

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed DDS Application No. 644, Vista Gardens West, requesting to allow, in two instances, loading-spaces and a loading-access driveway to be located less than the required 50 feet from the residentially-zoned property or land used for residential purposes 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 14, 2017, the Prince George’s County Planning Board finds:

1. **Request:** The subject application is for approval of two departures from design standards (DDS) from Section 27-579(b) of the Prince George’s County Zoning Ordinance which prohibits loading spaces and access to a loading space to be located less than 50 feet from property proposed to be used for residential purposes. This case is companion to a Detailed Site Plan DSP-16055 (PGCPB No. 17-158) for a mixed-use development, including 29,922 square feet of new commercial retail space, a gas station and associated food and beverage store, a 95-square-foot 103-room hotel, and 115 single-family attached dwelling units and an addition to an existing office building of 14,881 square feet.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Office	Hotel, retail, office and single-family attached residential
Acreage	31.34	31.34
100-year floodplain	4.73	4.73
Net Tract Area	26.61	26.61
Dwelling Units	0	115
Residential Square Footage	0	138,000
Commercial Retail (sq. ft.)	0	29,922
Commercial Office (sq. ft.)	14,881	14,881
Hotel	0	95,000 sq. ft. (103 rooms)
TOTAL Gross Floor Area		277,803 sq. ft.

Floor Area Ratio (FAR) in the M-X-T Zone

Base Density Allowed	0.40 FAR
Residential Bonus Incentive	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.24 FAR

Note: *Additional density was previously approved in accordance with Section 27-545, Optional method of development, of the Zoning Ordinance.

PARKING AND LOADING DEVELOPMENT DATA

Parking Spaces	Required Spaces*	Provided Spaces
Existing Office – 14,881 sq. ft.	1 space/250 sq. ft. for first 2,000 sq. ft.; 1 space/400 sq. ft. for the remaining = <u>41</u> <u>spaces</u>	<u>85 Total</u> 81 Standard 2 Handicapped 2 Van Handicapped
Hotel – 103 Rooms	1 space/2 rooms = <u>52 spaces</u>	<u>119 Total</u> 113 Standard 6 Handicapped Van
Parcel 1 – future 3,400 sq. ft. retail	1 space/250 sq. ft. = <u>14 spaces</u>	<u>43 Total</u> 41 Standard 2 Handicapped Van
Parcel 2 – 10,083 sq. ft. retail	1 space/250 sq. ft. = <u>41 spaces</u>	<u>45 Total</u> 34 Standard 9 Parallel 2 Handicapped Van
Parcel 3 – 4,654 sq. ft. eating and drinking establishment	1 space/250 sq. ft. = <u>19 spaces</u>	<u>51 Total</u> 49 Standard 2 Handicapped Van
Parcel 4 – 2,200 sq. ft. eating and drinking establishment	1 space/250 sq. ft. = <u>9 spaces</u>	<u>29 Total</u> 27 Standard 2 Handicapped Van
Parcel 5 – 5,585 sq. ft. food and beverage	1 space/250 sq. ft. = <u>23 spaces</u>	<u>57 Total</u> 54 Standard 1 Handicapped 2 Handicapped Van
Parcel 6 & 7 – future 4,000 sq. ft. retail	1 space/250 sq. ft. = <u>16 spaces</u>	<u>62 Total</u> 62 Standard

Residential – 115 townhouses	2.04 spaces per townhouse = <u>235 spaces</u>	<u>273 Total</u> 2 spaces/lot 43 on-street
Total Parking	461 spaces*	764 spaces

Loading Spaces	Required Spaces*	Provided Spaces
Existing Office – 14,881 sq. ft.	1.0 for 10,000 to 100,000 sq. ft.	1
Hotel – 95,000 sq. ft.	1.0 for 10,000 to 100,000 sq. ft.	1
Commercial – 32,508 sq. ft.	3.0 for shopping centers 25,000 – 100,000 sq. ft.	2**
Residential	None for single-family residential	0
Total Loading	5 spaces*	4 spaces**

Note: * The number of parking and loading spaces for developments in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP, as stated in Sections 27-574 and 27-583 of the Zoning Ordinance. If the applicant desires to reduce the base requirement of parking spaces normally required under Section 27-568 and the number of loading spaces normally required under Section 27-582, they must submit supporting data to justify the proposed reduction. In DSP-16055, the applicant did not ask for a reduction nor submit data; therefore, they must meet the base requirements in Sections 27-568 and 27-582.

