

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-308 requesting a departure of 81 off-street parking spaces from the required 100 parking spaces 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 September 14, 2006, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The property is located on the east side of US 301 (Crain Highway) approximately 2000 feet north of the intersection of McKendree Road and US 301, known as 16010 Robert Crain Highway, Brandywine, Maryland. The site is an 11.8-acre parcel (Parcel 52), referred to as the Schwein Property. The applicant rents and controls roughly two to three acres of the parcel, which are set off by an eight-foot chain link fence. This portion of the site is developed with a two-story single-family home constructed in 1935, prior to the Light Industrial (I-1) zoning currently governing the property. One hundred and fifty-six square feet of the dwelling are utilized as office space to support the business.
- B. **History:** A contractor's office existed on the property before being razed in 1970. The applicant has rented the subject area of the property for nearly three years.
- C. **Master Plan Recommendation:** The 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B* recommends employment industrial land uses within Employment Area C—Brandywine-Mattawoman Industrial Area. The SMA classifies the site in the I-1 Zone.

The 2002 *Prince George's County Approved General Plan* identifies this application as being located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is also in the area identified as a possible future center for Brandywine. The policy for centers is to promote development of mixed residential and nonresidential uses, moderate to high densities and intensities in context with surrounding neighborhoods, and a strong emphasis on transit-oriented design. The General Plan does not specifically address parking standards.

- D. **Request:** The applicant revised the original request of a departure of 87 parking spaces and is now requesting a departure of 81 parking spaces from the required 100 parking spaces to allow an increase in the size of the display area of the barn and shed sales business. The proposed site plan provides for 19 on-site parking spaces.
- E. **Surrounding Uses:** The immediate area surrounding the site is generally characterized by light industrial use and commercial uses in the I-1, I-3, and C-M Zones. The subject property is surrounded by the following uses:

North—GE Modular Space and auto auction in the I-3 Zone;

East—Undeveloped land in the I-1 Zone;

South—Industrial building and gas station in the I-1 Zone;

West—Across Crain Highway, motels and auto sales in the C-M Zone.

F. Parking Requirements:

1. **Number of Required Parking and Loading Spaces:** Section 27-568(a)(5)(B) of the Zoning Ordinance requires the low parking generation group to provide one parking space for every 500 square feet of gross floor area. The existing office space generates parking at a rate of 1 per 250 square feet.

According to the Permit Staff and the use and occupancy (U&O) permit, Best Built is considered a building supply store, which places it in the low parking generation group. This group includes sporting goods, which may include marine equipment and supplies; vehicle, trailer, mobile home, boat sales (indoor), and similar uses which, because of their large areas of display space, generate relatively small demands for parking space. The Transportation Planning Staff concur that the site is not a high traffic generation use. Best Built currently claims a display area of 2,000 square feet and 156 square feet of office space. The amount of parking generated is five spaces.

The statement of justification, originally submitted in November of 2005, included the statement that approximately five sheds can fit within the current display area and that there were 36 sheds on site. According to the applicant’s parking schedule, a total of 100 parking spaces are generated for a use with the proposed display area size (49,300 sq. ft.) on the subject area of the property. There are currently 11 on-site parking spaces, including one parking space for the physically handicapped.

The applicant submitted that the only available space on the applicant’s portion of the property was near the current display area and could include only an additional eight spaces for a total of 19 spaces. This is an attempt to address the Department of Public Works and Transportation (DPW&T) request for additional parking to compensate for and/or prevent any overflow onto US 301. The applicant is requesting a waiver of 81 parking spaces. See chart on next page.

	EXISTING	PROPOSED
Display Area	2,000 s.f.	49,300 s.f.
Sheds (400 s.f.)	5	123
Office Space	156 s.f.	156 s.f.
Parking Generated	5 spaces	100 spaces
Parking Provided	11 spaces	19 spaces
Departure needed	0	81 spaces

2. **Landscape Manual:** The *Prince George’s County Landscape Manual* standards 4.2 Commercial and Industrial Landscape Strip and 4.3 Parking Lot Requirements are applicable to this property zoned I-1. This must be shown on a revised site plan.

