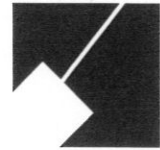


The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530



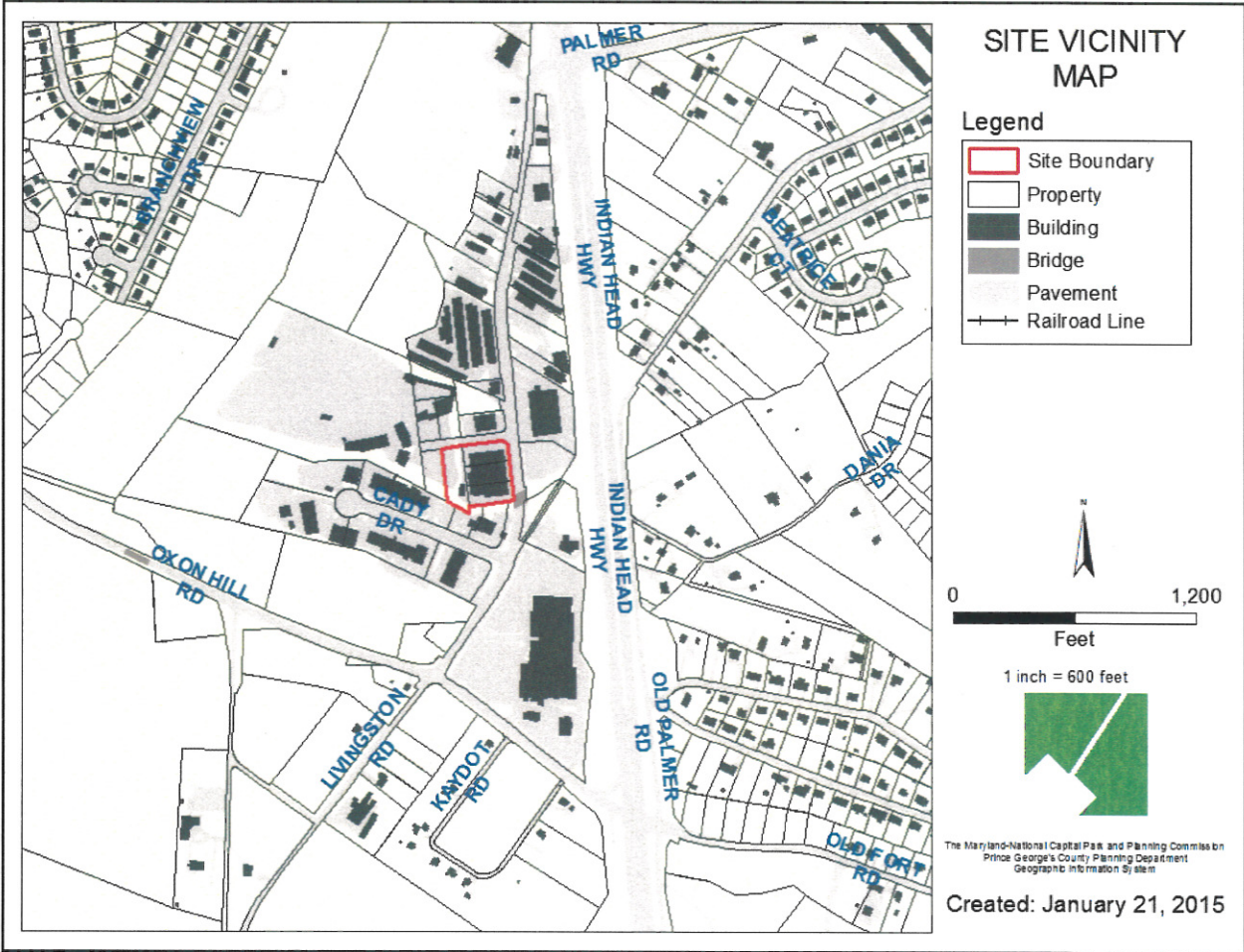
Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Departure from Parking and Loading Standards **DPLS-421**

Application	General Data	
Project Name: Harley Davidson of Washington, DC Location: On the west side of Livingston Road at the southwest corner of its intersection with Taylor Acres Avenue. Applicant/Address: H.D.W., LTD 8126 Old Leonardtown Road Hughesville, MD 20637 Property Owner: Donald and Mary Smolinski 6770 Ben Creek Road St. Leonard, MD 20685	Planning Board Hearing Date:	07/16/15
	Staff Report Date:	06/25/15
	Date Accepted:	03/16/15
	Planning Board Action Limit:	N/A
	Plan Acreage:	1.56
	Zone:	C-M & I-1
	Gross Floor Area:	36,425 sq. ft.
	Lots:	4
	Parcels:	N/A
	Planning Area:	80
	Council District:	08
	Election District:	12
	Municipality:	N/A
200-Scale Base Map:	212SE01	

Purpose of Application	Notice Dates	
A departure from parking and loading standards of 22 parking spaces from the required 74 parking spaces.	Informational Mailing	01/23/15
	Acceptance Mailing:	03/12/15
	Sign Posting Deadline:	06/16/15

Staff Recommendation		Staff Reviewer: Ivy R. Thompson Phone Number: 301-952-4326 E-mail: Ivy.Thompson@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Supervisor, Zoning Review Section, Development Review Division

FROM: Ivy R. Thompson, Senior Planner, Zoning Review Section, Development Review Division

SUBJECT: **Departure from Parking and Loading Standards Application No. DPLS-421
Harley Davidson of Washington, DC**

REQUEST: **A departure from parking and loading standards of 22 parking spaces from the
required 74 parking spaces**

RECOMMENDATION: **APPROVAL**

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of July 16, 2015. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

FINDINGS

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:**

	EXISTING	PROPOSED
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.

Parking and Loading Standard	Number of Parking Spaces
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
Parking Requirement	74
Departure Requested	22
Total Proposed Parking	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.**

Comment: 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, staff has reviewed aerial photographs of the site 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;**

Comment: 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;**

Comment: 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**

Comment: 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.**

Comment: 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;**

Comment: 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;**

Comment: 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**

Comment: 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.**

Comment: 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;**

Comment: This is a vehicular oriented use.

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

Comment: 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;**

Comment: 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.**

Comment: The subject property is located in the C-S-C and I-1 Zones and, therefore, is not subject to this provision.

L. **Referrals:**

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.

Staff agrees 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. Staff has 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. Based on the preceding analysis and findings, staff recommends APPROVAL of Departure from Parking and Loading Standards Application No. DPLS-421.

