

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



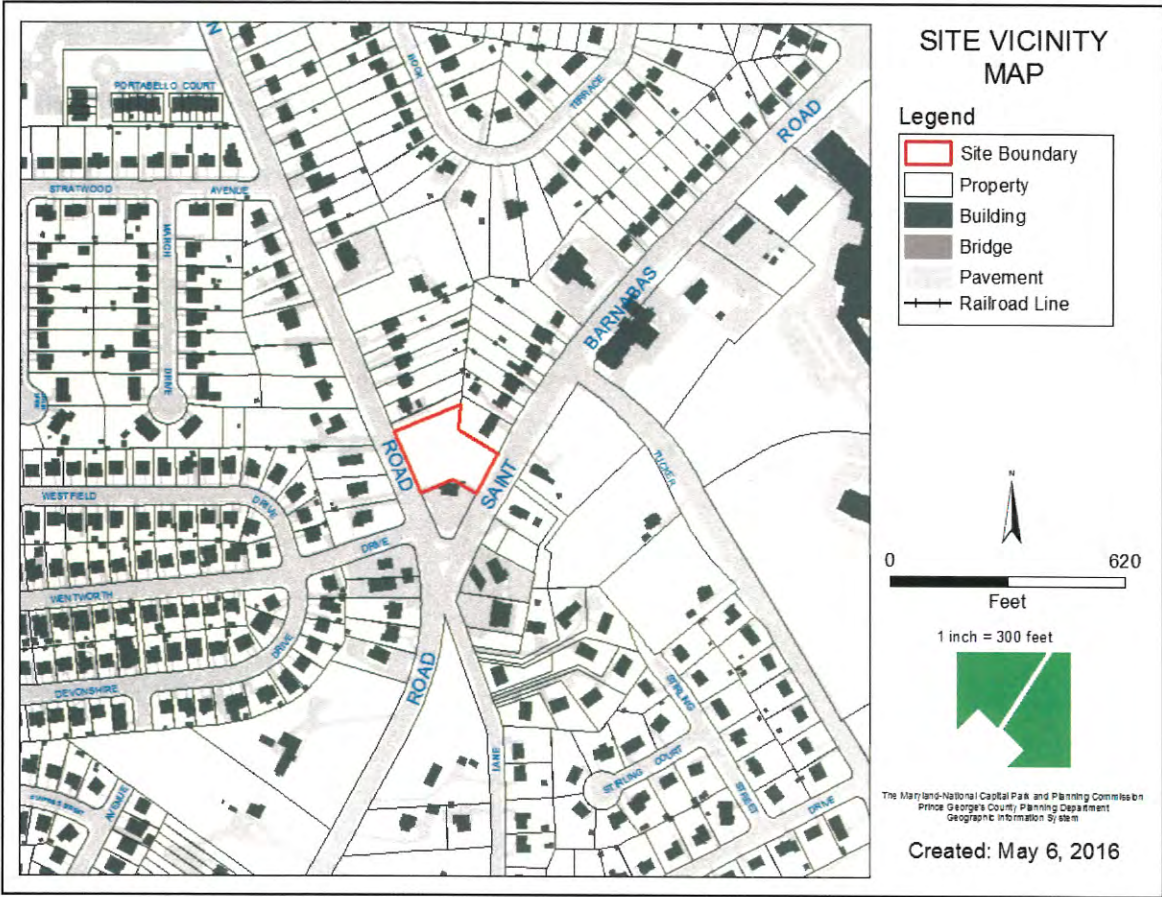
Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Departure from Parking & Loading Standards DPLS-431
Departure from Design Standards DDS-635

Application	General Data	
<p>Project Name: Dollar General – Livingston Road</p> <p>Location: East side of Livingston Road, approximately 125 feet north of its intersection with Saint Barnabas Road (MD 414).</p> <p>Applicant/Address: Pace Livingston, LLC. 9171 Central Avenue, Suite 345 Capitol Heights, MD 20743</p> <p>Property Owner: NSR Petro Services 7303 Hanover Parkway, Suite A Greenbelt, MD 20770</p>	Planning Board Hearing Date:	01/05/17
	Staff Report Date:	12/21/16
	Date Accepted:	09/15/16
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.84 acres
	Zone:	C-S-C
	Gross Floor Area:	7,545 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	76B
	Council District:	08
	Election District:	12
	Municipality:	N/A
200-Scale Base Map:	209SE02	

Purpose of Application	Notice Dates	
DPLS—A departure request for a waiver of 17 parking spaces from the 43 parking spaces required.	Informational Mailing	06/27/16
DDS—A departure request for a waiver of 38.5 feet for access to a loading space within 50 feet of residentially zoned property.	Acceptance Mailing:	09/16/16
	Sign Posting Deadline:	12/05/16

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-431**
Departure from Design Standards Application No. DDS-635

REQUEST: **DPLS-431: A departure request for 17 parking spaces of the 43 required parking spaces.**

DDS-635: A departure to allow the vehicular access to the loading space to be located within 50 feet of residentially-zoned property.

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of January 5, 2017. 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, 6712 Livingston Road, is a .8350-acre through lot located on the east side of Livingston Road 125 feet north of its intersection with Saint Barnabas Road (MD 414). The subject property is zoned Commercial Shopping Center (C-S-C) and is currently undeveloped. The property has frontage on both Livingston and Saint Barnabas Road.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant	Commercial retail
Acreage	.835	.835
Parcels	1	1
Square Footage/GFA	0	7545

C. **History:** The subject property was previously the subject of Special Exception application SE-1696 (March 20, 1968), to allow parking on the residential portion of the property, which at the time was zoned C-O and R-55. In 1985, CR-64-1985, a Revisionary Petition related to the adoption of the 1981 *Adopted and Approved Master Plan for Subregion VII, Henson Creek (Planning Areas 76A and 76B) and South Potomac (Planning Area 80)*, was adopted and rezoned the property to Commercial Shopping Center (C-S-C).

D. **Master Plan Recommendation:** The subject property is located within the Established Communities area of the Prince George’s County Growth Policy Map in the *Plan Prince George’s 2035 Approved General Plan* (Plan Prince George’s 2035). The vision for established communities in Prince George’s County is to have context-sensitive infill and low- to medium-density development. This application is consistent with Plan Prince George’s 2035. However, the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (Henson Creek-South Potomac Master Plan and SMA) recommends a residential, low-density land use for the property, while also retaining the property in the Commercial Shopping Center (C-S-C) Zone.

E. **Request:** Section 27-579(b) of the Zoning Ordinance does not allow any portion of an exterior loading space and no vehicular entrances to any loading space within 50 feet of any residential zone. The applicant is requesting a departure of 38.5 feet from Section 27-579(b) to allow access to the loading space to be located within 50 feet of residentially-zoned property. The applicant is also requesting a departure of 17 parking spaces from the Zoning Ordinance requirement of 43 parking spaces. The purposes of the requests are to bring the existing conditions of the subject property into conformance with the requirements of the Zoning Ordinance.

F. **Surrounding Uses:** The property, which is surrounded by commercial and residentially-zoned land, is adjacent to a suburban residential neighborhood that is developed with single-family residential dwellings.

North and West— One-Family Detached Residential (R-55) zoned land, developed with single-family residential dwellings.

- South—** C-S-C-zoned land, developed with commercial building, previously used for automotive purposes.
- East—** One-Family Detached Residential (R-80) zoned land developed with single-family residential dwellings.

G. Design Requirements:

1. **Departure from Design Standards from Section 27-579(b):** Section 27-579(b) of the Zoning Ordinance sets forth the following requirements:

- (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).**

The subject departure from design standards is a request to allow the vehicular access to the loading space to be located within 50 feet of the residentially-zoned property to the north. The property is unique in that it is small arrow-shaped parcel with public rights-of-way (on two sides) to the east and west, commercial property to the south and to the north by residentially-zoned property, which limits the options for appropriate locations of a loading access drive and space. Additionally, the commercial building south and the surrounding adjacent residential homes have all been in existence since at least 1955. There are no viable alternatives for relocating the loading space and access drive on-site.

2. **Departure from Parking and Loading Standards from Section 27-568: Number of Required Parking and Loading Spaces:** Section 27-568 of the Zoning Ordinance requires one parking space for every 150 square feet of gross floor area (GFA) and one parking space for every 200 square feet of gross floor area (GFA). The proposed gross floor area is 7,545 square feet and requires 43 parking spaces. A minimum of one loading space is also required. The applicant’s parking schedule provides a total of 26 parking spaces, including 18 standard spaces, six compact spaces, two handicapped space (including one van-accessible handicapped space). One loading space is required and one is provided. The existing 18-space parking lot on-site does not provide sufficient parking spaces to meet the Zoning Ordinance requirements, resulting in the departure request for 17 of the 43 required parking spaces. The departure is justified because there is no space on-site to provide additional parking spaces.

Parking and Loading Standard	Section 27-568 of the Zoning Ordinance requires one parking space for every 150 square feet of gross floor area (GFA)
Existing Parking	26
Required Parking	43
Departure Requested	-17
Total Proposed Parking	26

3. **Prince George's County Landscape Manual:** The site is not exempt from the 2010 *Prince George's County Landscape Manual*.
4. **Signs:** No freestanding signs are proposed for the subject use. Any sign that will be placed on the property must meet all area, height, and setback requirements.

H. **Referral Comments:**

1. **Community Planning Division**—The proposed development is adjacent to an established residential neighborhood. Developing Tier Policy 1, page 22, of the master plan states, “Preserve and enhance existing suburban residential neighborhoods.” The first strategy to implement this policy states, “Ensure that the design of new development in suburban residential areas maintains or enhances the character of the existing community.” Consideration should be given to the design of the building, screening, lighting and operation to ensure compatibility to the adjacent residential neighborhood. The placement of the building on the southern portion of the property, adjacent to the commercial property, demonstrates that the applicant is sensitive to maintaining the character of the existing neighborhood. However, lighting and screening of the site should be reviewed prior to certification of the site plan to ensure that any fencing, building, lighting, and security are compatible with the adjacent residential area.
2. **Urban Design Section**—The application is subject to the 2010 *Prince George's Landscape Manual*, specifically Section 4.2, Requirements for Landscape Strips Along Streets, along Livingston Road and Saint Barnabas Road (MD 414); Section 4.3, Parking Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses along the southern and eastern property lines, and Section 4.9, Sustainable Landscaping Requirements.

