

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Parking and Loading Standards DPLS-421 requesting a departure from parking and loading standards of 22 parking spaces from the required 74 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 July 16, 2015, the Prince George’s County Planning Board finds:

A. **Location and Field Inspection:** The subject property is located on the west side of Livingston Road at the southwest corner of its intersection with Taylor Acres Avenue. The development is part of the Taylor Acres subdivision. The subject property, identified as the Harley Davidson of Washington, 11400 Livingston Road, consists of approximately 1.56 acres of land in the Miscellaneous Commercial (C-M) and Light Industrial (I-1) Zones. Parts of Lots 2, 3, and 4 are zoned C-M for commercial use and parts of Lot 5 are zoned I-1 for warehouse/office use. The property is developed with a 36,425-square-foot gross floor area (GFA) single-story motorcycle sales and repair facility. Access is provided via Livingston Road and Taylor Road.

B. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone:	C-M, I-1	C-M, I-1
Uses:	Industrial/Retail	Industrial/Retail
Acreage:	1.56	1.56
Lots:	4	4

C. **History:** The subject property was developed and used primarily as a motorcycle sales and repair facility. The original buildings were constructed in the early to mid-1960s. In 1988, the two buildings on parts of Lots 2 and 3 were enclosed (without permits) into one larger building. Permits 14816-201-U/02 and 39206-2014-CI were issued by the Department of Permitting, Inspections and Enforcement (DPIE).

D. **Master Plan Recommendation:** The subject property is located within the limits of the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek- South Potomac Planning Area* (Henson Creek-South Potomac Master Plan and SMA), which retained the property in the C-M and I-1 Zones.

E. **Request:** The applicant’s request is for a departure of 22 parking spaces from the requirement in the Prince George’s County Zoning Ordinance, to reflect the actual use of the property. This application is validating all of the existing conditions on the subject property to conform to all of the current zoning requirements.

F. **Surrounding Uses:** The property is surrounded by commercial uses in the C-M, Commercial Shopping Center (C-S-C), and I-1 Zones. There are no nearby residential uses.

**North—** Taylor Acres subdivision and a tire and auto center zoned C-M.

**South—** Hunters Mill Branch and a 7-11 food and beverage store with gas zoned C-S-C.

**East—** Livingston Road and the South Potomac Professional Center zoned C-S-C.

**West—** Save More Auto Parts (an auto salvage and storage lot) zoned I-1.

G. **Parking and Loading Regulations:** Section 27-568 of the Zoning Ordinance requires one parking space for every 500 square feet for low-parking generation retail/services, one parking space for every 500 square feet for storage, and three parking spaces per service bay for repair. One loading space is required for retail space between 2,000 and 10,000 square feet, plus an additional space for spaces between 10,000 and 100,000 square feet. Seventy-four parking spaces are required. The applicant is providing 52.

<b>Parking and Loading Standard</b>	<b>Number of Parking Spaces</b>
Section 27-568 of the Zoning Ordinance requires one parking space for every 500 square feet of GFA for low generation use	38
Section 27-568 of the Zoning Ordinance requires one parking space for every 500 square feet of GFA for storage	20
Section 27-568 of the Zoning Ordinance requires three parking spaces per service bay for repair	15
<b>Parking Requirement</b>	74
<b>Departure Requested</b>	22
<b>Total Proposed Parking</b>	52

H. **2010 Prince George’s County Landscape Manual Requirements:** The application is exempt from the requirements of the 2010 Prince George’s County Landscape Manual because they are not adding or modifying any of the existing development on the site. However, the applicant is required to provide a ten-foot-wide landscape strip along the section of the building that was constructed in 1988 per the 1985 Zoning Ordinance requirement.

I. **Zone Standards:** The applicant’s proposal appears to be in compliance with the requirements of the C-S-C and I-1 Zones.

- J. **Signage:** The applicant is not proposing any new signage; however, there is an existing sign on the building.
- K. **Required findings for Departures from Parking and Loading Standards:** The applicant has requested a departure from Section 27-568(a) of the Zoning Ordinance, which requires the provision of 74 off-street parking spaces for the subject use. The applicant is providing 52 spaces; therefore, a departure of 22 spaces is sought.

