zoning Ordinance:** The application has been reviewed for compliance with the requirements of the Zoning Ordinance in the R-80 and the site plan design guidelines. The relevant requirements of the Zoning Ordinance are as follows:
 - a. The subject DSP is in conformance with the requirements of Section 27-441 of the Zoning Ordinance, which governs uses in residential zones. The veterinary hospital is a permitted use in the R-80 Zone, subject to Footnote 74, which states:

Permitted as an expansion of an existing nonconforming animal hospital, veterinary office with a valid use and occupancy permit issued on or before July 1, 1998. Said expansion is limited to four thousand (4,000) square feet of gross floor area and is subject to Detailed Site Plan approval, in accordance

with Part 3, Division 9, of this Subtitle, by the Planning Board or its designee.

The subject property qualifies, as the use is existing with valid CNU permits issued prior to 1998. The proposed expansion is 2,340 square feet and the subject DSP was submitted.

- b. Section 27-442 of the Zoning Ordinance provides additional regulations for development in residential zones, including requirements for setbacks, net lot area, lot frontage, building coverage, and green area. The subject DSP meets all of these requirements, as shown on the submitted plans.
 - c. Section 27-615 of the Zoning Ordinance governs the signage requirements for a nonresidential use in a residential zone. The subject DSP meets all of the requirements for the proposed building-mounted sign; however, a schedule with the calculations is required on the DSP, and a condition has been included this resolution.
 - d. The DSP is in general conformance with the applicable site design guidelines, as referenced in Section 27-283 and contained in Section 27-274 of the Zoning Ordinance. For example, vehicular and pedestrian circulation is designed to be safe, efficient, and convenient for both pedestrians and drivers; the majority of parking is located in the side and rear, and in close proximity to the use; and the architecture proposed for the building is constructed of durable, low-maintenance materials, and employs a variety of architectural features and designs, such as window and door treatments, projections, colors, and materials.
8. **2010 Prince George's County Landscape Manual:** The application is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), specifically Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. The landscape and lighting plan provided with the subject DSP contains the required schedules demonstrating conformance to these requirements, with the exception of Sections 4.6 and 4.7. Alternative Compliance AC-20002 was submitted, and the Planning Board approved the Section 4.7 request and the Section 4.6 request after evaluating the following findings:

Section 4.6, Buffering Development from Streets

REQUIRED: Section 4.6(c)(2)(a)(ii), Buffering Development from Streets, along Brandywine Road

Length of bufferyard	32 feet
Bufferyard width	20 feet
Plant Units (80 units per 100 linear feet)	26

PROVIDED: Section 4.6(c)(2)(a)(ii), Buffering Development from Streets, along Brandywine Road

Length of bufferyard	32 feet
Bufferyard width	0 feet
Plant Units (80 units per 100 linear feet)	26

Justification

The entire existing frontage of the subject property along Brandywine Road, which is a historic road, is paved, except for a narrow strip along the northern and southern property lines. With the redesign of the parking on the front of the facility to accommodate two handicap parking spaces, the applicant is proposing sixteen shrubs and one shade tree along Brandywine Road, which only provides a small degree of buffering along the road frontage.

The applicant requested alternative compliance from the requirements of Section 4.6(c)(2)(A)(ii), Buffering Development from Special Roadways, which requires a minimum 20-foot-wide buffer to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings.

The applicant asserts that based on the layout of the facility with the customer service area on the upper floor, and the topography of the site sloping down away from Brandywine Road, that the handicap parking spaces can only be located in the front. With these spaces, and a drive aisle to access the spaces, a full Section 4.6 landscape buffer would cause the applicant to be in violation of the Americans with Disabilities Act (ADA). The Planning Board found that in consideration of the plantings that are provided, and the requirements of the ADA leaving no other location for the handicap spaces than in the front of the facility, the applicant's proposal is equally effective in fulfilling the intent of the Landscape Manual design criteria in Section 3. Therefore, the Planning Board approves this portion of the application.

Section 4.7, Buffering Incompatible Uses

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the northern property line, adjacent to dwelling with accessory office (Bufferyard 1)

Length of bufferyard	140
Minimum building setback	20 feet
Landscape yard	10 feet
Bufferyard occupied by existing trees	0
Fence or wall	Yes
Plant units (40 per 100 l. f.)	56

PROVIDED: Section 4.7, Buffering Incompatible Uses, along the northern property line, adjacent to dwelling with accessory office (Bufferyard 1)

Length of bufferyard	140
Minimum building setback	22.34 feet
Landscape yard	7.54 feet
Bufferyard occupied by existing trees	0
Fence or wall	Yes
Plant units	84

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the southern property line, adjacent to single-family detached dwelling (Bufferyard 2)

Length of bufferyard	134
Minimum building setback	40 feet
Landscape yard	30 feet
Bufferyard occupied by existing trees	0
Fence or wall	Yes
Plant units (120 per 100 l. f.)	81*

Note: * After 50 percent reduction in plant unit requirement due to provision of the sight-tight fence.

PROVIDED: Section 4.7, Buffering Incompatible Uses, along the southern property line, adjacent to single-family detached dwelling (Bufferyard 2)

Length of bufferyard	134
Minimum building setback	22.52 feet
Landscape yard	8.45 feet
Bufferyard occupied by existing trees	0
Fence or wall	Yes
Plant units	115

Justification

The adjacent property to the south of the subject site is developed with a single-family detached dwelling, while the adjacent property to the north is developed with a dwelling with an accessory office. A Type A bufferyard is required along the northern property line and a Type C Bufferyard is required along the southern property line. The applicant is proposing sight-tight fencing along both northern and southern property lines. Additionally, the applicant proposes to provide an additional 28 plant units above what is required in its northern bufferyard and 34 plant units above what is required in its southern bufferyard.