An Alternative Compliance Pre-application (ACP-16011) from Section 4.3(c)(2), Parking Lot Interior Planting Areas to reduce the amount of interior landscaped area required, and Section 4.7, Buffering Incompatible Uses, along the eastern and southern property lines, to reduce the buffer required for the proposed retail use from adjacent residentially-zoned property to the east and an existing car wash to the south, was reviewed by the Alternative Compliance Committee on September 7, 2016. The applicant should file an application for Alternative Compliance in accordance with the comments dated September 28, 2016 for the ACP.

Tree Canopy Coverage: Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance (TCC), requires a minimum percentage of tree canopy coverage on projects that require a grading permit for disturbing more than 5,000 square feet of a site. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy coverage. A TCC should be provided indicating conformance with the above requirement.

3. **Transportation Planning Section**—The irregularly shaped parcel borders two master plan collector roadways. Two-way access will be provided from both roadways. Under Section 27-568 of the Zoning Ordinance the retail use requires 43 parking spaces and one loading space. The applicant is proposing 26 parking spaces and one loading space.

Parking studies cited by the applicant suggest that a typical store of 9,100 square feet, a standard footprint, only requires 30 parking spaces, including during the holiday season.

The proposed smaller prototype store of 7,545 square feet would only need 25 parking spaces based on previous studies by the company, which included transactions per hour. Utilizing parking data from the Institute of Traffic Engineers, the applicant's traffic consultant suggests that 22 parking spaces would meet the parking needs for a store of this size.

The Department of Permitting, Inspections and Enforcement (DPIE) does not support the departure because the proposed departure may adversely affect the operation of Livingston Road or Saint Barnabas Road. No on-street parking is available or allowed on Livingston Road or Saint Barnabas Road. DPIE can install signage indicating such along the impacted roadways. The location of the proposed building on the site and two commercial entrances eliminates areas for additional parking. Two entrances will improve circulation and access on-site although it restricts parking. The applicant cites the need to protect buffer areas which prevents additional parking.

Based on the evidence supplied by the applicant that 26 spaces will handle the parking demands of the proposed use, staff does not oppose the request. In addition, it is expected that most of the patrons will be short term, resulting in a high turnover rate of parking. The proposed space is smaller than the typical store and is anticipated to generate less traffic.

4. **Subdivision Section**—The subject property is currently known as Parcel A, Block A recorded in 1968 in Plat Book WWW 68-29. The property is located on Tax Map 105 in Grid C-1, is zoned Commercial Shopping Center (C-S-C) and is 36,374 square feet. The parcel is currently undeveloped and is located north of the intersection of Livingston Road and Saint Barnabas Road.

Section 24-111(c) of the Subdivision Regulations requires a final plat of subdivision approved prior to October 27, 1970 to be re-subdivided prior to the issuance of a building permit unless meeting one of the exemption criteria outlined in Section 24-111(c)(1)-(4). The subject parcel does not meet any of the exemptions and, therefore, is required to be re-subdivided.

A final plat has been submitted and is scheduled to be heard by the Prince George's County Planning Board (PGCPB) on October 27, 2016 for the re-subdivision of Parcel A, Block A, to determine adequate public facilities for the development as proposed with this application. Staff is recommending approval of the final plat subject to a trip cap for the proposed development. The proposed final plat will have to be recorded prior to issuance of building permits.

Failure of the site plan and record plat to match (including bearings, distances and lot sizes) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues.

I. **Required Findings:**

1. **Section 27-587**—of the Zoning Ordinance authorizes the Planning Board to grant departures from design standards under procedures and requirements contained in Part 3, Division 5, of the Zoning Ordinance.

2. **Section 27-239.01(b)(7)(A)**—of the Zoning Ordinance provides that, in order for the Planning Board to grant a departure from design standards, it shall make the following findings:

(i) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal.**

Comment: These purposes are equally well served by the application. A single-loading space is required by the Zoning Ordinance and one is provided. The loading space is located at the southern proportion of the property that abuts commercially zoned land. The location of the loading space does not detract from the residential character of the neighborhood. The applicant's proposal maintains the residential nature of the area. The site was designed to locate the proposed building at least 70 feet from the residentially zoned properties. The through driveway is within 50 feet of the adjacent residentially zoned land. There is an odd angle with the adjacent residential property where the driveway is 11.5 feet from the adjoining property and the landscape buffer does not conform with the Landscape Manual requirement. A six-foot-high sight-tight fence is provided along the entire property line abutting residential zoned properties and a substantial landscaped buffer. Fencing along the property lines will ensure that the site will maintain compatibility with adjacent residential land uses.

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

Comment: The departure of 38.5 feet is the minimum necessary. The site is designed to provide the maximum distance between the building, drive aisle, loading space and the residentially zoned properties. The request allows for the parking lot to be used to its maximum potential. There are no additional impacts on the surrounding residential uses.

(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.**

Comment: Staff finds that the departure is necessary in order to alleviate circumstances that are unique to the site because the property is zoned C-S-C and residentially-zoned developed land abuts the property to the north. The property is unique in that it is a through lot that borders two master plan collector roadways which are gateways to residential communities. The applicant has sought to design the site in manner that is respectful of the adjoining residential properties. This departure is necessary to provide the required loading space, which is necessary for the proposed use and location.

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

Comment: The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood. The subject property is an infill commercial site. The applicant has proposed setbacks, buffering and landscaping to meet or exceed the requirements, as well as a sight-tight fence along the entire perimeter of the site. The inclusion of these design features will ensure the proposed development will not infringe upon residential areas.

3. Section 27-588(b)(8)—of the Zoning Ordinance provides that:

(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:

Purposes of Section 27-550

- (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 areas to serve the needs of the established use and to aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading. The provision of on-site parking spaces at the subject location protects the residential character of properties to the north of the subject site. The subject property is surrounded by fully developed land. There is no room for expansion. The twenty-six parking spaces provided are a convenient amenity to those patrons using the proposed services offered, which benefits the Regional District. Additionally, the subject property is in an area that is served by public transportation. Thus, nearby properties are not likely to be affected by the proposed departure.

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

Comment: The departure of 17 spaces is the minimum necessary. 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 departure is necessary to alleviate the special circumstances related to building use and the physical limitations of the subject property. A departure from parking and loading standards, generally, is a means to provide relief from the strict application of the Zoning Ordinance when a property has unique characteristics that make compliance with the standard impractical at that particular location. The property is sited in a fully developed area and has no room for expansion. In addition, the applicant supplied evidence analyzed by Transportation staff, which supports the applicant's assertion that 26 spaces are sufficient to handle the parking demands of the proposed use.

- (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 not been fully applied to this application. The current site plan shows 26 parking spaces.

- (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. Residential streets will not be impacted, because there is access to public transportation, the area is pedestrian friendly, and there are sufficient parking spaces to accommodate the use. There will be no spillover into residential streets.

- (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 and residential uses. The adjoining and nearby commercial uses have their own off-street parking and loading facilities, as do the adjacent residential uses. There is no indication of a shortage in parking and loading spaces within the general vicinity of this facility.

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

Comment: 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* retained the subject property in the Commercial Shopping Center (C-S-C) Zone. Consideration of the building design is recommended to ensure compatibility of the proposed building to the adjacent residential properties.

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

Comment: There are no comments or recommendations submitted by 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: Public transportation is available, there is a metro bus stop within 400 feet of the subject property on Saint Barnabas Road where it intersects with Tucker Road.

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

Comment: There are no viable design solutions to off-street facilities for the required parking spaces or loading space that would not negatively impact parking. There is insufficient land area on site to provide additional parking.

- (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 parking and loading demands will be unchanged regardless of the hours of operations. There will be no disruption to traffic flow or parking conditions on the surrounding streets resulting from the proposed uses. The proposal has no effect on the nature and hours of operation of other commercial/retail uses within 500 feet of the subject property if the departure is granted.

- (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-S-C Zone; therefore, the above section is not applicable.

CONCLUSION

The requested departures are necessary to bring the existing conditions of the subject property into conformance with the requirements of the Zoning Ordinance. The applicant has satisfied the requirements pertinent to obtaining the requested departure from the requirement that access drives to a loading space shall be a minimum of 50 feet from adjoining residentially-zoned land. The applicant has proposed site design and landscaping to ensure compatibility to the residential properties impacted by the proposed development. The request for a departure from the parking and loading standards meets the requirements of the Prince George's County Zoning Ordinance and will not adversely affect the subject property or the surrounding neighborhood.

RECOMMENDATION

Therefore, based on the preceding analysis and findings, it is recommended that the Planning Board finds that the requests conform to the purposes of the required parking design standards contained in Section 27-579(b) and 27-568 of the Zoning Ordinance. Accordingly, staff recommends APPROVAL of Departure from Parking and Loading Standards Application No. DPLS-431, a request for 17 parking spaces from the required 43 parking spaces and Departure from Design Standards Application No. DDS-635, a departure request of 38.5 feet from the 50 feet required for a loading space adjacent to a residentially-zoned property, subject to the following conditions:

1. Prior to certification of the site plan the applicant shall:
 - a. Provide the dimension from the loading space access to the residentially-zoned property to the east.
 - b. Provide a TCC schedule in accordance with Subtitle 25, Division 3.
 - c. Provide screening and (fence detail) lighting plans to review compatibility with residential development.
2. Prior to the issuance of building permits the applicant shall:
 - a. Obtain Alternative Compliance from Section 4.3(c)(2), Parking Lot Interior Planting Areas to reduce the amount of interior landscaped area required, and Section 4.7, Buffering Incompatible Uses, along the eastern and southern property lines.
 - b. Record the final plat.

ITEM:

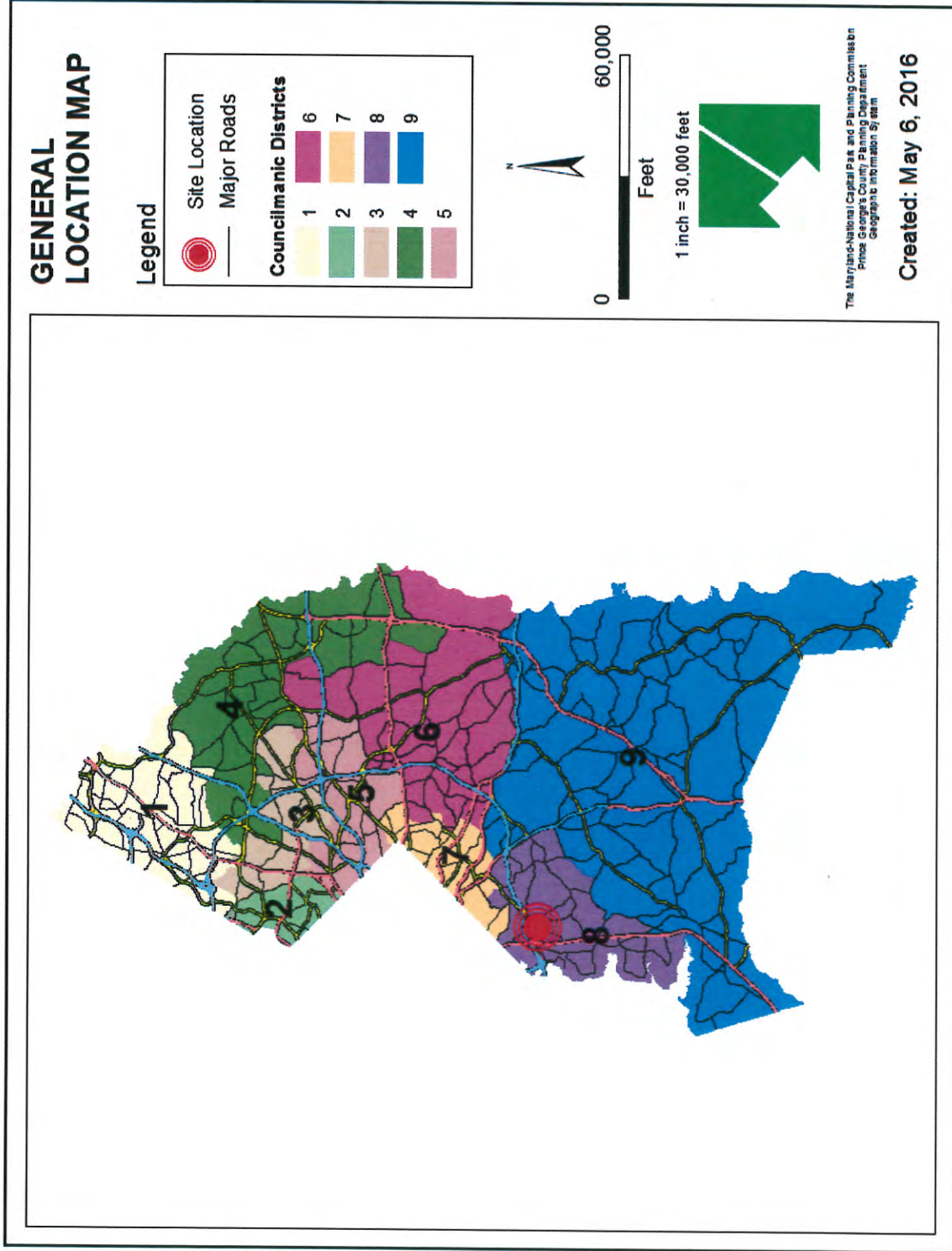
CASE: DPLS-431 & DDS-635

**DOLLAR GENERAL
LIVINGSTON ROAD**

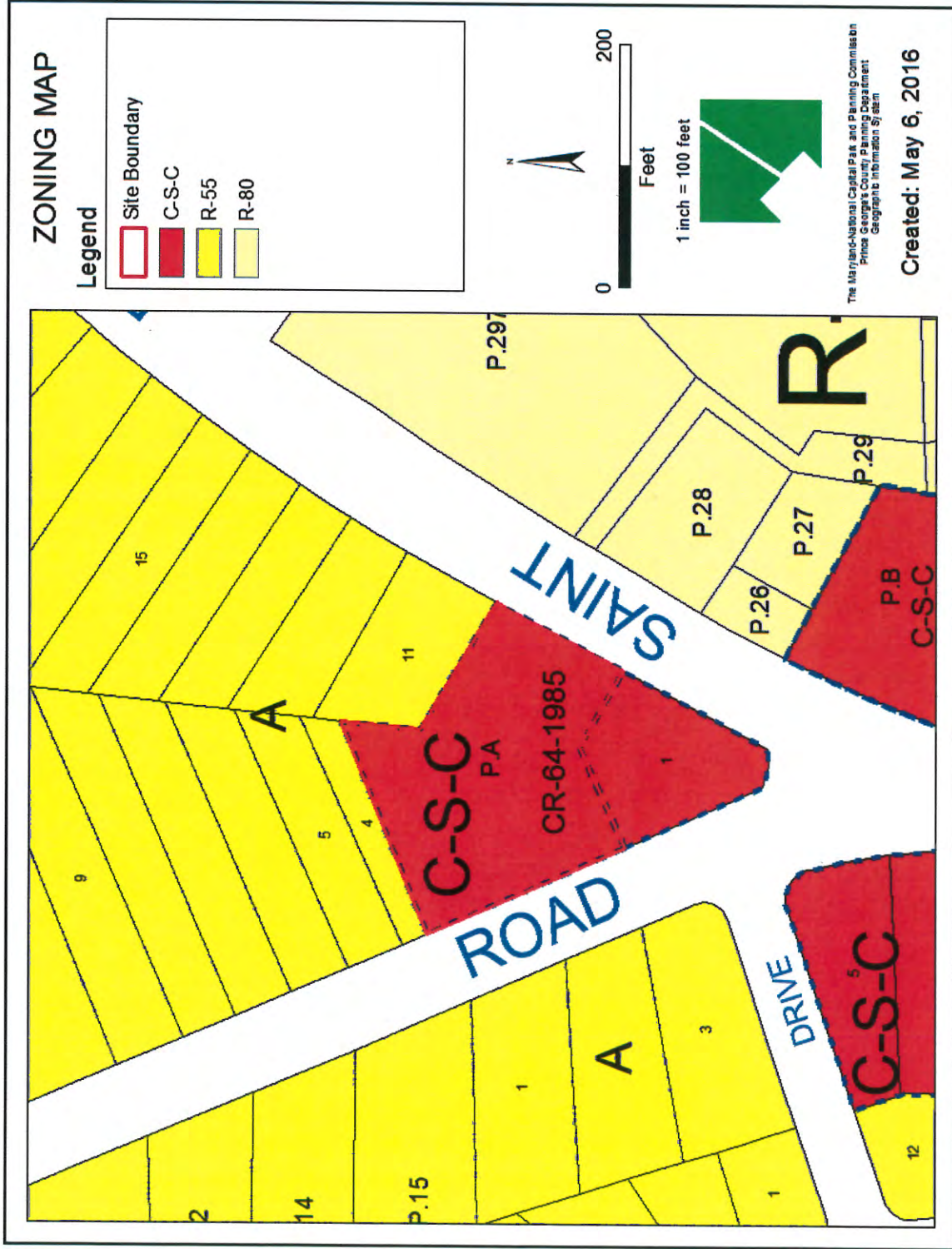
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



GENERAL LOCATION MAP



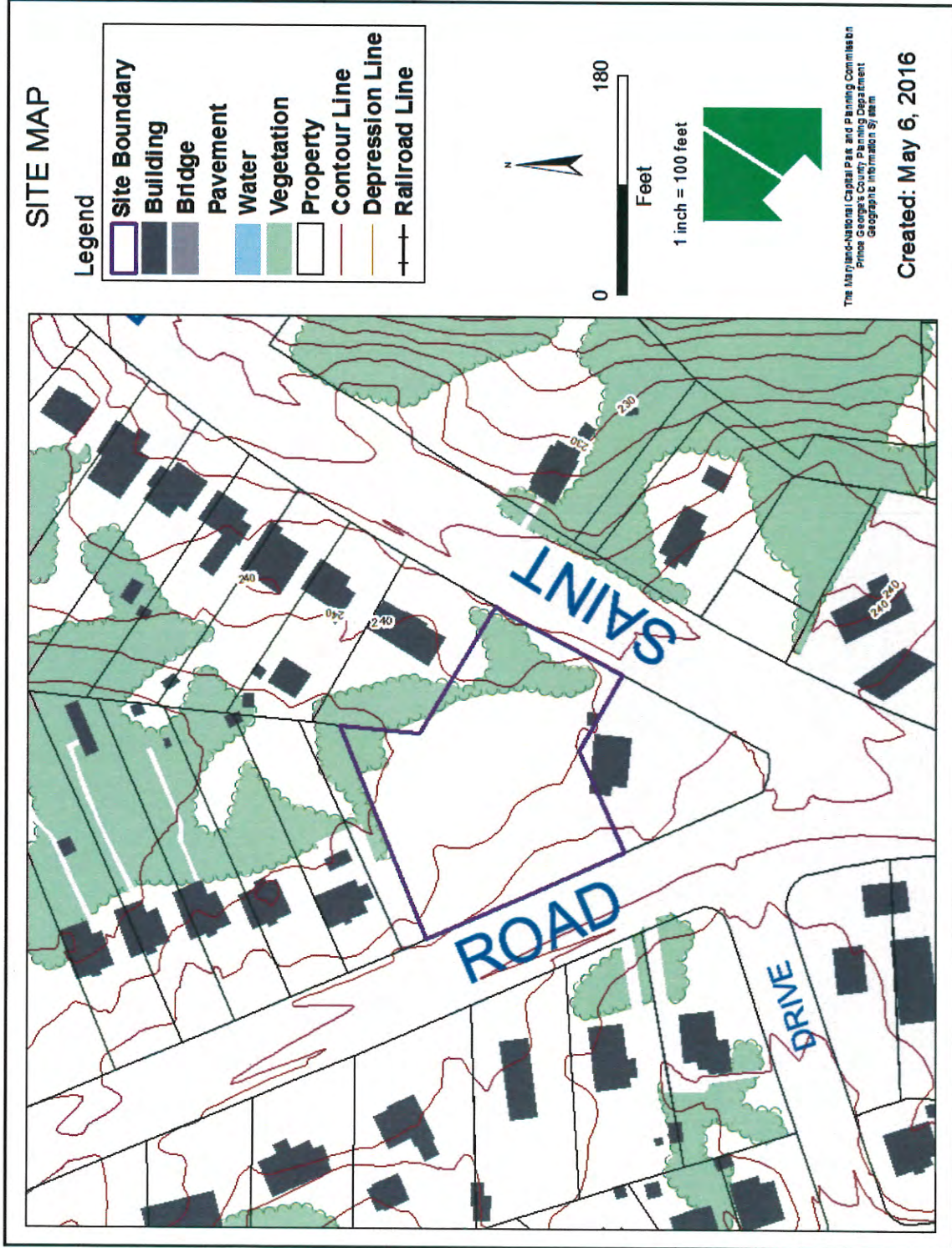
ZONING MAP



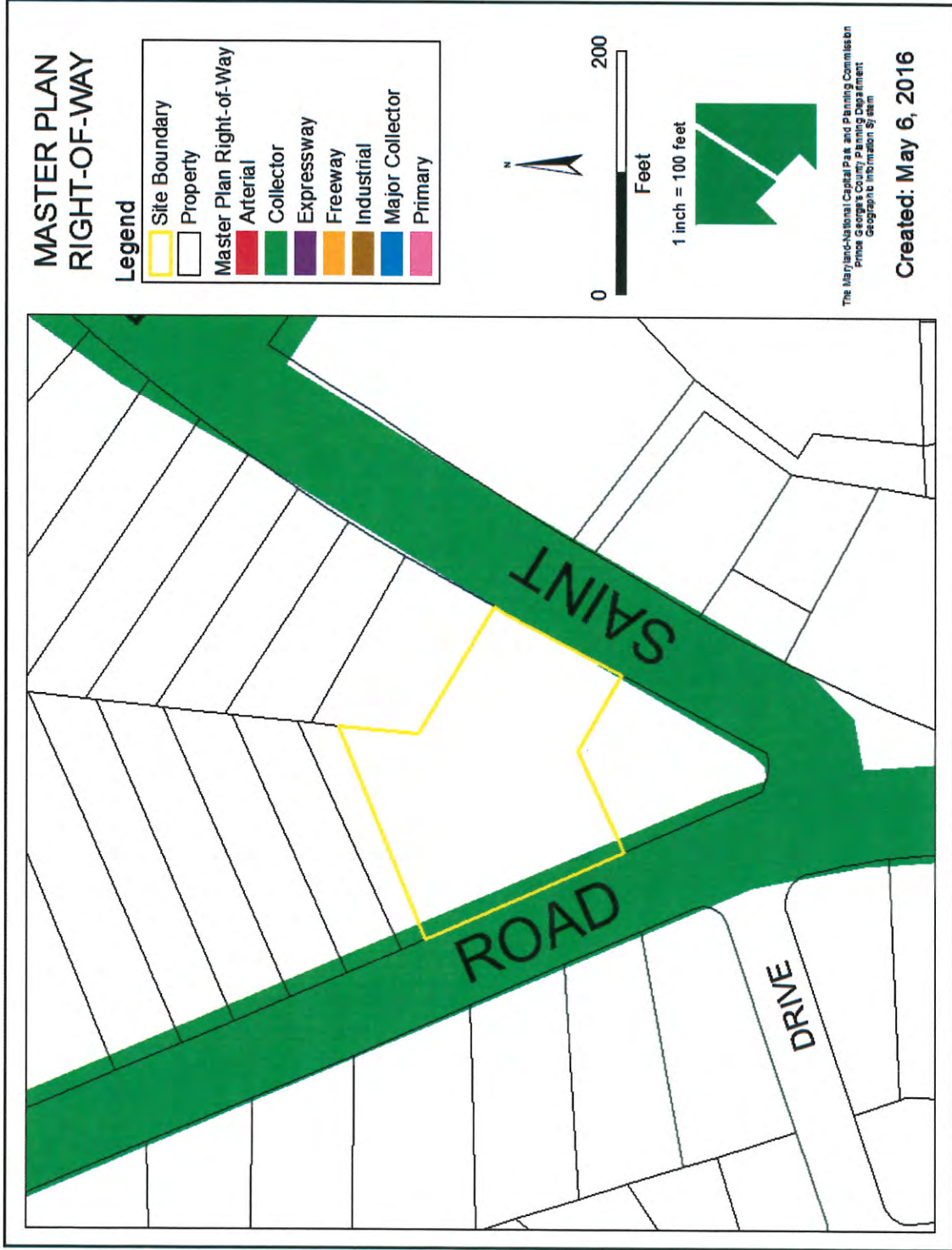
AERIAL MAP



SITE MAP



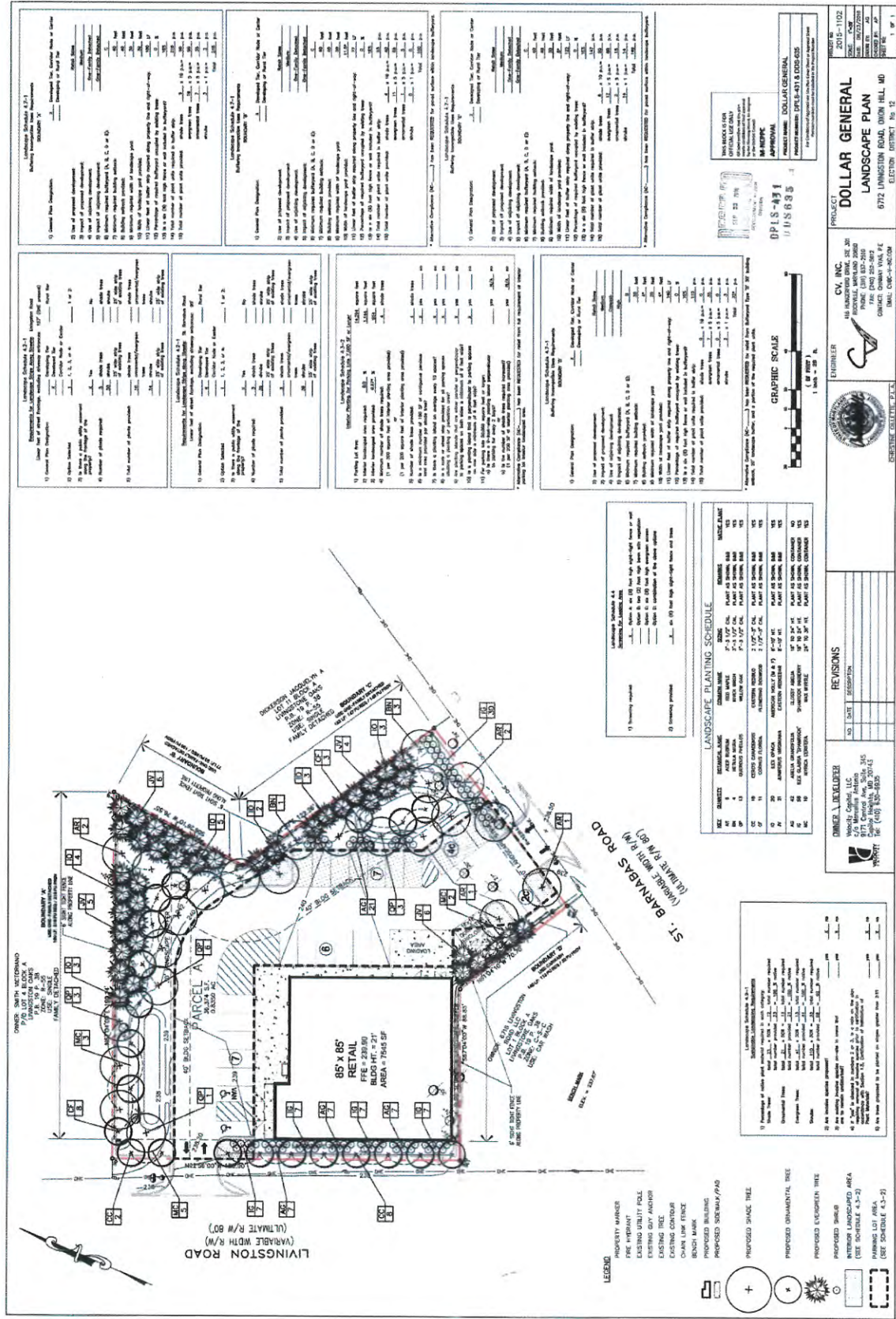
MASTER PLAN RIGHT-OF-WAY MAP



**BIRD'S-EYE VIEW WITH
APPROXIMATE SITE BOUNDARY OUTLINED**



LANDSCAPE PLAN





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

December 6, 2016

MEMORANDUM

TO: Ivy Thompson, Senior Planner, Zoning Section

VIA: Susan Lareuse, Master Planner, Urban Design Section *SL*

FROM: Cynthia Fenton, Planner Coordinator, Urban Design Section *CF*

SUBJECT: Departure from Parking and Loading Standards DPLS-431
Departure from Design Standards DDS-635
Dollar General, 6712 Livingston Road

The Urban Design Section has reviewed the information provided on the Departure from Parking and Loading Standards (DPLS) and Departure from Design Standards (DDS) applications referenced above. The subject 0.83-acre property in the Commercial Shopping Center (C-S-C) Zone is currently undeveloped. The site address is 6712 Livingston Road, Oxon Hill. The property is a through lot having frontages on the east side of Livingston Road and the west side of St. Barnabas Road.

URBAN DESIGN REVIEW

The applicant intends to construct a one-story, 7,545 square-foot convenience store 21 feet in height, with 26 parking spaces and one loading space. The Zoning Ordinance requires a total of 43 parking spaces, resulting in the departure (DPLS-431) request for 17 parking spaces. The applicant asserts that the departure is justified based on the applicant's parking analyses of other Dollar Stores that concluded 30 parking spaces would be required for a store approximately 9,000 square feet. The applicant's analysis further determined that for a store 7,545 square feet, 25 parking spaces would be sufficient to meet the parking needs of its clientele. In addition to the information provided by Dollar General, the applicant retained the services of an independent traffic consultant to corroborate the applicant's data. That analysis determined the proposed use would generate a parking demand of 22 parking spaces. The Transportation Section should determine whether or not the departure will result in any negative impacts to the adjacent residential community.

The departure (DDS-635), requested from Section 27-579(b), is to allow the loading space and vehicular access to the loading space to be located within 50 feet of the residentially-zoned property to the north. The loading space access is approximately 10 feet from the adjacent residentially-zoned property; the applicant should show the dimension on the site plan. The property is unique in that it is small, oddly-shaped and surrounded on two sides by public rights-of-way, to the north by a 30 foot-wide landscape buffer that includes a stormwater management facility, and to the northeast by residentially-zoned property. The proposed building is located only four feet from the southern property line which further limits the options to locate an appropriate loading access drive. The Urban Design Section would suggest that there are no reasonable alternatives for relocating the loading space and access drive on-site.

Otherwise, the Urban Design Section has no specific comments on the merits of the departure request in regards to the required findings for approval located in Section 27-239.01(b)(7) of the Zoning Ordinance.

ARCHITECTURAL REVIEW

No architectural review is being provided by the Urban Design Section for the subject project because architecture is not an issue for the subject departure applications.

LANDSCAPE MANUAL

The application is subject to the 2010 *Prince George's Landscape Manual*, specifically Section 4.2, Requirements for Landscape Strips Along Streets, along Livingston Road and St. Barnabas Road; Section 4.3, Parking Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses along the southern and eastern property lines, and Section 4.9, Sustainable Landscaping Requirements.

An Alternative Compliance Pre-application (ACP-16011) from Section 4.3(c) (2), Parking Lot Interior Planting Areas to reduce the amount of interior landscaped area required, and Section 4.7, Buffering Incompatible Uses, along the eastern and southern property lines, to reduce the buffer required for the proposed retail use from adjacent residentially-zoned property to the east and an existing car wash to the south, was reviewed by the AC Committee on September 7, 2016. The applicant should file an application for Alternative Compliance in accordance with the comments dated September 28, 2016 for the ACP.

TREE CANOPY COVERAGE

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance (TCC), requires a minimum percentage of tree canopy coverage on projects that require a grading permit for disturbing more than 5,000 square feet of a site. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy coverage. A TCC should be provided indicating conformance with the above requirement.

RECOMMENDATION

Based on the above analysis, the Urban Design Section has the following recommendation:

1. Prior to the Planning Board approval the applicant should obtain Alternative Compliance from Section 4.3(c) (2), Parking Lot Interior Planting Areas to reduce the amount of interior landscaped area required, and Section 4.7, Buffering Incompatible Uses, along the eastern and southern property lines.
2. Provide the dimension from the loading space access to the residentially-zoned property to the east.
3. Provide a TCC schedule in accordance with Subtitle 25, Division 3.



The Maryland-National Capital Park and Planning Commission

Urban Design Section

Development Review Division

14741 Governor Oden Bowie Drive

Upper Marlboro, Maryland 20772

(301) 952-3530

September 28, 2016

TO: Thomas H. Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774

FROM: Cynthia Fenton, Alternative Compliance Committee

SUBJECT: Project Name: Dollar General, 6712 Livingston Road
Project No.: ACP-16011

ALTERNATIVE COMPLIANCE REVIEW

The Alternative Compliance Committee has reviewed the submission of this pre-application and reached the following conclusions:

The applicant is seeking to obtain a permit for a 7,545 square foot retail building. Alternative Compliance is requested from Section 4.3 (c)(2), Parking Lot Interior Planting Area to reduce the amount of interior landscaped area requirement, and Section 4.7, Buffering Incompatible Uses, along the eastern and southern property line, to reduce the buffer required for the proposed retail use from adjacent residentially-zoned property to the east and an existing car wash to the south.

Section 4.3 (c)(2)

Whereas a landscaped area of eight percent and a planting island on average for every 10 spaces is required for parking lots over 7,000 square feet in size, the applicant seeks relief by providing 6.67 percent of the requirement and larger shade trees (3-3 1/2" caliper) than normally required. Although the schedule indicates four shade trees are provided as required, it appears that only two are actually provided within the interior parking area. However, shade trees are proposed at the perimeter of the parking compound which will provide shade for a portion of a parking area. In addition, the Committee finds that if a planting box, with either two shade trees or ornamental trees, is provided in the paved area in front of the store where it is approximately 18 feet wide, then the proposal would be acceptable.

Section 4.7, Along the southern property line

Whereas a 30-foot bufferyard (shown as Bufferyard D) is required along the southern boundary, the applicant specifically requests relief to reduce the required buffer to four feet in width with the provision of a six-foot-high fence. Section 4.7(c)(6) notes that if a developing property is adjacent to an incompatible use, the bufferyard requirement may be reduced by fifty percent (50%) if a six-foot-high, opaque fence or wall is provided on the developing lot. The odd-shaped lot, parking, stormwater management facilities and required landscape yard along the northern property line (adjacent to residential uses) make compliance with this requirement extremely onerous. In addition, the southern boundary is adjacent to a higher impact use: a car wash. Staff finds the fence and buffer adequate as proposed, particularly in consideration of the site design in which the rear of the building provides additional buffering for approximately one-half the length of the property line between the uses.

Section 4.7 Along the eastern property line

Along the eastern property line, adjacent to single-family detached homes, a 40-foot wide bufferyard is required. The applicant is proposing a heavily-landscaped bufferyard, including a six-foot high sight-tight fence along the entire boundary. A minimum width of eight feet is provided in one portion (Bufferyard C) and a minimum width of 11.5 feet is provided in another portion (Bufferyard B); however, both bufferyards expand beyond the minimum required width. A stormwater management facility is proposed within the landscape yard, which results in only 30 linear feet of a total of 122 linear feet in Boundary C not meeting the required bufferyard width. The plantings proposed exceed the number required for the bufferyard, and for these reasons the Committee finds the proposal acceptable.

Based on the analysis above, the Committee finds the alternatives in terms of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) requirements, are acceptable.

The Committee also finds any future landscape plan submittals should include the following revisions:

- Provide a planting box, with either two shade trees or low growing evergreens, in the paved area in front of the store.
- Expand Bufferyard B area along the drive aisle to include additional plantings.

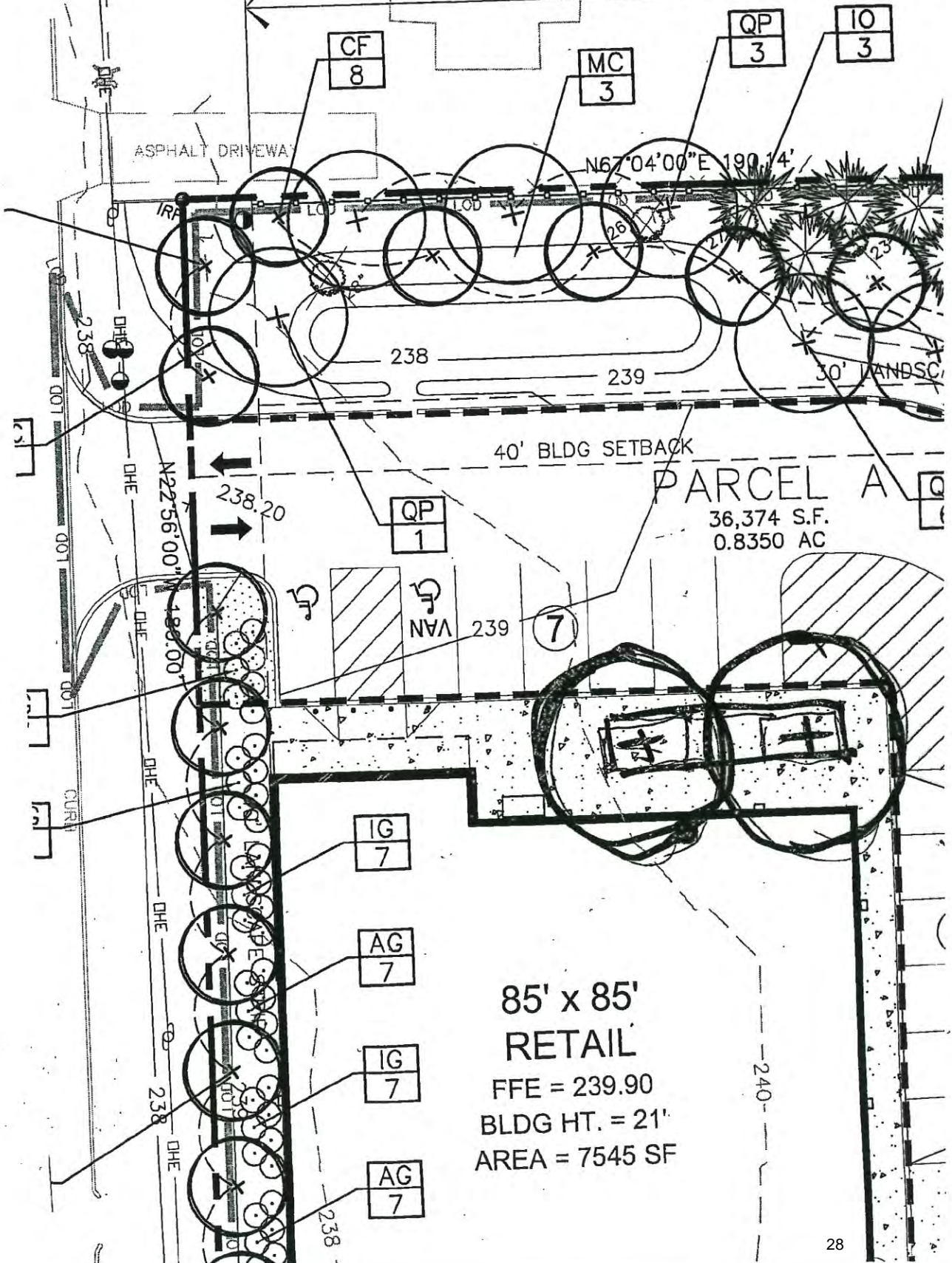
Other Issues

It appears that access to the loading space will be within 50 feet of residentially-zoned property which would require a Departure from Design Standards (DDS) per Section 27-587. Staff recommends that the applicant explore locating the loading interior to the building or the building be shifted north to accommodate loading at the rear of the building. The Committee would consider an application for Alternative Compliance for a reduced bufferyard (20-feet wide) for Bufferyard A along the northern boundary should the applicant propose the latter option.

Reviewer's Signature Cynthia Fenton Date 9/20/16


Committee Chair's Signature Susan Lemaire Date 9/28/16

OWNER: SMITH VICTORIANO
 P/O LOT 4 BLOCK A
 LIVINGSTON OAKS
 P.B. 19 P. 38
 ZONE: R-55
 USE: SINGLE
 FAMILY DETACHED



October 31, 2016

MEMORANDUM

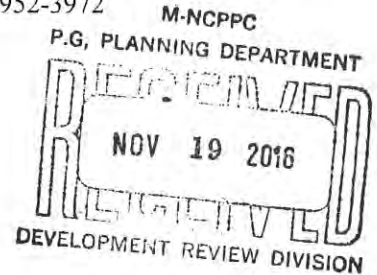
TO: Ivy Thompson, Senior Planner, Zoning Section
FROM: Alice Jacobs, Principal Planning Technician, Permit Review Section 
SUBJECT: DPLS-431 & DDS-635 – Dollar General

1. Is the site plan submitted in accordance with the Subdivision Regulations? Refer to the Subdivision Review Section.
2. On the landscape plan clearly identify the 10-foot-wide landscape strip pursuant to Section 4.2(c)(3)(A)(i).
3. Until the Alternative Compliance is approved or denied, the DDS and DPLS should not proceed.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
301-952-3972



November 14, 2016

MEMORANDUM

TO: ✓ Ivy Thompson, Senior Planner, Zoning Section, Development Review Division
VIA: David Green, Planning Supervisor, Community Planning Division
FROM: Chidy Umeozulu, Planner Coordinator, Community Planning Division
SUBJECT: **Dollar General (DPLS-431 & DDS-635)**

DETERMINATIONS

General Plan: This application is consistent with the Established Communities Growth Policy in the Plan Prince George's 2035 Approved General Plan.

