

CORRECTED RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Parking and Loading Spaces DPLS-464, for PMG 8600 Ardwick-Ardmore Road, requesting a reduction of one loading space in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on January 16, 2020, the Prince George’s County Planning Board finds:

- Request:** A Departure from Parking and Loading Spaces DPLS-464 is requested from the requirements of Section 27-582(a) of the Prince George’s County Zoning Ordinance, to provide a reduced number of loading spaces.

In conjunction with this DPLS, the Planning Board approved detailed site plan DSP-18054 (PGCPB Resolution No. 2020-05) on the same date for the construction of a gas station and a 2,400-square-foot food and beverage store on the site.

2. Development Data Summary:

	EXISTING	APPROVED
Zone	I-1	I-1
Use	Gas Station	Gas Station and Food and Beverage Store
Total Acreage	1.04	1.04
Total Gross Floor Area (square feet)	0	2,400

Parking and Loading		
Use	Number of Spaces Required	Number of Spaces Provided
Gas Station		
1 space per employee	1	1
Food and Beverage Store		
2,400 sq. ft. @1 space/150 sq. ft.	16	16
Total Required	14**	17
Handicapped-Accessible	1	1
Total Loading Spaces	1	0*
1 space for 2,000 - 10,000 sq. ft.		

Notes: *A Departure from Parking and Loading Spaces (DPLS-464) was disapproved to reduce the quantity of loading spaces.

**The applicant incorrectly referenced the wrong section of the County Code in General Note 12 for the joint use of parking lot requirement, and it should be revised to Section 27-572, which allows for a 20 percent reduction in each use.

***The parking and loading schedule is unclear and lists the incorrect number of required parking spaces. The schedule should be revised to clearly list the parking requirements of each use. A condition requiring that the parking schedule be revised has been included herein.

Signage Data*					
Freestanding Signage					
Height (in feet)		Area (in square feet)		Quantity	
Maximum Allowable	Approved	Maximum Area Permitted	Area Approved	Maximum Permitted	Approved
25	25	200	124	2	1
Building- Mounted Signage					
Location		Area (in square feet)		Quantity	
		Maximum Area Permitted	Area Approved	Maximum Permitted	Approved
Food and Beverage Building		160	66	-	3
Canopy		220	54	-	3

Note: *A signage area schedule was not provided and should be shown with this DSP, demonstrating conformance to Sections 27-613 and 27-614. Additionally, it is noted that the elevations provided do not clearly indicate the building-mounted signs that are proposed on the food and beverage building, and should be revised. Conditions have been included herein requiring the applicant to provide the signage area schedule and clarification for which signs are being used on the food and beverage building.

- 3. Location:** The subject property is located in Planning Area 72, and Council District 5. More specifically, it is located at 8600 Ardwick-Ardmore Road, at the northeast corner of its intersection with MD 704 (Martin Luther King Jr Highway). The property is described as part of Lots 18, 19, 21, and 22, as shown on Tax Map 52 in Grid C-3.
- 4. Surrounding Uses:** The subject property is generally triangular and bounded to the north by a consolidated storage facility and towing service in the Light Industrial (I-1) Zone; to the southwest by the public right-of-way of Ardwick-Ardmore Road; to the east by the unimproved right-of-way of Short Street; and to the southeast by MD 704.

5. **Previous Approvals:** The subject property is recorded in Plat Book 139, was recorded on State Roads Commission of Maryland right-of-way Plat 21430, and is further reflected in a 1961 deed recorded among the Prince George's County Land Records in Liber 2752 Folio 102. The site is currently developed with a gas station and associated kiosk and was constructed on the property in approximately 1970. The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan and SMA) retained the subject property in the I-1 Zone. The site has never been the subject of a preliminary plan of subdivision (PPS), and one is not required now because the development proposed is less than 5,000 square feet of gross floor area.

The site has an approved Stormwater Management (SWM) Concept Plan, 49536-2018-00, that is in conformance with the current Prince George's County Code and valid until April 29, 2022.

6. **Design Features:** The proposed gas station and 2,400-square-foot food and beverage store has frontage on Ardwick-Ardmore Road and MD 704, with one vehicular access proposed from each roadway. The food and beverage store and gas station are centrally located on the site, with the gas pumps and canopy located closest to the intersection of Ardwick-Ardmore Road and MD 704, and the building behind it. The property's frontages along these roadways are further defined by sidewalks, stormwater facilities, and a freestanding sign near the intersection.

Parking for the facility is featured along the front and side of the building which includes 16 standard surface parking spaces and one handicap-accessible space. Two diesel gasoline pumps are located on the western side of the site, on either side of a 15-foot, one-way drive aisle that runs to the north of the building. The northeastern portion of the site includes two additional parking spaces, an air/vacuum machine, and an enclosed trash facility with two dumpsters. A detailed site plan (DSP-18054) was processed concurrently with this application for construction of a gas station and 2,400-square-foot food and beverage store, and was approved by the Planning Board as embodied in PGCPB Resolution No. 2020-05.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Departure from Parking and Loading DPLS-464:** DPLS-464 was filed in conjunction with DSP-18054, and is requesting the reduction of one required loading space. Based on the requirements of Section 27-582(a) of the Zoning Ordinance, this proposed development would normally require a minimum of one loading space. Pursuant to Section 27-588(b)(7) of the Zoning Ordinance, the Prince George's County Planning Board must make the following findings to approve this application.

