

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DDS-561 requesting departure from design standards for Landscape Manual requirements in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on October 6, 2005 , the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is located on the east side of Laurel-Bowie Road, north of Baltimore-Washington Parkway, known as 12621 Laurel-Bowie Road. The property has 469 feet of frontage on Laurel-Bowie Road. Vehicular access to the property is from Laurel-Bowie Road. There is an existing shopping center (Crystal Plaza Shopping Center) on the subject property. The applicant is proposing a new 11,180-square-foot building for the Rite-Aid pharmacy in the existing shopping center. A new freestanding sign is also proposed to identify the Rite-Aid pharmacy.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Shopping Center	Shopping Center with a Rite-Aid pharmacy building
Acreage	20.10	20.10
Lots	NA	NA
Parcels	1	1
Square Footage/GFA	161,582	172,762

C. **Master Plan Recommendation:** The 1990 Master Plan for Subregion I recommends commercial uses for the subject property and retains the property in the C-S-C Zone.

D. **Request:** The applicant is proposing an 11,180- square-foot building for the Rite-Aid pharmacy in the existing shopping center. Since the gross floor area of the addition is greater than ten percent of the existing shopping center, the proposal was subject to the following requirements of the *Landscape Manual*:

- Section 4.7 (Buffering Incompatible Uses) along the southern and northern property lines
- Section 4.2 (Commercial and Industrial Landscape Strip) along US 50

The applicant has filed the subject departure from design standards application DDS-561 for relief from the requirements of Section 4.7 along the southern and northern property lines. On June 1, 2005, the Planning Director granted a waiver of the alternative compliance procedure for the proposed landscaping. Therefore, the applicant filed a departure from design standards

application for relief from the requirements of the *Landscape Manual* without obtaining a decision from the alternative compliance committee.

The applicant is proposing an additional sign to identify the proposed Rite-Aid pharmacy. Section 27.614, Freestanding Signs, of the Zoning Ordinance allows one freestanding sign for integrated shopping centers with 100 to 1,100 feet of frontage on all streets. There is an existing freestanding sign on the property. Therefore, the applicant has filed a departure from sign design standards application DSDS-626 for relief from the requirements of Section 27.614, Freestanding Signs, of the Zoning Ordinance.

- E. **History:** The Planning Board approved Departure from Sign Design Standards DSDS-334 (PGCPB No.88-528) for additional square footage (from 200 square feet to 393.39 square feet) for the existing identification sign. The Planning Board approved Departure from Design Standards DDS-310 (PGCPB No.88-527) for waiving the required landscaping to screen the adjacent residentially zoned property. A variance was granted (8669) to construct a black vinyl six-foot-high fence along the northern property line.
- F. **Surrounding Uses:** The property is surrounded with the following uses:
- North: Montpelier Manor, zoned O-S
 - East: Open space in the O-S Zone
 - South: Hotel in the C-S-C Zone
 - West: Laurel-Bowie Road and single-family residential in the R-18 Zone across from Laurel-Bowie Road in the R-18 Zone
- G. **Neighborhood Boundaries:** The neighborhood boundaries are as follows:
- North: Montpelier Drive
 - South and East: Laurel-Bowie Road and Baltimore-Washington Parkway
 - West: Laurel-Bowie Road and single-family residences in the R-18 Zone across from Laurel-Bowie Road
- H. **Landscape Manual Requirements:** The property is subject to the requirements of Section 4.2 and Section 4.7 of the *Landscape Manual*. The proposed landscape plan falls short of the required minimum building setback, minimum landscape yard, and minimum planting unit requirements along the northern and southern property lines.
- I. **Signs:** The proposed freestanding sign will be located along the southern entrance to the shopping center. The sign will be located in the landscaped area on the north side of the entrance and will be set back 35 feet from the curb along Laurel-Bowie Road. The proposed Rite-Aid sign will be 87 square feet in area. It will be square-shaped and will be supported by two structural steel pylons painted blue. It will display the Rite-Aid logo in red and blue colors. It will display specials of the week and various messages in black changeable letters with a white background.