** DSP-16055 did not reflect the three loading spaces required within the commercial area. Therefore, a condition was included in the DSP approval requiring the additional loading space be added.

3. **Location:** The subject property is located at the intersection of MD 450 (Annapolis Road) and MD 704, (Martin Luther King Jr. Highway) in Planning Area 70, Council District 5, in Lanham, Maryland.
4. **Surrounding Uses:** Across Annapolis Road to the northeast are two small subdivisions containing single-family dwellings in the R-R (Rural Residential) Zone. Across Martin Luther King Jr. Highway to the south are the Vista Gardens Shopping Center in the C-S-C (Commercial-Shopping Center) Zones, the Lottsford-Palmer building in the C-O Zone, and the Hanson Palmer Business Park in the I-1 (Light Industrial) Zone. To the west, across Business Parkway, is the Cabot-Forbes Industrial Park in the I-2 (Heavy Industrial) Zone and to the northwest, is the Washington Business Park in the I-1 Zone. An abandoned portion of Old Lottsford Vista Road bisects the property into a residential/hotel area and a commercial area. The site is currently developed with an office building adjacent to Business Parkway serving as the applicant’s corporate headquarters. The site

surrounds two existing residential dwellings in an area of approximately 1.5 acres, zoned R-R, that are not included in the proposed development.

5. **Previous Approvals:** The property was rezoned from the I-1 and R-R (Rural Residential) Zones to the M-X-T Zone via Zoning Map Amendment A-10028-C, approved by the District Council on August 18, 2014, (Zoning Ordinance No. 11-24). On July 7, 2016, the Prince George's County Planning Board approved Conceptual Site Plan CSP-14002 (PGCPB Resolution No. 16-90) for the development of the property as a mixed-use development with 75,000 square feet of new commercial space, a gas station and associated food and beverage store, a 124-room hotel, and 115 single-family attached dwelling units, in addition to an existing office building of 14,881 square feet. On the same date of July 7, 2016, the Planning Board approved Preliminary Plan of Subdivision 4-13024 (PGCPB Resolution No. 16-91) for the property, which established the lotting pattern, access and circulation for the property. The property is also the subject of Stormwater Management Concept Plan 47327-2007-04 approved on November 22, 2016 and valid for three years until November 22, 2019.
6. **Design Features:** The applicant proposes to develop the property as a horizontal mixed-use development consisting of single-family attached units, a hotel, and commercial retail uses, which includes a gas station and associated food and beverage store. The following is a breakdown of the square footage associated with each parcel of the commercial development:

Existing Office = 14,881 square feet

Hotel = 95,000 square feet

Parcel 1: Future pad site = 3,400 square feet

Parcel 2: Multitenant commercial = 10,083 square feet

Parcel 3: Eating and Drinking Establishment with Drive-Through = 4,654 square feet

Parcel 4: Eating and Drinking Establishment with Drive-Through = 2,200 square feet

Parcel 5: Gas station with eight multi-product dispensers; Food and beverage store = 5,585 square feet

Parcel 6 & 7: Future pad site = 4,000 square feet

The existing one-story office building, which is to remain as is with only parking lot modifications, is located at the far western end of the property and has an existing vehicular access to Business Parkway. The proposed four-story hotel and associated parking lot will be located to the south of the existing office building and will be accessed via an extension of the office building's access road.

The residential component of this mixed-use development proposes 115 fee-simple single-family attached lots fronting on the linear park and private streets. The lots are laid out in a grid pattern in the northeastern portion of the site with only one vehicular-access point from Annapolis Road. Emergency access for residents and emergency vehicles is provided from the residential private streets to the proposed hotel driveway to access Business Parkway. The submitted DSP indicates an emergency-access location with grass pavers for this purpose. The proposed townhouses include primarily front-loaded garages with rear-loaded garages provided for the units fronting the

linear park/bike trail. On-street parking is also shown in several locations. On-site recreational facilities for the residential community will include a plaza/pocket park that is integrated with the linear park/bicycle trail, which has been created to be the focal point of the entire development.

The remaining commercial uses are located within the triangle formed by the intersection of MD 704 and MD 450 at the eastern end of the site and are separated from the residential uses by the proposed linear park, which bisects the site. Access to the commercial area is proposed via two access points on MD 704 (Martin Luther King, Jr. Highway), and two access points on MD 450 (Annapolis Road). A proposed vehicular-access easement will provide access to the commercial parcels at the east end of the site, that do not have direct access to public roads. This easement is treated as a roadway in design, including sidewalks, lighting and street trees, to help establish the character of the commercial portion of the development. The commercial buildings are surrounded by parking and generally face the adjacent roadways with plantings and a six-foot-high decorative brick wall and metal fence lining the road frontages.

The proposed stormwater management (SWM) facilities as shown on the approved SWM concept plan, indicate the use of bio-retention areas in the residential portion and underground facilities in the commercial area. Ten and 100-year detention will be provided by the Vista Gardens Marketplace pond on the opposite side of (Martin Luther King) MLK Jr. Highway.

Proposed signage for the property includes a monument sign for the hotel along Business Parkway, a pylon sign for the gas station along MD 450, a pylon sign for the commercial tenants along MD 704 and monument entrance signs for the residential and commercial portions. Building-mounted signage is also proposed on all commercial buildings. This signage is generally internally-illuminated channel letter signs in franchise-typical colors and is sized and located appropriately to blend with the architecture. The Planning Board reviewed the signage and finds the designs aesthetically pleasing and the size appropriate for the size and type of development.

The proposed architecture of the commercial buildings, including the hotel, is a typical contemporary style with storefront windows and doors and generally flat roofs, with some variation. Building materials include quality finishes, such as brick veneer, stone veneer, standing seam metal roof, fiber cement siding, and metal panels in neutral colors. Ample fenestration and quality of design on all elevations is provided. The gas station canopy is a white, sloped metal with metal posts, finished with stone veneer at the base.

The proposed residential architecture submitted with the subject DSP includes four models, the 'Aldridge', 'Clifton', 'Chandler II', and 'Davenport II', all by Dan Ryan Homes. These models offer a one-car front-load garage option and a one-car or two-car rear-load garage option with base finished square footages ranging from 1,458 to 1,892 square feet. All models are approximately 36.5 feet high and offer multiple front elevation options, including varied rooflines and a variety of façade options, such as full or partial brick, stone and siding front façades. Other features include reverse and sloping gables, dormers, specialty windows, and enhanced trim. All of the side elevations provide a minimum of two standard architectural features; however, this requirement is included as a condition of approval to ensure that all models have the minimum number of endwall

features in a balanced composition. A separate condition of DSP-16055 requires a minimum of three standard endwall features combined with a minimum of the first floor finished in brick, stone or stucco on highly-visible lots. In accordance with the M-X-T Zone requirements, a minimum of 60 percent of the proposed townhouse should have full front façades of brick, stone and/or stucco.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the following Zoning Ordinance requirements:
- a. The subject application is in conformance with the requirements of Section 27-547, which governs uses in all Mixed-Use Zones.
 - (1) The proposed residential and commercial/retail uses are permitted uses in the M-X-T Zone.
 - (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone as follows:
 - (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**
 - (1) **Retail businesses;**
 - (2) **Office, research, or industrial uses;**
 - (3) **Dwellings, hotel, or motel.**
 - b. Section 27-548, M-X-T Zone regulations, establishes additional standards for the development in this zone. The application's conformance with the applicable provisions is discussed as follows:
 - (a) **Maximum floor area ratio (FAR):**

DSP-16055 proposes new commercial/retail space, a hotel, and 115 single-family attached dwelling units and, therefore, meets the requirement for uses.

- (1) **Without the use of the optional method of development—0.40 FAR**
- (2) **With the use of the optional method of development—8.0 FAR**

This development will use the optional method of development and specifically utilizes the one bonus incentive in Section 27-545(b) of the Zoning Ordinance as follows:

(b) Bonus incentives.

(4) Residential use.

- (A) Additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided.**

The application proposes a total of 115 single-family attached units with a proposed maximum floor area ratio (FAR) of 0.24, which meets this requirement. However, it should be noted that the mix of uses including residential uses allows the applicant to increase the FAR to a maximum of 1.4.

- (b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

The application shows the proposed uses will be located in multiple buildings and on several lots/parcels.

- (c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

The application provides regulations for the development on this property.

- (d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), which is discussed in the approval of DSP-16055.

