

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 24, 2021, regarding Departure from Parking and Loading Spaces DPLS-491 for Tribeca at Camp Springs – Day Care Center, the Planning Board finds:

- Request:** The subject Departure from Parking and Loading Spaces, DPLS-491, requests to reduce the number of the required loading spaces for commercial/retail uses from three to two.

The companion detailed site plan DSP-05018-01 was approved on the same date (PGCPB Resolution No. 2021-76) for a day care center for 88 children in a portion of the existing commercial/retail space in a mixed-use building constructed in 2008, pursuant to DSP-05018.

2. Development Data Summary:

	EXISTING	APPROVED
Zone	C-S-C/D-D-O/M-I-O	C-S-C/D-D-O/M-I-O
Use(s)	Residential multifamily and commercial/retail	Residential multifamily, commercial/retail, and day care
Gross Acreage	7.51	7.51
Multifamily Dwelling Units	282	282
Total Commercial Gross Floor Area (square feet)	21,401	21,401 (of which 4,400 square feet converted to a day care center)

OTHER DEVELOPMENT DATA

Parking and Loading Spaces

	Required	Provided
Total parking spaces	571	697*
Of which		
Commercial Use **	129	
Residential Use	442	
Total loading spaces for commercial/retail uses	3	2***
Of which		
Retail tenant 1 (8,489 sq. ft.)	1	1
Retail tenant 2 (6,407 sq. ft.)	1	1
Retail tenant 3 (2,103 sq. ft.)	1	0
Day care center (4,400 sq. ft. of previous tenant 3 and 4 spaces)	0	0

Notes: *On-site parking has been constructed.

**Day care center within existing multifamily development in excess of 100 units does not require to provide any additional parking spaces, in accordance with Section 27-568(a)(3) of the Prince George’s County Zoning Ordinance.

***DPLS-491 requests reduction of one loading space. The Planning Board approved DPLS-491 on the same date with DSP-05018-01.

3. **Location:** The subject property is in the northwest quadrant of the intersection of Old Soper Road and Auth Road, between Auth Road and Woods Way, in Planning Area 76A and Council District 8, with a street address at 4701 Old Soper Road, Units R-3 and R-4, Suitland, Maryland.

4. **Surrounding Uses:** The subject property has frontage on Old Soper Road to the east and Auth Road to the south. The property is bounded on the north by the right-of-way (ROW) of Woods Way with the Branch Avenue Metro Station property, zoned Mixed Use-Transportation Oriented and Planned Industrial/Employment Park (I-3) beyond. To the west of the property is a vacant property in the I-3 Zone and developed property in the Rural Residential (R-R) Zone. To the east of the property is the ROW of Old Soper Road and the Branch Avenue Metro Station and parking lot beyond. To the south of the property is the ROW of Auth Road and residentially developed properties in the One-family Detached Residential (R-80) Zone beyond. The site and all of the surrounding properties are also within the Development District Overlay (D-D-O) Zone, designated by the 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* (Southern Green Line Station Area Sector Plan and SMA), as adopted in Prince

George's County Council Resolution CR-10-2014, and the Military Installation Overlay (M-I-O) Zone.

5. **Previous Approvals:** The subject property was rezoned from the R-R Zone to the C-S-C Zone through the sectional map amendment process, via the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*.

On November 28, 2005, the Prince George's County District Council affirmed the Prince George's County Planning Board decision to approve DSP-05018 for 282 multifamily condominium residential units and 21,401 square feet of retail space with a central parking structure. The entire project was constructed in accordance with the approval in 2008.

In 2014, the Southern Green Line Station Area Sector Plan and SMA retained the subject site in the C-S-C Zone with the existing residential and commercial uses and placed a D-D-O Zone on the property.

An updated Stormwater Management (SWM) Concept Plan 10351-2021-00 was approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on May 11, 2021 and is valid through May 11, 2024.

