

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Design Standards DDS-651, Townes at Peerless, requesting a departure from design standards from the requirements of Section 27-558(a) of the Prince George’s County Zoning Ordinance, to provide a reduced parking space size, and from Section 27-579(b) of the Zoning Ordinance, to have a loading space located within 50 feet of a residential use in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on March 21, 2019, the Prince George’s County Planning Board finds:

1. **Request:** A Departure from Design Standards DDS-651 is requested from the requirements of Section 27-558(a) of the Prince George’s County Zoning Ordinance, to provide a reduced parking space size, and from Section 27-579(b) of the Zoning Ordinance, to have a loading space located with 50 feet of residential use. This DDS is the companion case of DSP-18039 (PGCPB No. 19-37) that was approved on the same date by the Planning Board.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Vacant	Two-Family, Three-Family, and Multifamily Residential and Commercial/Retail
Acreage	7.64	7.64
of which floodplain	0.03	0.03
Total Gross Floor Area (GFA) (sq. ft.)	-	80,607
Commercial GFA	-	3,000
Residential GFA	-	77,607
Total Dwelling Units	-	62
Two-family	-	14
Three-family	-	12
Multifamily	-	36

Floor Area Ratio (FAR) in the M-X-T Zone

Base Density Allowed	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.25 FAR

Note: *Additional density is allowed in accordance with Section 27-545(b)(4) of the Zoning Ordinance, Optional method of development, for providing 20 or more dwelling units.

Parking and Loading Data

	APPROVED**
Total Number of Parking Spaces	137
Garage Spaces	26
Handicapped Spaces	6 (4 van-accessible)
Standard Parking Space Size*	9' x 19' surface; 9' x 18' garage
Bicycle Parking Spaces	6 retail; 6 residential
Total Number of Loading Spaces	1
Loading space size	12' x 33'

Note: *DDS-651 has been requested. See Finding 7 below for discussion.

**The number of parking and loading spaces required for each proposed use is based on the requirements of Section 27-574 and Section 27- 583 of the Zoning Ordinance, respectively as discussed in the approval of DSP-18039.

- Location:** The subject property is located on the west side of US 301 (Robert Crain Highway), approximately 0.15 mile north of its intersection with MD 725 (Marlboro Pike), in Planning Area 79, Council District 6. More specifically, the property is located at 4505 Crain Highway, Upper Marlboro, Maryland.
- Surrounding Uses:** The subject property is bounded to the east by the right-of-way of US 301; to the north and south by vacant properties in the Mixed Use-Transportation Oriented (M-X-T) Zone; and to the west by existing single-family detached residences in the M-X-T Zone.
- Previous Approvals:** The subject property includes the second part of Lots 5 and 6 recorded in the Prince George’s County Land Records at Liber 4262 folio 610, the first and second part of Lots 7 and 8 recorded in Land Records at Liber 32208 folio 372, and part of Lot 9 recorded in Land Records at Liber 960 folio 283. These lots are part of Record Plat A03-8782. The 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) rezoned the subject property to the M-X-T Zone. On July 12, 2018, the Prince George’s

County Planning Board approved Conceptual Site Plan CSP-17004 for 62 two-family, three-family, and multifamily dwelling units, as well as approximately 3,000 square feet of commercial/retail space. The Prince George's County District Council affirmed the Planning Board's decision on this CSP on September 24, 2018. On November 8, 2018, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-18004 for the subject property. The subject site also has an approved Stormwater Management (SWM) Concept Plan, 31545-2018-00, that is valid through 2021.

6. **Design Features:** The companion DSP proposes 14 two-family, 12 three-family, and 36 multifamily dwelling units, for a total of 62 dwelling units, as well as approximately 3,000 square feet of commercial/retail space, in four buildings with a site layout exactly as approved in CSP-17004. The site will be accessed through a public roadway known as Peerless Avenue, which connects to US 301 with a right-in/right-out only access. Two access points off Peerless Avenue have been shown on the companion DSP. The access point closest to US 301 is right-in only, the access point at the west end of the site is full access. On-site circulation is through a loop street connecting the two access points, with the commercial/retail building located along the US 301 frontage and the proposed three residential buildings on either side of the loop street. Two 2-, and 3-family buildings are on the north side, and one 36-unit multifamily building, fronting on Peerless Avenue, is located on the south side of the loop street. A tot lot is located to the west of the multifamily building. A six-space bicycle parking rack is located to the east of the tot lot. Another six-space bicycle parking rack is located to the south of the commercial building, and a loading space is located to the north of the commercial building.