ITEM:

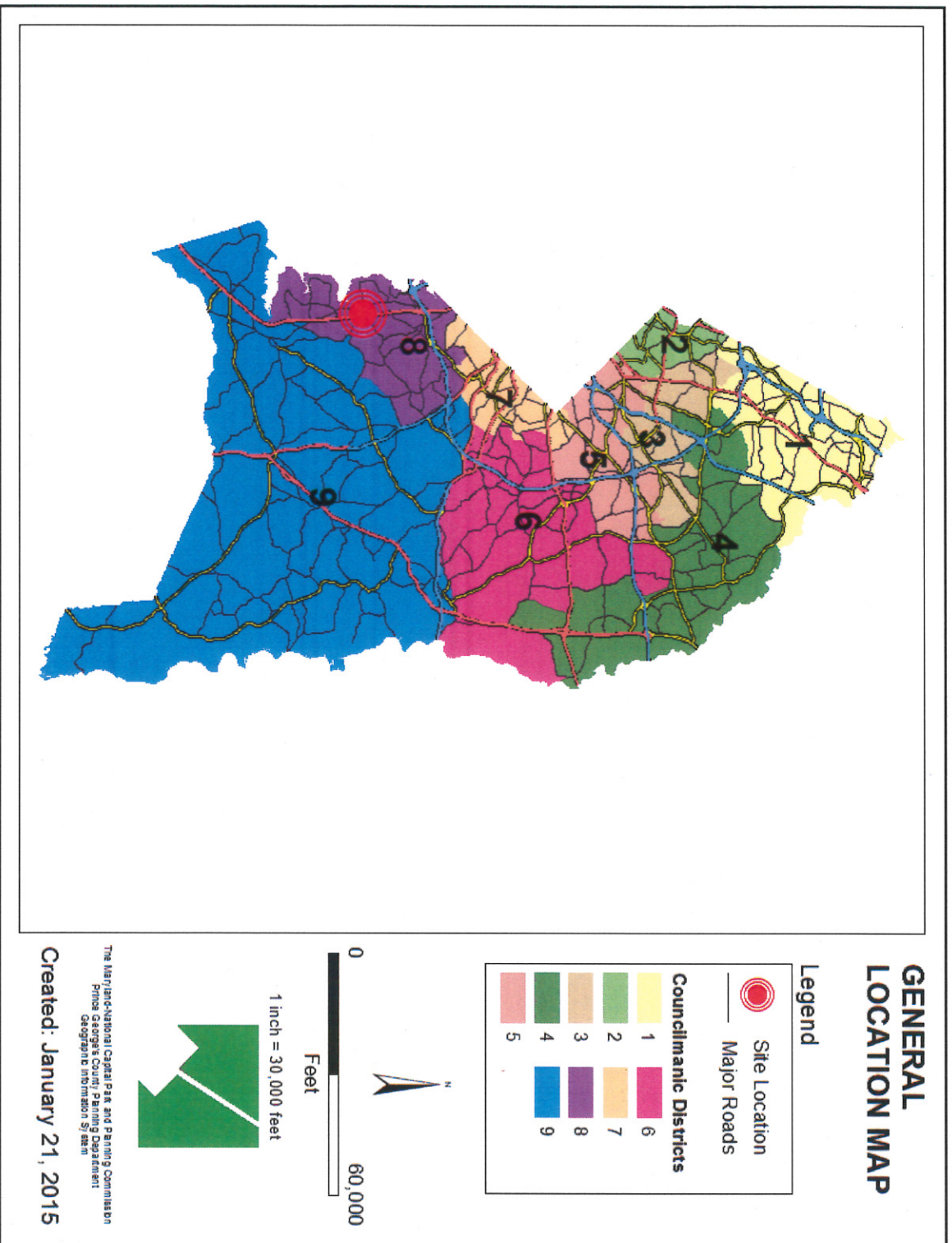
CASE: DPPLS-421

HARLEY DAVIDSON OF WASHINGTON, D.C.

THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT

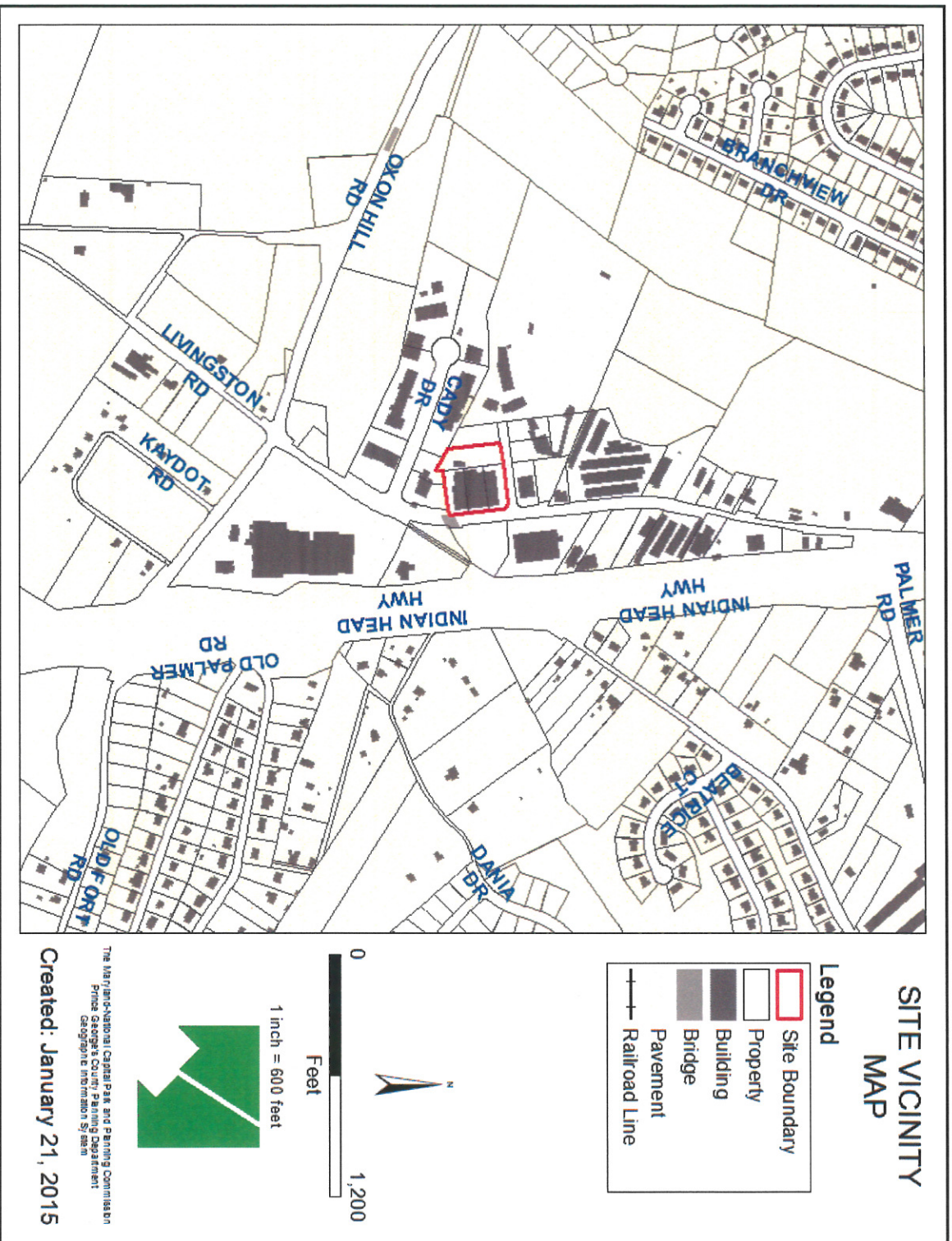


GENERAL LOCATION MAP

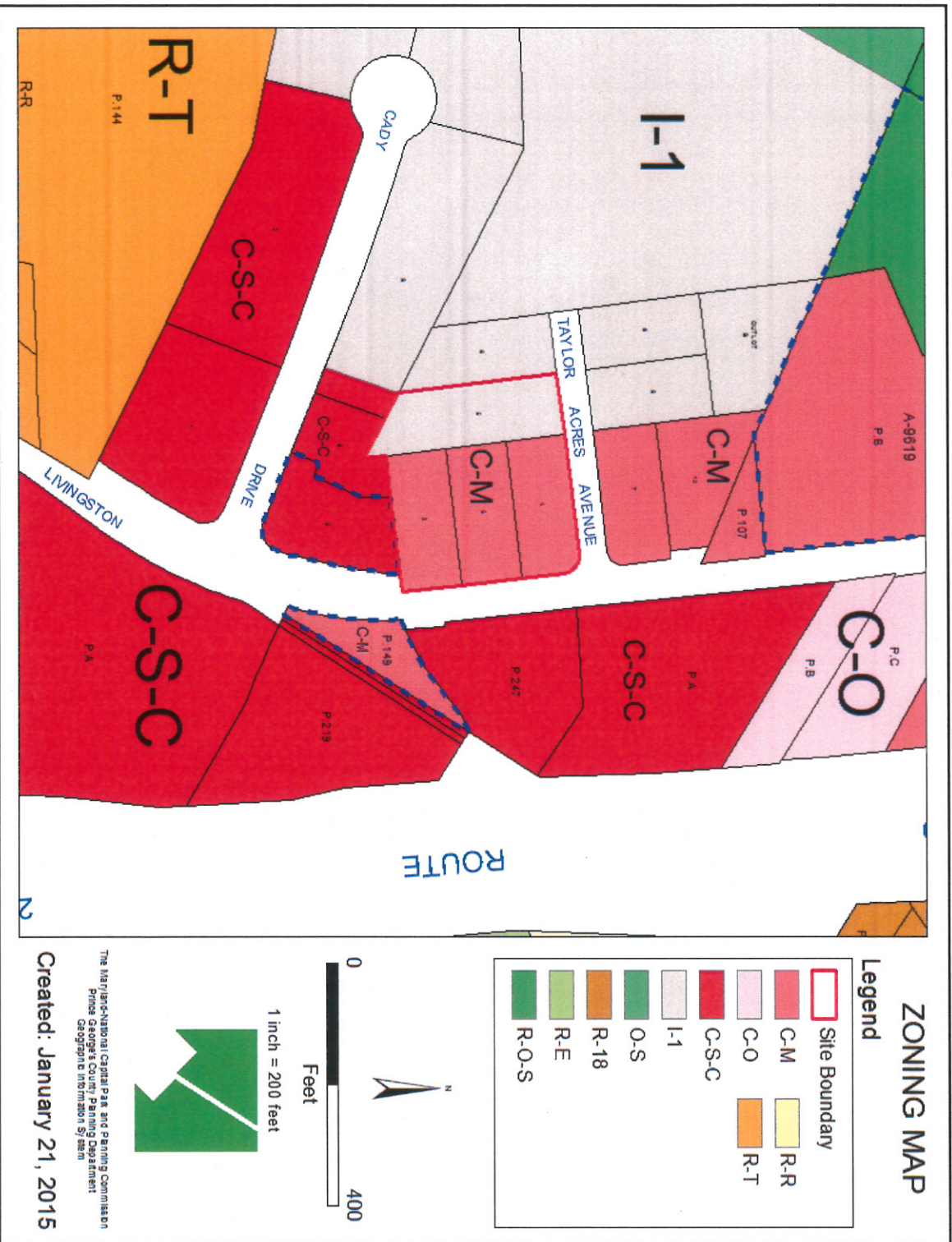


SITE VICINITY

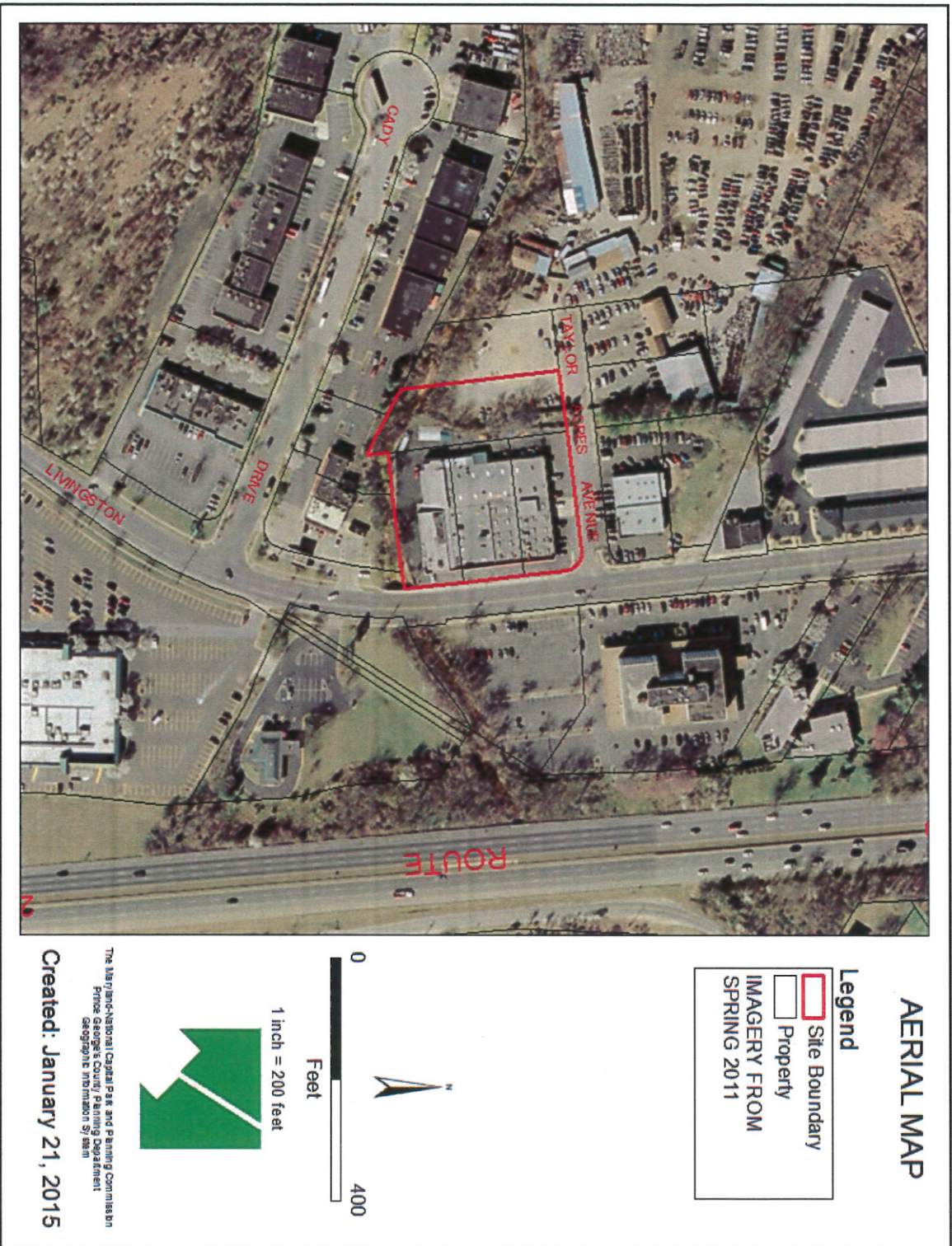
Case # DPLS-421



ZONING MAP

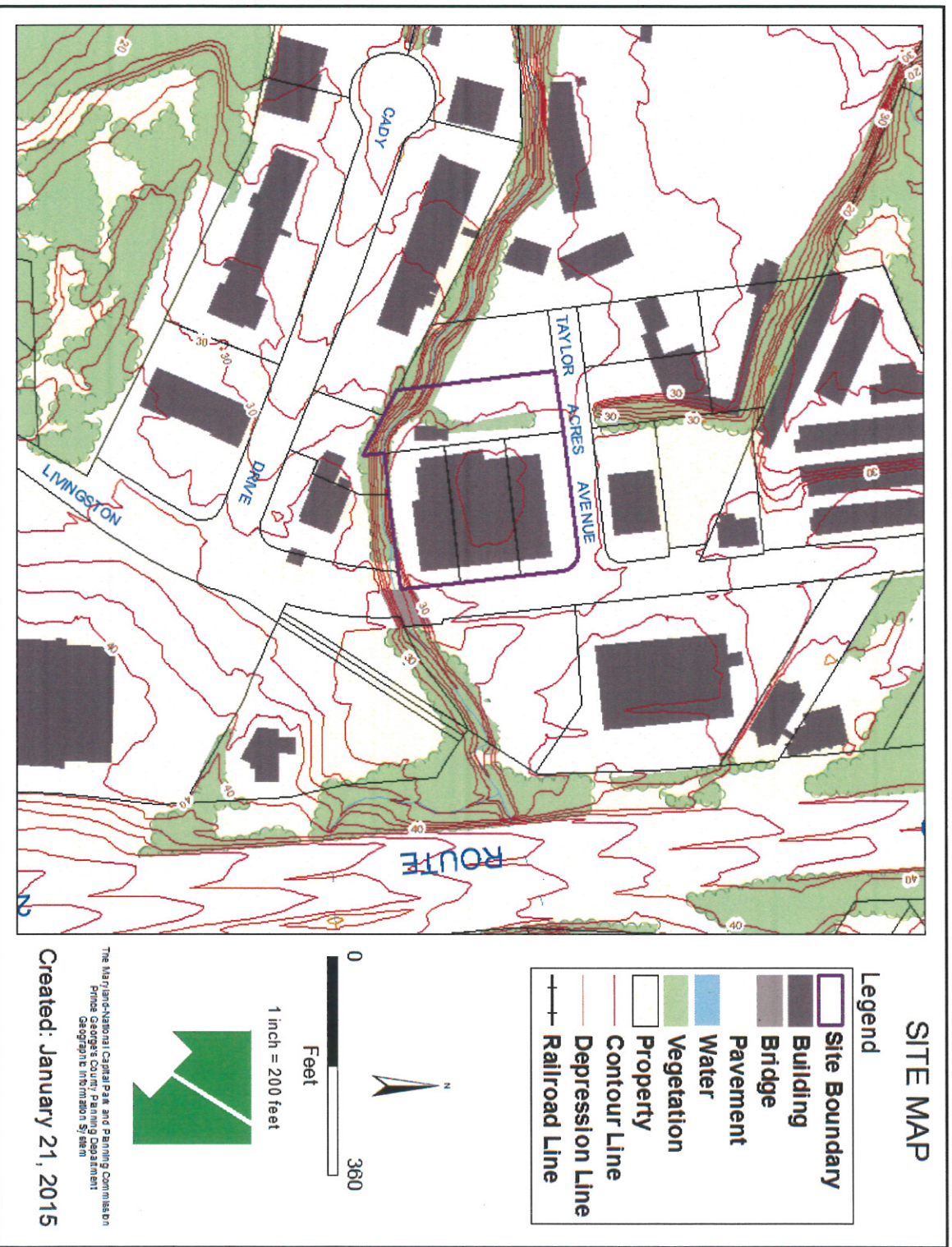


AERIAL MAP

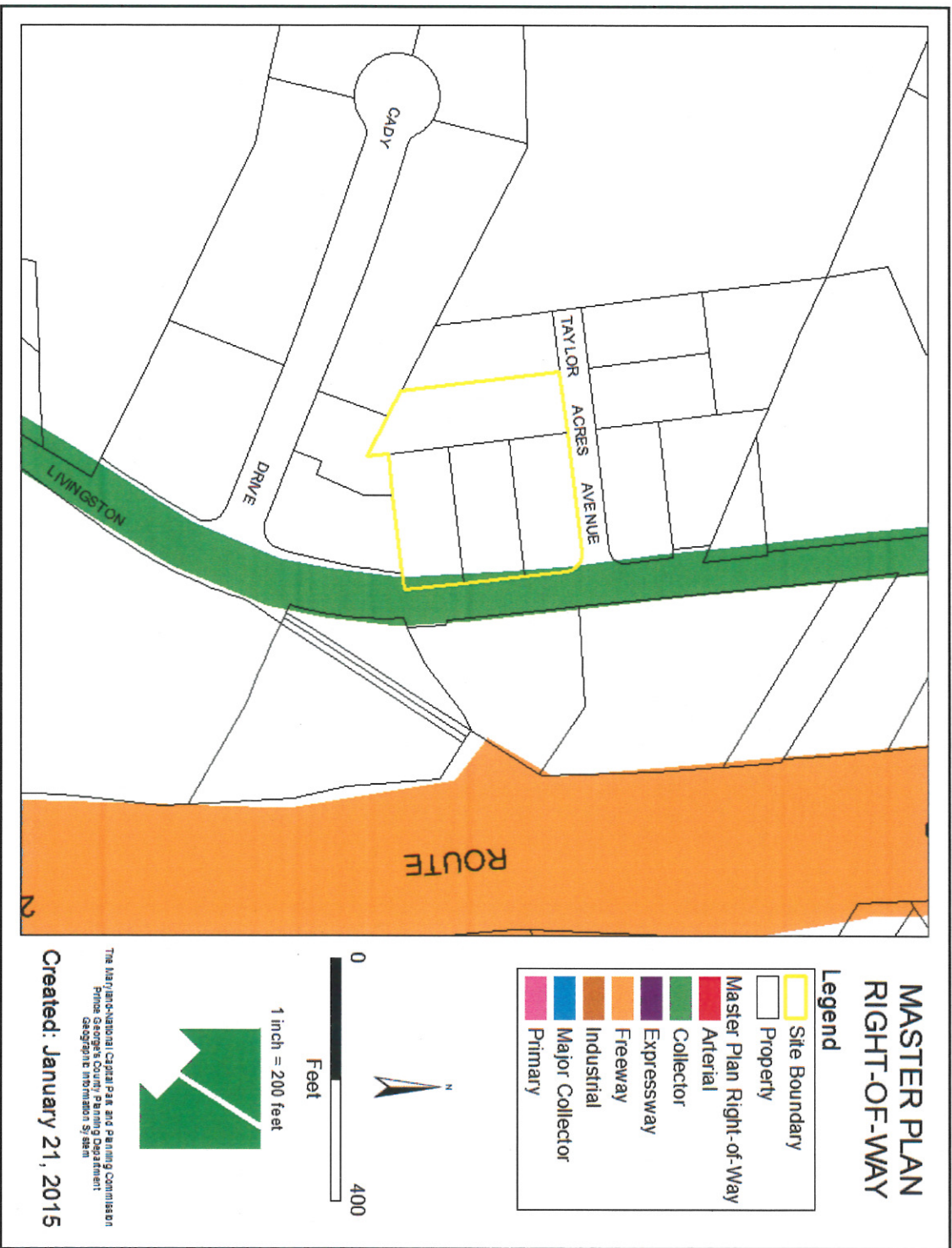


SITE MAP

Case # DPLS-421



MASTER PLAN RIGHT-OF-WAY MAP

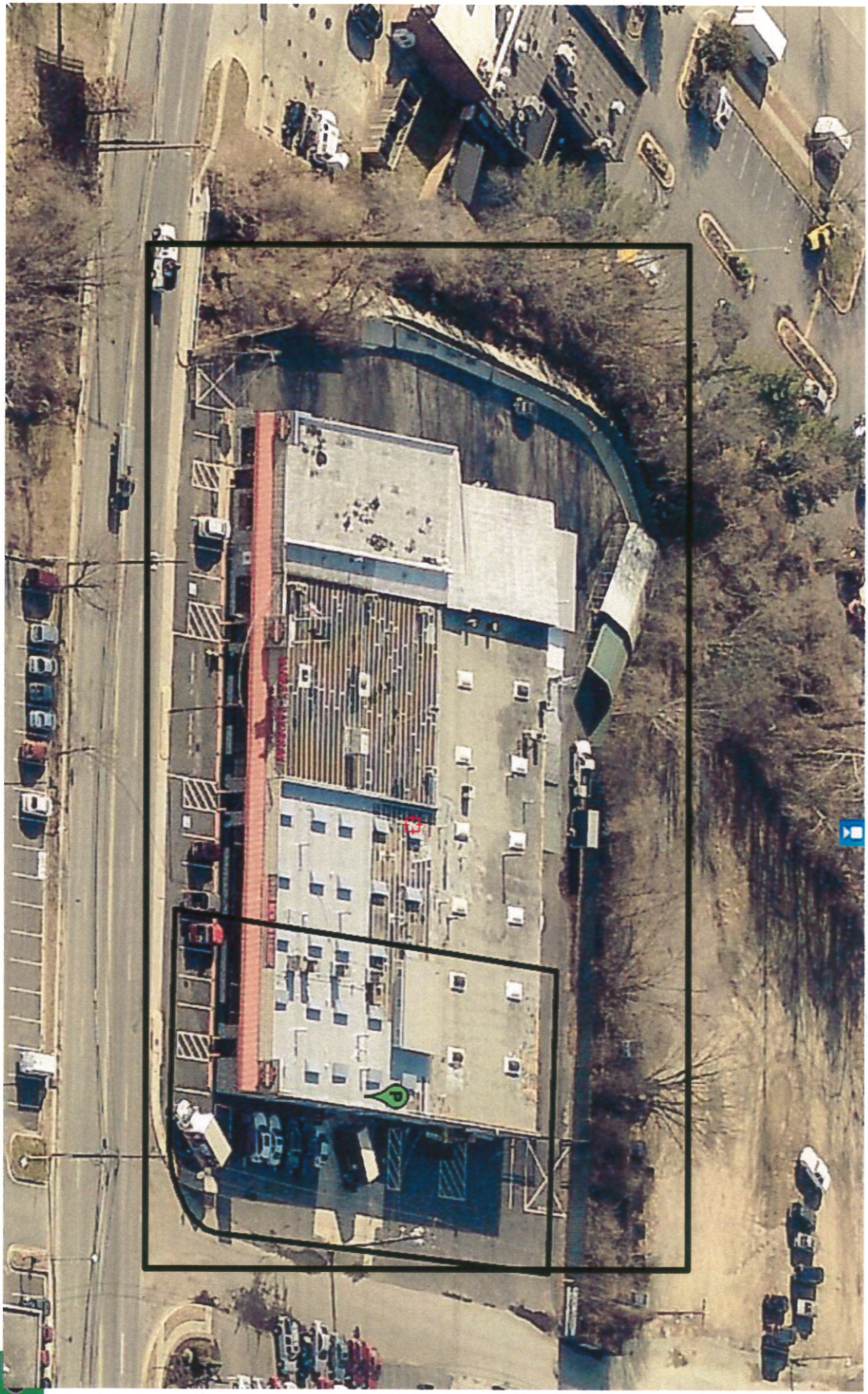


- MASTER PLAN RIGHT-OF-WAY**
- Legend**
- Site Boundary
 - Property
 - Master Plan Right-of-Way
 - Arterial
 - Collector
 - Expressway
 - Freeway
 - Industrial
 - Major Collector
 - Primary

The Marietta-Norwood Capital Park and Planning Commission
 Prince George's County Planning Department
 Geographic Information System
 Created: January 21, 2015



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED





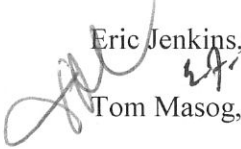
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Countywide Planning Division, Transportation Planning Section

(301) 952-3680
www.mncppc.org

April 29, 2015

MEMORANDUM

TO: Ivy Thompson, Zoning Section, Development Review Division
FROM: Eric Jenkins, Transportation Planning Section, Countywide Planning Division
VIA:  Tom Masog, Supervisor, Transportation Planning Section, Countywide Planning Division
SUBJECT: DPLS-421, Harley Davidson

The Transportation Planning Section has reviewed the departure noted above. The subject site consists of 2.96 acres of land in the C-M and I-1 Zones. The site is located at the intersection of Livingston Road and Taylor Acres Avenue. The applicant is seeking a departure of 19 parking spaces from the required 74 spaces.

Review Comments, Departure from Parking and Loading Standards