- (e) In addition to those areas of a building included in the computation of gross**

floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.

The FAR for the proposed development is calculated in accordance with the requirement.

- (f) Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

There are no private structures within the air space above, or in the ground below, public rights-of-way as part of this project. Therefore, this requirement is not applicable to the subject case.

- (g) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

As shown on the application, not every lot has frontage on or direct vehicular access to a public street. PPS 4-13024 approved private streets for the townhouse lots as well as approving a consolidation of the access within a vehicular access easement (Section 24-128(b)(9)) for commercial Parcels 1–6, Block C and Parcels 1–2, Block B.

- (h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size, and shall have at least sixty percent (60%) of the full front façades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this**

Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (1/2) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages are preferred to be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the District Council may approve a request to substitute townhouses, proposed for development as condominiums, for multifamily dwellings that were required as a condition of approval in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, such townhouses are subject to all other requirements of the Zoning Ordinance.

Four variances from this section were approved with the PPS 4-13024. These include allowing for a minimum interior building width of 16 feet, not 20 feet; a minimum lot size of 1,312 square feet, instead of 1,800 square feet; 26 percent of the building groups

having 6 or more units, instead of 20 percent; and for the maximum units per building group to be eight. The application meets the requirements of this section, including the parts that are modified per the previously approved variances.

- (i) **The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

The plan does not propose any residential multifamily buildings.

- (j) **As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).**

This requirement does not apply to this application as the subject property was rezoned via a Zoning Map Amendment approved in 2014 (A-10028-C).

- c. DSP-16055 was reviewed for conformance with the applicable site design guidelines contained in Section 27-274, and cross-referenced in Section 27-283, as follows:
 - (1) Section 27-274(a)(2), Parking, loading, and circulation, provides guidelines for the design of surface parking facilities. Surface parking lots are encouraged to be located to the rear or side of structures to minimize the visual impact of cars on the site. Surface parking is provided for the commercial sites and is generally designed to minimize the visual impact of cars on the site by providing plantings, walls and fences to screen the parking from the adjacent public rights-of-way.
 - (2) In accordance with Section 27-274(a)(2)(B), loading areas should be visually unobtrusive. The development scheme should minimize the impact of loading and trash facilities on the existing residential properties. In the subject application, some facilities have been set back less than the required minimum of 50 feet from

residentially zoned land or land proposed for residential uses. The applicant has filed Departure from Design Standards DDS-644, which is discussed in Finding 9.

- (3) In accordance with Section 27-274(a)(6)(i), site and streetscape amenities, coordination of the design of light fixtures, benches, trash receptacles, bicycle racks, and other street furniture are required. A comprehensive review of streetscape amenities has been done in the review of the subject application and the site plan is in conformance with the requirements.
- (4) A comprehensive and connected pedestrian system including seating elements are provided to enhance the commercial and residential areas in accordance with Section 27-274(a)(9), Public Spaces. The proposed public spaces incorporate high-quality design details and are integrated into the site design by a well-designed pedestrian system and continuous streetscape.

9. **Departure from Design Standards (DDS-644):** The applicant requires two departures from Section 27-579(b) of the Zoning Ordinance which prohibits access to a loading space to be located less than 50 feet from property proposed to be used for residential purposes. Specifically, Section 27-579(b) states the following:

- (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). (emphasis added)**

Departure 1, Hotel—On the east side of the hotel site, the application proposes a reduction in the required width of 50 feet between the loading space and access driveway to a loading space and adjacent land proposed to be used for residential purposes. The access driveway for the proposed hotel wraps around the north and east sides of the existing office building and continues south to the east side of the proposed hotel building. The proposed exterior loading space for the hotel is located in the northeast corner of the building. In this location, the driveway, which will serve the loading space, is at one point within five feet of a proposed Homeowner’s Association (HOA) parcel for the residential portion of the Vista Gardens development. The minimum distance of the loading access driveway to the nearest townhouse lot is approximately 25 feet, all of which is proposed to be planted open space with no recreational facilities.

Departure 2, Parcel 2—On the northeast side of the proposed multi-tenant retail building on Parcel 2, the application proposes a reduction in the required width of 50 feet between the loading space and access driveway to a loading space and adjacent land used for residential purposes. In this case, the residential use is existing and off-site, and the applicant proposes to locate the loading-access driveway within ten feet of the common property line. The adjacent property in this area is zoned R-R, but it is vacant and owned by the applicant. The closest residentially developed lot is approximately 100 feet from the DSP’s property line.