(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 following are the purposes as listed in Section 27-550:

- (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;**

The applicant states that on-site parking is sufficient to satisfy user demand for the patrons of the proposed gas station and food and beverage store, and is strategically located in multiple locations on the site to minimize disruptions to vehicular and pedestrian circulation. Additionally, the applicant noted that the reduction of the loading space would aid in relieving traffic/circulation congestion on-site by reducing the number of spaces on this property. However, the Planning Board noted that the DSP proposes a surplus of parking spaces and believes that the site could be reconfigured to remove some or all of the surplus parking spaces, accommodating the addition of the required loading area, particularly on the east or west sides of the building.

- (3) **To protect the residential character of residential areas; and**

The site is adjacent to industrial uses which abut the property to the north and will not impact the character of any residential areas surrounding the site.

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

The site is served by 17 parking spaces, and a loading space was not proposed for the development due to the size of the food and beverage store. The applicant states that the use is small enough that it can be restocked without relying on a large truck, such as a tractor trailer. The applicant's proposal to use parking spaces during off-peak hours, in lieu of providing a dedicated loading space, is not convenient for the users of the site.

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

The applicant states that they have explored the opportunity to provide the loading space, but determined that the space cannot be provided without reducing the number of parking spaces, impacting setbacks, or impacting drive aisle widths. However, the Planning Board noted that the applicant calculated the total number of required parking spaces incorrectly and could remove some of the surplus parking spaces to accommodate the required loading space. Therefore, the Planning Board determined that the requested departure is not the minimum necessary.

- (iii) The departure is necessary in order to alleviate certain circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in order areas of the County which were predominantly developed prior to November 29, 1949;**

The applicant states that, given the size of the property and its unusual triangular shape, it is difficult to comply with the parking requirements, drive aisle widths, setbacks, and the required bulk regulations for the property. The loading for this use will be served by smaller panel trucks and the applicant states that the loading for the property can be addressed by using parking spaces on the site, if timed correctly. Furthermore, the applicant has agreed to include a condition that limits the time of day the parking spaces may be used for loading purposes. However, the Planning Board determined that site constraints do not warrant the removal of the loading space, and noted the site could be reconfigured to accommodate the loading space by removing excess parking spaces.

- (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**

All methods for calculating the number of spaces required were not used, as the reduction in standard parking spaces was not calculated correctly. With the allowance of a further reduction in standard parking spaces, there would be additional room on-site to provide the needed loading space.

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

The site is not located adjacent to any residential areas and granting of this departure for one loading space will not have an impact on the parking and loading needs of the any residential areas.

- (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 number and locations of available on and off-street spaces within five hundred (500) feet of the subject property;**

The Planning Board evaluated the site and noted that properties within 500 feet of the subject site are characterized by commercial uses to the south and west, and industrial uses to the north and east. However, a loading space could not be utilized off-site due to its nature of off-loading supplies.

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

The subject property was retained within the I-1 Zone through the Subregion 4 Master Plan and SMA. The proposed use achieves the vision set forth in the sector plan, which does not speak specifically to loading issues.

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

This property is not located within 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 within the general vicinity of the subject property.

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

- (i) **Public transportation available in the area;**

A public bus stop is located along Ardwick-Ardmore Road, directly northwest of the site. However, given the departure request for a loading space, the existence of public transportation is not relevant.

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

The applicant states that no practical alternative design solution would yield additional off-street loading facilities. However, the Planning Board noted that the site design has a surplus of three parking spaces which could be removed to accommodate the required 12-foot by 33-foot loading space.

- (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 applicant indicated that the gas station and food and beverage store will be operated 24 hours a day, seven days a week, and be mainly used by commuters and employees from the adjacent industrial park. Therefore, a dedicated loading space should be provided, as customers will be using the site at all hours.

- (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 I-1 Zone. Therefore, this finding is not applicable to the subject application.

Based on the analysis above, the Planning Board disapproved DPLS-464 for a reduction of one required loading space, and required the applicant to redesign the site to accommodate the required loading space.

8. Further Planning Board Findings and Comments from Other Entities: The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Transportation Planning**— The Planning Board adopted, herein by reference, a memorandum dated December 16, 2019 (Burton to Bishop), which offered analysis of the site design and a discussion of the departure application that have been incorporated into findings above.

The Planning Board found that because the site proposes three parking spaces more than required, the site could be reconfigured to provide a loading space by removing some or all of the excess parking spaces. In making this determination, the requested departure is not necessary, is not supportable, and the Planning Board determined that the applicant is required to reconfigure the site to show a loading space.

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 DISAPPROVED the above-noted application for the reduction of one loading space.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following 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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, January 16, 2020 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of February 2020.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:AB:nz

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCAPC Legal Department

Date 3/3/2020