



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Special Exception Application No. 4509 (VSE-4509) (DPLS-296) (DDS-553)

Application	General Data
<b>Project Name:</b> Rhee Property  <b>Location:</b> Southwest corner of East Spring Street and Martin Luther King, Jr. Highway, known as 7222 Martin Luther King, Jr. Highway.  <b>Applicant/Address:</b> Bryan S. Rhee 7222 Martin Luther King, Jr. Highway Landover, MD 20785-5266	Date Accepted: 8/25/04
	Planning Board Action Limit: N/A
	Plan Acreage: 0.97
	Zone: C-S-C, R-55
	Dwelling Units: N/A
	Square Footage: 12,150
	Planning Area: 72
	Tier: Developed
	Council District: 05
	Municipality: N/A
	200-Scale Base Map: 203NE07

Purpose of Application	Notice Dates
SE-4509—Parking lot (required) serving adjacent commercial zone	Adjoining Property Owners Previous Parties of Record Registered Associations: 5/26/04 (CB-12-2003)
VSE-4509—Variance from setback from street line and percentage of parking on R-55-zoned property	Sign(s) Posted on Site and Notice of Hearing Mailed: 6/29/05
DPLS-296—Departure of 38 off-street parking spaces from 75 required spaces	
DDS-553—Departure of 1 loading space of 2 required	

Staff Recommendation		Staff Reviewer: Catherine H. Wallace	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

July 20, 2005

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board  
The Prince George's County District Council

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Catherine H. Wallace, Planner Coordinator

SUBJECT: **Special Exception Application No. 4509 (VSE-4509); Departure from Parking and Loading Spaces Application No. 206; Departure from Design Standards Application No. 553**

REQUEST: A parking lot on residentially zoned land to serve adjacent commercial uses, a departure of 38 of 75 required parking spaces and one of two required loading spaces, a departure from the commercial landscape strip requirement and the setback requirement for a loading space, and a variance for the maximum percentage of commercial parking spaces in a residential zone and a building setback.

RECOMMENDATION: APPROVAL; with conditions

---

NOTE:

Because the Planning Board is authorized to make the final decisions in departure cases, these applications will be heard by the Planning Board on the above agenda date. These cases will also be heard by the Zoning Hearing Examiner.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

---

## FINDINGS:

- A. **Location and Field Inspection:** The property is located on the southwest corner of the intersection of Martin Luther King, Jr. Highway (MD 704) and East Spring Street. It is developed with a one- to two-story building used for retail liquor sales and a parking lot, which is largely located within the ultimate right-of-way for MD 704. On the south side of the building is an area covered with broken asphalt. To the rear of the building is a chain link fence and an open area separating the business from the residential neighborhood to the west. This area is in the R-55 zone.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C and R-55	C-S-C and R-55
Use(s)	Liquor store and parking in C-S-C and vacant lots in R-55 Zone	Liquor store, retail uses and parking in the R-55 Zone
Acreage	.63 acre in C-S-C .34 acre in R-55	.63 acre in C-S-C .34 acre in R-55
Lots	Lots 1–8 and 35 in the C-S-C Zone, Lots 9–11, 32–34 in the R-55 Zone	Lots 1–8 and 35 in the C-S-C Zone, Lots 9–11, 32–34 in the R-55 Zone
Square Footage/GFA	7,160	5,000 additional

- C. **History:** The C-S-C-zoned portion of the subject property has been used for retail commercial purposes since 1950. Use and occupancy permits going back to at least 1962 were issued for a restaurant, and tax records indicate the current structure was built in 1950. (See permits 3723-90U and 5591U issued May 14, 1962.) The 1993 approved sectional map amendment for Landover and Vicinity, (Planning Areas 72) retained the property in the C-S-C and R-55 Zones.
- D. **Master Plan Recommendation:** The 2002 General Plan places the property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The 1993 master plan for Landover and vicinity recommends commercial shopping center and residential uses for the subject property.
- E. **Request:** The applicant intends to construct an addition to the existing building to add two retail commercial uses, but does not intend to expand the current liquor store. The applicant requests the following:

Special Exception 4509: to permit the construction of a parking lot on the R-55-zoned portion of the applicant's property to serve the commercial businesses proposed for the C-S-C-zoned portion of the property.

