

**R E S O L U T I O N**

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Design Standards No. DDS-578 requesting a departure for a loading space and access to a loading space less than 50 feet from a residential zone 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 11, 2007, the Prince George’s County Planning Board finds:

**FINDINGS:**

**A. Location and Field Inspection:** The subject site is located on the north side of South Osborne Road and on the west side of Crain Highway (US 301) in the Queensland community. The shopping center has direct access to both South Osborne Road and Crain Highway (US 301). The existing shopping center is proposed to be demolished with the exception of the pad sites.

**B. Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Shopping Center	Shopping Center
Acreage	15.11	15.11
Parcels	5	5
Square Footage/GFA	66,207	127,239

**C. History:** The subject property was retained in the C-S-C Zone in the 1994 sectional map amendment for the Subregion IV Study Area master plan. In 2003, the applicant rezoned 9.19 acres adjacent to the existing shopping center from R-A to C-S-C (A-9958). The applicant is now proposing to redevelop the entire site, including the rezoned acreage, shifting the entire shopping center back from Crain Highway and enlarging the parking area. The three existing pad sites will be retained and two new pad sites will be added. The overall gross floor area (GFA) of the shopping center will increase from 66,207 square feet to 127, 239 square feet. A preliminary plan (4-05047) for the site was approved in January 2006 for up to a total of 150,000 square feet.

**D. Master Plan Recommendation:** The 1993 Subregion IV Study Area master plan recommends the subject property for commercial land use. The rezoning of a portion of Parcel G from the R-A Zone to the C-S-C Zone was consistent with the master plan recommendation regarding the expansion of existing commercial uses.

**2002 General Plan:** The subject site is located in the Developing Tier where the vision is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

**E. Request:** This departure from design standards application seeks approval of a loading space and an access drive leading to a loading space that is set back less than the required 50 feet from

adjacent residentially zoned land. The departure is required in order to redevelop an existing shopping center. A departure of 40 feet is necessary because a portion of the access driveway leading to the proposed loading spaces is only 10 feet from the adjoining residential property to the east. In addition, one of the four proposed loading areas is only 45 feet from the adjacent residential property. The applicant is also requesting alternative compliance from Sections 4.3 (Parking Lot Requirements) and 4.7 (Buffering Incompatible Uses) of the *Landscape Manual* for landscape requirements along a portion Crain Highway and the entire western property line.

**F. Surrounding Uses:**

**North:** A church in the R-A Zone

**South:** Across South Osborne Road, strip commercial uses and office condominiums in the C-S-C Zone

**East:** Across US 301, gas stations in the C-S-C and C-M Zones

**West:** Single-family dwelling in the R-A Zone

**G. Design Requirements:** The applicant specifically requests a departure from Section 27-579(b) pertaining to the location of loading spaces and driveway access to required loading spaces.

- 1. Section 27-579(b) Location: 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.**

**Comment:** The applicant requires a departure of 40 feet from the distance of the driveway edge to adjoining residentially zoned land. The loading spaces and driveway access to the proposed loading spaces located behind the shopping center must be sited a minimum of 50 feet from the nearest residentially zoned land.

**2. Sections 27-568 and 27-582 - Parking and Loading Space Requirements:**

**Comment:** The site plan building tabulation table on the site plan coversheet indicates the shopping center will contain a total of 127,239 square feet. Based on this information, the shopping center use requires a minimum of 509 parking spaces (one space for every 250 square feet) per Section 27-568. Section 27-582 requires three loading spaces for the first 100,000 square feet and one space for every additional 100,000 square feet. The applicant's parking schedule provides a total of 584 parking spaces, including 499 standard spaces, 54 compact spaces and 31 handicapped spaces. Staff notes that the dimensions provided for compact spaces on the parking schedule are shown as 9.5 x 16.5, although the dimensions on the site plan are correctly shown as 8 x 16.5. The Board recommends the parking schedule be revised to indicate the correct compact space dimensions. Staff further notes that the handicap space dimensions on the parking schedule must be revised and the number of required and provided spaces indicated. The number of van accessible spaces should also be provided. All handicap spaces must be shown with the correct dimensions on the site plan. Four loading spaces are required and four are provided. The Board recommends the cover sheet be revised to reflect the correct square footage of the shopping center

so that the parking and loading requirements can be accurately calculated. The Board further recommends the parking schedule be revised to include the calculation for required loading spaces.

