

Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3530



Comment [COMMENT1]: WHEN INSERTING  
INFORMATION AT THE @ SIGN  
REMEMBER TO USE INDENT FOR SECOND  
LINE - NOT TAB. ALSO, IT WILL LOOK  
LIKE THE TEXT IS GOING WACKO, BUT  
DON'T WORRY - IT IS FINE.

Departure from Design Standards No. 528

Application	General Data
<b>Project Name:</b> Davnor Insurance  <b>Location:</b> Southeast corner of Marlboro Pike and Belwood Street, known as 6000 Marlboro Pike.  <b>Applicant/Address:</b> Jacqueline L. Davenport Davnor Insurance Agency, Inc. 6000 Marlboro Pike District Heights, Maryland 20747	<b>Date Accepted:</b> 10-25-01
	<b>Planning Board Action Limit:</b> N/A
	<b>ZHE Hearing Date:</b> N/A
	<b>Plan Acreage:</b> 0.6456
	<b>Zone:</b> C-O
	<b>Dwelling Units:</b> N/A
	<b>Square Feet:</b> N/A
	<b>Planning Area:</b> 75A
	<b>Council District:</b> 7
	<b>Municipality:</b> None
	<b>200-Scale Base Map:</b> 203SE6

Purpose of Application	Notice Dates
Departure from the landscape strip requirement of the <i>Landscape Manual</i> .	<b>Adjoining Property Owners:</b> 11-2-01 (CB-15-1998)
	<b>Previous Parties of Record:</b> None (CB-13-1997)
	<b>Sign(s) Posted on Site</b> 8/30/02
	<b>Variance(s): Adjoining Property Owners</b> N/A

Staff Recommendation			Staff Reviewer: Jimi Jones
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	

September 8, 2002

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Jimi Jones, Planning Coordinator

SUBJECT: **Departure from Design Standards Application No. 528**

REQUEST: **Departure from the Commercial/Industrial Landscaped Strip and Bufferyard Requirements**

RECOMMENDATION: **DENIAL**

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date indicated above. The Planning Board also encourages all interested persons to request to become a person of record in this application. Requests to become a person of record should be made in writing and addressed to the Development Review Division at the address indicated above. Please call 301-952-3530 for additional information.

## FINDINGS:

- A. Location and Field Inspection: The subject property is a rectangular-shaped parcel located on the southeast corner of the intersection of Marlboro Pike and Belwood St. The property is developed with a one-story brick building that is similar in design to a large single-family home. A six-foot-high board-on-board fence is located along the eastern and northern property lines. Access to the property is via a driveway on Belwood St., which is connected to an asphalt parking lot.
- B. History: The property was rezoned from the R-R and C-2 Zones to the C-O Zone during the 1986 Sectional Map Amendment for Suitland-District Heights and Vicinity. Alternative Compliance (AC-90141) was granted in 1990 for the following sections of the *Landscape Manual*:
1. Section 4.7 (Bufferyard Requirements) along the eastern property line with a condition requiring a board-on-board fence;
  2. Sections 4.2 (Commercial/Industrial Landscaped Strip) and 4.3 (Parking Lot Requirements) to reduce the width of these landscaped strips along Marlboro Pike and Belwood St. from ten feet to approximately seven feet.
- C. Master Plan Recommendation: The 1985 Master Plan for Suitland-District Heights and Vicinity recommends office use for the subject property.
- D. Request: The applicant requests a departure from the *Landscape Manual* requirements for Commercial/Industrial Landscaped Strips in Section 4.2(b) and 4.7 Buffering Incompatible Uses. Section 4.2(b) requires a ten-foot-wide landscaped strip along the building frontage on Marlboro Pike and Belwood St. Section 4.7 requires a 20-foot-wide landscaped strip along the R-55 zoned portions of the adjoining property.
- E. Surrounding Uses:
- North– Single-family detached homes in the R-55 Zone.
- East– Fast-food restaurant in the C-S-C Zone and single-family detached home in the R-55 Zone.
- South– Across Marlboro Pike is the Parkland Shopping Center in the C-S-C Zone and a gas station to the southwest, also in the C-S-C Zone.
- West– Across Belwood St. is a single-family detached home in the C-O Zone and single-family detached homes further to the northwest along Belwood St. in the R-55 Zone.
- F. Design Requirements:
1. Parking and Loading Areas: The parking area for the subject insurance office meets the design requirements for parking and loading areas. A loading space is not required for buildings with less than 10,000 square feet of gross floor area. The subject building has 2,480 square feet of floor area.
  2. Number of Required Spaces: The site plan correctly indicates that 12 parking spaces are required for an office building based on the requirement of one parking space per 250 square feet of the first 2,000 square feet of floor area and one space per 400 square feet of floor

area over the first 2,000 square feet. The site plan notes (no. 22), however, incorrectly labeled the parking requirement as “commercial building” instead of “office building.” The site plan must be revised to correctly indicate that the use is an “office building.”

3. Landscape Manual: The proposed landscape plan is not consistent with the plan approved for Alternative Compliance (AC-90141). The approved AC plan shows a total of 25 shade trees and 166 shrubs to be provided on the property. The applicant has submitted a plan that shows one shade tree on site and three shade trees in the right-of-way for Belwood St. The proposed plan also shows 11 shrubs on site, with an additional 17 shrubs that appear to be outside of the property line for this parcel.