VSE-4509: a variance from the ten-foot setback requirement from the existing building to East Spring Street and a variance to permit the parking on the R-55-zoned portion of the lot to exceed 20 percent of the total required parking.

DPLS-296: a departure for one of the two loading spaces required for three retail uses and for 38 of the 75 parking spaces required to serve the proposed commercial uses. (Of these 38 spaces, 16 will

actually be provided; but these are located within the ultimate right-of-way for Martin Luther King, Jr. Highway.)

DDS-553: a departure of 25 feet from the 50-foot setback required between a loading space and residentially zoned land; and a departure for portions of the landscape strips required along Martin Luther King, Jr. Highway and East Spring Street.

- F. **Neighborhood and Surrounding Uses:** The neighborhood defined in this case is surrounded by the following boundaries:

North—Landover Road (MD 202)

Southeast—Martin Luther King, Jr. Highway (MD 704)

West—Kentland Community Center Park and Maryland 50 Industrial Park

With the exception of the frontage along MD 704, the neighborhood is predominantly residential in character.

The following uses are in the immediate vicinity of the subject property:

North—Single-family residences in the R-55 Zone and a retail commercial use in the C-S-C Zone

East—Across Martin Luther King, Jr. Highway: apartments in the R-18 Zone

South—The right-of-way for East Cedar Street, a vacant lot and a retail store in the C-S-C Zone

West—Single-family detached residences in the R-55 Zone

- G. **Specific Special Exception Requirements:**

**Sec. 27-392. Parking lot (required) serving adjacent Commercial or Industrial Zone.**

- (a) **A parking lot which serves a use in an adjacent commercial or industrial zone may be permitted, subject to the following:**

- (1) **The land proposed for the lot shall either immediately adjoin, or be directly across the street from, the commercially or industrially zoned land to be served;**

As shown on the proposed site plan, the parking lot is to serve the applicant's adjacent existing and proposed commercial uses.

- (2) **The parking lot shall contain not more than one hundred (100) parking spaces, or twenty percent (20%) of the minimum number of spaces required by Part 11, whichever is less;**

The combined uses require 75 parking spaces, according to Part 11 of the Zoning Ordinance. The parking lot proposed in the R-55 Zone will have 15 parking spaces. However, a DPLS of 38 parking spaces for the required number of parking spaces is necessary due to the requirement for 22 additional parking spaces and the fact that 16 of the provided spaces are within the ultimate right-of-

way for MD 704. Approval of the proposed special exception site plan will require the approval of this DPLS. If the DPLS is approved the new required parking for the site will be 37 spaces. Of those spaces, only 8 may be located on the R-55 zoned portion unless a variance is granted; therefore the applicant has requested the appropriate variance. (See Section H below for the discussion of the variance request.)

- (3) The parking lot shall be necessary in order to comply with the minimum requirements of Part 11;**

All of the parking spaces proposed shown on the R-55 zoned land are required by the Zoning Ordinance to serve the existing and proposed uses.

- (4) The District Council may require additional landscaping and screening to protect adjacent properties against intrusion.**

The proposed site plan shows a six-foot-high board-on-board fence along the rear property line and the public alley that runs between the subject property and the residences to the west. In addition the applicant is proposing to plant 8 oak trees and over 30 shrubs along the commercial side of the proposed fence. The fence and the proposed landscaping will serve to buffer the proposed parking lot from adjacent residential uses.

