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## Departure from Design Standards Alternative Compliance One Leg Up Pets

**DDS-23002**  
**AC-23013**

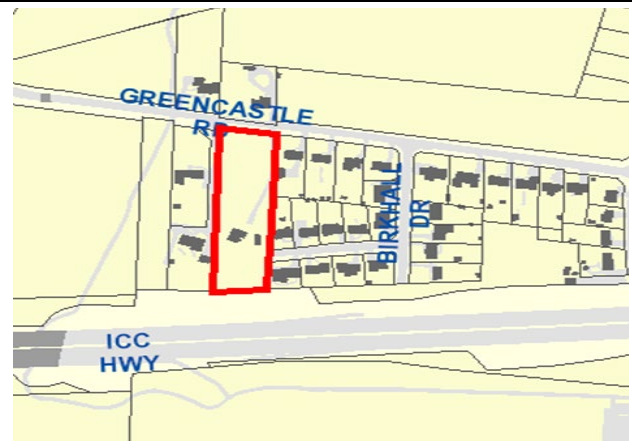
REQUEST	STAFF RECOMMENDATION
A departure from design standards for relief from Sections 27-554, 27-561, 27-563, and 27-566.	With the conditions recommended herein: <ul style="list-style-type: none"><li>• Approval of Departure from Design Standards DDS-23002</li><li>• Approval of Alternative Compliance AC-23013</li></ul>

**Location:** Along Greencastle Road, approximately 400 feet west of its intersection with Birkhall Drive.

Gross Acreage:	2.75
Zone:	RR
Zone Prior:	R-R
Reviewed per prior Zoning Ordinance:	Section 27-1903(c)
Lots:	1
Planning Area:	60
Council District:	01
Municipality:	N/A

**Applicant/Address:**  
One Leg Up Pets LLC  
7304 Carroll Avenue, Unit 221  
Takoma Park, MD 20912

**Staff Reviewer:** Natalia Gomez-Rojas  
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Planning Board Date:	06/27/2024
Planning Board Action Limit:	06/27/2024
Staff Report Date:	06/13/2024
Date Accepted:	04/01/2024
Informational Mailing:	01/19/2024
Acceptance Mailing:	03/26/2024
Sign Posting Deadline:	05/28/2024

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

[http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/).

Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Departure from Design Standards DDS-23002  
Alternative Compliance AC-23013  
One Leg Up Pets

The Zoning staff have reviewed the departure from design standards for the subject property and present the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

**EVALUATION CRITERIA**

This application is being reviewed and evaluated, in accordance with the prior Prince George's County Zoning Ordinance, as permitted by Section 27-1903(c) of the Zoning Ordinance, which allows for development proposals of any type to utilize the prior Zoning Ordinance for development of a property. Technical staff considered the following in reviewing this application:

- a. The requirements of prior approvals;
- b. The requirements of the prior Prince George's County Zoning Ordinance;
- c. The requirements of the 2010 *Prince George's County Landscape Manual*;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- f. Referral comments; and
- g. Community feedback

**FINDINGS**

1. **Request:** The applicant requests a departure from design standards (DDS) from Sections 27-554, 27-561, 27-563 and 27-566 of the prior Prince George's County Zoning Ordinance. The applicant also requests alternative compliance from the requirements of

Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

Section 27-554 of the prior Zoning Ordinance provides design standards for surfacing, as all parking lots shall be surfaced in such manner as to be dust free. The applicant proposes to improve the driveway and parking area surface conditions with new gravel where appropriate, to ensure that dust is limited without repaving both areas with impervious asphalt.

Section 27-561 of the prior Zoning Ordinance requires markings on each parking space, except those designated for one-family dwellings. The applicant states that due to the proposed gravel driveway and parking area, it may not be possible to provide permanent markings to delineate the nonresidential parking spaces.

