

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 April 10, 2003, regarding Detailed Site Plan DSP-86111/02 for Livingston Woods, Parcel One, the Planning Board finds:

1. The subject application is for an office/retail building in the C-M Zone. The site contains 0.729 acre and is located on the northwest corner of the intersection of Broderick Drive and Livingston Road. The site has two previously approved detailed site plans, DSP-86111 and DSP-91049, resolutions for which were adopted by the Planning Board on December 4, 1986 (PGCPB No. 86-482) and December 5, 1991 (PGCPB No. 91-406), respectively. Both of the previous approvals have expired. The validity period for Detailed Site Plan DSP-91049 ended on December 5, 1994.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	C-M	C-M
Use(s)	Vacant	Office/Retail-Service
Acreage	0.729	0.729
Lots	N/A	N/A
Parcels	One	One
Square Footage/GFA	N/A	11,840 total sq. ft. 9,940 sq. ft. Office 1,900 sq. ft. Retail/Service

Other Development Data

Parking Required	41 spaces
Office: First 2,000 sq. ft. @ 1/250 sq. ft.	8 spaces
7,940 sq. ft. @ 1/400 sq. ft.	19.85 spaces
Retail/Service: 1,900 sq. ft. @ 1/150 sq. ft.	12.60 spaces
Parking Provided	41 spaces
Loading Required	0 spaces
Loading Provided	0 spaces
Flood Plain	0 area

3. Preliminary Plan 4-86087 (PGCPB No. 86-266[A]) contains one condition that warrants discussion:

5. **“Prior to approval of any Final Plat of Subdivision, a site plan shall be approved by the Planning Board. The site plan shall be for Lot 54 of Block B, Lot 1 of Block A, Parcel I, and Outlot B of Block A. The purpose of the site plan is to provide an attractive landscaped entrance and to buffer Lot 54 of Block B and Lot 1 of Block A from adjacent commercial property. If deemed appropriate by the Planning Board, Lot 1 adjustments may be made for this area at the time. The site plan shall also include provisions for the perpetual maintenance of the entrance landscaping on Outlot B and Parcel I.”**

Comment: A Detailed Site Plan (DSP-86111) has been approved for Lot 1 and Lot 53 (previous Lot 54), Block B, on the residential portion (PGCPB No. 86-482). This included landscape material on Parcel I and Outlot B of Block A. The proposed detailed site plan for Parcel I, Block A, is subject to more stringent requirements of the *Landscape Manual*. The established homeowners association of the residential portion of this subdivision is responsible for maintenance of the landscaping on Outlot B.

4. The proposed building for the site will consist of a two-story office building with associated retail/commercial space. The entrance to the building is oriented toward Broderick Drive. The dumpster area is screened from the adjacent residential use and public view by a six-foot-high brick wall and opaque gates.
5. The Permit Review Section had numerous comments, which have either been addressed in the recommendation section of this report or the plans have been revised to reflect these comments.
6. The Transportation Planning Section and the Department of Public Works and Transportation have found the site plans acceptable as submitted.
7. The Transportation Planning Section trails coordinator, has found the subject application acceptable as submitted.
8. The Environmental Planning Section has determined that the subject application is exempt from the Woodland Conservation Ordinance.
9. The Subdivision Section has determined that there are no subdivision issues at this time pertaining to the subject application.
10. The Community Planning Division indicates that the subject application implements the recommendations of the 1981 Subregion VII Master Plan. The master plan proposes a Class III trail along Livingston Road, which is shown on the subject plan.

11. **Urban Design Issues:** The detailed site plan is in general conformance with the applicable sections of the *Landscape Manual* except for Section 4.7, Buffering Incompatible Uses.

The applicant has submitted an application for Alternative Compliance, AC-02035. The Alternative Compliance Committee reviewed the application and provided the following analysis and recommendation :

Alternative Compliance is requested for Section 4.7 of the *Landscape Manual*.

BACKGROUND:

The subject property is located on the north side of Broderick Drive and west of Livingston Road. The site is approximately 0.729 acre and is zoned C-M. The applicant is seeking approval of a Detailed Site Plan (DSP-86111/02) for construction of a two-story office building consisting of approximately 12,000 square feet, with 2,000 square feet being dedicated to commercial or service retail use. A trash dumpster enclosure is also located within the western bufferyard. To the west, the subject property adjoins a single-family residence on R-80-zoned land, and to the north the subject property abuts a contractors storage yard.