G. **Sign Regulations:** No new freestanding sign is proposed for the subject property. A valid permit must be submitted for the ID existing sign that serves the property. During a field inspection of the site, staff noticed a small, freestanding business identification sign for the subject use. The existing sign shall also be shown on a revised site plan, and meet the requirements of the sign regulations. If the ID sign does not have a valid permit, it shall be removed immediately. Any sign that will be placed on the property must meet all area, height and setback requirements. The site plan shows an existing billboard sign. Pursuant to section 27-593, billboard signs are prohibited. The billboard sign must be shown as “to be removed” on the site plan until it is removed.

H. **Required Findings—Departure from Parking and Loading Standards**

(A) **Section 27-588(b)(8) 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 Section 27-550 will be served by the applicant’s request.**

The purposes of the parking regulations are as follows:

a. **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;**

The applicant’s statement of justification indicates that the existing two-level dwelling was constructed in 1935 prior to the I-1 zoning and does not require parking spaces. Approximately 1,572 square feet of this dwelling is being used as residential space and approximately 156 square feet is being used for office space to support the business, which operates on the subject property and is known as Best Built Barns and Sheds, Inc. (Best Built). There is a garage that provides two parking spaces to support the dwelling.

Best Built has three employees. Two of the three often drive company trucks for deliveries. Best Built currently provides 11 parking spaces, including one parking space for the physically handicapped, and has a display area of 2,000 square feet. According to the affidavits submitted by the applicant, a maximum of seven parking spaces are currently utilized. The seven spaces are used in accordance with the number of sheds on site when the application was submitted (a total of 36). According to the applicant’s parking schedule, a total of 100 parking spaces are generated by the use with the proposed display area size (49,300 sq. ft.) on the subject area of the property. An additional eight spaces are proposed for a total of 19 spaces to address the Department of Public Works and Transportation (DPW&T) request for additional parking to address and/or prevent any overflow onto US 301. The applicant is requesting a waiver of 81 parking spaces.

Two site visits have revealed increases in the amount of product on the property that is located outside the proposed display area boundaries (49,300 square feet). The significant increase in display area since the submittal of the application and the limited control of the applicant as a renter on the property suggests that the employees and clients may not be well served by the 19 parking spaces to be provided on site if more parking is needed in the future. However, currently the employees and clients will be well served by 19 parking spaces. Therefore the display area shall not increase unless additional acreage is obtained.

b. 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;

This application is not located in an area where public streets are used for parking. The number of access points to the property is not reduced. It will not be necessary for customers to use public streets for parking. As a low parking generation use, it will not cause any traffic congestion in the area. Best Built does not show a circulation area on site for loading and unloading. With less than 2,000 square feet of indoor office space, there is no loading space generated. The applicant contends that once the larger sheds are delivered, they cannot be moved again. While this seems unlikely because the sheds are later delivered to customers, it constitutes a problem. The applicant should show a designated circulation area for loading and unloading that allows for a display area design that does not impair the visual integrity of the site or encroach upon the parking area.

c. To protect the residential character of residential areas; and

The subject property is not located near any residences. The applicant will beautify the site with additional landscaping to promote an aesthetic appearance that blends well with the surrounding environment.

d. To provide parking and loading areas which are convenient and increase the amenities in the Regional District.

The parking area will be located in a central location on site such that parking is convenient for the customers.

The Maryland State Highway Administration (SHA) submitted that the long-term plan is to develop US 301 from US 50 to the interchange at T.B., as a six-lane freeway with service roads on both sides of the highway. In the future when this plan is implemented, properties with frontage along US 301 will be impacted because they are located within the US 301 right-of-way (as shown on an attached site plan). SHA requests that any future improvements to the property are not located within the additional right-of-way needed for the US 301 project. This

affects the western portion of the property closest to US 301, but does not extend beyond the entrance into the proposed parking area.

The Historic Preservation and Public Facilities Planning Section has reviewed this departure and finds that the number of parking spaces provided will not affect the adequacy or response time of fire and rescue service nor police service. The Urban design section notes that reducing the amount of parking will reduce the amount of impervious surface and stormwater runoff on the site, but will not provide the required parking for this commercial use. Should more parking be needed, spillover onto undesignated areas of the property could create polluted stormwater runoff. The parking area should be clearly marked to prevent haphazard parking. However, according to the applicant there is no additional space on the property to accommodate more parking and address spillover.

According to the 2002 General Plan, the application is also in the area identified as a possible future center for Brandywine. It is located along a corridor that serves as a gateway into the county. Therefore the applicant must maintain the visual integrity of the site. Urban Design Staff note that the previous request for the departure would impair the visual, functional and environmental quality or integrity of the site and surrounding neighborhood. Inadequate parking will create less attractive design as undesignated and unpaved parking areas may cause a visual eyesore. Thus, the recommended conditions of approval address site maintenance.

The environmental planning section noted that certain soils found on the site have limitations related to high water table, flood hazard, and poor drainage that could affect future development of the site. The parking may be located within nontidal wetlands or nontidal wetland buffers. If any additional disturbance is proposed, based on a wetland delineation, appropriate federal or state wetland permits may be required.

2. The departure is the minimum necessary, given the specific circumstances of the request.

With the recommended conditions, the requested departure is the minimum necessary given the applicant's chosen display area size and the restrictions of the leased area. According to the applicant, there are no other areas in the leased area that can be utilized for parking.

3. The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or to alleviate circumstances which are prevalent in older areas of the county which were predominantly developed prior to November 29, 1949.

This standard is not applicable to the subject property as the circumstances on the site were undeveloped prior to November 29, 1949. The departure is not

necessary to the physical circumstances of the site, but it is necessary given the nature of the subject use. The business will not draw 100 vehicles at the same time.

4. All methods for calculating the number of spaces required have either been used or found to be impractical.

The subject use is classified as a building supply use. The parking requirement for this use is one space per 500 square feet of display area. The site plan reflects the parking standard for this use. However, the required number of spaces far exceeds the actual amount of parking generated by the use.

5. Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted

There are no residential areas in the vicinity of the subject property.

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

1. 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 500 feet of the subject property.

Other business establishments located in the area generate minimal traffic. Most have their own parking accommodations on site.

2. The recommendations of an area master plan, or county or local revitalization plan, regarding the subject property and its general vicinity.

The 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity (Planning Area 72)* recommends the property for general industrial land use. The subject use is consistent with the plan's recommendations and will not impair the integrity of the master plan.

The State Highway Administration's (SHA) long-term plan is to develop US 301 from US 50 to the interchange at T.B., as a six-lane freeway with service roads on both sides of the highway. Properties with frontage along US 301 will be impacted because they are located within the US 301 right-of-way. SHA has requested that any future improvements to the property are not located within the additional right-of-way needed for the US 301 project. In addition, the Department of Public Works and Transportation (DPW&T) have requested that the applicant provide additional parking on-site to avoid any parking overflow onto US 301. The applicant is providing eight spaces in addition to the ones currently provided in attempt to address the DPW&T request.

According to the 2002 General Plan, the application is also in the area identified as a possible future center for Brandywine. It is located along a corridor that serves as a gateway into the county. Therefore the applicant must enhance the

visual quality of the site. Urban Design Staff note that the previous request for the departure would impair the visual, functional and environmental quality or integrity of the site and surrounding neighborhood. Inadequate parking will create less attractive design as undesignated and unpaved parking areas may cause a visual eyesore. Therefore, the visual quality of the site must be enhanced. This is reflected in the recommended conditions of approval.