Section 27-563 of the prior Zoning Ordinance discusses the requirements of a driveway connection to a street for a parking lot and states that the driveway shall be at least 11 feet wide for each lane, exclusive of curb return and gutters. The applicant proposes a 22-foot-wide driveway that continues south from the Greencastle Road connection, for 35 feet, before it tapers to  $\pm 11$  feet for the remainder of its length toward the parking area. The requested relief will allow the applicant's small business to operate on-site without affecting wooded areas, clearing a significant number of mature trees, and thus, changing the rural residential character of the property and Greencastle Road streetscape.

Section 27-566 of the prior Zoning Ordinance requires that all parking lots, except those for one-family detached and semi-detached dwellings, and two-family detached dwellings, shall provide a minimum number of parking spaces for the physically handicapped. As the proposed kennel is considered a small business with fewer than 15 employees, the applicant has stated that they are not required to reserve a parking space exclusively for Americans with Disabilities Act (ADA) purposes. The foregoing is based on the business exemption from Titles I and III of the 1990 ADA.

The proposed development consists of retrofitting the site with necessary improvements, to operate a kennel, while the existing dwelling will remain as an accessory building secondary to the primary use, which in this case is the kennel. Modifications include improving the driveway with a new gravel pull-off area for bypass, new fencing around the property and the dog run areas, and repurposing the existing  $\pm 550$ -square-foot garage for occasionally boarding dogs overnight.

2. **Development Data Summary:** The following chart summarizes the development for the overall property, which will remain unchanged by this application.

	EXISTING	EVALUATED
Zone	RR (prior R-R)	RR (prior R-R)
Use(s)	Residential	Primary: Kennel Accessory: Residential
Total Acreage	2.75	2.75
Number of Lots	1	1
Total Gross Floor Area (GFA)	2,400 sq. ft.	550* sq. ft. 1,850 sq. ft.
Total area destined to kennel	0	$\pm 28,250$ sq. ft.

## Parking

	REQUIRED	PROPOSED
Kennel: 1 space per 500 sq. ft. of 550 sq. ft. GFA	2	2
One-family detached dwelling	2	2
Total		4 (including 1 ADA accessible)**

**Notes:** \*Non-residential only.

\*\*Unless an exception is granted by the applicable state and County agencies, pursuant to Section 27-239.01(c) of the prior Zoning Ordinance.

3. **Location:** The subject site consists of one lot located in the southwest quadrant of the intersection of Greencastle Road and Birkhall Drive. The property is known as Lot 50 and is in the Residential, Rural (RR) Zone.
4. **Surrounding Uses:** The subject site is bound to the north by Greencastle Road, and single-family detached residences in the RR Zone beyond, and to the west and east by single-family detached residences in the RR Zone. The subject property abuts MD 200 to the south, and across MD 200 is the Little Paint Branch Park in the Reserved Open Space Zone.
5. **Previous Approvals:** There are no prior approvals associated with this application.
6. **Prince George's County Zoning Ordinance:** The subject application requests the departure from four design standards listed in Sections 27-554, 27-561, 27-563 and 27-566, respectively. An analysis of each requested departure and its associated findings, pursuant to Section 27-239.01(b)(7) of the prior Zoning Ordinance, is listed below.

a. **Departure from Section 27-554. - Surfacing**

**All parking lots shall be surfaced in such a manner as to be dust free.**

The applicant proposes to retain the existing ±425-foot gravel driveway that extends south from Greencastle Road, towards the central portion of the property, and connects to the existing single-family dwelling and parking area on-site.

**Required Findings**

The criteria for approval of a DDS are set forth in Section 27-239.01(b)(7), which states the following:

**A. In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The applicant proposes to improve the driveway and parking area surface conditions with new gravel where appropriate, to ensure that dust is limited, without repaving both areas with impervious asphalt. In addition, the applicant states that there will be limited traffic in the parking lot, as only five cars will enter and exit the property. Two of those vehicles are designated for personal use, and three vans will transport the dogs to and from the site.

Staff consider that the new surface conditions and limited circulation within the site will create a limited amount of dust and will help ensure that the development will not adversely affect the adjacent properties.

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

The departure is the minimum necessary given the location of the parking lot within the wooded lot. The applicant will retain the existing gravel parking lot and improve specific areas of the parking lot with new gravel surfacing where appropriate. In addition, the parking lot will only be used by the drivers of the transportation vans and a minimal number of employees, to ensure that any dust will be limited to the parking area itself and its vicinity.

