

June 30, 2020

PMIG 1027 LLC
2359 Research Court
Woodbridge, VA 22192



Re: Notification of Planning Board Action on
Zoning Section DDS-671
PMG 4775 Allentown Road

Dear Applicant:

This is to advise you that, on **June 25, 2020**, the above-referenced application was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-228.01 of the Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Acting Clerk of the County Council, at 301-952-3600.

Please be advised that, pursuant to Council Resolution 10-2020, adopted on March 17, 2020, the District Council suspended certain time periods that may be applicable to an appeal of the matter approved by the Planning Board in the attached resolution. For questions concerning your right to appeal, please contact the Office of the County Clerk at Clerkofthecouncil@co.pg.md.us.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Jill Kosack
Reviewer

Attachment: PGCPB Resolution No. 2020-96

cc: Donna J. Brown, Acting Clerk of the County Council
Persons of Record

RESOLUTION

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 4, 2020, regarding Departure from Design Standards DDS-671 for PMG 4755 Allentown Road, the Planning Board finds:

1. **Request:** The companion departure from design standards (DDS) requests the reduction of the landscape strip along the frontage of MD 337 (Allentown Road) and I-95/I-495 (Capital Beltway). In conjunction with this DDS, the Planning Board approved a Detailed Site Plan DSP-18029 (PGCPB Resolution No. 2020-95) on the same day, which proposes to build a 342-square-foot addition to an existing 580-square-foot food and beverage store, for the ultimate construction of a 922-square-foot building, on a 0.59-acre parcel, which includes a gas station with a 60-square-foot kiosk.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-M/M-I-O	C-M/M-I-O
Use	Gas Station and Food and Beverage Store	Gas Station and Food and Beverage Store
Total Acreage	0.59	0.59
Total Gross Floor Area (square feet)	640	982 (342 proposed)

3. **Location:** The subject property is located on the west side of MD 337, in Planning Area 76B, and Council District 7. More specifically, it is located at 4775 Allentown Road, 200 feet north of its intersection with Suitland Road. The subject property is known as Parcel B recorded in Plat Book WWW 58, on Page 87, and is further reflected on Tax Map 89, Grid E4.

4. **Surrounding Uses:** The subject property is generally rectangular and bounded to the north by commercial uses, and to the south by an eating and drinking establishment with drive through service, both in the Commercial Miscellaneous (C-M) Zone; to the east by the public right-of-way of MD 337, and west by I-95/I-495.

5. **Previous Approvals:** The site is currently developed with a gas station, associated kiosk, and a food and beverage store, which was constructed on the property in 1973. The 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* retained the property in the C-M Zone, and the site has never been the subject of a preliminary plan of subdivision. It is noted

that one is not required at this time because the development proposed in this application is less than 5,000 square feet of gross floor area.

The site has an approved Stormwater Management Concept Plan, 4801-2018-00, that is in conformance with the current Prince George's County Code and valid until April 13, 2021.

6. **Design Features:** The subject property has frontage on MD 337 with two vehicular access points on either side of the existing gas station canopy, which includes a 60-square-foot kiosk. The existing 580-square-foot food and beverage store is adjacent to I-95/I-495 on the west side of the site, behind the gas station canopy. As approved in the DSP, the proposed 342-square-foot addition expands the building to the south and west. A two-way drive aisle circles the gas station canopy. The site is further improved by an existing four-foot-high wooden fence along the property line with the Capital Beltway and by an existing free-standing sign and proposed landscaping along MD 337.

Parking for the facility is featured along either side of the building and includes three standard and one handicap-accessible surface parking spaces to the south of the building and two spaces on the northwestern portion of the site. The northwestern portion of the site includes a proposed loading space and an existing trash facility that is screened by a sight-tight wooden fence enclosure. The departure from design standards, DDS-671, is for a reduction in the required landscape strip along the property's frontages of MD 337 and I-95/I-495, as discussed in Finding 7.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Departure from Design Standards DDS-671:** The applicant's alternative compliance application, AC-19019, was disapproved. Therefore, the applicant requires a departure from the design standards in Section 4.2 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), along MD 337 and I-95/I-495.