3. The recommendations of a municipality (within which the property lies) regarding the departure.

There are no comments or recommendations submitted by a municipality.

4. Public parking facilities which are proposed in the county's Capital Improvement Program (CIP) 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:

1. Public transportation available in the area.

2. Any alternative design solutions to off-street facilities which might yield additional spaces.

The applicant asserts that they are providing the maximum amount of parking possible on the subject area of the site. The applicant is proposing a 49,300 square foot display area, which requires 100 parking spaces. Clearly this type of use does not generate a need for 100 parking spaces. In addition, strict compliance with the requirement would create a significant amount of paving, as noted by the Urban Design Section. The additional impervious surface would increase stormwater runoff. In an attempt to address the DPW&T request for additional parking to address and/or prevent any overflow onto US 301, the applicant is now providing eight additional spaces as an alternative design solution. The applicant should provide a site plan with the following details: landscaping, the display area, parking spaces, and a circulation pattern for loading, to illustrate how the space will be used.

3. 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 500 feet of the subject property.

The subject property is located in an industrial area and will be operated during normal business hours. The other businesses in the area will be used during the same general hours, with the exception of the motel, which will be used at all hours. There will be no disruption to traffic flow or parking conditions on the surrounding streets resulting from the continuation of the existing uses. The proposal will not affect the nature and hours of operation of other uses within 500 feet of the subject property.

According to the 2002 General Plan, the application is in the area identified as a possible future center for Brandywine. It is also located along a corridor that serves as a gateway into the county. Therefore the applicant must enhance the integrity of the site. Urban Design Staff note that the request for the departure would impair the visual, functional and environmental quality or integrity of the site and surrounding neighborhood. Inadequate amounts of parking and the absence of clearly marked spaces will lead to haphazard parking and create a visual eyesore. Further, environmental aspects will be eroded if unpaved areas are used for overflow parking. For example, parking in unpaved areas will increase the amount of polluted stormwater run off from the site. The option to provide a site tight fence along the frontage of the property would also be undesirable visually for this site. The issue is addressed in the recommended conditions of approval.

Poor maintenance of the site jeopardizes the visual integrity of the site and goals of the General Plan. However, the need for 100 parking spaces on this site is highly unlikely. The applicant will have to be more effective, both at directing the delivery of new product to the clearly marked and organized display area as well as at coordinating the pickup schedule of purchased product with the delivery of new product in order to prevent a surplus of sheds on site. It is important to specify that Best Built sells sheds, garages, gazebos, picnic tables, doghouses, and other outdoor equipment. This report has used "sheds" as a general reference and used the size of a shed as an average for calculations. However, it is important to note that *all* of the product shall be located within the display area, not just the sheds.

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. The site plan shall be revised as follows:
 - a. Provide the remaining 8 spaces to meet a total of 19.
 - b. Show the method of indication for clearly marking all parking spaces, a note that future improvements shall not be located in the area to be utilized by SHA, and the method of indication for a clearly marked display area, and show the existing ID sign.
 - c. The applicant shall landscape the parking area and the frontage along US 301.
 - d. Provide a six-foot-wide aisle throughout the display area to allow loading access to sheds.
2. Any additional space needed to provide the details required in the site plan shall result in a reduction of the display area.
3. The display area size shall not increase. Any future need for additional parking shall be taken as a reduction in the size of the display area unless the lessee attains additional acreage.
4. All of the product shall be maintained in the clearly marked, organized display area.

5. There shall be no stacking of sheds one top of each other.
6. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
7. Prior to signature of approval, the applicant shall produce valid permit documentation for the existing freestanding ID sign. If the applicant cannot produce valid documentation, the ID sign shall be removed immediately.

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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Squire and Parker, voting in favor of the motion, and with Commissioner Vaughns opposing the motion at its regular meeting held on Thursday, September 14, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of October 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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