Section 27-239.01(b)(7) of the Zoning Ordinance contains the following required findings in order for the Planning Board to grant the departure. The two locations are discussed together below. Each standard is listed in **boldface** type below, followed by the Applicant's justification and then comment:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

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

Applicant's Justification:

"The purposes of the Zoning Ordinance, as stated in Section 27-102(a), will be equally well or better served by the applicant's departure request. The proposal provides sufficient allowances for safely maneuvering vehicles in and out of parking and loading spaces with adequate clearances on the sides, as well as in the aisles. Incorporated within the site design are enhanced landscaping features designed to buffer and screen any nearby residential properties and/or uses from potential impacts from said vehicular activities. Granting a reduction in the required setback to access referenced loading spaces will not only allow for the proposed development to maximize its potential building area and provide a quality mixed residential-commercial development that encourages interaction between the designed uses, but also does not endanger the health, safety, convenience, comfort, and welfare of all who live, visit or are employed there."

The applicant argues that the plan provides for fencing and landscaping designed to buffer the loading space and access and provided exhibits proposing additional landscaping in the two areas. The Planning Board generally agrees that the proposed buffering, as revised by the applicant's exhibits included in the Statement of Justification dated November 16, 2017, is equal or better in creating an appropriate interface between the loading areas and the adjacent residential properties. However, a condition has been included in this approval, requiring the plans to be revised to reflect these exhibits, as well as some additional landscaping.

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

Applicant's Justification:

“Due to the excessive grade changes between the hotel and Martin Luther King Jr. Highway, access into the site from the front is not feasible, hence the proposed entrance from the rear and side of the hotel from Business Parkway to the west is the only feasible access point. This access serves not only visitors to the hotel but also access to the loading space. Although this drive aisle servicing the proposed loading space located in the rear of the hotel is less than 50-feet from the proposed residential area, it will have minimal impact to the residential area due the extensive planting within the HOA space adjacent to the proposed driveway to the hotel and the fact that the access drive is partially screened from the residential areas by a steep bank. To further screen the residential areas, additional landscaping is proposed.”

“The other departure is for the area surrounding the proposed multi-tenant retail building. Although the proposed loading space behind the multi-tenant retail building is more than 50 feet from the adjacent residential lot, the driveway leading to the proposed loading space falls within 50 feet of the residential lot. Although the adjacent residential property is vacant and owned by the applicant, and will never have another single-family detached house built upon it, to mitigate the difference between these two parcels designations, a sight-tight board-on-board fence will be erected along the shared property line. Furthermore, the row of evergreens proposed behind the proposed multi-tenant retail building will be extended southward along the previously mentioned board-on-board fence.”

The site has been designed to address issues of access locations, grading and existing improvements, which has created a situation where the loading access driveways are located less than 50 feet from the residential uses. Therefore, the departure is the minimum necessary given the specific circumstances of the request and mixed-use nature of the proposed development.

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

Applicant’s Justification:

“The mix of uses and the arrangement and design of the buildings and other improvements reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability as this purpose intends, while at the same time providing the key elements to ensure each component is successful. The development’s flexible market response, bicycle and pedestrian amenities, and the attractive architecture and landscape elements proposed with DSP-16055 will all contribute to this environment, as well as easy access to surrounding roadways, transit and community services. There will be no adverse impacts on the surrounding residential areas. The added buffering to those residential uses proximate to the two areas of departure afford screening to those properties with enhanced landscaping and fencing. Therefore, this departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.”

The M-X-T Zone promotes dense and compact development, such as is proposed with the subject DSP. The site is mostly surrounded by existing public roadways and commercial/industrial uses, except for the adjacent residential properties located within the middle of the DSP area. The recommended conditions will mitigate any negative impacts of the loading areas on the surrounding neighborhoods; therefore, it will not impair the surrounding neighborhood.

Based on the analysis above, the Planning Board approved the departure requests with a condition, as contained in this approval.

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. Revise the site and landscape plans to reflect the additional plantings and fence as shown on Exhibits 1 and 2 in applicant's Statement of Justification dated November 16, 2017, as well as an additional ten evergreen trees located within the west end of Homeowner's Association Parcel E.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, December 14, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of December 2017.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:JK:arj