J. Other Issues:

- a. The Permit Review Section (memorandum dated July 28, 2005) has requested the addition of notes regarding the previous approvals, the proposed landscaping, and the existing and proposed signs. Conditions of approval have been added to require the same.
- b. The Environmental Planning Section (memorandum dated September 2, 2005) has stated that there are no impacts to the currently approved Type II Tree Conservation Plan (TCP II-36-94).
- c. The Historic Preservation and Public Facilities Planning Section (memorandum dated September 1, 2005) has stated that the proposed development will be within adequate coverage of the nearest fire and rescue facility and within the service area for the Police District.
- d. The Historic Preservation Section (memorandum dated August 16, 2005) has stated that a Phase I archeological survey is not recommended by the Planning Department on the above-referenced property.
- e. The Transportation Planning Section (memorandum dated August 26, 2005) has no comments regarding the proposed departures.

K. Required Findings:

Departure from Design Standards

(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 purposes of the Zoning Ordinance are set forth in Section 27-102. They are varied in nature, but in general are to protect the health, safety and welfare of the residents and workers in Prince George's County. In this instance, the facts establish that granting the requested departures will in no way jeopardize these purposes.

The subject property is developed with an existing shopping center. The proposed Rite-Aid building will be replacing an existing building. Except for the northern and southern property lines, the existing and proposed landscaping is consistent with the *Landscape Manual*. There is no landscaping proposed along the southern property line. The adjacent hotel has a view of the loading areas along the southern property line. In order to screen the loading areas, a six-foot-high, sight-tight fence and landscaping consisting of evergreen trees 30 feet apart is recommended. A condition of approval has been added to require the same along the southern property line adjacent to the hotel. Evergreen trees 20 feet apart are also recommended along the parking areas adjacent to the Baltimore-

Washington Parkway for enhancing the appearance of the shopping center from Baltimore-Washington Parkway. Additional evergreen trees (wherever feasible) are also recommended along the northern property line to better screen the shopping center. Conditions of approval have been added to require the same.

With the proposed conditions, the existing landscaping and screening enhance the visual quality of the site and project an aesthetically pleasing appearance. An attempt to achieve full compliance with the *Landscape Manual* would be virtually impossible because the additional landscaping would encroach into areas utilized by the existing retail uses.

Given all of the above, the purposes of this Subtitle will be equally or better served by the applicant's proposal.

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

The requested departure is the minimum necessary. Strict compliance with the *Landscape Manual* would require the creation of additional landscape bufferyards that would encroach into areas utilized by the existing retail uses. Providing additional landscaping would create an economic hardship on the shopping center. With the proposed conditions, the existing and proposed landscaping is adequate to screen the subject property from the adjacent properties and provide an aesthetically pleasing appearance.

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.

The departure is necessary to alleviate circumstances that are commonly found in existing shopping centers and older developments. A shopping center is a permitted use in the C-S-C Zone. Compliance with the current landscaping standards will require encroachment into areas that accommodate the existing retail uses. Therefore, the departure is necessary to alleviate circumstances that are unique to the site and unique to the use of the property as a shopping center.

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

The departure, with the existing, proposed and recommended landscaping, will maintain the visual, functional and environmental quality or integrity of the site and the surrounding neighborhood by providing an aesthetically pleasing appearance and screening the buildings on the property. Granting of the departure will ensure the use of the property as a shopping center that would serve as an amenity to the surrounding neighborhood.

- L. Prior to certification of the departure from design standards application, the site plan shall be revised to show the following:

- a. Evergreen trees planted 20 feet apart along the parking areas adjacent to the Baltimore-Washington Parkway
- b. Additional evergreen trees (wherever feasible) along the northern property line
- c. Adequate landscaping along the base of the proposed sign to enhance the appearance of the sign
- d. A parking schedule consisting of required and proposed parking spaces.

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 above-noted application, subject to the following conditions:

1. Prior to certification of the departure from design standards application, the site plan shall be revised to show the following:
 - a. Evergreen trees planted 20 feet apart along the parking areas adjacent to the Baltimore-Washington Parkway
 - b. Additional evergreen trees (wherever feasible) along the northern property line
 - c. Adequate landscaping along the base of the proposed sign to enhance the appearance of the sign
 - d. A parking schedule consisting of required and proposed parking spaces.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 6, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of November 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JJ:rmk

(Revised 8/9/01)