

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Design Standards DDS-628, Philmatt-Afrik, Inc., requesting a departure to allow the vehicular access to the loading space to be located within 50 feet of residentially-zoned property 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 December 11, 2014, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property, 6690 Old Landover Road, is a 0.381-acre property located at the northeast intersection of Old Landover Road at its intersections with Cooper Lane to the west and Warner Avenue to the east in Landover Hills. The subject property is zoned Commercial Shopping Center (C-S-C) and is currently developed with a 4,900-square-foot single-story building used as a commercial retail food market. Access to the property is from Old Landover Road via an existing 22-foot-wide driveway. There is also access to the property from Cooper Lane via an existing 22-foot-wide driveway, which provides direct access to the loading area. The rear of the property is fenced and is adjacent to residential properties zoned One-Family Detached Residential (R-55).

- B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Grocery/Food Market	Grocery/Food Market
Acreage	0.38	0.38
Parcels	1	1
Square Footage/GFA	4,900	4,900

- C. **History:** The building was constructed in 1967. Parking and loading standards were grandfathered and are shown on prior approved plans. The business has operated at this site since 2006 under the name of PCE, LLC. The name was recently changed to Philmatt-Afrik, Inc.
- D. **Master Plan Recommendation:** The subject property is located in the Established Communities area of the Prince George's County Growth Policy Map in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The vision for established communities in Prince George's County is to have context-sensitive infill and low- to medium-density development. This application is consistent with Plan Prince George's 2035 and is in conformance with the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* (Bladensburg-New

Carrollton Master Plan and SMA). The Bladensburg-New Carrollton SMA retained the property in the C-S-C Zone.

- E. **Request:** Section 27-579(b) of the Zoning Ordinance does not allow any portion of an exterior loading space and no vehicular entrances to any loading space within 50 feet of any residential zone. The applicant is requesting a departure of 43 feet from Section 27-579(b) to allow access to the loading space to be located within 50 feet of residentially-zoned property. The purpose of the request is to bring the existing conditions of the subject property into conformance with the requirements of the Zoning Ordinance. The applicant is changing the name of the store and using the entire building for the store. There are no proposed disturbances on the site.

- F. **Surrounding Uses:** The property, which is surrounded by commercial and residentially-zoned land, is part of the Landover Park subdivision and is adjacent to the Radiant Valley subdivision that is developed with single-family residential dwellings.

North— R-55-zoned land, Radiant Valley subdivision, developed with single-family residential dwellings. There is a single property zoned Commercial Office (C-O).

South and West— R-55 and C-S-C-zoned land developed with commercial buildings and a single-family residential dwelling.

East— R-55-zoned land developed with single-family residential dwellings.

- G. **Design Requirements:**

1. **Departure from Design Standards from Section 27-579(b):** Section 27-579(b) of the Zoning Ordinance sets forth the following requirements:

- (b) **No portion of an exterior loading space, and no vehicular entrances to any loading space (including driveways and doorways), shall be located within fifty (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).**

The subject departure from design standards is a request to allow the vehicular access to the internal loading space to be located within 50 feet of the residentially-zoned property to the north. The property is unique in that it is small and surrounded on three sides by public rights-of-way and to the north by residentially-zoned property, which limits the options for appropriate locations of a loading access drive and space. Additionally, the commercial building, loading space, and adjacent residential homes have all been in existence since at least 1967, and the loading space is internal to the building, behind a

rolling metal garage door. There are no viable alternatives for relocating the loading space and access drive on-site.

2. **Prince George's County Landscape Manual:** The site is exempt from the 2010 *Prince George's County Landscape Manual* since no new building or outdoor parking areas are to be constructed.
3. **Signs:** No freestanding signs are proposed for the subject use. Any sign that will be placed on the property must meet all area, height, and setback requirements.

H. **Further Planning Board Findings and Comments from Other Entities:**

1. **Community Planning**—There are no General Plan or master plan issues raised by this application.
2. **Urban Design:** No architectural review is being provided by the Urban Design Section for the subject project because architecture is not an issue for the subject departure applications. The application is exempt from the 2010 *Prince George's County Landscape Manual* (Landscape Manual) pursuant to Section 1.1(b) which states:
 - (b) **Existing conditions on developed sites not in conformance with the requirements of this manual that were otherwise lawful on December 13, 2010, and not the subject of any building or grading permit, may continue as a matter of right.**

However, General Note 23 indicates that there are no outdoor trash areas on the site, but recent aerial imagery shows outdoor dumpsters located in the southeast corner of the site. The Urban Design Section suggests that these dumpsters either be moved inside the building or be properly screened per Section 4.4 of the Landscape Manual. The subject application is exempt from the requirements of the Prince George's County Tree Canopy Coverage Ordinance, as it will not result in excess of 5,000 square feet of disturbance to the site. The Urban Design Section has no specific comments on the merits of the departure request in regards to the required findings for approval stated in Section 27-239.01(b)(7) of the Zoning Ordinance.

