

### 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 November 1, 2001, regarding Detailed Site Plan DSP-99023 for Randolph Village, the Planning Board finds:

1. Location: The subject property is located approximately 1/4 mile west of the Capital Beltway on Central Avenue. The property is bounded by a commercial office use to the east zoned C-O; a single-family residential structure to the west zoned C-O; a single-family residential structure to the north zoned R-R; and the Central Avenue (MD 214) right-of-way to the south.
2. The Proposed Development: This Detailed Site Plan is for the approval of a psychic/palm reader use in an existing residential structure, and modifications to the existing lot to accommodate the required parking. The plan consists of site/landscape plans. The subject property is accessible from Central Avenue.
3. Background: The (1993) Approved Master Plan for Landover and Vicinity shows this tract as future office use fronting onto Central Avenue. The Landover and Vicinity Sectional Map Amendment (1993) shows the property zoned C-O. In a memorandum (Wilkerson to Jordan) dated June 20, 2000, master plan issues pertaining to the subject application and the proposed development are raised. See Finding 8 for a detailed discussion of the noted issues.
4. CR-57-1993: The subject property was previously zoned residential. During the 1993 SMA (CR-57-1993) it was rezoned, along with properties in the two blocks west of the subject property, to the C-O Zone. The subject site consists of a small, one-story, single-family detached house, with a driveway providing access to Central Avenue. CR-57-1993 includes Lots 19-22 of Block 7, all of which are currently residential uses. This block of properties adjoins Eslin Street. Eslin Street is an undeveloped, paper street that is fairly heavily wooded. CR-57-1993 states as follows:

**■To insure that development is served by shared access to Central Avenue, Detailed Site Plan approval shall be obtained by the District Council for all phases of**

**Comment [COMMENT1]:** THIS WAS GIVEN TO TINA (6/18/96) TO CREATE A DSP-AC RESO. FORM.

WHEN SHE BRINGS IT BACK, PLEASE MAKE CHANGES TO THE FORM AND WRITE PROTECT IT AND DELETE THIS COMMENT.

THANKS, LAUREN

development. Site plan review shall incorporate the following: 1) provision for combined access between groups of lots both now and in the future; 2) reciprocating ingress/egress easements for the block; and 3) provision for the closing of existing access points after combined access is implemented..

Comment : Lots 24, 25 and 26, Block 6, to the west of the subject site, have previously submitted Detailed Site Plans, SP-97021, SP-94017 and SP-98045, all of which received approval from the Planning Board and District Council. In order to comply with the requirements of CR-57-1993 and ascertain the best possible location for future shared access easements, the Planning Department staff requested the applicants to submit a Unified Access Concept Plan along with the Detailed Site Plan, showing all of the properties in the block affected and the possible location of future easements. It was the staff's recommendation that the easement locations shown on that plan be implemented on a case-by-case basis as each site is brought in for a Detailed Site Plan for commercial redevelopment.

The staff members of the Urban Design Section, Transportation and Public Facilities Planning Division, Community Planning Division and State Highway Administration, together with the applicants, worked out a scheme that would effectively implement CR-57-1993.

At the time of Detailed Site Plan approval for the lots of Block 6, it was determined that if the owner of an individual site or sites wishes to change the location of the access easements on his or her property, such revision shall be considered in light of the criteria that easements must provide service to all adjoining properties, must line up with any existing easements on previously redeveloped properties, and must meet transportation safety standards. In this way, the Unified Access Concept Plan would be used as a guide, to show that the conditions imposed in CR-57-1993 are possible to implement; however, it is not so rigid as to be understood as imposing a specific condition on the property of a person who is not an applicant in

this case, and who may not be present at or a party to the respective hearing.

The Unified Access Concept Plan submitted with the previously approved Detailed Site Plans shows a minimum 22-foot-wide easement, with 22 feet of paving, providing for 2-way traffic through the rear of the lots, entering on Central Avenue on or near Lot 22, Block 6, and exiting at Lot 26. The initial concept plan provided for the unified access drive to exit at Eslin Street. It was subsequently proposed by the applicant for Lot 26 that a more feasible solution would be for the access drive to exit at Lot 26, given the status of Eslin Street as an undeveloped paper street which is occupied by a stand of mature trees. Ultimately, all of the properties in this block would enter and exit from these two access points, and travel would be limited to one-way circulation. Staff believes that the previous approvals for a unified access drive concept at Block 6 set the precedent and parameters for a model vehicular circulation concept that should be implemented for Blocks 4 and 7.