The applicant's proposed surfacing would reduce dust to the fullest extent possible, while also functionally accommodating a full standard turnaround at the terminus of the driveway and parking area.

**(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The departure is the minimum necessary to alleviate the constraints that are unique to this site. The current structure on the property has been in existence since the 1950s, and the lot has an extensive wooded area. Strict adherence to the code would require clearing a significant number of trees and additional stormwater management (SWM) issues in order to accommodate an impervious surface, resulting in a loss of the wooded area character of the property's rural surroundings.

Staff believe that the limited traffic that will circulate on the property will create a minimum dispersal of dust in the existing parking lot, and new gravel surfacing will be provided where appropriate or adequate.

- (iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

As shown on the plan, and as mentioned above, improving the existing gravel driveway and parking area instead of adding an impervious surface would avoid clearing existing trees that contribute to the residential-rural character and that are visible from adjoining properties.

Staff believe that the departure will not impair the visual, functional, or environmental quality of the site, or of the surrounding neighborhood. On the contrary, it would prevent negative consequences of installing asphalt on a property with rural features.

**b. Departure from Section 27-561: Marking**

- (a) Each parking space (except those provided for, and on the same lot with, one-family dwellings) shall be marked by a permanent, durable, contrasting material.**
- (b) Signs or arrows shall indicate the directions of traffic movement on driveways.**

This application will provide a total of four parking spaces. However, due to the proposed gravel driveway and parking area, it may not be possible to provide permanent markings to delineate the nonresidential parking spaces.

**Required Findings**

The criteria for approval of a DDS are set forth in Section 27-239.01(b)(7), which states the following:

**A. In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The applicant proposes to relocate her business from Montgomery County to Prince George's County, with a residential dwelling as accessory use. The proposed parking spaces (4) meet the minimum required spaces for both uses, efficiently utilize the existing parking area and driveway on-site, and avoids impacts to environmental wooded area by not requiring additional impervious asphalt surface to accommodate the business.

Since the traffic expected on the property is minimal, staff believe that providing the four parking spaces without the required marking will be equal, given the minimal number of cars on the premises at one time, which satisfies the proposed kennel use.

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

Markings are generally required to delineate individual parking spaces for larger nonresidential enterprises, accommodating more public traffic and use than the proposed kennel. On the contrary, this application is for a small business, which will generate minimal traffic and routine parking patterns. As mentioned, the applicant will utilize transport vans at scheduled times throughout the day, to transport dogs to and from the property. Individual customer's drop-off and pick-up is not a component of the applicant's business model and would only be allowed under unique and isolated circumstances.

Staff believe marking these spaces is unnecessary due to the minimal traffic and routine parking patterns generated by the proposed use.

**(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The property is largely wooded and improved with an existing gravel driveway and gravel surface parking area. To avoid impacts to this largely wooded property, the applicant proposes to retain the existing unique gravel driveway and four standard parking spaces without permanent markings, preserving the wooded rural character of the property.

Staff believe that since it is not possible to stripe the existing gravel parking area with permanent markings to delineate individual spaces, and that the applicant intends to preserve the environmental features of the property, the proposed departure is adequate.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

The requested relief from marking individual parking spaces in the existing gravel parking area is necessary to avoid clearing trees and adding additional impervious surface



on-site. As a result of the existing features of the site, anyone standing adjacent to the property would not be able to see the parking area. Therefore, a lack of parking-space striping would have no effect whatsoever on the visual, functional, or environmental quality of the surrounding neighborhood. On the contrary, both clearing trees and adding additional impervious surface would negatively impact the environmental quality of the property and the surrounding rural residential neighborhood.

Staff believe that the proposed parking is sufficient to functionally accommodate the applicant's business and personal residence, as the four required parking spaces will not need to be delineated with striping to facilitate minimal and routine traffic on-site.