Lighting and Signage: Lighting fixtures include a full cut-off LED site light (with a maximum 14-foot height for the proposed surface parking lots), and building-mounted lights on the commercial building that may be revised later when the specific tenant is identified. The site lighting fixture is acceptable.

Building-mounted signs for commercial tenants have been shown on three sides of both the entrance tower and the building elevations. Two types of freestanding signage have been proposed in the companion DSP. The primary identification sign identifies the development and the secondary wayfinding sign provides direction to the units of the residential development. A brick base should be provided for the primary sign. The secondary sign should be redesigned to integrate it with the physical devices that separate the commercial/retail area from the proposed residential development.

There is one loading space that has been proposed to serve the future commercial tenants. The space is screened with a wood fence. The fence material needs to be changed to synthetic material that will require minimum maintenance.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance. Specifically, the applicant requires a departure from Section 27-558(a), which requires nonparallel standard parking spaces to be 9.5 feet by 19 feet, but allows up to one-third of the required spaces to be compact, measuring 8 feet by 16.5 feet. Instead, the applicant utilizes a parking space sized at 9 feet by 19 feet for surface parking spaces and 9 feet by 18 feet for the garage spaces. No compact parking spaces are proposed with this application.

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

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

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

The reduction in size for the parking spaces will still provide off-street parking sufficient to serve the needs of the project. In effect, the reduction in parking space size will allow the proper amount of parking to serve the project in the same amount of on-site area. This will eliminate the need for on-street parking and will result in conveniently located parking on-site. Thus, the purposes of the subtitle will have been met. The proposed parking areas will not be visible from adjacent residential areas and will not detract from the character of such areas or from the character of neighboring property owners.

The remainder of the components are within easy walking distance of the site. This application continues to implement the land use vision for the area by reducing automobile use, by locating a mix of residential and nonresidential uses in proximity to one another, encouraging a 24-hour environment, and creating functional relationships among individual uses, with a distinctive visual character and identity.

From the perspective of the parking regulations, the purpose of those regulations is to provide adequate safe parking for patrons of particular uses. The applicant is proposing more than a sufficient number of parking spaces. From a design perspective, the applicant submits that the smaller parking spaces are more than sufficient to allow patrons and employees to safely park and exit their cars. It should be noted that other jurisdictions, in their respective Zoning Ordinances, provide for parking spaces similar in size to those being requested by the applicant. For example, in Charles County and Anne Arundel County, the Zoning Ordinances specify that parking spaces shall be 9 feet by 18 feet. The

Montgomery County Zoning Ordinance specifies that standard-size parking spaces shall be 8.5 feet by 18 feet. Montgomery County has an additional design option of a modified parking stall for regional shopping centers. In that instance, standard-size parking spaces are only required to be 9 feet by 19 feet for surface parking spaces and 9 feet by 18 feet for garage spaces. The Planning Board agrees that this proposed modification will foster the purpose of the Zoning Ordinance to promote health, safety, convenience, and welfare. Therefore, approval of this departure will promote this purpose of the ordinance.

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

The normal prescribed dimensions of standard parking spaces in the current Zoning Ordinance are 9.5 feet by 19 feet. The applicant proposes to reduce the size of the spaces to 9 feet by 19 feet for surface parking spaces and 9 feet by 18 feet for garage spaces. The applicant presents several reasons why this request is being made. The departure of six inches in width is relatively insignificant on a space-by-space basis. However, when multiplied by the total number of parking spaces serving the project, it provides the greatest benefit. In addition, the universal size for garage parking spaces is 9 feet by 18 feet. Column spacing and other mechanical equipment do not support deeper and wider parking stalls. Given the specific circumstances and the site constraints, the Planning Board agrees that the departure is the minimum necessary in order to provide all parking on-site.

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

The departure is necessary in order to provide adequate and necessary off-street vehicular parking sufficient to serve the project within the available developable area. The project is bounded by environmental features to the north and the south. The central section of the site is the highest point of the site. The topography slopes down in both the northern and southern directions of the site; thus, limiting the amount of grading possible. The northern and southern sides of the site are also encumbered by environmental features, such as streams and primary management area (PMA), on both sides. Given that the soil is composed of Marlboro clay, special care and attention have been paid to the location of the development elements, so as not to disturb these soils. In addition, column spacing and mechanical equipment in the garage create another obstacle. Given the environmental encumbrances and structural design, it is most efficient to minimally impact the Prince George's County parking stall size, to allow for the adequate amount of parking for this development to reach its fullest potential as an economic potential.

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

The reduction of the size of the parking spaces will not negatively affect the visual quality of the site; the reduction of six inches will barely be noticeable. The functionality of the parking lot will be improved by the departure. The reduced parking space size will still accommodate vehicles, while allowing adequate parking spaces in the same amount of area; thus, reducing the disturbed area. Additionally, allowing the reduced-size parking space, multiplied by the total number of spaces, greatly reduces the amount of impervious surface needed per space; thus, reducing stormwater runoff, which benefits the environment.

The departure from Section 27-558(a) will allow the site to provide adequately sized spaces to accommodate all types of vehicles and conform to modern guidelines, which discourage compact parking spaces and are in favor of universal size spaces. Eliminating the smaller compact car spaces improves the functional integrity of the site and adequately serves the purposes of the parking regulations and the parking needs of residents and patrons.

Based on the analysis above, the Planning Board approved the departure request to reduce the dimensions of the proposed standard parking spaces from 9.5 by 19 feet to 9 feet by 19 feet for surface parking spaces, and 9 feet by 18 feet for the garage spaces.

The applicant also requests a departure from Section 27-579(b), which reads as follows:

(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).

Section 27-239.01(b)(7) contains the following required findings in order for the Planning Board to grant the departure:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

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

The loading space for future commercial/retail uses is placed to the side of the building; thus, resulting in the least amount of exposure or impact on the residential use, while also keeping it screened from the public rights-of-way.

Given the site constraints and nature of this mixed-use development, the purpose of this subtitle will be equally well-served by this proposal.

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

The requested departure of 22 feet and 16 feet is the additional space necessary to allow the loading space in the proposed location. A landscape strip is situated, along with parking, between the closest residential building and the loading space; thus, providing reasonable buffering between the residential use and the space. The other residential building is less impacted and has no direct sight line into the loading space.

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

The departure is necessary in order to provide adequate loading space required to serve the project within the available developable area. The site is bounded by environmental features to the north and the south. The central section of the site is the highest point of the site. The topography slopes down in both the northern and southern directions of the site; thus, limiting the amount of grading possible. The northern and southern sides of the site are also encumbered by environmental features such as streams and PMA on both sides. Given that the soil is composed of Marlboro clay, special care and attention have been paid to the location of the development elements, so as not to disturb these soils. Given the environmental constraints, and the need to adequately provide those design features required by the Zoning Ordinance, to the extent practicable, the departure is necessary to allow the development to reach its fullest economic potential.

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

The reduction of the distance between the loading space and residential buildings imposes no negative affect on the visual quality of the site. As previously noted, the closest building is buffered by landscaping and other parking and the second residential building has no direct sight line into the space. The amount of commercial/retail space means the loading space will be used in an inconsequential amount of time. In addition, the loading space will be fully enclosed with a synthetic fence to match the color scheme of the commercial/retail building. The location of the loading space at the side yard of the one residential building negates any appreciable impact (visually, functionally, or environmentally) on the other part of the proposed development.

Based on the analysis above, the Planning Board approved the departure request to allow the proposed loading space serving the commercial/retail building to be located within 50 feet of the residential uses, as shown on the companion Detailed Site Plan DSP-18039.

8. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions, and their comments are incorporated herein by reference. The major referral comments are summarized, as follows:

a. **Transportation**—The Planning Board incorporated herein by reference a memorandum dated February 15, 2019 (Burton to Zhang), which provided a review of this application as follows:

Pursuant to Section 27-558, the applicant has filed a DDS, in which a reduction from the standard parking space size is being sought. Specifically, the applicant is proposing a size of 18 by 9 feet rather than the standard 19 by 9.5 feet. For both dimensions, the reduction amounts to a change of less than six percent from the standard requirement. The applicant will not be proposing any compact spaces; consequently, all the spaces being provided (exclusive of handicap-accessible spaces) will be a minimum of 18 by 9 feet. Given the marginal change in the dimensions being sought, the Planning Board supports this departure.

The Planning Board concluded that, from the standpoint of transportation, it is determined that this application is acceptable and meets the findings required for a DDS, as described in the Zoning Ordinance. Furthermore, all the transportation conditions have been adequately addressed.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Departure from Design Standards DDS-651 for Townes at Peerless, to allow 9 feet by 19 feet surface parking spaces and 9 feet by 18 feet garage parking spaces in the proposed development, and further allow the loading space that serves the proposed commercial/retail space to be located within 50 feet of the residential use, as shown on the companion Detailed Site Plan DSP-18039.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council for Prince George’s County, Maryland within thirty (30) days of the final notice of the Planning Board’s decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 21, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of April 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

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