**Section 27-588. Departures from the number of parking and loading spaces required.**

**(b)(7) Required Findings**

**(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. Purposes**

**(a) The purposes of this Part are:**

- (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 purposes of the parking and loading regulations will be served by the applicant's request. The proposed departure seeks to ensure sufficient parking and loading to serve the established use as a motorcycle retail and repair building, which has been at this location for the past 50 years. The parking facilities provided are immediately adjacent to the building and convenient to the uses they

serve, which benefits the regional district. As evidence that the 52 spaces are adequate, aerial photographs of the site were reviewed covering the time period from 1965 to present. The photos show that there is a need to park cars, but motorcycles are the primary vehicles parked on-site. This suggests that the parking provided will be adequate to serve the parking needs associated with the use. The subject site is not in the vicinity of residential streets; therefore, there will be no impact to residential areas or the residential character of the surrounding community.

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

The departure of 22 spaces is the minimum necessary to allow for the most efficient use of the parking spaces on-site. The applicant has explored all possible options, including the pre-1970 parking standards, due to the improvements that were made to the subject property. There is no additional area to use for parking. The approval of this departure request allows the parking lot to be utilized to its maximum potential.

**(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;**

The site was developed in the 1960s. Due to the subsequent improvements made to the building and the limited availability of land to expand the parking lot, parking is provided around the perimeter of the building. The departure is therefore necessary to alleviate circumstances which are special to the subject use, motorcycle retail and repair facility, given its nature at this location along Livingston Road. The purposes of the Parking and Loading Regulations will be served by the request.

**(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 of calculation have been fully applied to this site. The applicant has applied the correct method for calculating the number of parking spaces required.

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

The applicant submits that the parking and loading needs of the residential areas will not be infringed upon if this request is granted. The nearest residentially-zoned properties are south of the subject property along Livingston Road. They are developed with multifamily medium-density residences and required parking. It is unlikely that cars visiting the subject property would park in the residential neighborhood.

**(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;**

There is no indication of a shortage of parking within the general vicinity of this facility. The area within 500 feet of the subject property is characterized by commercial, office, and retail development. All such uses have adequate parking.

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

The proposed use is consistent with the Henson Creek-South Potomac Master Plan and SMA recommendations and will not impair the integrity of the master plan.

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

The subject 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 for this area.

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

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

This is a vehicular-oriented use.

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

The buildings were built in the 1960s under previous parking regulations regarding size of spaces and width of drive aisles, which the applicant wishes to continue, since doing so results in the greatest number of spaces. Thus, the use of compact spaces is not available to the applicant. There are no other alternative design solutions which would result in 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 retail store and repair shop are open during regular business hours, 10:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday. The proposed development is not within 500 feet of residential uses. The retail and repair shop have existed since the mid-1960s and are compatible with the nature and operation of other uses in the area.

**(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 located in the C-S-C and I-1 Zones and, therefore, is not subject to this provision.

**L. Further Planning Board Findings and Comments from Other Entities:**

1. **Transportation Planning**—Some of the existing buildings date from the 1960s. Parking spaces on the site plan are shown on the property lines along Taylor Acres Avenue and Livingston Road. No driveways are shown at these locations. Narrow 18-foot-wide drive aisles are shown on the opposite sides of the existing buildings. Backing up onto Livingston Road from the parking spaces is a safety concern. No on-street parking is allowed on Livingston Road. It should be noted that these are existing issues related to the configuration of the site.

It is agreed that many patrons will come to the current retail use (motorcycle sales/repair) by motorcycle. Recent aerial photos show both automobiles and motorcycles in the parking spaces along Livingston Road. However, the lack of on-site circulation and parking configuration is an issue. There is no issue with granting the departure of 22 spaces, but does note a safety concern regarding site circulation and the parking of

vehicles along Livingston Road due to the lack of curbing. Given that these conditions have existed for many years and that there is no evidence of a high rate of accidents or other safety concerns, no other comments are offered.

2. **Permit Review**—This site is subject to the landscape zoning requirements that were in effect in 1988 at the time when a portion of the building was constructed. The review of this referral does not include the review of any signs.
3. **Maryland State Highway Administration (SHA)**—SHA has no objection to the development moving forward. Access to the subject site is via a County right-of-way. SHA thereby defers this project to the adequate public facilities requirements of Prince George’s County for any potential transportation impact.

CONCLUSION

The applicant has met their burden of proof in this instance.

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.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, Shoaff, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 16, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of July, 2015.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

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