**c. Departure from Section 27-563: Connection to street**

**Every parking lot shall be connected to a street by means of a driveway. This driveway (except those provided for, and on the same lot with, one-family dwellings), shall be at least eleven (11) feet wide for each lane, exclusive of curb return and gutters. In the case of a corner lot, no driveway shall be located less than twenty (20) feet from the existing or proposed ultimate point of curvature of the curb or the edge of the pavement of an uncurbed section (whichever forms the greater distance to the point of curvature of the fillet of the driveway apron).**

The applicant proposes to retain the existing ±425-foot gravel driveway that extends south from Greencastle Road, towards the central portion of the property, and connects to the existing single-family dwelling and parking area on-site.

**Required Findings**

The criteria for approval of a DDS are set forth in Section 27-239.01(b)(7), which states the following:

**A. In order for the Planning Board to grant the departure, it shall make the following findings:**

**(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The existing driveway is approximately 11 feet wide and runs alongside significantly wooded area on the northern portion of the property, and is currently surfaced with gravel. The 22-foot-wide driveway continues south from the Greencastle Road connection, for 35 feet, before it tapers to 11 feet for the remainder of its length toward the parking area.

With the proposed modifications and improvements, the existing driveway will accommodate safe and efficient vehicular circulation for primary kennel use, personal residence, and deliveries.

These modifications include providing a new gravel pull-off area for bypass space, to allow more than one vehicle to circulate without obstructions, a designated pick-up and drop-off location for the kennel use, and additional gravel towards the southern terminus of the driveway and parking area, to provide an adequate vehicle turnaround.

Staff reviewed the submitted vehicle circulation plan which resulted in minor modifications to the driveway that include expansion of the driveway in the entrance of the property, in the middle, and at the end where it is adjacent to the single-family-dwelling on-site.

The extended pavement areas will be 22 feet wide and are necessary to facilitate two or more vehicles using the driveway at the same time. Given the proposed modifications, and the applicant's accommodation to preserve the existing trees, staff believe that the driveway and parking area will be able to function as their intended purpose and allow vehicles to pass safely without obstruction.

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

The departure is the minimum necessary, given the lower traffic expected in the property, and the applicant's preference to preserve the wooded area as much as possible. As mentioned previously, the applicant proposes to retain the existing gravel driveway width and improve specific areas of the driveway with new gravel surfacing where appropriate.

Since the applicant will utilize transport vans at scheduled times throughout the day, to transport dogs to and from the property, the existing  $\pm 11$  feet wide driveway is sufficient to accommodate vehicular traffic generated by the existing single-family dwelling and the proposed kennel use. Therefore, a 22-foot-wide connection to Greencastle Road, for the purpose of accommodating frequent two-way traffic, is unnecessary for this property.

While the driveway does not meet the design standards for width, staff believe that the applicant has shown through the vehicle circulation plan that the existing width is the

minimum required for the site to function for its intended purpose, and it is acceptable to staff.

- (iii) **The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The departure is the minimum necessary to alleviate the constraints that are unique to this site that is mostly wooded and is currently improved with an existing gravel driveway. Strict adherence to the code would require the removal of the existing trees to accommodate the need for a 22-foot-wide drive aisle. The applicant's proposed improvements to the driveway, and the limited traffic expected on-site to support the operations of a proposed kennel, are adequate.

- (iv) **The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

As mentioned above, in combination with the requested departure from Section 27-554, the requested departure will retain the visual, functional, and environmental quality of the subject property and surrounding neighborhood. The property will retain its rural character along Greencastle Road. If the existing driveway is widened to 22 feet, the property's frontage would resemble a large through street compared to other driveways on surrounding properties. Importantly, this departure will also prevent the addition of substantial impervious surface on-site, which would negatively impact SWM on-site and in the surrounding neighborhood.