REQUIRED: Bufferyard #1 (west property line, adjacent to the single-family detached residence.)

Length of bufferyard:	154	feet
Landscaped yard:	30	feet
Building setback:	40	feet
Fence or wall:	Yes (six-foot-high brick wall with masonry piers, 12 feet on-center)	
Plant materials (185/2):	93 plant units	

PROVIDED:

Landscaped yard:	20	feet
Building setback	20	feet
Plant materials:	259	plant materials

JUSTIFICATION OF RECOMMENDATION:

Section 4.7, Buffering Incompatible Uses, requires a minimum 40-foot building setback and a 30-foot-wide landscaped bufferyard when a single-family detached development is located adjacent to an office building with commercial/retail space being provided.

The applicant proposes landscaping entirely within the subject property and a brick wall with masonry piers 12 feet on center along the property line. The proposed trash enclosure also is enclosed with a brick wall and the gates to the enclosure are wood with 100 percent opacity. In

addition, the applicant is providing 166 plant units more than what would normally be required per the *Landscape Manual*. The Committee is of the opinion that the alternative is equal to or better than what could be achieved under the strict requirements of the *Landscape Manual*.

REQUIRED: Bufferyard #2 (northern property line buffering contractor's office with outdoor storage.)

Length of bufferyard:	142	feet
Landscaped yard:	20	feet
Building setback:	30	feet
Fence or wall:	Yes	(six-foot-high screen fence)
Existing woodland:	No	
Plant materials:	57	plant units

PROVIDED:

Landscaped yard:	10-20	feet
Building setback:	10-20	feet
Plant materials:	159	plant units

JUSTIFICATION OF RECOMMENDATION:

Section 4.7, Buffering Incompatible Uses, requires a minimum 30-foot building setback and a 20-foot-wide landscaped bufferyard when an office building is located adjacent to a contractor's office with outdoor storage. The applicant is providing a six-foot-high, sight-tight fence and 102 additional plant units than what is normally required per the *Landscape Manual*. The Committee is of the opinion that the alternative is equal to or better than what could be achieved under the strict requirements of the *Landscape Manual*.

RECOMMENDATION:

The Alternative Compliance Committee and the Planning Director recommend APPROVAL of alternative compliance pursuant to Section 4.7 of the *Landscape Manual* for the north and west property lines.

12. The detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

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 Detailed Site Plan

DSP-86111/02, subject to the following conditions:

1. Prior to signature approval of Detailed Site Plan DSP-86111/02, Livingston Woods, Parcel I, the applicant shall revise the plans to include the following information:
 - a. The plans shall be revised to include the lot, block or parcel number.
 - b. The plans shall be revised to include the right-of-way setbacks from the centerline of Livingston Road and Broderick Drive.
 - c. A floor plan shall be provided demonstrating the office area of 9,940 square feet and the retail space of 1,900 square feet. Should the office area exceed 10,000 square feet and the retail exceed 2,000 square feet, the plans shall be revised to include a loading space 12 feet wide by 33 feet wide in size. This loading space, as well as the access to the loading space, shall be located 50 feet from residential property.
 - d. The use of the retail space shall be identified to ensure that the proposed use will be in accordance with the Prince George's County Zoning Ordinance.
 - e. The plans shall be revised to include an accessible route from the handicapped parking spaces to the building and the plans shall also be revised to demonstrate that the building is handicapped accessible.
 - f. The surface material of the parking lots shall be identified on the plans.
 - g. Light poles shall be shown on the plan if the parking lot is to be used after daylight hours. Should the parking lot not be intended for use after daylight hours, the following note shall be placed on the plan:

“The parking lot shall only be utilized during daylight hours.”
2. Prior to release of the use and occupancy permit, the eight-foot-wide sidewalk along Livingston Road shall be completed.
3. Minor Adjustments to building layout, or landscaping may be approved by the Planning Board or designee.

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.

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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 Eley, seconded by Commissioner Scott, with Commissioners Eley, Scott and Hewlett voting in favor of the motion, and with Commissioner Lowe absent at its regular meeting held on Thursday, April 10, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of May 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LW:rmk