The applicant is seeking a use and occupancy permit for the existing retail space (motorcycle sales and repair facility) and needs a departure from parking standards.

The application requests a waiver of the parking standards in the Zoning Ordinance (Section 27-568(a)) to allow a reduction in the number of the parking spaces. The Zoning Ordinance provides minimum standards for on-site parking and loading on the subject property for two primary reasons. The standards protect the patrons of the subject property from the problems caused by not having adequate and available parking at hand. The parking standards also protect neighboring property owners from the problems caused by persons residing on or visiting the subject property and using parking spaces on adjacent land or streets during that time.

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 eighteen foot 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.

Staff agrees 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. Staff has no issue with granting the departure of nineteen spaces per se but it does with the safety concerns present on the site. Other options should be explored to accommodate the 55 proposed parking spaces.

Livingston Road is listed in the *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* as a collector roadway with 80 feet of right-of-way. A portion of the planned master plan right-of-way extends into the property and existing parking spaces. If a preliminary plan of subdivision is submitted for the site at some point the applicant would be required to dedicate 40 feet from the

centerline of Livingston Road. No new structures can be permitted within the right-of-way without District Council action.

Based on these facts and circumstances, the Transportation Planning Section offers no other comments on the parking space departure.



**** REFERRAL REQUEST ****

Date: 3/17/2015
 To: PRANOY CHOUDHARY, MD. STATE HIGHWAY ADMINISTRATION
 From: IVY THOMPSON, SENIOR PLANNER, ZONING SECTION
 Subject: HARLEY DAVIDSON OF WASHINGTON, LLC. (DPLS-421)

IDENTIFICATION OF MAJOR ISSUES DUE DATE*: 4/1/2015
 *Note: E-mail any major issues/problems to the reviewer by the above date.

S D R C DATE: N/A

REFERRAL DUE DATE: 4/16/2015

<input checked="" type="checkbox"/> Full Review of New Plan	<input type="checkbox"/> Revision of Previously Approved Plan
<input type="checkbox"/> Limited or Special Review	<input type="checkbox"/> Plans/Documents Returned for Second Review Following Revision by Applicant

NOTE: This case is being reviewed at: Planning Board level OR Planning Director level

COMMENTS: Please email all major issues to Ivy Thompson at Ivy.Thompson@ppd.mncppc.org

Related Cases: _____

REFERRAL REPLY COMMENTS:

*SHA has no objection to the development moving forward.
 Access to the subject site is via County Road.
 SHA hereby defers this project to the APFO requirements
 for PG County for any potential transportation impacts.*

~~Pranoy Choudhary~~ ~ PRANOY

NOTE: IF YOU HAVE NO COMMENTS, PLEASE INDICATE ABOVE AND FORWARD OR FAX TO THE REVIEWER'S ATTENTION.

April 20, 2015

MEMORANDUM

TO: Ivy Thompson, Senior Planner, Zoning Section

FROM: Michelle Hughes, Permit Review Section, Development Review Division *MH*

SUBJECT: Referral Comments for Harley Davidson of Washington, LLC DPLS-421

1. 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. Please remove note #18 paragraph 1.
2. The review of this referral does not include the review of any signs.