Hence, the existing driveway proves to be sufficient to accommodate the minimum vehicular traffic generated by the existing single-family dwelling and the proposed kennel use without the need to alter the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

Therefore, staff believe that the proposed modifications, which allow all turning movements and directional travel to be completed on-site without conflicts, contribute to providing safe access to and from the site.

d. **Departure from Section 27-566: Parking Facilities for the Physically Handicapped.**

(a) **Applicability.**

- (1) **The requirements of this Section shall apply to all parking lots (except those provided for, and on the same lot with, one-family detached and semi-detached dwellings, and two-family detached dwellings).**

(b) **Required number of spaces.**

- (1) **The following number of parking spaces shall be reserved for the physically handicapped:**

<b>Total Required Parking Spaces In Lot</b>	<b>Up to 25</b>
<b>Required Minimum Number</b>	<b>1</b>

The applicant requests relief from the requirement of one ADA parking space, stating that as a dog kennel business with less than 15 employees, the applicant is exempt from Titles I and III of the 1990 ADA, and is currently coordinating with applicable County and state operating agencies to obtain an exception from ADA parking requirement, in accordance with Section 27-239.01(c)(1) of the prior Zoning Ordinance, which states:

**“A Departure from the Design Standards for parking facilities for the physically handicapped shall not be granted unless an exemption from the requirements for the handicapped in the applicable building codes has been obtained from the State and County agencies responsible for administering those codes.”**

**Required Findings**

The criteria for approval of a DDS are set forth in Section 27-239.01(b)(7), which states the following:

**A. In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) **The purposes of this Subtitle will be equally well or better served by the applicant’s proposal;**

The purposes of the prior Zoning Ordinance are equally served with the four parking spaces proposed by the applicant given the small business operation system and its exemption from Titles I and III of the 1990 ADA.

However, staff believe that the purposes of the prior Zoning Ordinance will be better served if the ADA space is provided, as the submitted plans indicate there is sufficient space to

accommodate it within the proposed parking area, unless the exception mentioned in Section 27-239.01(c)(1) is granted.

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

The applicant cites that due to the small business model and due to the minimal traffic and routine parking patterns, the departure is the minimum necessary since an ADA parking is required for larger business and open to the public that would generate more public traffic and parking demand than the proposed kennel.

Staff find that given the reasons above, the departure request is reasonable. However, it does not represent a specific circumstance applicable, and ADA parking shall be provided unless the exception mentioned in Section 27-239.01(c)(1) is granted.

**(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The applicant cites specific site conditions including its rural character, wooded characteristics and the already improved gravel driveway and parking area as unique circumstances.

Similarly, staff find that the mentioned circumstances are not applicable to the requested departure, and ADA parking shall be provided unless the exception mentioned in Section 27-239.01(c)(1) is granted.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

The proposed parking area is not visible from adjacent properties due to the existing environmental features of the site; therefore, the absence of one reserved parking space would have no effect whatsoever on the visual, functional, or environmental quality of the surrounding neighborhood.

Staff find that the proposed parking area, including an ADA parking space, is adequately screened from the surrounding neighborhood as shown in the submitted plans.

Accordingly, staff does not support the departure requested from Section 27-566, unless an exception from the requirements for the handicapped in the applicable building codes has been obtained from the state and County agencies

responsible for administering those codes, is granted. Consequently, a condition is included herein requiring the applicant to demonstrate compliance with Section 27-239.01(c)(1) in order to receive relief from the design standard reviewed here.

7. **2010 Prince George's County Landscape Manual:** The development is subject to the Landscape Manual. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.6, Buffering Residential Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements, are applicable to this site.

The landscape plan provided with the subject application contains the required schedules which demonstrate that the requirements have been met, apart from Section 4.7, from which the applicant has requested alternative compliance.

In reviewing the landscape plan, staff found bamboo areas within the site. Bamboo is considered an invasive species. However, the applicant requests alternative compliance from Section 4.9(b)(5) of the Landscape Manual, to retain the existing bamboo on-site and satisfy buffer area requirements. In addition, a condition has been included herein, requiring the applicant to install bamboo root barriers on the property to prevent the spread of bamboo.