#### **H. Sec. 27-230. Criteria for granting appeals involving variances.**

As noted above, two variances are required for the proposed use. First, a small portion of the existing building is set back only six feet from the East Spring Street right-of-way line. Second, more than 20 percent of the parking required for the proposed uses (assuming the DPLS is granted) will be located on the R-55 zoned portion of the property. The proposed variances comply with the criteria below as follows:

- (a) A variance may only be granted when the Board of Appeals finds that:**

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The existing building has been at this location for approximately 55 years. Although the building is set back from the edge of the existing roadway about 18 feet, the right-of-way requirements for a commercial road is deemed by the Zoning Ordinance to be 70 feet and a ten-foot setback from that line is required. The age of the existing development on the site is an extraordinary situation that permits the granting of this variance.

Similarly, the zoning and development of this area prior to 1950 create a lot depth ranging from 90 to 150 feet along this portion of MD 704, resulting in an extraordinary condition that hampers efforts to upgrade and redevelop this type of older commercial use. This results in the need to consider the use of adjacent undeveloped residentially zoned land for more than 20 percent of the required parking.

- (2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property;**

Strict adherence to the requirements of the building setback for the existing building will create exceptional hardship upon the property owner in that it would require the relocation of the building in order to modernize and add new uses to the site. The failure to grant a variance for the 20 percent parking maximum would create practical difficulties that will hinder future investments in the property.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

The redevelopment of this property and the proposed expansion of the parking area will improve the appearance of the site and its function in the neighborhood. The requested variances will, therefore, not impair the intent of these plans.

**I. Parking Regulations:** The proposed site plan meets the parking regulations as follows:

Use	Parking Rate	Square feet	Number of Spaces Required	Loading Space Required
Existing retail use (liquor store)	1 space for each 150 sq. ft. of the first 3,000 sq. ft.	3,000	20	1
	1 space for each 200 sq. ft. after the first 3,000 sq. ft.	4,160	21	
Proposed use #1	1 space for each 150 sq. ft. of the first 3,000 sq. ft.	1,950	13	
Proposed use #2	1 space for each 150 sq. ft. of the first 3,000 sq. ft.	3,000	20	1
	1 space for each 200 sq. ft. after the first 3,000 sq. ft.	50	1	
Total Required			75	2
Total Provided			53	1
Total Provided outside R-O-W			37	1
Departure Required			38	1

**J. DPLS Required Findings:**

**(A) Section 27-588(b)(8) 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 Section 27-550 will be served by the applicant=s request.**

**(a) The purposes of Section 27-550 are:**

**(1) To require (in connection with each building constructed and each new use established) off-street automobile parking lots and**

**loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**

- (2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
- (3) To protect the residential character of residential areas; and**
- (iv) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

The applicant's proposal to provide parking which meets the design standards of the Parking Regulations, by adding spaces on the R-55 zoned portion of the property, and using the 16 parking spaces in the right-of-way will improve traffic circulation on the site, improving traffic safety on the surrounding streets and will provide sufficient spaces to meet the needs of the proposed uses. The typical parking needs of the current store indicate that about 15-20 spaces will be used to meet maximum patron needs. Based on that experience, the increased square footage on the site will require about 15 additional spaces. The State Highway Administration has indicated that MD 704 will not require widening for the foreseeable future.

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

The departure sought is the minimum necessary. The applicant has attempted to maximize parking provided on-site by adding parking on the R-55 zoned portion of the site and by using the existing spaces within the public right-of-way. There are no opportunities on the site to provide an additional loading space.

- 3. The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949.**

As indicated above, the current building was originally constructed in 1950 indicating that the site was originally developed in accordance with the standards in effect in 1949. The current parking in the right-of-way is a situation on the site that has been in effect for a number of years and is also prevalent in older areas of the county. The departure provisions were largely created to address these situations.

- 4. All methods for calculating the number of spaces required have either been used or found to be impractical.**

There are no calculation methods that would permit a finding that fewer spaces could be required.