6. **Design Features:** The existing building where the proposed day care center is proposed is a five-story multifamily structure surrounding a central parking garage, with more than 21,000 square feet of commercial/retail space on the ground floor. The retail spaces with surface parking are located along the front of the structure facing Old Soper Road. The proposed day care center for children will utilize approximately 4,400 square feet of the existing retail space, and approximately 3,300 square feet of the exterior open space immediately to the north of the building will be converted to an outdoor play area for the children. No additional site improvements are proposed.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Departure from Parking and Loading Spaces DPLS-491:** The applicant requires a departure from Section 27-582(a) of the Zoning Ordinance, for a reduction in the number of loading spaces required. As noted in Finding 2, the development has been approved in DSP-05018 for four loading spaces, one each for the four retail tenants that have more than 2,000 square feet of gross leasing space. With the conversion of 4,400 square feet to the proposed day care center for children, the need for loading is greatly diminished. Specifically, this conversion impacts retail Tenants 3 and 4. The 4,400 square feet will use part of Tenant 3's gross floor area and all of Tenant 4's area. The remaining area of retail Tenant 3, which is 2,103 square feet, includes a temporary sales office of approximately 1,305 square feet that does not require a loading space. Since the proposed day care center does not require a loading space, only Tenants 1 and 2 will still need a loading space, in accordance with Section 27-582(a). The applicant requests to reduce the required three loading spaces to two.

The required findings for the Planning Board to grant the departure in Section 27-588(b)(7) of the Zoning Ordinance, are as follows:

(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;

Section 27-550(a) of the Zoning Ordinance outlines four purpose statements:

(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; (3) To protect the residential character of residential areas; and (4) To provide parking and loading areas which are convenient and increase the amenities in the regional district.

The submitted statement of justification (SOJ) indicates that the proposal is consistent with the purposes of off-street loading, and the Planning Board concurs that under the current loading arrangement, sufficient loading is provided on-site to serve the uses. Of the four previous approved retail tenants, only Tenants 1 and 2 remain in need of loading spaces. Most of the gross floor area of previous approved Tenants 3 and 4 will be used for the proposed day care center that does not need a loading space. In addition, most of the remaining space will be used as a temporary sales office that does not need a loading space. Only two on-site loading spaces are needed.

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

The submitted SOJ indicates that the proposed on-site loading has been constructed in the most efficient way possible to accommodate the loading needs for Tenants 1 and 2. This departure is the minimum number of spaces necessary.

(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;

Special circumstances impacting the site include the change of users from what was previously envisioned as four individual retail tenants occupying the commercial/retail spaces. With the significant zoning changes in the immediate neighborhood to the mixed-use zoning categories, the commercial/retail

environment keeps evolving. The physical environment has to be altered to meet the needs of new businesses.

- (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**

Pursuant to Section 27-582(a), the commercial/retail component would be required to provide three loading spaces, because each store still has more than 2,000 square feet of gross floor area. The applicant contends that most of the remaining Tenant 3 is used as a sales office and not a regular retail store and, therefore no loading is needed.

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

The existing building complex occupies the entire block and has the needed number of parking and loading spaces specifically built to serve this building. The needs of the adjoining residential area will not be infringed upon if this departure is granted.

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

The subject site is surrounded by various uses in mixed-use, residential, and planned industrial and employment park zones. No loading is needed in single-family residential zones. All development in other zones has been or will be subject to DSP review to ensure enough off-street parking and loading. The subject site was developed in 2008 and has been operated since then with sufficient parking and loading.

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

The subject site is located within TOD core area of the Southern Green Line Station Area Sector Plan and SMA. Since the building was constructed prior to the adoption of the sector plan, the same uses and zoning designation were retained for the subject site. This amendment will not change the permitted uses, as recommended by the sector plan.

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

(iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.

The subject property is not located within a municipality. These considerations are not applicable to this DPLS.

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

- (i) Public transportation available in the area;**
- (ii) Any alternative design solutions to off-street facilities which might yield additional spaces;**
- (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 subject site includes residential and commercial uses and is located within the close vicinity of the Branch Avenue Metro Station. Given the changing nature of the commercial/retail uses on the site, previously envisioned individual retail tenants are not economically viable anymore. With the increased residential population in the area, day care service is in great demand, resulting in this amendment to the previously approved commercial/retail spaces.

Based on the analysis above, the Planning Board concludes that given the changing needs of the commercial/retail uses on the site, it is necessary to adjust the previously approved number of loading spaces. Therefore, Planning Board approves DPLS-491, to allow a reduction of one loading space, from the required three to two spaces.

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 Departure from Parking and Loading Spaces DPLS-491 to allow for a reduction in the number of loading spaces required from three spaces to two spaces.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 24, 2021, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of July 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: June 29, 2021