The applicant is proposing minor changes to the site with DSP-18029, and is not proposing to remove the existing pavement on the property to accommodate the required Section 4.2 10-foot-wide landscape strips along either road frontage. The application is proposing a 4.41-foot-wide landscape strip on MD 337 and no landscape strip along I-95/I-495.

Section 27-239.01(b)(7) of the Zoning Ordinance contains the following required findings, in order for the Prince George's County Planning Board to grant the departure:

- (A) **In order for the Planning Board to grant the departure, it shall make the following findings:**
 - (i) **The purposes of this subtitle will be equally well or better served by the applicant's proposal;**

The reduced landscape strip width is necessary along the improved sections of MD 337 and I-95/I-495 because it would require substantial changes to the site to bring it into conformance. Furthermore, it is noted that the property's existing boundary with I-95/I-495 is wooded and there is an existing four-foot-high sight-tight fence along this property line. Therefore, the site will be screened from the roadway, and will not impact the aesthetic appeal of the property as viewed from the roadway given the existing stand of trees. Therefore, the purposes of the subtitle are equally well served by the applicant's proposal.

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

The Section 4.2 landscape strip required along the I-95/I-495 frontage of the property will have little impact on the aesthetic appeal of the property given the existing stand of trees within the right-of-way. A landscape strip in this area would have a limited effect on serving the purposes of the Landscape Manual and would require the applicant to remove a significant amount of existing paving or move the existing building to bring the application into full conformance and is not practical. Therefore, the departure is the minimum necessary given the specific circumstances of the request.

(iii) 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 subject property was first developed with a gas station in the early 1970s and the property's improvements have remained in the same general configuration, as shown on the DSP, since its construction. In addition, it is noted that the property is 0.59 acre in size and is constrained with little room on site to bring the operation into full conformance with the Landscape Manual requirements. Given the limited size of the property and the existing conditions that pre-date the Landscape Manual, the departure is the minimum necessary to alleviate the circumstances that are unique to the site.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or the surrounding neighborhood.

The departure will allow the applicant to maximize the efficient use of the site and provide the required parking, drive aisles, and allow for landscaping, which is visually and functionally attractive. Therefore, the departure for the reduction in the required landscape strips will not impair the functional quality of the site or the neighborhood.

- (B) For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements in paragraph (7)(A), above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.**

With respect to the specific departure requested, the applicant cannot provide a feasible proposal for alternative compliance that would exhibit equally effective design characteristics. The applicant proposed and received disapproval of alternative compliance AC-19019.

Based on the analysis above, the Planning Board approved DDS-671, to reduce the width of the proposed landscape strip on MD 337 to 4.41-feet, and approve no landscape strip along I-95/I-495, due to the provision of the existing vegetation and fencing within the right-of-way.

8. **2010 Prince George's County Landscape Manual:** The application is subject to the requirements of the Landscape Manual due to the size of the proposed addition being more than 10 percent of the square footage of the existing building. Specifically, the application is subject to the following sections of the Landscape Manual: Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. It is unclear where the location of the required buffers and landscape strips are located on the plan. Therefore, a condition requiring revisions to the site plan to clearly show these locations has been included in the approval of the companion DSP-18029.

The required plantings and schedules are provided in conformance with the Landscape Manual, with the exception of the requirements for Section 4.2. The applicant filed a request for alternative compliance, AC-19019, from the requirements of Section 4.2 (c)(3)(A)(i), Requirements for Landscape Strips Along Streets, of the Landscape Manual. Specifically, relief was requested for the site's frontages along MD 337 and I-95/I-495.

The Planning Board did not find the applicant's proposal to be equally effective as normal compliance with Section 4.2, Requirements for Landscape Strips Along Streets, of the Landscape Manual for the reasons discussed in the AC-19019 report. Therefore, the Planning Board disapproved of AC-19019 for PMG 4775 Allentown Road, and the applicant filed this application.

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 Design Standards DDS-671 for the above described land.

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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 4, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of June 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:NAB:nz

APPROVED AS TO LEGAL SUFFICIENCY
David S. Warner /s/
M-NCPPC Legal Department
Date: June 17, 2020