The Landscape Manual designates kennels as high impact uses and not compatible with the adjacent uses, currently single-family detached dwellings. Such designation requires a "Type D" bufferyard to mitigate the impacts of the proposed use. A "Type D" bufferyard requires a minimum building setback of 50 feet, minimum landscape yard of 40 feet, and 160 plant units per 100 linear feet of property line. Accordingly, the change in use to allow for kennel use on the property will result in the buffers mentioned herein, that if provided, they will overlap existing driveway, house, and structure. Consequently, the applicant requests alternative compliance from the requirements of Section 4.7, to allow the driveway to remain within the landscape buffer and reduce the buffers adjacent to the existing house and shed.

Alternative compliance is requested from Section 4.7, Buffering Incompatible Uses, and Section 4.9, Sustainable Landscape Requirements, of the Landscape Manual, for the interior planting requirements, as follows:

**Section 4.7, Buffering Incompatible Uses**

**REQUIRED: Section 4.7, Buffering Incompatible Uses, along the western property line**

Length of bufferyard	684 linear feet
Minimum building setback	50 feet
Minimum landscape yard	40 feet
Existing trees	92 percent
Fence or wall	N/A
Plant units (80 per 100 linear feet)*	44**

**Notes:** \*The requirement is 160 plant units per 100 linear feet; however, per Section 4.7(c)(4)(E) of the Landscape Manual, this requirement may be reduced by 50 percent with the proposed 6-foot-high, board-on-board fence.

\*\*The requirement is 547 plant units; however, per Section 4.7(c)(4)(D) of the Landscape Manual, this requirement may be reduced in proportion to the percentage of the landscape yard occupied by existing trees.

**PROVIDED: Section 4.7, Buffering Incompatible Uses, along the western property line**

Length of bufferyard	684 linear feet
Minimum building setback	50 feet (534 linear feet) 35 feet (50 linear feet)
Minimum landscape yard	40 feet (534 linear feet) 25 feet (50 linear feet)
Existing trees	92 percent
Fence or wall	Yes
Plant units	53

**REQUIRED: Section 4.7, Buffering Incompatible Uses, along the eastern property line**

Length of bufferyard	646 linear feet
Minimum building setback	50 feet
Minimum landscape yard	40 feet
Existing trees	98 percent
Fence or wall	N/A
Plant units (80 per 100 linear feet)*	10

**Notes:** \*The requirement is 160 plant units per 100 linear feet; however, per Section 4.7(c)(4)(E) of the Landscape Manual, this requirement may be reduced by 50 percent with the proposed 6-foot-high, board-on-board fence.

\*\*The requirement is 517 plant units; however, per Section 4.7(c)(4)(D) of the Landscape Manual, this requirement may be reduced in proportion to the percentage of the landscape yard occupied by existing trees.

**PROVIDED: Section 4.7, Buffering Incompatible Uses, along the eastern property line**

Length of bufferyard	646 linear feet
Minimum building setback	50 feet (596 linear feet) 35 feet (50 linear feet)
Minimum landscape yard*	40 feet (596 linear feet) 25 feet (50 liner feet)
Existing trees	98 percent
Fence or wall	Yes
Plant units	26

**Note:** \*An existing 11-foot-wide driveway is located within the landscape buffer and is proposed to remain.

**Justification of Recommendation**

The applicant requests alternative compliance from the requirements of Section 4.7, Buffering Incompatible Uses, for the western and the eastern property lines. A “Type D” bufferyard is required for a kennel use adjoining single-family detached dwellings, which requires a minimum building setback of 50 feet, a minimum landscape yard width of 40 feet, and 160 plant units per 100 linear feet of property line. Section 4.7(c)(4)(E) of the Landscape Manual allows properties within the prior Developing Tier to reduce the plant unit requirement by up to 50 percent, if a 6-foot-high opaque fence or wall is installed within the bufferyard.

For the western property line, a reduction in the landscape yard and building setback by 15 feet is proposed for 50 linear feet (7.3 percent of the total length), due to the existing single-family home. The bufferyard currently contains 92 percent existing, mature trees. The applicant will install a 6-foot-high fence along the property boundary, to provide enhanced screening. The landscape plans shall be revised to depict this fence. In addition, the applicant has proposed additional plantings adjacent to the southern dog run area, focusing plantings in areas of highest impact from the proposed kennel use. The Alternative Compliance Committee recommends that additional evergreen shrub plantings be provided within the landscape buffer proximate to the western edge of the southern dog run. In addition, evergreen shrubs should be added on the western side of the northern dog run, proximate to the neighboring single-family detached homes. All plantings shall be field located to avoid impacts to existing trees; however, the intent is to provide a relatively solid row of evergreen shrubs in these areas.