In a memorandum dated July 20, 2007, from the Community Planning Division, a concern was raised regarding the 75 parking spaces provided in excess of the minimum number required by the Zoning Ordinance. Cited in the memo is an excerpt from the 1993 Subregion VI master plan, which states that the goal of the environmental envelope is “to protect the physical environment” and preserve “natural environmental assets as an integral part of the development process” (p. 19). The memo refers to the negative cumulative effect on the watershed resulting from increased impervious surface runoff and recommends that “careful consideration” be given to proposals that increase the amount of impervious surface.

The Board does not find the additional 75 parking spaces to be excessive, considering the nature of the use. The Zoning Ordinance requires a minimum number of parking spaces for an integrated shopping center which is generally below industry standards. Because the applicant will be required to provide stormwater management facilities in compliance with county standards prior to obtaining a building permit, the Board finds that the additional parking will not create any adverse impacts to the immediate neighborhood or the watershed.

### **3. Section 27-564—Landscaping, screening and buffering:**

**Comment:** The proposed development is subject to Sections 4.2 (Commercial Landscape Strip Requirements), Section 4.3 (Parking Lot Requirements), and 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. The applicant has met *Landscape Manual* requirements for Section 4.2, 4.3(b) and (c), and for Section 4.7 along the northern property line. The applicant is requesting alternative compliance for Sections 4.3(a) along Crain Highway and 4.7 along the entire western property line.

Section 4.3(a) requires a landscaped strip be provided where a parking lot is located adjacent to a public right-of-way. Although the redesign of the parking area generally accommodates the required 10-foot-wide landscaped strip along the frontage of Crain Highway, a 95-linear-foot portion in front of the Bojangles restaurant, which will remain unchanged, requires alternative compliance. At this location, the parking area encroaches over four feet into the required landscaped strip; however, the applicant is providing the required number of shade trees and shrubs in the narrower space. Additionally, in the 310-linear-foot area along Crain Highway in front of the proposed CVS, the applicant is proposing a landscaped strip 10.4 feet wide with the number of plant units exceeding *Landscape Manual* requirements. Alternative compliance from Section 4.3(a) of the *Landscape Manual* was granted, based on the following finding:

As stated above, the applicant is proposing to replace the parking lot along 310 linear feet of the frontage east of the proposed CVS building. In this area, the full landscaped strip will be provided. However, the existing Bojangles restaurant is proposed to remain in its current location. The eastern end of the restaurant building is located approximately 51 feet away from the ultimate right-of-way of US 301. Because of the arrangement of the site around this building, the 51-foot space must contain a narrow sidewalk, a 22-foot-wide drive aisle, and a row of parking spaces 19 feet long. This

leaves only 5.6 feet between the edge of the parking lot and the property line. The applicant has proposed to provide the required shade trees and shrubs within this narrower area.

It should be noted that this section of the *Landscape Manual* allows other options than the standard ten-foot landscaped strip. These options include narrowed landscaped strips utilizing berms or short walls along the edge of the parking lot. However, the applicant has stated that the presence of underground utilities in this area would make these options impractical.

The Alternative Compliance Committee finds that it would be unreasonable to require a wider landscaped strip along this 95-foot area. However, in order to provide a landscaping solution that is better than or equal to what would be required by the *Landscape Manual*, the committee recommends that the applicant provide an additional eight ornamental trees to be planted within the landscaped strip in the spaces between the proposed shade trees in front of CVS.

Section 4.7 of the *Landscape Manual* requires a building setback of 50 feet and a 40-foot-wide landscaped yard along the entire western boundary of the site, adjacent to three separate R-A-zoned properties. The proposed shopping center design does not provide enough room to accommodate the entire required building setback or landscape yard. Because there are three discrete properties with their own specific situations, the applicant has proposed three different scenarios to fulfill alternative compliance requirements. The Alternative Compliance Committee recommended approval of the applicant's request, based on the following findings:

#### **JUSTIFICATION**

##### **Section 4.7 (Buffering Incompatible Uses) along western property line, adjacent to Osborne Property (Vacant, R-A Zone)**

The proposed shopping center layout does not allow enough room on the shopping center's property for the entire required bufferyard. The building meets the setback in this area, but the landscaped yard is not large enough, in one place being as narrow as 12 feet in width in order to accommodate loading facilities in the rear of the center and parking facilities at the front of the center. The adjacent Osborne Property is not part of the proposed shopping center but is currently owned by the applicant. In order to comply with Section 4.7, the applicant proposes to provide the remainder of the required landscaped yard on the adjacent property through a perpetual easement. As the resulting combined bufferyard will meet the requirements of the *Landscape Manual*, the Alternative Compliance Committee deems this arrangement acceptable.