The Permit Review Section, in a memo dated November 8, 2001, notes that both the subject office use and the C-S-C zoned restaurant property to the east are medium-impact uses and do not require a bufferyard pursuant to Section 4.7 of the *Landscape Manual*. The applicant must, however, provide a five-foot-wide parking lot landscaped strip with one tree and three shrubs per 35 linear feet, in accordance with Section 4.3(b) of the *Landscape Manual*. In addition, a small portion of the eastern property line (approximately 29 feet) abuts an R-55-zoned parcel with a single-family detached dwelling. A minimum ten-foot-wide landscaped bufferyard is required to meet bufferyard requirements for the adjacent low impact R-55-zoned site. The ten-foot wide bufferyard is also required for the adjacent undeveloped R-55-zoned lot that abuts the parking area to the north.

The 40-foot-wide ultimate right-of-way for Marlboro Pike extends 15 feet into the subject property leaving a strip of about eight feet wide for the required landscaped strip. The Alternative Compliance decision recognized this deficiency and permitted a smaller landscaped strip.

4. Signs: No freestanding signs are proposed with this application.

- G. Other Issues: The Permit Review Section, in a memo dated November 8, 2001, notes that the ultimate right-of-way for Belwood St. must be reflected on the site plan as 70 feet wide unless it is shown on the master plan as a proposed 50-foot right-of-way. If it is determined that Belwood St. must be shown as a proposed 70-foot right-of-way, then it appears that a variance from Section 27-462(b) of the Zoning Ordinance will be required if the building does not meet the ten-foot setback from the street. The Transportation Planning Section, in a memo dated October 31, 2001, submits that Belwood St. was an old half-dedicated street. Therefore, a 50-foot-wide right-of-way is appropriate.

- H. Required Findings:

**Section 27-239.01(b)(9)(A) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:**

1. **The purposes of this Subtitle will be equally well or better served by the applicant’s proposal.**

The purposes of the Zoning Ordinance will not be equally well or better served by the applicant’s proposal. The applicant essentially is proposing to provide no additional landscaping. As a small business owner, the applicant contends that the cost of providing the required landscaping is prohibitive. However, a lesser amount of landscaping can be

provided which would meet the spirit and intent of the *Landscape Manual* without being in full compliance.

2. **The departure is the minimum necessary, given the specific circumstances of the request.**

The departure is not the minimum necessary, given the specific circumstances of the request. The applicant is proposing no additional landscaping to the site. Staff believes there is a design solution, that while requiring additional landscaping, will provide fewer plant materials than normally required but still adequately landscape the property. This alternative is included in the discussion below of Section 27-239.01(b)(9)(B).

3. **The departure is necessary in order to alleviate circumstances that are unique to the site or prevalent in areas of the County developed prior to November 29, 1949.**

Nothing has been submitted that suggests that the departure is necessary in order to alleviate circumstances that are unique to the site or prevalent in areas of the county developed prior to November 29, 1949. The applicant's request for relief from the landscaping requirements is based on the following reasons:

- A. It would be a tremendous financial hardship to purchase the greenery listed on the approved landscape plan.
- B. The applicant did not realize when the property was purchased that the plant materials had not been provided in accordance with the *Landscape Manual*.
- C. The previous owner informed the applicant that the landscaping was not there because pollution from car fumes on Marlboro Pike killed the plants, passersby stole plants, and people trampled them by walking across the lawn going to the bus stop.
- D. The landscaping would be a waste of money because this will be a place for drug users and alcoholics to hide their substances.
- E. This is a small, minority, female-owned business. The building was purchased in 1999 and the applicant is still trying to recuperate from the additional expenses associated with owning commercial property.

The applicant has the burden of proving that the subject site meets all criteria in this section.

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

A departure to completely waive the landscaping requirements, as proposed by the applicant, will impair the visual integrity of the site or the surrounding neighborhood. Staff recognizes that full compliance with the landscaping requirements would be a hardship to the applicant; however, we believe that a lesser amount of plant materials can be provided and still meet the spirit and intent of the *Landscape Manual*.

- (B) **For a departure from a standard contained in the *Landscape Manual*, the Planning Board shall find, in addition to the requirements in paragraph (A)**

**above, that there is no feasible proposal for alternative compliance, as defined in the *Landscape Manual*, which would exhibit equal or better design characteristics.**

The statement of justification and a letter dated May 11, 2000 (attached), from the applicant suggest that they do not want to provide any additional landscaping. The cost of providing landscaping in accordance with the approved landscape plan is not feasible. The applicant raises valid points regarding pedestrian traffic destroying landscaping on the property. With a bus stop in front of the property, it is likely that a fully landscaped ten-foot-wide strip along Marlboro Pike and Belwood St. could be significantly damaged. Staff believes it is both feasible and appropriate under these conditions to require ten barberry shrubs (three-gallon containers) along the perimeter of the building on Marlboro Pike and Belwood St. With respect to the bufferyard between the R-55 zoned properties to the east and north, the applicant should provide barberry shrubs (three-gallon containers) at one shrub per five linear feet and two skyrocket junipers, one at each end of the fence along the northern property line.

#### **CONCLUSION:**

The subject application is yet another instance where an applicant has purchased a business and was unaware of deficiencies with respect to the Zoning Ordinance. Although staff favors an alternative that permits a lesser amount of plant materials, the applicant must still meet the four criteria in Section 27-to 239.01(b)(9)(A). We are unable to find anything unique about the subject property. The applicant has the burden of providing persuasive information that directly addresses the above criteria and should be prepared to make a strong case before the Planning Board regarding the unique circumstances that justify a departure.