For the eastern property line, a reduction in the landscape yard and building setback by 15 feet is proposed for 50 linear feet (7.7 percent), due to the existing shed, which is proposed to be converted to a dog boarding structure. The bufferyard currently contains 98 percent existing, mature trees. As part of the alternative compliance request, the applicant proposes to retain an existing 11-foot-wide gravel driveway within the buffer yard. The Alternative Compliance Committee finds that the retention of the existing driveway will result in the preservation of existing trees, which provide quality buffering.

The applicant will install a 6-foot-high fence along the eastern property boundary, excluding the portion of existing bamboo, to provide enhanced screening. However, the Section 4.7 schedule identifies the requirement based on a 50 percent reduction in planting requirement, due to the installation of a 6-foot-high fence along the entirety of the property line. The landscape plans shall be revised to depict the extent of proposed fencing, and revise the schedule to comply with the updated Section 4.7 requirement. In addition, the applicant has proposed additional plantings adjacent to the southern dog run area, to focus plantings in areas of highest impact from the proposed kennel use. The Alternative Compliance Committee recommends that additional evergreen shrub plantings be provided within the landscape buffer proximate to the eastern edge of the southern dog run. In addition, evergreen shrubs should be added on the eastern side of the northern dog run, proximate to the neighboring single-family detached homes. In addition, a label and detail for the sound-proofing materials in the dog boarding structure shall be provided. Additional evergreen shrubs should be provided behind the dog boarding structure. All plantings shall be field located to avoid impacts to existing trees; however, the intent is to provide a relatively solid row of evergreen shrubs in these areas.



The Planning Director finds that, given the provision of the fence and strategic planting units recommended by the Committee, the applicant's proposal is equally effective as normal compliance, with respect to Section 4.7 of the Landscape Manual.

#### **Section 4.9, Sustainable Landscaping Requirements**

Section 4.9(c)(4) requires that existing vegetation, in fulfillment of Landscape Manual requirements, shall not contain invasive species. The applicant requests alternative compliance from this requirement to retain an existing section of bamboo in the middle eastern portion of the property, in fulfillment of Section 4.7 requirements.

#### **Justification of Recommendation**

The retention of the existing bamboo grove, in fulfillment of Section 4.7 requirements, where it is located, will provide a dense screen of the proposed kennel use from the adjacent single-family detached dwelling. In addition, the bamboo spreads onto the adjacent property, so even if it is removed on this property, it may just come back. Therefore, the Alternative Compliance Committee finds retaining the existing bamboo acceptable, but recommends installing bamboo root barriers on the property, to ensure it does not spread further. The landscape plans shall be revised to provide a label and detail for the root barrier.

The Planning Director finds that, given the provision of the bamboo root barrier recommended by the Committee, the applicant's proposal is equally effective as normal compliance, with respect to Section 4.9 of the Landscape Manual.

#### **Recommendation**

The Planning Director recommends approval of Alternative Compliance AC-23013, from the Landscape Manual, for Section 4.7, Buffering Incompatible Uses, and Section 4.9, Sustainable Landscaping Requirements, subject to the conditions included herein.

8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the woodland conservation threshold requirements of 20 percent for developments in the RR Zone. The site has a Natural Resources Inventory Plan (NRI-007-2024) that was issued on January 26, 2024. No regulated environmental features or County-regulated 100-year floodplain are mapped within the proposed limits of disturbance.
9. **Prince George's County Tree Canopy Coverage Ordinance:** This application is exempt from the requirements of the Prince George's County Tree Canopy Coverage Ordinance because the project proposes less than 5,000 square feet of site disturbance.
10. **Referral Comments:** The subject application was referred to the concerned sections and divisions. The referral comments are summarized as follows, and are incorporated herein by reference:
  - a. **Subdivision**—In a memorandum dated May 28, 2024 (Vatandoost to Gomez), the Subdivision Section recommended approval of the subject DDS, with no conditions.
  - b. **Permit Review**—In a memorandum dated May 1, 2024 (Shaffer to Gomez), the Permit Section provided seven recommendations that were addressed by the applicant in their revised package received on May 23, 2024.