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PERMIT REVIEW SECTION**

14741 Governor Oden Bowie Drive, Upper Marlboro Md. 20772

Permit Reviewer: Michelle Hughes 14816-2014-U/02
Telephone Number: (301) 952-5409 October 24, 2014
Fax Number: (301) 952-4141
Permit Status: www.mncppc.org

The following comments were generated from permit review. Any questions or concerns regarding the following comments should be directed to the reviewer. For permit status, please direct your call to the appropriate phone number provided above.

Further review and comments may be generated when the appropriate or additional information has been submitted. Revised plans and required information must be submitted to the Permit Review Section.

- ~~1. This permit application is for motorcycle sales, rental and service located on lots 2, 3, 4 and part of lot 5. Lots 2, 3 and 4 are zoned C-M and Lot 5 is zoned I-1. The zoning lines must be demonstrated on the site plan. 12/11/14 – Ok per updated site plan.~~
2. There appears to be an addition added to the building that is located on Lot 2 shown on aerial photos 1984-1993 **and** to the west of the building located on Lot 3 shown on aerial photos 1993-1998 that were constructed without permits. These additions must be validated with a building permit. Please apply for the building permit located in the DPIE office at 9400 Peppercorn Place, Largo, MD. **12/11/14 – Response from Ben Dyer indicates property owner applied for permit 39206-2014-CI. This is an interior permit only a building addition is required to validate these additions. 12/16/14 – Per my conversation with Dale Wickline he indicated that he spoke with Haitham A. Hijazi (Director DPIE) and it was agreed upon that an interior permit would only be required. Per Debbie Gallagher an interior permit is adequate as long as the site plan submitted meets all zoning requirements (setbacks, landscape manual, green area, parking). 1/14/15 – Met with Matt Tedesco with an updated site plan. AC and DPLS is still required.**
- ~~3. Only a portion of Lot 5 is demonstrated on this site plan. Deeds for this property should be provided showing part of Lot 5 was demonstrated prior to 1982 or Lot 5 should be demonstrated on the site plan in its entirety. 12/12/14 – **The provided parking and loading located on Lot 5 does not demonstrate adequate access within the boundaries of the property line therefore all of Lot 5 should be demonstrated on the site plan in its entirety. 12/23/14 – Access to the loading spaces and parking spaces on Lot 5 are 18' from Taylor Avenue. Lot 5 in its entirety is not required.**~~
- ~~4. There is parking adjacent to Livingston Road that is off the property line within Livingston Rd. 12/12/14 – Ok per updated site plan.~~
- ~~5. If the buildings on this property were constructed prior to October, 1970, the loading space must be dimensioned at 15 feet in width by 25 feet in length. If the buildings were constructed after October 1970, the loading space must be dimensioned at 12 feet in width by 33 feet in~~



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PERMIT REVIEW SECTION**

14741 Governor Oden Bowie Drive, Upper Marlboro Md. 20772

length. Zoning notes indicate the main building was built in 1963 but loading was demonstrated at 12 x 33 (Post 1970). General notes indicate the main building was built in 1963 (Pre 1970) but loading was demonstrated at 12 x 33 (Post 1970). **Height of loading should be provided at 15' and the driveway aisle should be demonstrated at 22'. 12/12/14 — Adequate loading spaces were provided but site plan does not demonstrate adequate access for these loading spaces within the boundaries of the property line therefore all of Lot 5 should be demonstrated on the site plan in its entirety. 12/23/14 – Access to the loading spaces and parking spaces on Lot 5 are 18' from Taylor Avenue. Lot 5 in its entirety is not required.**

6. If the structure was constructed prior to October 1970, the parking spaces can be demonstrated at 10-feet in wide by 20-feet in long, or 9-feet in wide by 22 ¼ in long (pre 1970, 200 sq. ft. spaces), Pre 1970 driveway isles widths for 2-way traffic, as well as the width of any gates that access the parking compound must be a minimum of 18 feet wide. If the structure was constructed after October 1970, the parking spaces can be demonstrated at 9 1/2 feet in width by 19 feet in length. Post 1970 driveway isle widths for 2-way traffic, as well as the width of any gates that access the parking compound must be a minimum of 22 feet wide. **Parking spaces adjacent to Livingston Road does not meet the 22' driveway aisle requirement. The width of the driveway aisle should be demonstrated on the site plan. 12/12/14 – Ok per updated site plan.**
7. Zoning notes indicate required parking 10,072.68 square feet for warehouse. Warehouse is not a permitted use in the C-M Zone. What is the proposed use of this area? Parking for this area should be calculated at 1 parking space required for every 500 square feet of gross floor area. **12/12/14 – Ok per updated site plan.**

Additional comments may be generated after the building permit application and site plan have been reviewed.

I called and left a message for the applicant Dale Wickline to discuss permit comments. Comments emailed to dwickline@hdw ltd.com.

12/12/14 – Updated comments per updated site plan:

1. The required parking does not meet what is provided on the site therefore a DPLS is required. Site plan indicates a DPLS will be requested for 19 parking spaces. **1/14/15 – DPLS is required and proposed.**

Updated permit comments emailed to Dale Wickline at dwickline@hdw ltd.com and Stephen Mauersberg at smauersberg@bendyer.com.

12/16/14 – Updated comments per comment #2:

2. Does the height of the building indicated on the site plan include the portion of the building constructed without permits? **12/22/14 - Same as what is shown on site plan per Gearhardt of Ben Dyer & Assoc.**



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PERMIT REVIEW SECTION**

14741 Governor Oden Bowie Drive, Upper Marlboro Md. 20772

3. In the I-1 Zone at least ten percent (10%) of the net lot area shall be maintained as green area per Section 27-469(b)(1) of the Prince George's County Zoning Ordinance. The green area must be demonstrated on the site plan and green area calculations provided in the general notes per Sec. 27-469 (b). If the 10% green area cannot be demonstrated on the site a variance will be required to be approved from the Board of Zoning Appeals. **Landscaping, screening, and buffering** of development in the I-1 Zone shall be provided in accordance with the provisions of the Landscape Manual. In addition, the following applies:
 - (2) Any landscaped strip adjacent to a public right-of-way required pursuant to the provisions of the Landscape Manual shall not be considered part of the required green area. **1/14/15 – Per the updated site plan 10% green area provided is demonstrated on Part of Lot 5 that is not within the property boundaries of the subject permit for review. I discussed with Mary Hampton and she indicated that how can this green area be documented for the subject property if not within the property boundaries? If they are tying the two properties together Lot 5 in its entirety must be shown on the site plan. Must talk to Debbie and get back to Matt Tedesco. 1/15/15 – Per my conversation with Debbie she is in agreement that the 10% green area requirement shall be located within the boundaries of the subject property in for review or a variance will be required to be approved from the Board of Zoning Appeals.**
4. This site is subject to a 4.2 10' landscape strip as of 11/22/74. Prior to this a 6' strip was required. (See original comment #2 above dated October 24, 2014). The 4.2 landscape strip requirement shall only apply to the portion of the building constructed without permits adjacent to Livingston Rd. (approximately 4 parking spaces). *1/14/15 – per updated site plan the portion of the building constructed in 1988 would have required a 6' landscape strip consisting of (3) parking spaces adjacent to Livingston Rd Alternative Compliance is being requested. The building constructed in 1966 would not have required landscape strip therefore the original area in question is no longer required.*
5. ~~The site is subject to 4.7 landscape strip at the southern property line. There is existing woodland that can be used to meet this landscape strip requirement and shall be demonstrated on the site plan with the landscape schedule.~~ **1/14/15 – The adjacent property is a gas station with convenience store therefore compatible with the subject property.**

Updated permit comments emailed to Dale Wickline at dwickline@hdw ltd.com and Stephen Mauersberg at smauersberg@bendyer.com.

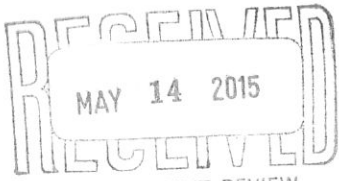
12/18/14 – Comments emailed to Matt Tedesco at mtedesco@mhlawyers.com.

12/22/14 – Gearhardt (Bendyer and Assoc.)

1/14/15 – Met with Matt Tedesco with updated site plan. See comment #3 for clarification by Debbie.

AMENDED

DPLS-421



DEVELOPMENT REVIEW
DIVISION

**AMENDED
STATEMENT OF JUSTIFICATION**

**Harley Davidson Dealership
(DPLS-421)**

APPLICANT: H.D.W., Ltd.
8126 Old Leonardtown Road
Hughesville, Maryland 20637

OWNER: Donald & Mary Smolinski
6770 Ben Creek Road
St. Leonard, Maryland 20685

ATTORNEY/
CONSULTANT Matthew C. Tedesco
McNamee Hosea
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
301-441-2420 (P)
301-982-9450 (F)
MTedesco@mhlawyers.com

REQUEST: Departure from Parking and Loading Standards for 22 parking spaces from the required 74 parking spaces to validate existing conditions for a an existing motorcycle sales and repair facility.

I. DESCRIPTION OF PROPERTY

1. Location – Located on the west side of Livingston Road at the southwest corner of its intersection with Taylor Acres Avenue.
2. Use – Existing motorcycle sales and repair facility
3. Incorporated Area - N/A
4. Councilmanic District – 8
5. Lots – P/O Lots 2, 3, 4, and 5
6. Total Area –1.56 acres

7. Tax Map – 114, Grid A4
8. Zoned – C-M (Lots 2-4) & I-1 (Lot 5)
9. WSSC 200 Scale Map – 212SE01

II. APPLICANT'S PROPOSAL

The subject property has been developed and used as a motorcycle sales and repair facility (among other uses from time to time) for the past 5-6 decades. The original buildings were constructed in the early and mid 1960s. Since that time, and for various reasons, improvements and some minor additions were made to the original buildings. In 1988, the owner enclosed an open area that had previously separated two buildings on parts of Lots 2 and 3. The enclosed area is referenced on the site plan filed in conjunction with this application as the area "Built in 1988." Due to the passage of time and the improvements made to the property, the applicant and owner are seeking to validate existing conditions to ensure the property is current on all applicable zoning requirements. The applicant did not propose to make any improvements to the property; however, since the original submittal was made, numerous meetings and discussions have occurred with Staff from the Development Review Division of The Maryland-National Capital Park and Planning Commission, including its Associate General Counsels. Based on those discussions, some of which undersigned counsel was privy too, a determination has been made that the applicant must provide a 10' wide landscape strip along the frontage of the portion of the building enclosed in 1988. Originally, the applicant filed for Alternative Compliance to relocate this 10' wide landscape strip to a more logical and ideal location along the frontage of the property. However, Staff and the Associate General Counsel's office advised that Alternative Compliance was not available due to the fact that Alternative Compliance was a remedy in the Landscape Manual that was adopted in 1989. Consequently, the applicant was advised that it could file a departure from design standards from the 1985 Zoning Ordinance requirement to provide the 10' wide landscape strip. The applicant, having disagreed with this interpretation and having decided not to be compelled to file yet another zoning application, has elected to revise its DPLS site plan by showing the required landscape strip. Consequently, for the reasons provided by Staff and M-NCPPC's Associate General Counsel and due to the revision made to the site plan showing the 10' landscape strip, the request for Alternative Compliance is now moot.

Again, with the exception of adding the landscape strip, the applicant and owner only seek to validate existing conditions, which – in totality – have remained relatively unchanged for over 27 years. To further validate the existing conditions, various permits have been filed with and/or issued by the Department of Permitting, Inspections, and Enforcement; including Permit Nos. 14816-2014-U/02 and 39206-2014-CI. The M-NCPPC Permit Review Section has reviewed these permits and associated site plans, and the last two remaining issues deal with the parking requirements and landscape requirements. (Attached hereto are the M-NCPPC's Permit Review Sections comments). Specially, the existing number of parking spaces does not meet the required number of off-street parking spaces, so a departure from parking spaces is needed for 22

spaces from the required 74 spaces. The number of spaces available has been reduced further to accommodate the 10' landscape strip along the frontage of the property. Specifically, but for being required to provide 10' landscape strip, the applicant would have been able to provide a total of 55 spaces and would have only needed a departure for 19 spaces. With the inclusion of the 10' landscape strip, the applicant is only able to provide 52 spaces and is now seeking a departure for 22 spaces.

III. COMMUNITY

The subject property is located on the west side of Livingston Road in the southwest quadrant of its intersection with Taylor Acres Avenue. It is located in the Developing Tier of the 2002 General Plan and is in the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, which retained the subject property in the C-M and I-1 Zone. The use on the property, which has existed for decades, is not inconsistent with the vision for the Developing Tier or the policies of the Master Plan. The property is surrounded by the following uses:

North: Taylor Acres Avenue and a Tire and Auto Center in the C-M Zone beyond

South: Hunters Mill Branch and a 7-Eleven food and beverage store with gas in the C-S-C Zone beyond

East: Livingston Road and the South Potomac Professional Center (5 story building) in the C-S-C Zone beyond

West: Save More Auto Parts – auto salvage and storage lot in the I-1 Zone.

IV. DEPARTURE FROM PARKING AND LOADING STANDARDS

A. Nature of Request

Section 27-568(a) of the Zoning Ordinance requires one parking space for every 500 square feet for low parking generation retail; one space for every 500 square feet of storage; and three spaces per service bay for repair. In total, 38.04 spaces are required for 19,020 square feet for low-generation retail; 20.15 spaces are required for 10,073 square feet of storage space; and 15 spaces are required for 5 repair bays, which equal a requirement of 73.19 or 74 total parking spaces. Based on existing conditions and the requirement to add a 10' landscape strip along the frontage of the building that was enclosed in 1988, the site plan shows a total of 52 parking spaces of which 3 must be handicapped accessible of which 1 must be van accessible. Due to the history of the improvements on the property, the parking is allocated as follows:

- 32 full-sized spaces at 9' x 22.25' (pre-1970 standard)
- 17 full-sized spaces at 10' x 20' (pre-1970 standard)
- 2 van-sized handicapped spaces at 8' x 19' with 8' wide access aisles

- 1 regular handicapped space at 8' x 19' with a 5' wide access aisle.

As for the loading space requirement, one space is required for retail space between 2,000 square feet and 10,000 square feet plus an additional space for 10,000 square feet to 100,000 square feet. Based on the size of the building and the history of its construction, the site requires a total of 2 loading spaces, which are allocated as follows:

- 2 loading spaces at 15' x 25' (pre-1970 standard)

Accordingly, the subject property and site plan are deficient by 22 parking spaces. Therefore, a departure from parking and loading spaces for 22 parking spaces is needed.

B. Criteria for Approval

The criteria for obtaining approval of a departure from the required number of parking and loading spaces is provided for in Section 27-588(b)(7) of the Zoning Ordinance. That Section states the following:

(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;

COMMENT: The purposes of Section 27-550 are as follows:

- (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.

COMMENT: The purposes of the parking and loading regulations will be served by the applicant's request. The purposes seek to ensure sufficient parking and loading to serve the needs of the patrons of the existing motorcycle dealership and repair facility and to aid in relieving traffic/circulation congestion on-site by reducing the use of public streets for parking and

loading. The applicant proposes the departure as a means of validating the existing conditions, which have existed on the subject property since the early to mid 1960s. Moreover, 3 of the 22 spaces are a direct result of having to comply with the 1985 design requirements to provide a 10' wide landscape strip along the frontage of the building enclosed in 1988. Given the extensive history of this use on this property, the applicant contends that the requirement to provide 74 total parking spaces on the subject property is superfluous. Although a parking survey has not been performed, the long history of this use at this location evidences that 52 parking spaces adequately and sufficiently accommodate the actual parking demand for the use. As evidenced by the historical imagery (attached hereto and incorporated herein), the existing parking spaces have always been sufficient to adequately park this use without impeding or exacerbating traffic congestion along public streets. Moreover, due to the nature of this business, as a motorcycle dealership and repair facility, a large number of customers that visit the subject property do so on motorcycles, which take up considerably less space than automobiles. Based on the use and the long established history of the use on this property, the applicant contends that the existing parking spaces are adequate and that there will be no disruption to traffic flow or parking conditions on the surrounding streets resulting from the continued use of the property. Therefore, there is not likely to be any adverse affect if the departure is granted, and the purpose of this Subsection will otherwise be served by the requested departure.

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

COMMENT: The applicant has explored every avenue under the Zoning Ordinance and the applicable law to accommodate as many parking spaces as possible on the subject site – to and include application of pre-1970 standards, which are required due to the year the improvements were made to the subject property. However, due to the physical limitations of the site – including, but not limited to the right-of-way for both Livingston Road and Taylor Acres Avenue, and the surrounding developments on adjacent property – it is impossible for the applicant to obtain additional land to facilitate more parking spaces. Therefore, the requested departure is the minimum necessary given the circumstances of the property.

- (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;

COMMENT: As indicated above, this departure is necessary in order to alleviate circumstances which are special and unique to the subject use. The site is located in the southwest quadrant of the intersection of Livingston Road and Taylor Acres Avenue, and the improvements thereon were first constructed in the early to mid 1960s. Over the years, additional improvements were made to the buildings making it very difficult to meet current zoning regulations for specific uses because there is limited land available to expand the parking lot. Where possible, so as to not interfere with the on-site circulation and safe movement of pedestrians and vehicles, parking spaces have been added around the perimeter of the building. In addition, the underlying nature of this use is that it will be visited primarily by patrons riding motorcycles, so the actual parking needs are more than accommodated by the 52 parking spaces depicted on the site plan. Indeed,

this departure will merely validate a situation that has existed on the property for over 40 years without causing any detrimental impact to the adjacent neighborhood, which is commercial and industrial in nature. Hence, the departure requested in this case alleviates the physical limitations exhibited by the subject property which were created over five or more decades ago.

- (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

COMMENT: All methods for calculating the number of spaces have been used and found impractical to further reduce the parking requirement. There is simply not enough space left on the subject property to accommodate all of the required number of parking spaces. The method chosen is the most viable and practical option. Moreover, with the inability to obtain alternative compliance, and to avoid an additional zoning application, the applicant is providing the requisite 10' wide landscape strip along a portion of the property frontage, which required the removal of 3 parking spaces. The landscape strip is the direct cause for the loss of these 3 parking spaces, and requires the applicant to seek a departure for 22 spaces instead of 19 spaces.

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

COMMENT: None of the adjacent property is residentially zoned. Therefore, the parking and loading needs of residential areas will not be infringed upon if the 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;

COMMENT: The area within 500 feet of the subject property is characterized by commercial/office uses to the east, industrial uses to the north and west, and commercial/retail uses to the south. There is no indication of a shortage in parking and loading spaces within the general vicinity of this facility. The historical images depicting this area further support this conclusion, as adjoining or nearby uses have their own off-street parking and loading facilities, which are more than adequate to serve those uses.

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

COMMENT: The subject property is located in 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (the "Master Plan"). Although

the Land Use Map recommends a mixed-use area, the SMA retained the subject property in the C-M and I-1 Zones, which permits the existing use on the subject property. Therefore, the existing development is not inconsistent with the plan's goals and will not impair the integrity of the Master Plan, as the property was retained in the C-M and I-1 Zone.

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

COMMENT: This subject property is not located in a municipality.

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

COMMENT: 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;

COMMENT: Since this is an auto-related use, the existence of public transportation is not relevant to the requested departure.

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

COMMENT: There are no 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;

COMMENT: The subject property is located in commercial and industrial areas and the specific nature of the use and the associated departure will not negatively impact other uses within 500 feet. The hours of operation are 10:00AM – 7:00PM Monday through Friday and 9:00AM – 5:00PM on Saturday. The business is closed on Sundays. Due to the nature of this business and its hours of operation, parking will not be fully utilized during peak hours. Accordingly, there will be no disruption to traffic flow during peak hours and due to the nature of the business – as evidenced by the historical imagery – the departure will not impact parking conditions on the surrounding streets or properties. The use associated with this departure will not affect the nature and hours of operation of

other uses within 500 feet of the subject property. For these reason, the applicant contends that that the 55 existing parking spaces is adequate for the existing use.

- (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.

COMMENT: The subject property is in the C-M and I-1 Zones, therefore, the above section is not applicable.

V. CONCLUSION

Based on the foregoing, and the site plan filed in conjunction with this application, the applicant believes that the application for a Departure from Parking and Loading Standards meets or exceeds each of the requirements set forth in the Zoning Ordinance, and therefore, the applicant and owner respectfully request the approval of the applications

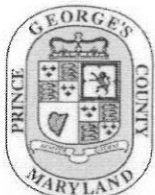
Respectfully submitted,

McNamee, Jernigan, Kim, Greenan &
Lynch, P.A.



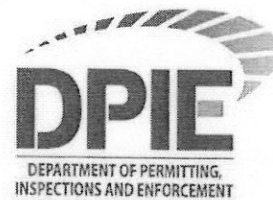
Matthew C. Tedesco

Date: May 11, 2015



Rushern L. Baker, III
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

May 12, 2015

TO: Tom Lockard, Planning Coordinator
Zoning Section, M-NCPPC

FROM: Mary C. Giles, P.E., Associate Director
Site/Road Plan Review Division, DPIE *mg*

RE: Harley Davidson of Washington, LLC
Departure of Parking and Loading Spaces No. DPLS-421

CR: Livingston Road
CR: Taylor Acres Avenue

This referral supersedes the previous referral dated April 16, 2015. In response to the Departure of Parking and Loading Spaces No. DPLS-421 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The property is located on the west side of Livingston Road in the southwest quadrant of its intersection with Taylor Acres Avenue.
- This applicant requested departure of nineteen (19) parking spaces from the seventy four (74) spaces required. Also applicant is requesting alternative compliance to relocate the required planting for the landscape strip to the southwest corner of the subject property which fronts on Livingston Road.
- DPIE has no objection to the Departure of Parking and Loading Spaces No. DPLS-421. DPIE also has no objection to planting for the landscape strip to the southwest corner of the subject property.

If you have any questions or need additional information, please contact Mr. Mansukh Senjalia, P.E., District Engineer for the area, at 301.636.2060.

MCG:MS:dab

cc: Mansukh Senjalia, P.E., District Engineer, S/RPRD, DPIE
Nanji Formukong, Engineer, S/RPRD, DPIE
McNamee Hosea, 6411 Ivy Lane Suite 200, Greenbelt, Maryland 20770
H.D.W. LTD, 8216 Old Leonardtown Road, Hughesville, Maryland 20637

9400 Peppercorn Place, 2nd Floor, Suite 230, Largo, Maryland 20774
Phone: 301.636.2060 ♦ <http://dpi.e.mypgc.us> ♦ FAX: 301.925.8510