- 5. Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

This departure will not have a significant effect on parking and loading needs of the adjacent residential area. The proposed loading space will be shared by the proposed uses. The Zoning

Ordinance requires one space for each use of between 2,000 and 10,000 square feet. In an older commercial area and on property owned by one individual, it is logical to share the proposed loading space; and the total combined square footage of around 12,000 square feet is not significantly in excess of what would be considered appropriate for a single use of this size.

The parking experience of the existing business on the site indicates that the 37 spaces provided outside of the right-of-way will accommodate the future uses on the site. Additionally, the State Highway Administration has indicated that it does not expect to use the property between the store and the existing highway for many years to come. The right-of-way acquired in this area is, in fact, far in excess of that called for in the master plan. The property line is located 117 feet from the centerline of the MD 704 right-of-way and the master plan recommends a right-of-way of 120 feet for the entire roadway. The property is also served by mass transit since a bus stop is located about one-tenth of a mile away.

**(B) In making its findings, the Planning Board shall give consideration to the following:**

- 1. The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within 500 feet of the subject property.**

There is no off-street parking, other than parking required for other commercial uses, within 500 of the subject site. Parking is not permitted along Martin Luther King, Jr. Highway. On-street parking is available on East Spring Street.

- 2. The recommendations of an area master plan, or County or local revitalization plan, regarding the subject property and its general vicinity.**

There are no recommendations regarding parking in the area master plan. The master plan does recommend that redeveloped and expanded commercial areas should be subject to high standards of site design and should be designed in relation to surrounding areas so as to provide safe, visually pleasing pedestrian access.

- 3. The recommendations of a municipality (within which the property lies) regarding the departure.**

The property does not lie within a municipality. This application was referred to the city of Glenarden for comment.

- 4. Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.**

No information regarding public parking facilities has been provided.

**(C) In making its findings, the Planning Board may give consideration to the following:**

- 1. Public transportation available in the area.**

According to The Washington Metropolitan Area Transit Authority, Metrobus service is provided along MD 704 and a bus stop is located at Bell Haven Drive, about one-tenth of a mile to the south.



**2. Any alternative design solutions to off-street facilities that might yield additional spaces.**

The applicant is using an alternative design solution in the form of requesting permission to provide parking on the R-55 zoned portion of the property.

**3. The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within 500 feet of the subject property.**

There is no information available about business hours that would result in parking space sharing. However, the additional retail uses will provide some sharing of parking spaces that has not been factored into the parking space requirement due to the fact that two of the three uses will require more than 20 spaces. A 20 percent reduction in parking requirements would otherwise apply.

- K. **Landscape Manual Requirements:** The subject property has virtually no landscaping. The addition of retail space to this site will require the addition of landscaping throughout the property. The applicant has attempted to meet the requirements of the *Landscape Manual* wherever possible and has submitted a revised landscape plan to address staff comments during the review process. Based on comments from the Urban Design Section staff, the following issues remain and will be addressed through DDS-553:

Along East Spring Street: The applicant correctly notes that the area designated Perimeter 1 on the Landscape Plan complies with Section 4.3. Perimeter 1A requires compliance with Section 4.2, but cannot comply due to the partial intrusion of the existing building into the required landscape strip. Also, the proposed loading area is only partially screened from East Spring Street, requiring a departure as well.

Along Martin Luther King, Jr. Highway: Compliance with Section 4.3 is required, but cannot be provided due to the location of parking spaces in the right-of-way. A departure has been requested.

Along East Cedar Street (an unbuilt, dedicated street): Compliance with Section 4.3 is required and provided. However, it is recommended that the proposed white pine trees be replaced by ornamental trees that will not block views into the site. Also, if a fence is deemed necessary, details of the fence shall be provided. A metal ornamental fence is preferred. If chain link is approved, it should be black vinyl clad.

Along the ten-foot wide alley (platted, but not built): Compliance with Section 4.3 is required and has been provided.