- c. **Community Planning**—In a memorandum dated May 2, 2024 (Arsenault to Gomez), the Community Planning Division provided an evaluation of the application stating that while master plan conformance is not a required finding for this DDS, “the proposed departure from design standards fails to align this property with the character of its environs [sic]. The neighboring properties of the applicant have dust free parking surfaces, and paved driveways.” However, Zoning Section staff agree with the applicant and believe that requiring the applicant to resurface the driveway with an impervious material may present adverse environmental impacts.
  - d. **Environmental Planning**—In a memorandum dated April 29, 2024 (Meoli to Gomez), the Environmental Planning Section recommended approval of the subject DDS, with no conditions.
  - e. **Transportation Planning**—In a memorandum dated May 28, 2024 (Daniels to Gomez), the Transportation Planning Section recommended approval of the DDS application, subject to one condition, which is included herein.
  - f. **Historic Preservation**—In a memorandum dated June 4, 2024 (Smith to Gomez), the Historic Preservation Section recommended approval of the subject DDS, with no conditions.
- 11. Community Feedback:** During a community meeting held by the applicant on April 19, 2024, attendees expressed their concerns about the noise generated by the dogs, the increase in traffic on Greencastle Road, possible trespassing onto their properties by the dogs, how the dogs' waste would be managed, runoff water to the properties adjacent on the west, and the potential loss of the neighborhood's character. The applicant and their representative addressed each concern and provided measures to mitigate noise and traffic issues. More importantly, the applicant emphasized that the proposed development plan was intended to preserve the property and neighborhood character to the greatest extent possible.
- In addition, staff received phone calls from nearby neighbors inquiring about the proposed kennel and expressing their apprehensions regarding the commercial use in a residential area. To address these questions, staff explained that the kennel is a permitted use in the RR Zone and that this application was to request departure from certain development standards, to allow a development that is consistent with the zone.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Zoning staff recommend that the Planning Board adopt the findings of this report and APPROVE Departure from Design Standards DDS-23002, and Alternative Compliance AC-23013, for One Leg Up Pets, subject to the following conditions:

1. Prior to certification, the departure site plan shall be revised, as follows:
  - a. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate the 80-foot ultimate right-of-way (40 feet from the centerline) along Greencastle Road, including dedication, if necessary.
  - b. Include the height of all existing structures.
  - c. Include the required and provided lot coverage.
2. Prior to certification, the landscape plan shall be revised, as follows:
  - a. Depict a 6-foot-high fence around the entirety of the property, but excluding the bamboo area, and revise the Section 4.7 schedule of the 2010 *Prince George's County Landscape Manual* accordingly.
  - b. Add a continuous row of evergreen shrubs immediately adjacent to the dog boarding structure, with appropriate separation distance from existing plant materials.
  - c. Add evergreen shrubs on either side of the northern dog run, proximate to the neighboring single-family detached homes. Plantings shall include appropriate separation distance from existing trees. A continuous row of evergreen shrubs is required to be installed and maintained.
  - d. Add a row of evergreen shrubs on either side of the southern dog run. Plantings shall include appropriate separation distance from existing trees. A continuous row of evergreen shrubs is required to be installed and maintained.
  - e. Provide the location, label, and detail for a root barrier, to prevent the bamboo from spreading.
  - f. Provide a label and detail for the soundproofing materials to be used in the dog boarding structure.
3. Prior to permitting, the applicant must demonstrate compliance with Section 27-239.01(c)(1) of the prior Prince George's County Zoning Ordinance, by providing an exemption from the handicapped requirements in the applicable building codes obtained from the state and County agencies responsible for administering those codes. If such an exemption is not provided, the handicap space must be constructed.