##### **Section 4.7 (Buffering Incompatible Uses) along western property line, adjacent to Moore Property (vacant, R-A Zone)**

As above, the proposed layout does not allow enough room on the subject property to provide the entire required bufferyard. The rear of the proposed Safeway building encroaches approximately 12.8 feet into the required building setback from the property

line, and the proposed landscaped yard on the subject property is only ten feet in width at its narrowest point. In order to comply with Section 4.7, the applicant proposes to provide the remainder of the required bufferyard on the adjacent property through a 30-foot-wide perpetual landscape easement. The resulting combined bufferyard will meet the requirements of the *Landscape Manual*, and the building will be set back 67.2 feet from the northern edge of the combined 40-foot-wide landscaped yard. Therefore, the Alternative Compliance Committee deems this arrangement to be acceptable.

**Section 4.7 (Buffering Incompatible Uses) along western property line, adjacent to Personal Touch Property (single-family detached dwelling, R-A zone)**

As above, the proposed layout does not allow enough room to provide the entire required bufferyard. The proposed shopping center buildings meet the required building setback from the property line, but an access drive running behind the buildings encroaches into the required landscaped yard. In order to increase the buffering value of the yard, the applicant proposes to provide a six-foot-tall, sight-tight fence along the property line. After taking into account the 50 percent reduction in plant material for the use of a fence, the plant material proposed exceeds what would be required by the *Landscape Manual*. The Alternative Compliance Committee believes that the density of planting within this landscaped yard will be equal to or better than what would be achieved by a strict application of the *Landscape Manual*.

**RECOMMENDATION**

The Alternative Compliance Committee recommends that the applicant's request for alternative compliance to Section 4.3(a) and Section 4.7 of the *Landscape Manual* should be approved, subject to the following conditions:

1. Prior to certificate approval of the plans, the landscape plan shall be revised to:
  - a. Provide an additional eight crape myrtle trees within the parking lot landscaped strip along US 301, planted in the spaces between the nine London Plane Trees east of the proposed CVS. The crape myrtles shall be planted in accordance with the requirements of the *Landscape Manual* (six to eight feet in height).
  - b. Correct the landscape schedules for the three bufferyards along the western property line to acknowledge that the impact of the adjoining development is single-family detached rather than low-impact.
2. Prior to issuance of a permit for grading on the site, the applicant shall demonstrate that the required landscape easement for the Section 4.7 bufferyard on the adjacent Moore property along the western edge of the subject property has been recorded with the Prince George's County Land Records Division.
3. Prior to issuance of a permit for grading on the site, the applicant shall demonstrate that the required landscape easement for the Section 4.7 bufferyard on the adjacent Osborne

property at the northwest corner of the subject site has been recorded with the Prince George's County Land Records Division.

**H. Required Findings:**

**Section 27-587:** This section authorizes the Planning Board to grant departures from parking and loading design standards, under procedures and requirements in Part 3, Division 5, of the Zoning Ordinance.

**Section 27-239.01(b)(8)(A) of the Zoning Ordinance provides that in order for the Planning Board to grant a departure from [parking and loading] design standards, it shall make the following findings:**

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

**Comment:** The purposes of the Parking Regulations will be equally served by the applicant's proposal. The purposes of parking and loading design standards are contained in Section 27-550. The purposes pertain to the following:

- Providing sufficient loading areas to serve the loading needs of all persons associated with the building and uses.
- Relieving traffic congestion on streets by reducing the use of streets for loading.
- Protecting the residential character of residential areas.
- Providing loading facilities that are convenient and increase the amenities in the Regional District

The Board finds that these purposes are equally well served by the application. The applicant is redeveloping and updating the entire shopping center with the exception of the existing pad sites. Four loading spaces are required by the Zoning Ordinance and four are provided. The loading spaces will be conveniently located for the tenants' use. Three will be located in the rear of the site and one is proposed to be located adjacent to the CVS. The loading space adjacent to the CVS will either have to be redesigned to meet the required dimensions in the Zoning Ordinance and/or be relocated so as not to interfere with the safe function of the site's internal circulation. The location of the loading spaces and access driveway behind the shopping center will not detract from the residential character of the neighborhood as they will be screened in accordance with the applicant's request for alternative compliance. With the one minor exception noted in the alternative compliance request, the applicant is in compliance with all required setbacks, and approval of the request for alternative compliance for landscaping will ensure the site will maintain compatibility with adjacent residential land uses.