- L. **DDS Required Findings for Landscaping (Sections 4.2, 4.3, and 4.4 of the Landscape Manual):**

**(A) Section 27-239.01(b)(9) 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 purpose of the Landscape Manual is to enhance the appearance of Prince George's County by improving the quality of landscaping, buffering and screening throughout the

county. With the exception of the frontage along Martin Luther King, Jr. Highway, the applicant meets almost all of the landscape requirements. The proposed landscape plan will result in a dramatic improvement to the physical appearance of the site. The MD 704 right-of-way location prevents the location of landscaping between the parking and street line. The landscaping proposed in front of the new addition will provide some relief from the paved front yard; however, it is recommended that the applicant also provide landscaping in the strip currently located within the right-of-way, subject to approval by the State Highway Administration. In this way, the purposes of the *Landscape Manual* will be better served.

The proposed loading space is located behind the building and is partially screened from the East Spring Street right-of-way. The only way to screen it more completely would be to move it closer to the residential neighborhood to the west. Therefore the proposed landscaping and screening serves the purposes of the Zoning Ordinance better than actual adherence to the requirements of the *Landscape Manual*.

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

The only way to avoid the requested departure would be to physically move the existing building, therefore, this request is the minimum necessary. The proposed screening of the loading area results in the least possible departure without relocating the loading area closer to residential lots.

**3. 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 existing liquor store is located in a building built in 1950; therefore, this site was developed according to standards prevalent in the county prior to November 1949. These factors influence each of the departures sought for this application.

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

Granting the requested departure will allow the applicant to expand his business and upgrade the site to provide almost all of the landscaping required under today's standards, while maximizing available parking and traffic circulation on the site.

**(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.**

There is no feasible proposal for alternative compliance that would not require a relocation of the building or the movement of the loading space closer to the residential portion of the neighborhood.

**M. DDS Required Findings for the Departure for the location of the loading space**

The proposed loading space is located in the C-S-C zoned portion of the property about 100 feet from the rear property line, but only 25 feet from the R-55 zoned portion of the subject property. A 50-foot setback is required.

**(A) Section 27-239.01(b)(9) 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 intent of the 50-foot setback of loading areas from residentially zoned land is to protect residential dwellings from the impacts associated with loading areas. There are no dwellings on residentially zoned land within 50 feet of the proposed loading area. The loading area is located 110 feet from the residential lots to the west of the subject property and over 50 feet from residential lots on the north side of East Spring Street.

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

This departure is the minimum necessary to provide for the loading needs of the property while reducing visibility of the loading area from Martin Luther King, Jr. Highway and East Spring Street.

**3. 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 site was developed around 1950 in accordance with the development standards in effect around the end of 1949.

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

This departure actually affects only the R-55 zoned portion of the applicant's property. Granting this departure will have no effect on the visual, functional or environmental quality of the site or its surroundings.

**N. Sign Regulations**

The proposed site plan shows the location of the existing freestanding sign. Freestanding signs are regulated by Section 27-614 of the Zoning Ordinance, which requires a ten-foot setback from the right-of-way and a 40-foot setback from the right-of-way for the primary building on the site. However, the Zoning Ordinance does not regulate signs in the public right-of-way. The existing freestanding sign is located on land within the existing public right-of-way for MD 704. The State Highway Administration has jurisdiction over the location of signs within the right-of-way for MD 704. Should the SHA determine that the applicant will need approval of a county permit prior to its approval of the sign's location, the applicant may be required to obtain approval of a Departure from Sign Design Standards.

O. **Required Findings for Special Exceptions:**

**Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

**(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**

With the approval of the requested variances and departures, the proposed special exception will be in harmony with the purposes of this Subtitle. The purposes of the Zoning Ordinance, as set forth in Section 27-102, seek generally to “protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County.”

The applicant intends to improve the appearance and function of the site while using landscaping and a fence to separate commercial uses from residential dwellings.

**(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

Redevelopment of commercial uses in older neighborhoods is difficult due to the changes in applicable requirements with the passage of time. The requested special exception and associated variances and departures are intended to bring the site into conformance with today’s standards.