Since the sight-tight fences have been provided in both bufferyards along the northern and southern property lines, plus extra plant units, the alternative design options presented in this application will be equally effective in fulfilling the requirements of Section 4.7 to form a visual and physical separation between uses of a significantly different scale, character, and intensity. Therefore, the Planning Board approves this portion of the application.

The Planning Board APPROVES of alternative compliance from the Landscape Manual for Section 4.6, Buffering Development from Streets, along the Brandywine Road frontage.

The Planning Board further APPROVES of alternative compliance from the Landscape Manual for Section 4.7, Buffering Incompatible Uses, along the northern and southern property lines.

9. **Prince George's Country Tree Canopy Coverage Ordinance:** The DSP is exempt from the requirements of the Tree Canopy Coverage Ordinance. Section 25-128 of the Prince George's County Code requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance and/or gross floor area. This DSP proposes less than 5,000 square feet of disturbance.
10. **Prince George's County Woodland and Wildlife Habitat Conservation:** The site is exempt from the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property is less than 40,000 square feet in size, and has no previous tree conservation plan approval. A natural resources inventory was not required for this project, since the limits of disturbance are less than 5,000 square feet. A Woodland Conservation Exemption Letter (S-101-2018) was issued on July 18, 2018.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Historic Preservation**—The Planning Board adopted, herein by reference, a memorandum dated January 2, 2020 (Stabler and Smith to Burke), which concluded that the site does not contain, is not adjacent to, nor will the proposal impact any Prince George's County historic sites, historic resources, or known archeological sites.
 - b. **Community Planning**— The Planning Board adopted, herein by reference, a memorandum dated February 21, 2020 (Lester to Burke), which indicated that, pursuant to Part 3, Division 9 of the Zoning Ordinance, master plan conformance is not required for this application.
 - c. **Transportation Planning**—The Planning Board adopted, herein by reference, a memorandum dated January 30, 2020 (Burton to Burke), which discussed a recommendation from the Subregion 5 Master Plan and SMA to upgrade Brandywine Road to a collector (C-513), with 80 feet of right-of-way. However, DPIE has asserted that, rather than requiring the master plan required 40 feet from center line of

Brandywine Road, only 34 feet from center line will be required. The Planning Board determined that this plan is acceptable and meets the finding required for a DSP.

- d. **Trails**—The Planning Board adopted, herein by reference, a memorandum dated February 3, 2020 (Ryan to Burke), which made findings regarding improvements to bicycle and pedestrian infrastructure and required that a fee for bicycle signage along Brandywine Road be provided at the time of permit.
 - e. **Permit Review**—The Planning Board adopted, herein by reference, a memorandum dated December 13, 2019 (Hughes to Burke), which offered comments that have either been addressed through revisions to the plan or are included as conditions in this resolution.
 - f. **Environmental Planning**—The Planning Board adopted, herein by reference, an email dated December 27, 2019 (Schneider to Burke), which concluded that there were no issues with this DSP.
 - g. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not provide comments on the subject application.
 - h. **Prince George's County Police Department**—The Planning Board adopted, herein by reference, a memorandum dated January 9, 2020 (Contic to Development Review Division), which offered no comments on the subject application.
 - i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**— DPIE did not provide comments on the subject application.
12. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
13. As required by Section 27-285(b)(4) of the Zoning Ordinance, for approval of a DSP, the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations, as this property does not contain any regulated environmental features.

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 Alternative Compliance AC-20002, and further APPROVED Detailed Site Plan DSP-18037 for the above described land, subject to the following conditions:

1. Prior to certification of the detailed site plan, the applicant shall make the following revisions to the plans:
 - a. Show the required right-of-way dedication and parking configuration. Include the removal of the existing freestanding sign.
 - b. Provide a sign detail, including any methods of illumination, for the building mounted sign. Include a schedule and calculations to demonstrate conformance with the Zoning Ordinance.
 - c. Correct the building elevation orientations on the architectural elevations.
 - d. Make the following corrections to the general notes:
 - (1) Revise the parking spaces provided (General Note 11) to reflect the dedication of right-of-way.
 - (2) Provide the dimensions of the van-accessible parking space in General Note 11.
 - (3) Correct General Notes 24 and 26. These appear to be related to another project.
 - (4) Provide a note indicating the required dedication for the widening of Brandywine Road, per the 2009 *Approved Countywide Master Plan of Transportation*, necessitating Departure from Parking and Loading Spaces DPLS-468.
 - e. Update the Section 4.6 and Section 4.7 landscape schedules to be consistent with, and refer to, the approval of Alternative Compliance AC-20002.
 - f. Clarify the notation referring to “New RTU” on the plan.
 - g. Provide a lighting plan with details demonstrating the use of full cut-off optics and no light infiltration into neighboring residential properties.
 - h. Show the location of the handicap parking spaces.
2. Prior to building permit, the applicant and the applicant’s heirs, successors, and/or assignees shall provide \$420 to the Prince George’s County Department of Public Works and Transportation for placement of one “Share the Road with a Bike” signage assembly along Brandywine Road.

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

* * * * *

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, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 26, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of April 2020.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:TB:nz

APPROVED AS TO LEGAL SUFFICIENCY

David S. Warner /s/
M-NCPPC Legal Department

Date: April 8, 2020