

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Design Standards DDS-643, SMO, Incorporated, requesting a Departure from Design Standard (DDS) for a loading space to be located within 50 feet of residentially-zoned land, 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 25, 2018, the Prince George’s County Planning Board finds:

1. **Request:** The subject Departure from Design Standards (DDS) is for the purpose of seeking relief from Section 27-579(b) of the Zoning Ordinance for a loading space to be located within 50 feet of residentially-zoned land. This case is companion to Detailed Site Plan DSP-16032-01, which requests modification to site improvements for a one-story, 23-foot-high, 3,400-square-foot food and beverage store, a gas station with, eight multi-product dispensers, and a 2,926-square-foot car wash.

2. **Development Data Summary:**

Zones	EXISTING	APPROVED
Uses	C-M/ M-I-O	C-M/M-I-O
	Food and Beverage Store/ Service Station/Car Wash	Food and Beverage Store/ Gas Station/ Car Wash
Acreage	1.43	1.43
Parcel	2	2
Total Gross Floor Area (GFA) (Square Feet)	6,326	6,326

OTHER DEVELOPMENT DATA

Total Parking Spaces Required	30 spaces (2 ADA)
Food and Beverage Store	
3,000 GFA @ 1 space per 150 GFA	20 spaces
400 + GFA @ 1 space per 200 GFA	2 spaces
Gas Station	
2 Employees @ 1 space per Employee	2 spaces
Car Wash	
2,926 GFA @ 1 space per 500 GFA	6 spaces

Total Parking Spaces Provided	32 Spaces (3 ADA)
Regular Spaces (9.5 ft. x 19 ft.)	27 spaces
Compact Spaces (8 ft. x 16.5 ft.)	2 spaces
ADA Spaces (8 ft. x 19 ft.)	3 spaces
Loading Spaces Required	1 space
Loading Spaces Provided	1 space

- Location:** The subject site is located on the west side of Old Branch Avenue between Kirby Road and Arbutus Lane, in Planning Area 81A and Council District 9. More specifically, the property is located at 7505 and 7509 Old Branch Avenue in Clinton, Maryland.
- Surrounding Uses:** The property is currently developed with a food and beverage store, vehicle service facility, and dry cleaner and is bounded on the east side by the public right-of-way of Old Branch Avenue, a designated historic road, and beyond by a vacant building in the Commercial Miscellaneous (C-M) Zone. To the west is a vacant One-Family Detached Residential (R-80) zoned property. The site is bounded to the north by the public right-of-way of Kirby Road, with a bank in the C-M Zone beyond, and to the south by the public right-of-way of Arbutus Lane, with a food and beverage store in the C-M Zone beyond.
- Previous Approvals:** The subject property is a part of the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (Central Branch Avenue Corridor Sector Plan), which retained the site in the C-M Zone. The site was developed with a gas station and retail uses in the 1960s. The site also has a Stormwater Management (SWM) Concept Plan (37816-2016-00), which was approved on March 1, 2017 and is valid through March 1, 2020.

Detailed Site Plan DSP-16032 (PGCPB Resolution No. 17-95), in conjunction with Alternative Compliance AC-17006, was approved by the Planning Board on June 29, 2017 with two conditions. The conditions imposed with the original DSP have been satisfied with this revision to the previously approved DSP.

Departure from Sign Design Standards DSDS-691 (PGCPB Resolution No. 17-96) was approved by the Planning Board on June 29, 2017 with no conditions attached. The DSDS for the car wash freestanding signage, where the main building is located less than 40 feet behind the front street line, remains valid with this application.

- Design Features:** The companion DSP-16032-01 application does not propose any major changes to the design features, such as architecture, signage, and lighting, approved with the original DSP. More specifically, the subject modifications include the following:

- (1) The previously approved island abutting the entrance of the proposed car wash has been reduced from a three-foot-wide radius to a one-foot-wide radius, allowing for a wider access point to the car wash's entrance.
- (2) The previously approved car wash exit lane was increased from 15 feet to 20 feet, allowing for a wider exit from the proposed car wash.
- (3) A reduction in the provided landscape buffer width along Old Branch Avenue, resulting from the widening of the car wash exit lane, necessitating an amendment to AC-17006.
- (4) A relocation of the proposed loading space closer to the residentially-zoned property adjacent to the west, resulting in the need for DDS-643.

The subject site is roughly rectangular in shape, with the west side adjacent to vacant residentially-zoned property. The site fronts on Kirby Road to the north with one proposed vehicular access point, Old Branch Avenue to the east with a second vehicular access point, and Arbutus Lane to the south with a third vehicular access point, which will be 'exit-only.'

The DSP, as previously approved, proposes a one-story, 23-foot-high, 3,400-square-foot food and beverage store, located along the northwestern edge of the property and facing east. Two surface parking areas are located along the east and north sides of the building, with a loading space and trash enclosure along the south side. The applicant also proposes a gas station with eight multi-product dispensers under an 18-foot-high canopy located to the east of the food and beverage store. Finally, the DSP, as previously approved proposes a 2,926-square-foot, approximately 26-foot-high car wash along the southern edge of the property. Parking is provided along the north side of the car wash with self-serve vacuum cleaners. Adequate handicapped parking has been provided for the project. Stormwater management is being accommodated by on-site underground storage and treatment.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application was previously fully reviewed for compliance with the requirements of the C-M Zone, Military Installation Overlay Zone (M-I-O) and the site plan design guidelines of the Zoning Ordinance in the original approved Detailed Site Plan (DSP-16032) (PGCPB Resolution No. 17-95), incorporated herein by reference. The specific findings relative to the Departure from Design Standards (DDS) required for the loading space are discussed as follows:

Departure from Design Standards (DDS-643): The application requires a departure from Section 27-579(b) of the Zoning Ordinance, which prohibits a loading space from being located less than 50 feet from residentially-zoned property. Specifically, Section 27-579(b) states the following:

- (b) 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 (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan).**

On the west side of the site is vacant property zoned R-80 and the subject development proposes to locate the required loading space within 50 feet of it. The development provides only 20.5 feet as opposed to the required 50 feet.

Section 27-239.01(b)(7) of the Zoning Ordinance contains the following required findings in order for the 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;**

Detailed Site Plan, DSP-16032 was approved with Alternative Compliance from Section 4.7 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), which allowed for the incompatible use bufferyard to be provided on the adjacent residentially-zoned property. Said bufferyard is subject to a Landscape Easement recorded within the Land Records of Prince George's County. The Section 4.7 buffer located on the adjacent property is approximately 40 feet in width. Therefore, the proposed loading space will be set back approximately 60.5 feet from the area of the adjacent property where future residential development may occur.

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

As delineated within the applicant's Statement of Justification (SOJ) submitted July 12, 2018, the applicant has explored other options to the reduction in the setback requirements for the loading space but has determined that compliance with the 50-foot setback would impact the drive aisle located between the loading area and the fuel dispensers. The applicant has located the loading space as far away from the residentially-zoned property without compromising the circulation of the site. The Planning Board concurs with the applicant, as relocating the loading space would impede adequate circulation of the site.

- (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 existing site, which consists of two legal parcels, is wide with long street frontages, but shallow. Relief is also being sought from Landscape Manual requirements due to this property configuration. This combination of circumstances is unique to the site and justifies approval of allowing the loading space to be located less than 50 feet from the abutting residentially-zoned property.

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

The proposed loading space will be buffered from the abutting property by the required landscape bufferyard that is subject to the easement. As stated in the applicant's SOJ, the applicant believes that the proposed location of the loading space is better screened by the buildings located to the north and south. If the space was relocated to meet the 50-foot setback requirement, the space would have a greater visual impact on the surrounding neighborhood. In addition, granting of this departure will contribute to better circulation on site since the loading space will be set back further from the drive aisle and fuel pumps.

Based on the analysis above, the Planning Board approved the departure request.

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 to allow for a loading space within 50 feet of residentially-zoned land.

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 Doerner, with Commissioners Washington, Doerner, Geraldo, and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, October 25, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of November 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:RC:gh