

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed a Departure from Design Standards requesting a departure from the requirements of Section 4.7 of the *Landscape Manual* 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 March 3, 2005, the Prince George's County Planning Board finds:

FINDINGS:

A. **Location and Field Inspection:** The subject property is located on the west side of Laurel Bowie Road, north of its intersection with Contee Road, also known as 13600 Laurel Bowie Road (MD 197). The subject property has an existing Giant Food Store and a bank. The store will be expanded with the elimination of the bank. Expansion of the store requires relocation of existing loading spaces. The property has 388 feet of frontage on Laurel Bowie Road. Vehicular access to the property is from Laurel Bowie Road.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Giant Food Store and Bank	Giant Food Store
Acreage	8.37	8.37
Lots	1	1
Parcels	1	1
Square Footage/GFA	46,780	78,467

C. **History:** The Prince George's County Planning Board denied Departure from Sign Design Standards application DSDS-384 to increase the number of freestanding signs on October 6, 1988.

The Prince George's County District Council denied Special Exception application SE-4427 for a gas station on May 20, 2003. The Planning Director approved Alternative Compliance Application AC-03026 in conjunction with Permit 1826-20003-01-CGU on August 1, 2003. The alternative compliance application was for relief from the landscape yard requirements of Section 4.7 of the *Landscape Manual* along the western property line.

D. **Master Plan Recommendation:** The 1990 master plan for Subregion I recommends retail-commercial land uses for this site and the associated sectional map amendment retained the property in the C-S-C Zone.

- E. **Request:** The applicant is proposing a 31,687-square-foot expansion to the existing grocery store. The existing loading spaces were located along the western property line at the rear of the existing grocery store. The loading spaces were set back 70 feet from the western property line. The proposed expansion reduced this 70-foot setback to 40 feet. The proposed loading spaces will be set back 40 feet from the western property line. **Section 27-579(b), of the Zoning Ordinance states that no portion of an exterior loading space and no vehicular entrances to any loading space (including driveways and doorways), shall be located within 50 feet of any Residential Zone (or land proposed to be used for residential purposes on an approved basic plan for a Comprehensive Design Zone, approved official plan for an R-P-C Zone, or any approved conceptual or detailed site plan).** This application is seeking relief from this 50-foot setback requirement of the Zoning Ordinance. The applicant has provided a 40-foot setback instead of the required 50-foot setback.
- F. **Surrounding Uses:** The property is surrounded with the following uses:
- North—Single-family detached residential in the R-R Zone
- East— Laurel Bowie Road (MD 197) and single-family detached residences in the R-R Zone across Laurel Bowie Road
- South—Commercial Shopping Center in the C-S-C Zone
- West— Multifamily apartments in the R-18 Zone
- G. **Landscape Manual Requirements:** The property meets the requirements of the *Landscape Manual* in accordance with the Planning Director’s approval of Alternative Compliance Application AC-03026 on August 1, 2003, for the proposed landscaping along the western property line.
- H. **Signs:** The existing freestanding sign shown on the site plan appears to be set back less than ten feet from the MD 197 right-of-way line. **Section 27-614(a) (4) (B) of the Zoning Ordinance requires a ten-foot setback for freestanding signs from the existing right-of-way line.** Either the site plan must be revised to indicate the sign is at least ten feet from the right-of-way or a departure from sign design standards must be obtained.
- I. **Other Issues:**
1. The Permit Review Section (memorandum dated January 24, 2005) recommends the following minor changes to the site plan for compliance with specific requirements of the Zoning Ordinance:
 - a. **Section 27-560 (a) of the Zoning Ordinance requires 22-foot-wide two-way drive aisles for parking spaces.** Therefore, parking spaces behind the grocery store building that are not accessed by a 22-foot-wide two-way drive aisle are to

be removed. The site plan shows parking spaces behind the grocery store building. These parking spaces are proposed to be removed because they are not accessed by a 22-foot-wide two-way drive aisle and have not been included in the parking schedule.

- b. **Section 27-558 (b) of the Zoning Ordinance requires the size of handicapped parking spaces to comply with Section 4.6 of the American National Standards for buildings and facilities.** Therefore, the dimensions of handicapped parking spaces (13 feet by 19 feet) are to be shown.
 - c. **Section 27-582 (a) of the Zoning Ordinance requires a minimum number of loading spaces for each type of use.** Therefore, the required loading spaces according to the Zoning Ordinance are to be shown. The loading schedule shall show the required loading spaces as one loading space for 2,000 to 10,000 square feet of building and one additional loading space for every additional 10,000 to 100,000 square feet of building.
- 2. The Historic Preservation and Public Facilities Section (memorandum dated January 3, 2005) states that there are no public facilities issues associated with the proposal.
 - 3. The Transportation Planning Section (memorandum dated December 27, 2005) has no comments regarding the proposal.
 - 4. The Environmental Planning Section (memorandum dated February 9, 2005) indicates that there are no environmental issues related to this proposal.
 - 5. The Community Planning Division (memorandum dated February 1, 2005) states that there are no master plan issues associated with the proposal. The property is in the developing tier. The 1990 master plan for Subregion I recommends retail-commercial land uses for this site and the associate sectional map amendment retained the property in the C-S-C Zone

J. Required Findings:

(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 location of the loading spaces in the rear of the grocery building is ideal because it does not obstruct traffic in the parking lot, and it enhances the overall appearance of the property by concealing the loading areas in the rear of the lot. The landscape buffer and the six-foot-high fence along the western property line provides adequate screening for the loading areas from the adjacent properties. The parking lot of the adjoining multifamily residential development is adjacent to the western property line. The multifamily residential buildings are located more than 100 feet from the western property line and more than 140 feet from the loading spaces. Therefore, the reduced setback of 40 feet for the loading areas will not have significant noise or visual impact on the adjacent residential property.

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 setback requirements would require either the building area or the parking area to be reduced and would not allow the applicant to build a grocery store of sufficient size for the residents in the neighborhood.

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 existing size of the property is not adequate to accommodate the proposed expansion of the grocery store, the required parking and loading, and the required setbacks for the loading areas. In order to provide the required setbacks, the area of the proposed grocery store would need to be reduced by 1,000 square feet along the rear of the building. This would result in a grocery store of 77,467 square feet instead of a grocery store of 78,467 square feet as proposed by the applicant. Therefore, the departure is necessary to alleviate circumstances that are unique to the site and unique to the use of the property as a grocery store.

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

The departure will not impair the visual, functional or environmental quality or integrity of the site or the surrounding area. Considering the applicant's proposal to conceal the loading spaces along the rear of the grocery store building and the extensive setbacks of the multifamily buildings on the adjoining property, the proposal will add to the visual, functional and environmental quality of the site and the surrounding neighborhood.

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 Departure from Design Standards application DDS 556, subject to the following condition:

1. Prior to certification, the site plan shall be revised as follows:
 - a. Parking spaces behind the grocery store building that do not have a 22-foot-wide access for two-way drive aisles shall be removed
 - b. The dimensions of handicapped parking spaces shall be shown on the site plan.
 - c. The loading schedule shall show the required loading spaces as one loading space for 2,000 to 10,000 square feet of building and one additional loading space for 10,000 to 100,000 square feet of building.
 - d. The setback for the existing freestanding sign shall be shown at least ten feet from the MD 197 right-of-way. Otherwise, the applicant must obtain approval of a Departure From Sign Design Standards application.

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 Vaughn, seconded by Commissioner Eley, with Commissioners Vaughn, Eley, Squire, Harley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 3, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of March 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk

(Revised 8/9/01)