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

**Comment:** The departure is the minimum necessary given the specific circumstances of the request. The applicant is demolishing the existing shopping center and redeveloping the site with a new, updated shopping center. Staff met with the applicant and discussed the feasibility of shifting the shopping center closer to Crain Highway to possibly obviate the necessity of the departure and reduce the amount of parking. Staff concurs with the applicant, however, in that short of redesigning the entire internal circulation of the shopping center, the proposed site plan provides the most safe and efficient design. Moreover, at staff's request, the applicant reduced the square footage of the retail unit at the southeastern end of the site to increase the building setback and decrease the requested departure.

**3. 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.**

**Comment:** The Board finds that the departure is necessary in order to alleviate circumstances that are unique to the site. As noted above, staff discussed the feasibility of shifting the shopping center forward with the applicant. However, this was not found to be a practicable solution. The applicant is retaining the three existing access driveways from Osborn Road. The new parking design is meant to enhance ingress and egress, as well as the overall internal circulation, by providing a more cohesive scheme than currently exists. In addition, were the shopping center shifted forward, parking would have to be provided behind the shopping center to accommodate demand. Not only would this not be an attractive option for customers, it would be potentially unsafe, due to the mix of delivery vehicles, customer vehicles and pedestrian traffic.

**4. The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.**

**Comment:** The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood. Directly west of the subject property are three parcels referred to, running north to south, as the Osborne property, the Moore property, and Personal Touch Investments. The Osborne property (undeveloped), which is not part of the shopping center but is owned by the applicant, is not considered developable due to the presence of Marlboro clays. The applicant is recording a 40-foot-wide perpetual landscape easement on the property to provide the remainder of a required planted bufferyard that cannot be wholly provided on the shopping center site. The applicant is also recording a 30-foot-wide perpetual easement on the adjacent Moore property (developed with a single-family dwelling further west along Osborne Road). Finally, the applicant is proposing a six-foot-high, sight-tight fence along the entire Personal Touch property line, which extends approximately 556 linear feet, with plantings exceeding *Landscape Manual* requirements within a 20-foot-wide landscaped strip. The Personal Touch property is developed with a single-family dwelling located approximately 240 feet from the property line. Approval of an application for alternative compliance will ensure that the existing visual impact is mitigated and, therefore, the proposal should enhance the visual quality and have no impact on the functional or environmental quality of the site and surrounding neighborhood. Thus, the Board finds that the request conforms to the purposes of required parking design standards contained in Section 27-550.

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 notes shall be revised to provide the correct acreage for the individual parcels.
2. The site plan cover sheet shall be revised to reflect the correct square footage of the shopping center so that the parking and loading requirements can be accurately calculated
3. The parking schedule shall be revised to show the following:
  - a. Indicate the correct compact space dimensions.
  - b. Include loading space calculations per Section 27-582(a).
  - c. Indicate the correct handicap space dimensions and the number of required and provided spaces, including van accessible spaces.
4. All handicap spaces must be shown with the correct dimensions on the site plan.
5. The landscape plan shall be revised to indicate the correct directional boundaries for each of the bufferyards.

The Board further recommends APPROVAL of AC-07017 subject to the following conditions:

1. Prior to certificate approval of the plans, the landscape plan shall be revised to:
  - a. Provide an additional eight crape myrtle trees within the parking lot landscaped strip along US 301, planted in the spaces between the nine London Plane Trees east of the proposed CVS. The crape myrtles shall be planted in accordance with the requirements of the *Landscape Manual* (six to eight feet in height).
  - b. Correct the landscape schedules for the three bufferyards along the western property line to acknowledge that the impact of the adjoining development is single-family detached rather than low-impact.
2. Prior to issuance of a permit for grading on the site, the applicant shall demonstrate that the required landscape easement for the Section 4.7 bufferyard on the adjacent Moore property along the western edge of the subject property has been recorded with the Prince George's County Land Records Division.
3. Prior to issuance of a permit for grading on the site, the applicant shall demonstrate that the required landscape easement for the Section 4.7 bufferyard on the adjacent Osborne property at the northwest corner of the subject site has been recorded with the Prince George's County Land Records Division.

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 Clark, with Commissioners Squire, Clark, Cavitt and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, October 11, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1<sup>st</sup> day of November 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator