

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

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Design Standards Application No. DDS 585 requesting a departure for a non-residential driveway less than 22 feet wide 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 11, 2008, the Prince George’s County Planning Board finds:

**FINDINGS:**

**A. Location and Field Inspection:** The subject site is located on the east side of US 301 (Crain Highway), 320 feet north of Leland Road in Upper Marlboro. The property comprises a particularly large parcel (over 125 acres) improved with a historic 4,580-square-foot, two and one-half-story dwelling, a two-story detached garage, and approximately 14 barns, sheds and other outbuildings associated with agricultural uses on the property. The structures used as Farm Dwellings must be identified on the site plan. In addition, the height and material of the fence running along the western property line abutting US 301 should be provided on the site plan. The site is accessed from US 301 via a ten-foot-wide driveway. There is no other access to the site.

**B. Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	O-S	O-S
Use(s)	Single family residence	Convent
Acreage	125+	125+
Parcels	1	1
Square Footage/GFA total	22,778	22,778
Single family dwelling	4,049	-
Convent	-	4,049
Agricultural Uses	18,729	18,729

**C. History:** The subject property was retained in the O-S Zone in the 1994 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)*. The residence, a prominent local landmark known as Montpelier of Moore’s Plains, is a county designated Historic Site (79-002).

**D. Master Plan Recommendation:** The 1993 Subregion VI Study Area Master Plan recommends the subject property for low rural residential land use.

**2002 General Plan:** The subject site is located in the Rural Tier where the vision is to protect large amounts of land for woodland, wildlife habitat, recreation and agricultural pursuits, and preservation of the rural character and vistas that now exist.

**E. Request:** This departure from design standards application seeks approval of a two-way driveway that is only 10 feet wide, rather than 22 feet wide as required by the Zoning Ordinance. The departure is required to operate the property as a convent for 30 nuns and acolytes.

**F. Surrounding Uses:**

**North:** District Branch, and further north, single-family dwellings and undeveloped lots in the R-A and O-S Zones.

**South:** Single-family dwellings and undeveloped lots in the O-S Zone.

**East:** Generally undeveloped parcels or large lot, estate-type dwellings in the O-S Zone and further east, the Patuxent River and Anne Arundel County.

**West:** Across US 301, the Foreign Trade Zone complex and Safeway distribution facilities in the E-I-A Zone.

**G. Design Requirements:** The applicant specifically requests a departure from Section 27-563 of the Zoning Ordinance pertaining to the width of the driveway:

**1. Section 27-563—Connection to street.**

Every parking lot shall be connected to a street by means of a driveway. This driveway (except those provided for, and on the same lot with, one-family dwellings), shall be at least eleven (11) feet wide for each lane, exclusive of curb return and gutters.

**Comment:** The applicant requires a departure of 12 feet from the required driveway width of 22 feet.

**2. Section 27-568—Parking Space Requirements.**

**Comment:** Section 27-568 requires one parking space for every four residents; therefore, eight parking spaces are required for the proposed use. The applicant is providing a total of eight parking spaces including two handicap van-accessible spaces. In addition to the handicap spaces, three parallel spaces are provided in the area at the terminus of the driveway and three more parking spaces are provided in the existing three car garage.

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

**Comment:** The proposed development is not subject to the *Landscape Manual*. A building permit is not required for the proposed use, and no additional parking over that currently existing is proposed.

**H. Required Findings:**

**Section 27-587:** This section authorizes the Planning Board to grant departures from 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 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 providing the required number of parking spaces. Access to those parking spaces will not be compromised by the provision of a ten-foot-wide driveway. By retaining the existing driveway, the residential character of the neighborhood will be preserved as well as the historic integrity of the property.

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

**Comment:** The Urban Design Section, in a memo dated June 30, 2008, recommends that the driveway be widened to at least 18 feet to accommodate a travel lane and a parking lane, since the driveway is 825 feet in length. The Historic Preservation Section of the Countywide Planning Division, in a memorandum dated July 2, 2008, recommends against the widening of the existing driveway:

In the opinion of staff, the approval of this application would retain existing features of the landscape that have been defining features of the Historic Site since the 1940s and help ensure the preservation of the historic and agricultural character of the property.

Technical staff concurs that in order to preserve the rural and historic character of the property, the driveway should not be expanded by any amount. Moreover, the proposed use is anticipated by the applicant to generate a modest amount of average daily vehicle trips (four trips in, four

trips out) that are easily accommodated by the existing driveway without compromising the safety of the residents and workers in the area. The applicant has therefore requested the minimum departure necessary.

**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.**

The Board finds that the applicant's situation is unique to the subject site in that the residence and driveway existed well before 1949, and that the residence is a designated historic site whose attributes should be enhanced. Furthermore, the property is located in the Rural Tier where transportation policies aim to protect and enhance open space, rural character and environmental features. The Transportation Section, in a memorandum dated June 9, 2008, indicated that as long as the site was not open to the public as a retreat facility or for public worship, they had no comment on the application. Because there is no compelling reason to widen the driveway, and to do so would compromise the unique rural character of the property, the departure is necessary in order to alleviate circumstances that are unique to the site.

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

The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood. In fact, retaining the existing driveway will, as previously noted, preserve the visual quality of the property and surrounding neighborhood. In addition, by retaining rather than widening the existing driveway, there will be less impervious surface to contribute to runoff within the watershed.

**CONCLUSION:**

The applicant has satisfied all requirements pertinent to obtaining the requested departure from the requirement that two-way access driveways be at least 22 feet wide.

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 revised conditions as found below:

1. Prior to signature approval, the site plan shall be revised to show the following:
  - a. The site plan shall be amended to identify the two existing houses as "Farm Tenant Dwellings" and the use of these dwellings shall be in accordance with Section 27-107.01(a)(74).
  - b. The site plan shall be amended to designate that portion of the property used for agricultural purposes.
  - c. The site plan shall be amended to note that the existing fence is six-feet in height.

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 Clark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Cavitt and Parker voting in favor of the motion and with Commissioner Squire absent at its regular meeting held on Thursday, September 11, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of October 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator