



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 10-109

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File No. DPLS-352

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-352, Pohanka Honda-Hyundai Ritchie Station Marketplace requesting a departure of 230 parking spaces from the required 4,936 parking spaces for the integrated center 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, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is located at the southern terminus of Ritchie Station Court, approximately 100 feet west of the Capital Beltway (I-95/495). The site comprises a 7.7-acre parcel (part of Parcel I) within the larger 116.5-acre Ritchie Station Marketplace integrated shopping center. The site is in the C-M (Commercial Miscellaneous) Zone and is currently vacant. Access is shown from the traffic circle at the end of Ritchie Station Court and from a common internal driveway connecting to another portion of the center.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-M	C-M
Use(s)	Undeveloped	Vehicle Sales Lot
Acreage	7.7	7.7
Lots	0	0
Parcels	1	1
Square Footage/GFA	0	79,371

C. **History:** The subject property has a long history of development approvals.

- Preliminary Plan 4-04184 was approved by the Planning Board in May 2005 for up to 1,000,000 square feet of retail development on the site.
- Detailed Site Plan DSP-04080, a detailed site plan for infrastructure, was approved for the site on May 12, 2005.
- On October 20, 2006, the District Council approved DSP-04080-01 for a Sam's Club, retaining walls, and a welcome center.
- On October 30, 2006, the District Council approved Departure from Sign Design Standards DSDS-634 for a 40-foot-high freestanding sign for the project.

- On February 1, 2007, the Planning Board approved a -02 revision to DSP-04080 to add 22.85 acres to the center and make minor revisions to the plan.
- On May 12, 2008, the District Council approved a Zoning Map Amendment (A-9989) for the entire 116.5-acre property from the I-1 (Light Industrial), I-3 (Planned Industrial/Employment Park), R-R (Rural Residential), and C-S-C (Commercial Shopping Center) Zones to the C-S-C Zone.
- On September 11, 2009, The Planning Director approved a -03 revision to DSP-04080 to change from Sam's Club to BJ's Wholesale Club and to make minor revisions to the parking layout.
- Amendment 10 of County Council Resolution CR-49-2010 (DR-1), which approved the 2009 *Subregion 4 Master Plan and Sectional Map Amendment*, rezoned the property from the C-S-C Zone to the C-M Zone.

D. **Master Plan Recommendation:** The property is located in an area identified in the 2002 *Prince George's County Approved General Plan* as 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 2009 *Approved Subregion 4 Master Plan and Sectional Map Amendment* proposes a retail commercial use for the Ritchie Station Marketplace site. Neither the use proposed (a car dealership, a permitted use in the C-M Zone) nor this application would have a detrimental impact on the plan's recommendation.

E. **Request:** The applicant is requesting a departure of 230 parking spaces from the required 4,936 parking spaces for the integrated center. The site plan submitted by the applicant shows 4,706 parking spaces, which is 230 less than the 4,936 parking space requirement per the Zoning Ordinance.

F. **Surrounding Uses (refer to the zoning map):**

North—	Undeveloped land, also within the Ritchie Station Marketplace, in the C-S-C Zone.
East and South—	Southbound lanes (Inner Loop) of the Capital Beltway (I-95/495)
West—	Land within Ritchie Station Marketplace being developed as a BJ's Wholesale Club and undeveloped portions of the integrated center in the C-S-C Zone. Beyond that are townhouses in the R-T (Townhouse) Zone.

G. **Design Requirements:**

1. **Number of Required Parking and Loading Spaces**—Section 27-568(a)(5)(C)(ii) of the Zoning Ordinance requires one parking space for every 200 square feet of gross leasable area (GLA) for an integrated shopping center with more than 400,000 square feet of GLA. The overall site plan for the center shows a total of 4,706 of a required 4,936 parking spaces. Therefore, a departure from the parking and loading spaces requirements is needed. The plan is deficient by 230 parking spaces from the requirement, the amount sought in this departure.
2. **The Prince George's County Landscape Manual**—The site is in compliance with the commercial landscape strip (Section 4.2) and interior planting (Section 4.3.c) requirements of the *Prince George's County Landscape Manual*. The landscaping for the site was approved as part of the detailed site plan.
3. **Signs**—Any sign that will be placed on the property must meet all area, height, and setback requirements.

H. **Required Findings:** Section 27-588(b)(7) of the Zoning Ordinance provides that:

- (A) **In order for the Planning Board to grant the departure, it shall make the following findings:**
- (i) **The purposes of this Part (Section 27-550) will be served by the applicant's request;**

The purposes of Section 27-550 are as follows.

- (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**
- (4) **To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

The purposes of the parking regulations will be served by the applicant's request. The purposes seek to ensure sufficient parking and loading areas to serve the needs of each new use established and to aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading. In this case, we have an applicant who has

many decades of observations of parking needs at their many locations. The applicant proposes the departure as a means of serving the current and future tenant mix, which is impacted by a use (a car dealership) that was not originally envisioned nor ordinarily found in an integrated center. The applicant requests a departure of 230 parking spaces to allow for flexibility necessary to address the peculiarity of having a car dealership in an integrated shopping center. They point to several factors that make the departure necessary and why it would not be deleterious to the center or the surrounding neighborhood.

1. Parking for a stand-alone car dealership is required at a much lower rate than the one space per 200 square feet of GLA in an integrated shopping center. The applicant's proposed 79,371-square-foot dealership, as part of the center, requires 397 parking spaces. If it was a stand-alone dealership, the combination of uses (outdoor display, indoor sales area and parts, offices, and service bays) would require only 263 spaces, a difference of 134 spaces. This difference accounts for 58 percent of the requested departure. In addition, the applicant is proposing to provide space within and on the building for 129 cars awaiting service. Because they are not, strictly speaking, "parking spaces" they cannot be counted.
2. The dealership requires 397 parking spaces and 167 parking spaces are provided for customers and employees based on the applicant's extensive experience selling new vehicles. However, 230 surface parking spaces are designated exclusively for display of new vehicles and are not intended to be regularly used for customer or employee parking. Thus, because of the need to provide spaces for displaying vehicle inventory, the actual parking schedule for the overall Ritchie Station Marketplace now requires a departure of 230 parking spaces, since display spaces cannot, legally, be counted as parking spaces. A unique consideration relative to the proposed dealership is that the 230 spaces allocated for display of vehicle inventory ebbs and flows with customer demand. The applicant can accommodate no more than 230 spaces for vehicle display. Inventories of new vehicles must remain below this limit and will vary depending on demand and supply variables. In reality, customers can be expected to park their vehicles in empty spaces otherwise designated for display purposes. This fact tends to minimize the actual magnitude of the 230-space departure required to accommodate this use within the overall parking requirements of the entire shopping center.
3. The applicant has seen a shift in customer buying habits based on the popularity of the internet as a car buying tool. Customers can now check inventory and do online research without having to visit the dealership. This minimizes the amount of time spent at the dealership, often reducing it to the point that they simply visit to take possession of the new automobile.

While there is a residential area proximal to the subject site to the west, there is no connection between the center and the townhouse development. Ritchie Station Court is

the sole vehicular access to the center. Other properties in the area are commercial and industrial in nature and have their own parking facilities. Thus, nearby properties are likely to be affected by the proposed departure.

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

The departure is the minimum necessary. As stated previously, a minimum of 4,936 parking spaces is required to serve the mix of uses proposed by the applicant for the center. While the parcel for the car dealership shows more than the required number of spaces, the applicant cannot count the 230 spaces proposed for outdoor vehicle display, nor can they count the 129 spaces to be provided on and in the building for cars awaiting repair and servicing. The applicant has availed themselves of all possibilities to provide more parking.

(iii) 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;

The departure is necessary in order to alleviate circumstances which are special to the subject use. The applicant cites three major factors as to why the departure for 230 parking spaces is necessary: (1) the car dealership, as a stand-alone use would require far fewer spaces than required as a use in an integrated center; (2) because inventory levels are variable, in most instances additional parking will be available from the 230 spaces allocated for vehicle display; and (3) patrons of the business are now doing much of their car research and shopping via the internet, lessening the need for visits to the dealership.

A departure from parking and loading standards, generally, is a means to provide relief from the strict application of the Zoning Ordinance when a property has unique characteristics that make compliance with the standard impractical at that particular location. The Planning Board concurs, there are circumstances which are special to the use, given its nature at this location. The Planning Board believes the applicant's arguments are persuasive. This is a new development, not within an area developed prior to November 29, 1949.

(iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and

The Ritchie Station Marketplace site has been optimized to obtain the most efficient use of surface parking. As such, the subject property and its proposed 167 off-street surface parking spaces contribute to the parking design for the 4,936 off-street parking spaces that are designed to support the parking needs of all uses within this integrated shopping

center. Additionally, the applicant has designed the building to accommodate a 129-space rooftop vehicle storage space for vehicles being serviced and repaired. The rooftop storage parking is accessed by means of two ramps located along the rear/east side of the building, and will be entirely screened from view from neighboring properties or uses by wing wall extensions of the building's exterior rear wall.

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

The applicant submits that the parking and loading needs of the residential areas will not be infringed upon if this request is granted. This center is located at the end of a single access point (Ritchie Station Court). There are no other access points into the center and surrounding residential uses cannot access the center. Thus residential streets will not be impacted, but the adjoining commercial properties will be negatively impacted.

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

- (i) **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 five hundred (500) feet of the subject property;**

The area within 500 feet of the subject property is characterized by commercial uses in the same integrated center. The adjoining and nearby uses have their own off-street parking and loading facilities. There is no indication of a shortage in parking and loading spaces within the general vicinity of this facility. Nearby residential uses (townhouses to the west) are not accessible to the center, so it is extremely unlikely that they would be impacted.

- (ii) **The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;**

The 2009 *Approved Subregion 4 Master Plan and Sectional Map Amendment* proposes a retail commercial use for the Ritchie Station Marketplace site. Neither the use proposed (a car dealership, a permitted use in the C-M Zone) nor this application would have a detrimental impact on the plan's recommendation.

- (iii) **The recommendations of a municipality (within which the property lies) regarding the departure; and**

The subject property is not within a municipality. There are no comments or recommendations submitted by a municipality.

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

There are no public parking facilities proposed for this area.

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

(i) Public transportation available in the area;

Prince George's County's The Bus, Route 26, is the only public transportation in the area. It runs along Ritchie-Marlboro Road and does not come into Ritchie Station Center. The overall site plan exhibit shows a bus shelter along Ritchie Station Court, which suggests that bus service will be available in the future.

(ii) Any alternative design solutions to off-street facilities which might yield additional spaces;

The applicant has maximized the number of parking spaces. No alternative design solutions have been found which would result in additional spaces.

(iii) 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 five hundred (500) feet of the subject property;

The proposed car dealership will have two components: sales and service. The sales department is proposed to operate from 9:00 a.m. to 9:00 p.m., seven days a week. The service department is proposed to operate from 6:00 a.m. to 10:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on weekends. Other than the BJ's Wholesale Club, which has proposed hours from 9:00 a.m. to 10:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on Sunday, the other retail uses in the center are undeveloped. It is supposed that they will have similar hours when developed.

(iv) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.

The subject property is in the C-M Zone; therefore, the above section is not applicable.

- I. **Impact on Previous Approvals:** This application concerns itself with the number of parking spaces necessary to serve the various uses at the Ritchie Station Center in general, and the car dealership specifically. Approval of this application does not alter any of the previous approvals, site plans, and conditions attached thereto other than to reduce the number of parking spaces required. To the extent, if any, that the site plan associated with this application differs from those approved by DSP-04080 and its revisions, such differences, simply by virtue of their appearance on exhibits in this case, do not act to revise the detailed site plan or stand in its stead. In particular,

changes to access points to the car dealership or to the parking layout must be addressed through a revision to the DSP itself or a new site plan approval altogether.

CONCLUSION

There is sufficient evidence to support a departure for 230 parking spaces as the actual minimum departure from parking and loading standards necessary to meet the needs of the car dealership. The applicant is maximizing the number of parking spaces available to them per the parking regulations of the Zoning Ordinance. No alternative schemes have been identified which would result in additional spaces being created.

The Planning Board is persuaded that there are special circumstances that are unique to this location. The mix of uses includes one that is generally not anticipated in a shopping center, nor was it anticipated at the time of preliminary plan or detailed site plan approval. The combination of uses comprising the car dealership would ordinarily necessitate many fewer spaces as a stand-alone use than as part of an integrated center. In addition, the actual parking available for customers, while it will fluctuate depending on the number of cars in inventory, will generally be fewer than the 230 spaces allocated for vehicle display.

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, the overall site plan exhibit shall be revised to delineate an anticipated parking schedule to support the maximum gross leasable area (GLA) for the center.

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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, October 7, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of October 2010.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:TL:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 10/12/10