**(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

The 1993 master plan recommends commercial retail uses for that part of the site already developed with the retail business and residential uses for the lots to the rear. Master plan recommendations accept the premise that the Zoning Ordinance permits the use of residentially zoned property for limited commercial parking for adjacent commercial uses, subject to the approval of a special exception. The 1993 master plan contains a number of objectives for the development and redevelopment of commercial areas: (See page 53, 1993 Master Plan for Landover and Vicinity)

- To prevent incompatible impacts associated with commercial development from intruding into residential areas and encourage the use of site plan review.
- Redeveloped and expanded commercial areas should be subject to high standards of site design and should be designed in relation to surrounding areas so as to provide safe, visually pleasing pedestrian access.
- Innovative design and ample landscaping shall be used around and within commercial areas to break up the monotony of similar structures and the otherwise barren, dull appearance of parking lots.

**Comment:** While the approval of the requested special exception would result in an expansion of the area permitted to be used for parking in conjunction with the retail uses on the site, this expansion will allow the site to be redesigned in such a way as to improve the appearance of the business. The use of a board-on-board fence and appropriate landscaping will better define the edge of the business use and protect the residential neighborhood from direct views into the parking area. An elevation was submitted to depict a view of the proposed business from Martin Luther King, Jr. Highway. The

elements of the building design seem to lack cohesiveness and the elevation should be revised to show a more unified and attractive design scheme.

Parking issues are not specifically addressed by the master plan objectives. However, the expansion of the parking area toward the residential neighborhood will not impair the integrity of the master plan recommendations for the area. It will allow the applicant to address some of the design issues relevant to the redevelopment of older commercial areas and should therefore, further the goals of the master plan.

**(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area; and**

**(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

The current business is permitted by right in the C-S-C Zone. The applicant is proposing to add some additional retail businesses on the site; but again, these would be permitted uses. Any expansion of the liquor store (which the applicant is not proposing) would require a hearing before the Liquor Control Board. The use which is being requested by special exception is the parking of vehicles by clients of the retail businesses on land in the R-55 Zone.

This property has had a history of attracting some undesirable activities. There are some indications that the current property owner has attempted to address these issues by hiring security personnel for the property. This issue is not, strictly speaking, a land use issue. At the same time there are ways to design development that may either encourage or discourage visibility and security. For example evergreen trees should not be used to landscape the property, so that security surveillance can more easily be maintained. For the same reason, a board-on-board fence should only be located along the rear property line. The parking lot should have some visibility from the nearby streets.

On balance, the issue of whether to permit the expansion of the parking depends on one's perspective on the value of investing in this business. We find that the neighborhood will be better served by a business that appears attractive and well maintained, than one that appears to have little value to its owner.

**(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The site contains no woodlands and is therefore exempt from this ordinance per an August 25, 2004 Letter of Exemption from the M-NCPPC Environmental Planning Section.

## **CONCLUSION:**

Based on the above findings, we recommend APPROVAL of DPLS-296, APPROVAL of DDS-553, and APPROVAL of SE-4509 (VSE-4509) subject to the following conditions:

1. Prior to final approval of Special Exception 4509, a revised elevation shall be submitted to the M-NCPPC Urban Design Section showing a unified architectural theme and paying special attention to:
  - a. Building materials

- b. Roof lines
  - c. Fenestration
  - d. Detail treatments
  - e. Building-mounted signs
2. The landscape plan shall be revised to show:
- a. The details of the fence along East Cedar Street (either an ornamental metal fence or black vinyl clad chain link)
  - b. The correct dimensions of the trash enclosure gate
  - c. The elimination of evergreen trees and their substitution with small ornamental trees and compact shrubs
  - d. The addition of a landscape strip in the area between the current edge of paving for MD 704 and the parking lot
3. The applicant shall obtain permission from the State Highway Administration for the location of the parking spaces and sign, and recommended landscaping within the public right-of-way. The applicant will be required to relocate the sign should the State Highway Administration determine that the right-of-way is required for public use.