One important issue pertaining to the Unified Access Concept Plan must be noted:

In order to assure that shared access would be provided as soon as possible, without having to wait for the last property in the block to be redeveloped, lots that are interior to a block should be required to provide a temporary 22-foot access easement on existing driveways from Central Avenue that would provide access to the permanent 22-foot easement at the rear of the property. The temporary access easement would remain in place and be used as an access drive for adjoining property owners as they redeveloped their properties to comply with the Unified Access Concept Plan adopted with CR-57-1993. Once the remaining lots are developed and the ultimate access drives are implemented, the temporary access easements would then be removed and the driveway would be permanently closed.

5. The access easements provided as part of this site plan are not considered private streets. Per the definition in the Zoning Ordinance they are private easements created under Section 24-128(b)(9) to avoid the potentially hazardous traffic situation created by numerous driveways on Central Avenue and by the median break at Norair Avenue.

6. The site development data is as follows:

Zone	C-O
Net Tract Area	14,000 square feet
Proposed Use	
Gross Floor Area	1,003 square feet
Parking Required	4 spaces
Parking Provided (4 reg. spaces & 1 handicapped)	5 spaces

Psych

7. Conformance with the Requirements of the Zoning Ordinance in the C-O Zone, including the Requirements of the Prince George's County Landscape Manual: The subject application is in general conformance with Section 27-453 of the Zoning Ordinance, which regulates development in the C-O Zone.

The applicant applied for Alternative Compliance (AC-99057) for Buffering Incompatible Uses (Section 4.7 of the *Landscape Manual*). The Alternative Compliance Committee recommendation was approved by the Planning Director. Previous Detailed Site Plan approvals for lots on the adjacent Block 6 had similar Alternative Compliance issues and the Planning Board approved the Alternative Compliance applications. The following is the recommendation of the Planning Director concerning AC-99057:

■BACKGROUND:

■The subject property is located on the north side of Central Avenue on Lot 19 and is zoned C-O (Commercial Office). The 14,000-square-foot site is predominantly developed with an existing single-family residential structure. The applicant seeks to establish a Palm Readers office in the existing residence as an accessory use in a dwelling. No additional development or construction is proposed, except for parking and the provision for combined access at the rear. Alternative Compliance is required for Section 4.7, Buffering Incompatible Uses.

■**REQUIRED:** Section 4.7, Buffering Incompatible Uses, along the north property line adjoining Lot 26, Bufferyard No.2

■Linear feet of bufferyard:	80 feet
■Width of bufferyard:	20 feet
■Minimum building setback:	30 feet
■Plant units:	32 PUs (50% of 64) due to existing six-foot-high fence to remain

■**PROVIDED:**

■Width of bufferyard	10 feet
■Building setback:	30 feet
■Plant units:	2 shade trees = 20 PUs
	3 evergreen trees = 15 PUs
	9 shrubs = 9 PUs

■**JUSTIFICATION OF RECOMMENDATION:**

■The applicant is not able to provide the required 20-foot-wide landscaped strip along the north property line which abuts an existing single-family residential development. The unified access driveway is located 10 feet south of the northern subject property line. The provisions of the 10-foot-wide landscaped strip between the subject property line and the common access driveway are requirements of prior zoning legislation, CR-57-1993, adopted on July 27, 1993. The applicant has provided all the required plant materials plus nine additional shrubs. The Committee is of the opinion that the plan is equal to or better than the normal requirements of the *Landscape Manual*.

■**REQUIRED:** Section 4.7, Buffer Incompatible Uses along the east property line adjoining Lot 18, Bufferyard No. 3

■Linear feet of bufferyard:	150 feet
■Width of bufferyard:	10 feet
■Minimum building setback:	20 feet
■Plant units:	36 PUs (50% reduction for 120 linear feet of fence.)

■PROVIDED:

■Width of bufferyard:	5-10 feet
■Minimum building setback:	15 feet
■Plant units:	37 PUs

■JUSTIFICATION of RECOMMENDATION:

■In compliance with Council Resolution (CR-57-1993), the applicant has made provisions for the uniform access driveway at the rear to ensure that the existing lots are served by shared access to Central Avenue. Provision for parking as proposed is shown to be located five feet from the east property line to maintain adequate egress and ingress. The applicant is therefore unable to provide the required minimum 10-foot-wide bufferyard due to space limitations. The applicant has provided a six-foot-high fence and one additional plant unit. The Committee is of the opinion that the alternative plan is equal to or better than normal compliance to the requirements of the *Landscape Manual*.

■REQUIRED: Section 4.7, Bufferyard Incompatible Uses, along the west property line adjoining Lot 20, Bufferyard No. 4

■Linear feet of bufferyard:	128 feet
■Width of bufferyard:	10 feet
■Minimum building setback	20 feet
■Plant units:	37 PUs (50% reduction for 75 linear feet of fence.)

■PROVIDED:

■Width of bufferyard:	5 feet
■Minimum building setback:	20 feet
■Plant units:	48 PUs

■JUSTIFICATION OF RECOMMENDATION:

■In compliance with Council Resolution (CR-57-1993), the applicant has made provision for the uniform access driveway at the rear to ensure that developments west of the subject property are served by shared access to Central Avenue. Furthermore, the existing access right-of-way and the provisions for parking as proposed, makes it impractical to provide the required minimum 10-foot bufferyard. The applicant has proposed to provide a 5-foot-wide bufferyard, a 6-foot-high fence and 11 additional plant units. The Committee is of the opinion that the alternative plan is equal to or better than normal compliance to the requirements of the *Landscape Manual*.

**■RECOMMENDATION:**

■The Alternative Compliance Committee recommends that alternative compliance from Section 4.7 be approved as requested.

8. Transportation : The subject application was referred to the Transportation Planning Section and in a memorandum (Masog to Jordan) dated March 14, 2000, the following comments were provided:

■At the time the subject property was rezoned under a Sectional Map Amendment (CR-57-1993), the District Council specifically required that the site be subject to site plan review. Among the elements to be reviewed would be the provision of combined access between groups of lots, reciprocating ingress/egress easements, and provision for the closure of existing access points once combined access is provided. This was done in an effort to limit the number of access points along MD 214.

■The site plan indicates that the existing access point onto the lot would continue to be used. There is no provision for its closure at any time, and while it appears that gravel surfacing will be provided up to the lot line between Lot 19 and Lot 20, there is nothing on the plan to suggest that this may be part of a unified access plan. The site plan does not present an overall access plan for Block 7.

■No site plans have been reviewed previously for Block 7. However, the access plan for Block 6 did intend to make use of the right-of-way for Eslin Street (an existing paper street). In consideration of this and also noting that Lots 15-18 are developed with a small office building with well-constructed access points,

the transportation staff would like to see the plan incorporate the following:

- a. The use of a two-way easement between the parking compound on adjacent Lot 18 and the subject property, with the required parking for the site backing onto that easement.
- b. An extension of this easement across the rear of the subject property to extend onto Lot 20. This easement could eventually extend to Eslin Street and connect back onto MD 214, or extend southward on Lot 22 in the event that the Eslin Street right-of-way cannot be used.
- c. The closure of the existing driveway from Lot 19 onto MD 214.

■In the event that a shared access easement from Lot 18 cannot be obtained, the staff could support retaining the existing driveway, possibly as a temporary two-way access to become temporary one-way once the exit is built via Eslin Street or one of the other lots..

Staff acknowledges the transportation staff's recommendation for use of the existing access from the adjoining office building property, and concurs with the assumption that this approach would provide the optimum conditions for realization of the District Council's directive, per CR-57-1993, to minimize ingress/egress points to/from Central Avenue. Subsequent to the receipt of the subject memorandum, staff from Urban Design, Community Planning and the Transportation Planning Sections met to discuss the positive/negative aspects of the vehicular circulation concept as proposed by the Transportation Planning Section, with respect to the previously approved vehicular circulation concept for Block 6. Upon analysis of both circulation concepts, it was determined that the previously approved concept is generally appropriate for all blocks, Blocks 4, 6 and 7, on which development is governed by CR-57-1993, and furthermore that inclusion of an adjacent property not governed by CR-57-1993 is beyond the purview of M-NCPPC staff and would not be legally enforceable given that the adjacent property has no requirement for site plan review.



For the stated reasons, staff believes that the previously approved unified access concept is appropriate on all three blocks referenced by CR-57-1993 to provide a comprehensive vehicular circulation approach that is self-sufficient, independent, and achieves the intent of the District Council by providing joint access and vehicular movement between the specified lots without the involvement of a parcel/lot that was not recognized in CR-57-1993.

9. Urban Design : The Urban Design staff has reviewed the subject plan and has the following concerns:
  - a. The proposed use noted on the subject plan is a psychic/palm reader. The applicant has inquired about signage requirements, but has not proposed any as a part of this application. As demonstrated with the previously approved zoning legislation which required a joint access drive at the rear for this group of commercial lots, CR-57-1993, a consistent treatment of these properties is appropriate. For this reason, it is recommended that if signage is proposed for the subject property in the future that it be consistent with the approved signage at Lot 25, Block 6, a wooden hanging sign suspended from a metal sign-post at the property entrance adjacent to Central Avenue. Review of any proposed signage would be by the staff of the Urban Design Section as designee of the Planning Board, and would occur prior to the issuance of a sign permit.
  - b. The proposed plan does not indicate the method by which the parking areas and the 22-foot-wide easement at the rear of the properties are to be surfaced. The plan also does not specify how the proposed parking area will be treated. Since the 22-foot-wide easement will ultimately function as a private access thoroughfare for all the lots along this strip, staff believes that it is appropriate that this area be paved on all lots. For the purposes of safety and accessibility it is recommended that the handicapped parking space and access aisle be paved. The access easement from Central Avenue and the remaining parking spaces can be specified as dust-free gravel. It is recommended that a note be placed on the plan specifying that the 22-foot-wide easement at the