Master Plan: This application does not conform with the Residential, Low-Density land use recommendation of Henson Creek-South Potomac Master Plan and Sectional Map Amendment (SMA), however, the SMA classified the subject property in the C-S-C Zone.

BACKGROUND

Location: Northern quadrant of the intersection of Livingston Road and St. Barnabas Road behind the corner lot

Size: 0.84 acres

Existing Uses: Vacant

Proposal: 7,545 square feet of retail with a request for departure for design and parking standards

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: Plan Prince George's 2035 designates the area in the Established Communities Growth Policy area. The vision for Established Communities is a context-sensitive infill and low to medium-density development

Master/Sector Plan: 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*

Planning Area/Community: PA 76B/Henson Creek

- Land Use: Residential, Low-Density
- Environmental: Refer to the Environmental Planning Section referral for conformance with the Environmental Infrastructure Chapter of the master plan and the 2005 *Countywide Green Infrastructure Plan*.
- Historic Resources: There are no historic sites or resources on or adjacent to the site.
- Transportation: St. Barnabas Road (C-711) and Livingston Road (C-726) providing access to this site are collector roads, each recommended for four lanes.
- Public Facilities: There are no public facilities recommended on or adjacent the subject property.
- Parks & Trails: There are no parks proposed on or adjacent to the site. Trails and sidewalks are recommended along St. Barnabas Road and Livingston Road.
- Aviation/ILUC: The subject property is not impacted by the pending M-I-O Zone.
- SMA/Zoning:** 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* retained the subject property in the Commercial Shopping Center (C-S-C) Zone.

PLANNING ISSUES

The proposed development is adjacent to an established residential neighborhood. Developing Tier Policy 1, page 22, of the master plan states, "Preserve and enhance existing suburban residential neighborhoods." The first strategy to implement this policy states, "Ensure that the design of new development in suburban residential areas maintains or enhances the character of the existing community." Consideration should be given to the design of the building, screening, lighting and operation to ensure compatibility to the adjacent residential neighborhood.

RECOMMENDED CONDITIONS

N/A

cc: Ivy A. Lewis, Chief, Community Planning Division
Long-range Agenda



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**

November 17, 2016

MEMORANDUM

TO: Ivy Thompson, Zoning Section, Development Review Division

FROM: Eric Jenkins, Transportation Planning Section, Countywide Planning Division

VIA: Tom Masog, ^{WJ}Supervisor, Transportation Planning Section, Countywide Planning Division

SUBJECT: DPLS-431, DDS-635, Dollar General Livingston Road

The Transportation Planning Section has reviewed the departures noted above. The subject site consists of 0.84 acres of land in the C-S-C Zone. The site is located on the east side of Livingston Road approximately 125 feet from its intersection with St. Barnabas Road. The applicant is seeking a departure of 17 parking spaces from the 43 spaces required. The applicant is also seeking a departure from design standards for a loading space.

Review Comments, Departure from Parking and Loading Standards

A retail store of 7,545 square feet is proposed for the site. The parcel is irregularly shaped and borders two master plan collector roadways. Two-way access will be provided from both roadways. Under Section 27-568 of the Zoning Ordinance the retail use requires 43 parking spaces and one loading space. The applicant is proposing 26 parking spaces and one loading space.

Parking studies cited by the applicant suggest that a typical store of 9,100 square feet, a standard footprint, only requires 30 parking spaces, including during the holiday season. The proposed smaller prototype store of 7,545 square feet would only need 25 parking spaces based on previous studies by the company, which included transactions per hour. Utilizing parking data from the Institute of Traffic Engineers the applicant's traffic consultant suggests that 22 parking spaces would meet the parking needs for a store of this size.

No on-street parking is available or allowed on Livingston Road or St. Barnabas Road. The location of the proposed building on the site and two commercial entrances eliminates areas for additional parking. Two entrances will improve circulation and access on-site although it restricts parking. The applicant cites the need to protect buffer areas which prevents additional parking.

Based on the evidence supplied by the applicant that 26 spaces will handle the parking demands of the proposed use, staff does not oppose the request. In addition, it is expected that most of the patrons will be short term resulting in a high turnover rate of parking. In addition, the proposed space is smaller than the typical store, and is anticipated to generate less traffic.

The applicant is also seeking a departure from loading standards that require a loading space and any driveway leading to it be at least 50 feet from a residential zone. Transportation staff would offer no comments on this departure.

Based on these facts and circumstances, the Transportation Planning Section does not object to the parking space or loading space departure.



Rushern L. Baker, III
County Executive

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



MEMORANDUM

November 4, 2016

TO: Ivy Thompson, Zoning Section
Development Review Division, M-NCPPC

FROM: Mary C. Giles, P.E., Associate Director
Site/Road Plan Review Division, DPIE *my 11/28/16*

RE: Dollar General
Departure from Parking and Loading Standards No. DPLS-431
Departure from Design Standards No. DDS-635

CR: Livingston Road
CR: Saint Barnabas Road

In response to the Departure from Parking and Loading Standards No. DPLS-431 and Departure from Design Standards No. DDS-635 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The subject site is at 6712 Livingston Road in Oxon Hill. The property is described as Parcel A, Block A, zoned C-S-C and proposes a 7,545 square foot Dollar General Store.
- Livingston Road and St. Barnabas Road are both County roads with ultimate right-of-way of 80 feet along two sides of the property. Full frontage improvements in accordance with DPW&T specifications and ADA standards, including dedication of necessary right of way are required.
- A Departure from Parking and Loading Standards is being requested to reduce the number of parking spaces required for this use by 17 parking spaces from the 43 parking spaces required. DPIE poses objection to this proposed departure. This will adversely affect the operation of the roadways mentioned above.
- A Departure from Design Standards No. 635 is to allow a loading area within 50 feet of a residentially zoned property of the above referenced project. DPIE has no objection to this proposed departure.

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

- Sidewalks and ADA ramps are required along these County roads with concrete curb and gutter, in accordance with current DPW&T standards and specifications.
- All improvements within the public right-of-way as dedicated to the County are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act.
- The DPIE Stormwater Management Concept Plan No.57271-2016 for this site is currently under review.
- The applicant needs to provide adequate sight distance in accordance with AASHTO standards for all proposed egress locations within the site.
- All storm drainage systems and facilities are to be in accordance with DPW&T's Specifications and Standards.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility Companies is required.
- A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for the proposed buildings, is required.
- This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:
Final site layout, exact impervious area locations are not shown on plans.
 - a) Exact acreage of impervious areas has not been provided.
 - b) Proposed grading is not shown on plans.
 - c) Delineated drainage areas at all points of discharge from the site have not been provided.
 - d) Stormwater volume computations have not been provided.
 - e) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.

Ivy Thompson
November 4, 2016
Page 3

f) A narrative in accordance with the code has not been provided.

If you have any questions or need additional information, please contact Mr. Nanji Formukong, at 301.636.2060.

MG:NF:dar

cc: Nanji Formukong, Engineer, S/RPRD, DPIE
Mary Rea, Senior Planner, S/RPRD, DPIE
Pace Livingston, LLC, 9171 Central Avenue, Suite 345
Capitol Heights, Maryland 20743
Gibbs and Haller, 1300 Caraway Court, Suite 102, Upper Marlboro
Maryland 20774



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

October 20, 2016

MEMORANDUM

TO: Ivy Thompson, Zoning Section
VIA: Whitney Chellis, Subdivision Section
FROM: Cheryl Bressler, Subdivision Section
SUBJECT: DPLS-431 & DDS-635 Dollar General

Handwritten initials: CB

The subject property is currently known as Parcel A, Block A recorded in 1968 in Plat Book WWW 68-29. The property is located on Tax Map 105 in Grid C-1, is zoned Commercial Shopping Center (C-S-C) and is 36,374 square feet. The parcel is currently undeveloped and is located north of the intersection of Livingston Road and St. Barnabas Road.

Section 24-111(c) of the Subdivision Regulations requires a final plat of subdivision approved prior to October 27, 1970 to be resubdivided prior to the issuance of a building permit unless meeting one of the exemption criteria outlined in Section 24-111(c)(1)-(4). The subject parcel does not meet any of the exemptions and, therefore, is required to be resubdivided.

A final plat has been submitted and is scheduled to be heard by the Prince George's County Planning Board on October 27, 2016 for the resubdivision of Parcel A, Block A to determine adequate public facilities for the development as proposed with this application. Staff is recommending approval of the final plat subject to a trip cap for the proposed development. The proposed final plat will have to be recorded prior to issuance of building permits.

Failure of the site plan and record plat to match (including bearings, distances and lot sizes) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues.



November 1, 2016

REC'D NOV 03 2016

NSR Petro Services, LLC
7303 Hanover Parkway, Suite A
Greenbelt, MD 20770

Re: Notification of Planning Board Action on
Final Plat 5-16074
Livingston Oaks

Dear Applicant:

This is to advise you that on **October 27, 2016** the above-referenced Final Plat was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Article 28, Section 7-116(g) of the Maryland Annotated Code, an appeal of the Planning Board's action must be filed with the Circuit Court for Prince George's County, Maryland within 30 calendar days after the date of the final notice **November 1, 2016**.

Very truly yours,

Cheryl Bressler
Development Review Division

Attachment: PGCPB Resolution No. **16-121**

cc: Persons of Record

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



PGCPB No. 16-121

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. 5-16074

RESOLUTION

WHEREAS, NSR Petro Services, LLC is the owner of a 36,374-square-foot parcel of land known as Parcel 1, Block A, Livingston Oaks, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C); and

WHEREAS, on September 6, 2016, NSR Petro Services, LLC filed an application for approval of a final plat of resubdivision for Parcel 1; and

WHEREAS, the application for approval of the aforesaid final plat of resubdivision, also known as Final Plat 5-16074 for Livingston Oaks, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 27, 2016 for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, of the Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application; and

WHEREAS, on October 27, 2016, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24 of the Prince George's County Code, the Prince George's County Planning Board APPROVED Final Plat of Resubdivision 5-16074 for Livingston Oaks with the following condition:

1. Total development shall be limited to uses that would generate no more than 16 AM and 44 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. The subdivision has been evaluated in accordance with Section 24-111(c) for adequate public facilities as defined in Divisions 3 and 4 of Subtitle 24. The Record Plat (WWW 68-29) was recorded in 1968, prior to October 27, 1970 (the date referenced in Section 24-111(c) requiring subdivision), and is submitted without modification in accordance with Preliminary Plan of Subdivision 12-3172.

recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	Livingston Road & St. Barnabas Road	1048	946	B
Livingston Road & Site Access	N/A	N/A	N/A	N/A
St. Barnabas Road & Site Access	N/A	N/A	N/A	N/A
St. Barnabas Road & Tucker Road	15.5	18.1*	N/A	N/A
St. Barnabas Road & Bock Road	1148	977	B	A

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

Under existing conditions, all of the critical intersections operate acceptably. For background conditions, through traffic movements were increased by two percent for two years to account for growth. Background traffic also included two recently approved developments. They included 17 single units south of Livingston Road and 112 multifamily units on the north side of Bock Road at the proposed developments of Southlawn and Cerrito, respectively. All of the intersections still operate acceptably under background traffic.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	Livingston Road & St. Barnabas Road	1090	986	B
Livingston Road & Site Access	N/A	N/A	N/A	N/A
St. Barnabas Road & Site Access	N/A	N/A	N/A	N/A
St. Barnabas Road & Tucker Road	16.6	19.5*	N/A	N/A
St. Barnabas Road & Bock Road	1206	1022	C	B

With site traffic added, under total traffic conditions, the intersections continue to operate at acceptable levels of service. This includes the new site access points on Livingston Road and St. Barnabas Road (MD 414).