3. **Environmental Planning:** The site qualifies for a standard exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance. This exemption must be obtained via application from the Environmental Planning Section and must be submitted with any permit application. A stormwater management concept plan may be required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) at the time of any permit application. Due to the commercial use, traffic-generated noise is not regulated in relation to the application. The site does not front on any designated scenic or historic roadway. No other environmental requirements have been identified for this application.

4. **Permit Review:** The review of this referral does not include the review of any signage because it is not the subject of this particular application. The location of the dumpster must be demonstrated with required screening, unless information is provided regarding where the trash will be stored. There are striped spaces on the site plan that will have to be removed if they are not in conformance with zoning. It appears that the building was constructed in 1967; the applicant still has the option of using pre-1970 standards for parking and loading. The pre 1970 parking space size is 10 feet by 20 feet, with a minimum 18-foot drive aisle. New parking spaces must be dimensioned at 9.5 by 19 feet in size. Compact parking spaces must also be dimensioned. The drive aisle widths for new parking must be shown on the site plan at 22 feet in size.

I. Required Findings:

Departure from Design Standards DDS-628

1. **Section 27-587** of the Zoning Ordinance authorizes the Planning Board to grant departures from design standards under procedures and requirements contained in Part 3, Division 5, of the Zoning Ordinance.
2. **Section 27-239.01(b)(7)(A)** of the Zoning Ordinance provides that, in order for the Planning Board to grant a departure from design standards, it shall make the following findings:

- (i) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal.**

These purposes are equally well served by the application. The business has operated at this location since 2006. The building was constructed in 1967. The applicant's proposal maintains the residential nature of the area. A single loading space is required by the Zoning Ordinance and one is provided. The interior loading space is discreetly located at the rear of the site. The location of the loading space does not detract from the residential character of the neighborhood, as it is screened. Fencing along the property lines will ensure that the site will maintain compatibility with adjacent residential land uses.

- (ii) **The departure is the minimum necessary, given the specific circumstances of the request.**

The departure of 43 feet is the minimum necessary. There are no improvements being made to the property. All of the existing conditions are shown on the site plan. The request allows for the parking lot to be used to its maximum potential. There are no additional impacts on the surrounding residential uses.

- (iii) **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 departure is necessary in order to alleviate circumstances that are unique to the site because the property is zoned C-S-C and residentially-zoned developed land surrounds the property. The property is unique in that it is located at three intersections that are gateways to residential subdivisions. This departure is necessary to provide the required loading space, which is necessary for the proposed use and location.

- (iv) **The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.**

There is no new development occurring on the subject property. The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood. The existing adjacent residential areas will not be infringed upon.

CONCLUSION

The requested departures are necessary to bring the existing conditions of the subject property into conformance with the requirements of the Zoning Ordinance. The building was constructed on the subject property in 1967. The market has operated at the subject property since 2006 under the current ownership with these conditions. The applicant has satisfied all of the requirements pertinent to obtaining the requested departure from the requirement that access drives to a loading space shall be a minimum of 50 feet from adjoining residentially-zoned land. The request for a departure from the parking and loading standards meets the requirements of the Zoning Ordinance and will not adversely affect the subject property or the surrounding neighborhood. The proposed use is permitted by-right and will not alter the relationship between the market 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 above-noted application, subject to the following conditions:

1. Prior to certification of the site plan, the applicant shall correct General Note 19 and remove General Note 23.
2. Prior to issuance of permits, the applicant shall apply for a standard exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
3. Prior to issuance of permits, all trash dumpsters should either be moved internal to the building or be properly screened per Section 4.4 of the 2010 *Prince George's County Landscape Manual*.

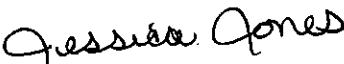
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

* * * * *

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 Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, December 11, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of January 2015.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:IT:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 12/22/14