rear of the property, the handicapped parking space and aisle be a paved surface.

- c. The 1993 Approved Master Plan for Landover and Vicinity recommends that the existing right-of-way for Central Avenue be increased from 112 feet to 120 feet. The subject plan does show the existing right-of-way width and the proposed right-of-way width, but there is no notation that states that four feet of the property frontage along Central Avenue is to be dedicated to the future increase in right-of-way width. Thus, it is recommended that a note be placed on the plan that states that four feet of the property frontage along Central Avenue be dedicated to the proposed increase in right-of-way width recommended in the 1993 Master Plan for Landover and Vicinity.
- 1. The subject plan indicates that a six-foot-high, board-on-board fence is in existence along the entire north property line, and provides a note that states ■existing fence will be replaced if necessary. Furthermore, the planting schedule provided for the required bufferyard along the north property line indicates that the said fence is to be credited toward a 50 percent reduction in the required amount of landscape plantings to be provided per Section 4.7 of the *Landscape Manual*. Staff has observed the subject fence and has determined the fence composition is stockade, not board-on-board, and furthermore the fence appears to be located on the adjoining residential property to the north. Therefore, it is recommended that a six-foot-high, board-on-board wood fence be provided along the entire north property line within the proposed 10-foot-wide landscape yard to ensure conformance to the approved Alternative Compliance, AC-99057.
- 10. The subject application was referred to all applicable agencies and divisions; no significant issues were identified. Minor plan revisions were recommended or additional information was requested by the Permit Review Section in a memorandum (Shields to Jordan) dated January 10, 2000. Subsequent to the receipt of the noted memorandum the applicant revised the plans to address all concerns and provide the requested information.

11. The subject application was referred to the Randolph Village Civic Association. Staff has had several conversations with the president of the civic association, Herman Privot, in which some concern has been expressed with respect to the existing condition and use of the subject property. Two letters from the civic association (Privot to Hewlett) dated July 27 and October 8, 2000, providing a detailed discussion of specific concerns and issues, were transmitted to the Planning Board and are included as part of the staff report back-up. As a result of the first letter the Planning Board voted to continue the case to allow an opportunity for the applicant to meet with the Randolph Village Civic Association. Furthermore, the Planning Board directed staff to provide any and all pertinent information with regard to prior zoning violations, cited by the Department of Environmental Resources (DER), by the applicant on the subject property. A memorandum from DER (Larose to Jordan) dated July 27, 2001, is provided as part of the staff report back-up.
12. The Detailed Site Plan represents a reasonable alternative for satisfying the Site Design Guidelines without requiring unreasonable costs and without detracting from the utility of the existing 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-99023 and further approved Alternative Compliance AC-99057 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval the Detailed Site Plan shall be revised as follows:
  - a. Provide a note identifying the 22-foot-wide access easement along the rear of the property, the handicapped parking space, and aisle to be paved asphalt.
  - b. Provide a note indicating that four feet of property frontage along the entire length of the south property line shall be dedicated for the future ultimate right-of-way width at Central Avenue.
  3. Provide a six-foot-high, sight-tight, board-on-board, wood fence along the entire north property line in proposed Bufferyard No. 2.
2. Prior to certificate of approval, the applicant, his heirs, successors and/or assigns shall:
  - a. Record a permanent 22-foot-wide access easement along the drive aisle in the rear of Lot 19, to provide access to adjoining properties.
  - b. Record a permanent 22-foot-wide access easement along the entrance drive aisle at the west side of Lot 19, to provide access to the easement along the rear and thus to adjoining properties.

c. Note recorded liber and folio data for both easements on the plans.

3. Prior to issuance of any sign permit, plans for proposed signage shall be reviewed by the Urban Design Section to be approved at staff level, as designee of the Planning Board, for compatibility with the approved sign at Lot 25, Block 6, in terms of location, size and details.

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 Scott, seconded by Commissioner Lowe, with Commissioners Scott, Lowe, Eley, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 1, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of November 2001.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JJ:rmk