5. **Police**—The proposed development is within the service area of Police District IV, Oxon Hill. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department and the July 1, 2015 (U.S. Census Bureau) count population estimate is 909,535. Using 141 square feet per 1,000 residents as mandated by the County Code, 128,244 square feet of space for police is required. The current amount of space, 267,660 square feet, is within the guideline.

6. **Fire and Rescue Facilities**—The Special Projects Section has reviewed this final plat for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for calls for service during the preceding month.”

The proposed project is serviced by Oxon Hill Fire/EMS, Company 821, a first due response station (a maximum of seven minutes travel time) which is located at 7600 Livingston Road.

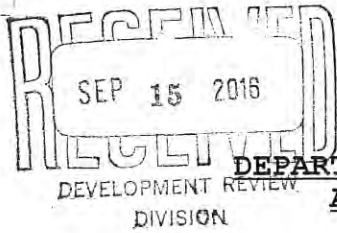
7. **Pedestrian and Bikeway Facilities**—The final plat of subdivision application for Parcel 1, Block A (or Livingston Oaks), is located north of the intersection of Livingston Road and St. Barnabas Road (MD 414), and is a through lot. The site address is 6712 Livingston Road and the subject property is located completely outside of both the National Harbor Center and the Oxon Hill Road Corridor per the Adequate Public Facility Review Map of Plan Prince George’s 2035. As the subject property is entirely outside of the center and corridor boundaries, the final plat application for Parcel 1, Block A, is therefore not subject to the requirements of Prince George’s County Council Bill CB-2-2012, Section 24-124.01 of the Subdivision Regulations, or the “Transportation Review Guidelines, Part 2.”

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the Circuit Court for Prince George’s County, Maryland, within thirty (30) days following the date of notice of the adoption of this resolution.

* * * * *

Guide to searching the database

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 12 Account Number - 1339514		
Owner Information		
Owner Name:	NSR PETRO SERVICES LLC	Use: COMMERCIAL
Mailing Address:	STE A 7303 HANOVER PKWY GREENBELT MD 20770-	Principal Residence: NO Deed Reference: /36673/ 00262
Location & Structure Information		
Premises Address:	6712 LIVINGSTON RD OXON HILL 20745-0000	Legal Description: PARCEL 1
Map:	Grid:	Parcel:
0105	00C1	0000
Sub District:	Subdivision:	Section:
	3360	
Block:	Lot:	Assessment Year:
A		2016
Plat No:	Plat Ref:	245097
	245/097	
Special Tax Areas:	Town:	Ad Valorem:
		NONE
	Tax Class:	8
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
		Property Land Area
		36,374 SF
		County Use
		005
Stories	Basement	Type
		Exterior
		Full/Half Bath
		Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of
		01/01/2016
Land:	309,100	207,300
Improvements	0	0
Total:	309,100	207,300
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2016
		As of
		07/01/2017
		207,300
		207,300
Transfer Information		
Seller: CEDAR INC	Date: 02/04/2015	Price: \$215,000
Type: ARMS LENGTH VACANT	Deed1: /36673/ 00262	Deed2:
Seller: ZAMAN FARHEEN & ANISUZ	Date: 11/08/2012	Price: \$150,000
Type: NON-ARMS LENGTH OTHER	Deed1: /34092/ 00119	Deed2:
Seller: FIRST X REALTY LP	Date: 05/21/2003	Price: \$102,000
Type: ARMS LENGTH IMPROVED	Deed1: /17412/ 00525	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2016
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		



DPLS-431
DDS635

**STATEMENT OF JUSTIFICATION IN SUPPORT OF
DEPARTURE FROM PARKING AND LOADING STANDARDS DPLS-431
AND DEPARTURE FROM DESIGN STANDARDS DDS-635
DOLLAR GENERAL
6712 LIVINGSTON ROAD, OXON HILL, MD 20745**

The applicant for this departure from parking and loading standards and departure from design standards is Pace Livingston, LLC ("Pace"). Pace is the contract purchaser of a parcel of land located at 6712 Livingston Road in Oxon Hill, Maryland (the "Subject Property"). The Subject Property is more particularly described as Parcel A, Block A, as depicted on a plat of subdivision entitled "Parcel A, Block A, Livingston Oaks", which plat is recorded among the Land Records of Prince George's County at Plat Book 68 Plat No. 29. The Subject Property is currently zoned C-S-C. Pace proposes to construct a "department or variety store" on the Subject Property, and specifically, a Dollar General Store. As set forth below, Pace is seeking a Departure from Parking and Loading Standards to reduce the number of required parking spaces necessary to serve the proposed use and a Departure from Design Standards to permit access to a loading space to be located with 50 feet of a residentially zoned property. Also filed with this request is an application and justification for Alternative Compliance.

DESCRIPTION AND ZONING HISTORY OF THE SUBJECT PROPERTY

The Subject Property is currently vacant. It is located between Livingston Road and Saint Barnabas Road approximately 140 feet north of where these two roads intersect. The Subject Property is somewhat unique in that it has frontage on both roads. As such, the Subject Property is a "through lot" as defined in the Zoning Ordinance. The Subject Property is abutted to the north by single family detached homes in the R-55 zone. To the west, across

Livingston Road, are single family detached homes also in the R-55 zone. To the east, across Saint Barnabas Road, are single family detached homes in the R-80 zone. The Subject Property is abutted to the south by property zoned C-S-C, which is the site of a former gas station. The gas station originally commenced operations in 1955 and operated for many years as a non-conforming use. In 1984, the property was rezoned to the C-S-C zone. Special Exception SE-3702 was approved in 1986 to renovate and rebuild the gas station, but the reconstruction never occurred and the special exception was revoked in 1990. Eventually, Special Exception SE-4274 was approved in 1997 to allow the property to be used as a vehicle lubrication and tune-up facility/car wash. Most recently, the property has been used for auto detailing, although the building is currently vacant.

The Subject Property has been the subject of two prior zoning decisions. In 1968, the Subject Property was zoned C-0 and R-55. On March 20, 1968, SE-1696 was approved to allow parking in the R-55 zone to support the construction of an office building on the portion of the Subject Property zoned C-0. The office building was never constructed. As noted above, the Subject Property is now zoned C-S-C. The property was placed in the C-S-C zone in 1985 pursuant to the adoption of CR-64-1985, which was a Revisory Petition related to the adoption of the Subregion VII Sectional Map Amendment. A copy of CR-64-1985 is attached as Exhibit "A". The property has remained in the C-S-C zone for the past thirty (30) years.

DPLS-431

DDS635

DESCRIPTION OF THE PROPOSED USE AND NATURE OF REQUEST

The Dollar General Store proposed for the Subject property will be free standing and have a total of 7,545 square feet. As noted above, the Subject Property is zoned C-S-C and a department or variety store of this size is a permitted use by right in accordance with Section 27-461 of the Zoning Ordinance. In addition to being a through lot, the Subject Property is uniquely shaped. In locating the proposed building on the site, the Applicant has attempted to maximize the buffering of abutting residential uses while at the same time meeting the needs of the proposed use. The site layout reflected on the site plan accomplishes these goals to the extent possible, but requires the approval of a departure from parking and loading standards and a departure from design standards.

DEPARTURE FROM PARKING AND LOADING STANDARDS:

As more fully set forth below, the proposed use is a "normal parking generator" under Section 27-568 of the Zoning Ordinance. As such, the use would normally require a total of 43 parking spaces plus a loading space. The Applicant is proposing to provide a total of 26 parking spaces and one loading space. In order to obtain a permit to construct the building with the lower number of parking spaces, a departure from parking and loading standards is required.

The number of parking spaces provided is intended to serve the needs of Dollar General. Dollar General has extensive experience throughout the country operating stores similar to that which is proposed on the Subject Property. In fact, Dollar General operates over 12,000 stores nationwide. Based on this experience, it has gathered data regarding the number of parking spaces required to

serve its customers. Attached hereto as Exhibit "B" is a letter from Tyler Nichol, the Dollar General Coordinator for the Northeast region, addressing the parking needs for a store of the size proposed in this case. As the letter notes, the standard footprint of a Dollar General Store is 9,100 square feet. Based on the number of transactions which occur each hour, they have determined that a total of 30 parking spaces would be required to satisfy the parking needs of store of that size, including the peak Christmas season. Dollar General had developed a smaller prototype store for urban and infill locations such as the subject property, with only 7,545 square feet. Dollar General has determined that 25 parking spaces will satisfy the parking demands of this smaller store. As noted above, a total of 26 parking spaces are provided.

In addition to the information provided by Dollar General, the Applicant retained the services of an independent traffic consultant, Lenhart Traffic Consulting, Inc. ("Lenhart") to verify the information provided by Dollar General. Utilizing data obtained by the Institute of Traffic Engineers ("ITE") which is based upon actual parking counts, a store of the type proposed by Dollar General would generate a maximum parking demand of 22 parking spaces. Again, a total of 26 parking spaces is proposed. A copy of Lenhart's analysis is attached hereto as Exhibit "C". As can be seen from the site plan, there is additional room on site to construct parking, but this would reduce the amount of buffering which is provided for the adjacent residential uses. The Applicant believes that the site plan presents an appropriate balance between meeting the needs of the proposed use and ensuring compatibility with abutting uses.

DEPARTURE FROM DESIGN STANDARDS:

Section 27-579(b) provides that "no portion of an exterior loading space, and no vehicular entrance to any loading area (including driveways and doorways) shall be located within fifty (50) feet of any Residential Zone." In this instance, one loading space is required and provided. The loading space has been located immediately adjacent to the rear door of the building, where merchandise will be brought into the store. The loading space is more than 50 feet from the adjoining residentially zoned land. However, because the lot is a through lot, the internal driveway extends around the building and through the site to improve on-site circulation. At its closest point, the internal driveway aisle is 11.5' from the adjoining residentially zoned lot. Therefore, a departure of 38.5 feet is required.

ZONING ORDINANCE COMPLIANCE**DEPARTURE FROM PARKING AND LOADING STANDARDS:**

Departures from the off-street parking requirements may be granted by the Planning Board in accordance with the provisions of Section 27-588 of the Prince George's County Zoning Ordinance. Section 27-588(b)(8) sets forth the required findings which the Planning Board must make in order to grant a requested departure from the off-street parking requirements. Those findings are as follows:

- (1) That the purposes of this Part will be served by the applicant's request;

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The purposes of the parking requirements are set forth in Section 27-550. Those purposes generally are to ensure that any use provides sufficient off-street parking to service said use and to lessen traffic congestion on the streets by reducing the use of the streets for parking. The applicant submits that its proposal in this case satisfies the purposes for requiring off-street parking.

As set forth above, the Subject Property is proposed for a Dollar General Store. Based upon Dollar General's extensive experience and an independent evaluation, the number of parking spaces proposed will satisfy the parking demands of the store, including peak parking demand. Both Dollar General and the Applicant desire to ensure that there is adequate parking to meet the needs of proposed customers. Given the site constraints, however, providing unnecessary parking at the expense of buffering does not serve the purposes of the parking requirements. Approving the departure sought in this case will not result in vehicles causing congestion in the streets due to a lack of on street parking.

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

The request which the applicant is making is the minimum necessary. Based on the size of the proposed retail use, the total number of required parking spaces is 43, based upon the provisions of Section 27-568 of the Zoning Ordinance. The 26

parking spaces proposed is the maximum which can be provided without encroaching into required bufferyards. Thus, the departure is the minimum necessary, given the specific circumstances of the request.

- (3) **The departure is necessary in order to alleviate certain circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in order areas of the County which were predominantly developed prior to November 29, 1949;**

The requested departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. As noted above, the Subject Property is oddly shaped, which creates difficulties in locating any commercial use on the property. As such, the Applicant has sought to design the site in a manner that not only meets the needs of the proposed use but is respectful of the adjoining properties. In order to strike this balance, a departure is necessary.

- (4) **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;**

Division 2, Subdivision 3 is applicable to an application for a departure from the number of parking spaces, as requested herein. This Subdivision contains the schedule for determining the number of parking spaces required. While the ordinance allows parking spaces to be provided off site, such opportunities do not exist in this case. Thus, all methods for calculated the

required number of spaces have been exhausted and a departure is still required.

- (5) **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 residential areas will not be infringed upon if this request is granted. The parking provided, as evidenced by the experience of Dollar General and the independent analysis prepared by Lenhart, based upon ITE data, demonstrate that adequate parking is being provided. Thus, the parking and loading needs of adjacent residential areas will not be infringed on if the departure is granted.

Section 27-588 also requires the Planning Board to give consideration to certain other matters. These are as follows:

- (1) **The parking and loading conditions within the general vicinity of the subject property, including number and locations of available on and off-street spaces within five hundred (500) feet of the subject property;**

Generally, ample parking is provided for uses within 500 feet of the Subject Property. The properties to the north, east and west are residential with driveways and sufficient space to provide off street parking. Livingston Road and Saint Barnabas Road are both collector roadways which do not permit on-street parking. The commercial uses to the south, at the intersection of Livingston Road and Saint Barnabas Road, include two gas stations and a 7-11 store, have sufficient parking to accommodate their customers as well. This is not an area where a lack of off

street parking has been a problem and the Subject Property is providing adequate off street parking to serve the needs of the use.

- (2) **The recommendations of an area Master plan or County/Local Revitalization Plan, regarding the subject property and its general vicinity;**

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The Subject Property is located in the boundaries of the Henson Creek-South Potomac Master Plan and Sectional Map Amendment which was adopted in 2006. The Subject Property is located in the Developed Tier. As noted in the Master Plan, "most of the development in this tier occurred prior to the development of design standards and strict environmental regulations that are in effect today. ...Few large, undeveloped tracts remain. Therefore, new development will primarily be the redevelopment or revitalization of existing commercial and residential uses or infill on smaller, undeveloped tracts within established neighborhoods." (Master Plan p. 35) Identified as challenges in this area are "ensuring that infill development in existing neighborhoods is compatible", "improving the appearance and function of commercial areas", and "attracting new, high-quality investment". (Master Plan, p. 35) Among the goals of the Master Plan are to "encourage appropriate infill", "renew/redevelop commercial strips" and "ensure compatibility with surrounding neighborhoods." (Master Plan, p. 35-36) The proposed development represents infill development on a smaller, undeveloped tract. It will help to renew an older commercial strip developed prior to the current design standards. It represents a substantial investment in the form of a national

retailer with over 12,000 store and it will be constructed utilizing the most current stormwater management techniques. Finally, the proposed use will be integrated into the existing established community by providing adequate buffering. Therefore, the proposed use is compatible with the land use recommendations and responsive to the challenges and goals of the Master Plan.

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

This property does not lie within the limits of any municipality.

- (4) Public parking facilities which are proposed within the general vicinity of the property.**

To the applicant's knowledge, there are no public parking facilities proposed within the general vicinity of the subject property.

The Planning Board is also permitted to consider several other factors which are set forth in Section 27-588(b) (7) (C). While many of these factors are not relevant to the facts of this case, they are listed as follows:

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

(i) Public transportation available in the area;

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

(iii) The specific nature of the use (including

hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;

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(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.

As to requirement (i), public transportation is available in the area to serve the Subject Property. There is a metrobus stop approximately 400 feet from the Subject Property on Saint Barnabas Road at its intersection with Tucker Road.

As to requirement (ii), there is insufficient land area on site to provide additional parking and therefore eliminate the need for this departure.

As to requirement (iii), the Applicant has demonstrated that the total number of parking spaces required by the Zoning Ordinance exceeds the actual parking demand and contributes to a finding that adequate parking is available to serve propose use.

As to requirement (iv), the subject property is zoned C-S-C, and multifamily development is not proposed.

DEPARTURE FROM DESIGN STANDARDS:

The criteria for approval of a Departure from Design Standards is set forth in Section 27-239.01 of the Zoning Ordinance. Each criterion, and an analysis in support thereof, is set forth below:

(i) The purposes of this subtitle will be equally well or better served by the applicant's proposal;

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The owner submits that the purposes of the parking and loading regulations will be equally well or better served by the proposed site plan.

As referenced above, only the driveway which extends through the Subject Property is within 50 feet of the adjacent residentially zoned land. At its closest point, the driveway is 11.5 feet from the adjoining property. As depicted on the Landscape Plan, the Applicant is providing a six (6) foot high, sight tight fence along the entire property line abutting residentially zoned properties and is providing a substantial landscaped buffer. The only place where the landscaped buffer does not conform with the width required by the Landscape Manual is the point along the side lot line where there is an odd angle with the adjacent property. The site was designed to locate the proposed building as far from the residentially zoned properties as possible. While the Landscape Manual requires a building setback of 40 feet, the building is proposed to be setback at least 70 feet. The result of maximizing the building setback is that the parking and access driveways are located between the building and the residentially zoned properties. Given the site constraints, the additional building setbacks and the buffering which is provided, the purposes of the subtitle will be well or equally better served by the Applicant's proposal.

The purposes of the Zoning Ordinance, set forth in Section 27-102 will be equally well or better served by granting the requested departure. These purposes include protecting and

promoting health, safety and welfare, guiding orderly growth, promoting the most beneficial relationship between land and buildings, encouraging economic development and lessening the danger of traffic on the streets listed in Section 27-102 are all promoted by this application. In this case, the unique shape of the property, the desire to maximize the building setback to the greatest extent possible, and the design to provide an appropriately placed loading space indicate that these purposes will be equally well or better served by the applicant's proposal.

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

The departure from Section 27-579 sought by the Applicant to allow access to the loading space within 50 feet of adjoining residentially zoned land is the minimum necessary given the specific circumstances of this request. The Applicant is required to provide certain services to the proposed commercial use. A loading space is one of those services. Although the building has been located such that it is more than 50 feet from residentially zoned land, proper site design does not allow the drive aisle serving the property to be 50 feet away in all circumstances. Given the design options available, the departure requested is the minimum necessary.

(iii) The departure is necessary in order to alleviate circumstances which are unique to this site or prevalent in areas of the City developed prior to November 29, 1949;

As noted above, the requested departure is necessary in order to alleviate circumstances which are unique to this site. The

Subject Property is oddly shaped, which creates difficulties in locating any commercial use on the property. As such, the Applicant has sought to design the site in a manner that not only meets the needs of the proposed use but is respectful of the adjoining properties. In order to strike this balance, a departure is necessary.

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

The owner submits that the requested departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood. The Subject Property is an infill commercial site. The Applicant is exceeding the setback requirements set forth in both the Zoning Ordinance and the Landscape Manual and, the extent possible, meeting or exceeding the buffering requirements. Further, a sight tight fence is proposed on the entire perimeter of the property. The incorporation of these design features into the site will ensure that the departure will not impair the quality or integrity of the site or of the surrounding neighborhood.

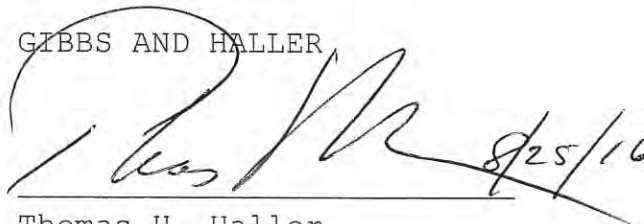
CONCLUSION

Given all of the above considerations, the applicant respectfully submits that all of the required Findings set forth in Section 27-588 and 27-239.01 are met and satisfied with this application. Most importantly, the applicant submits the purposes for requiring off-street parking spaces and appropriate

setbacks for loading spaces are also satisfied. Therefore, the applicant requests that DPLS-431 and DDS-635 be granted.

Respectfully submitted,

GIBBS AND HALLER

A handwritten signature in black ink, appearing to read 'Thomas H. Haller', is written over a horizontal line. To the right of the signature, the date '8/25/16' is written in a cursive style.

Thomas H. Haller
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