

September 14, 2021

Storch Management
25 Hooks Lane, Suite 312
Pikesville, MD 21208



Re: Notification of Planning Board Action on
Departure from Parking and Loading Spaces
DPLS-479
Seabrook – Parcel F

Dear Applicant:

This is to advise you that, on **September 9, 2021**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

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

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

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

Sincerely,
James R. Hunt, Chief
Development Review Division

By: *N. Andrew Bishop*
Reviewer

Attachment: PGCPB Resolution No. **2021-108**

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

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 29, 2021, regarding Departure from Parking and Loading Spaces DPLS-479 for Seabrook – Parcel F, the Planning Board finds:

1. **Request:** The Departure from Parking and Loading Spaces (DPLS), DPLS-479, to reduce the number of required parking spaces from 31 to 24. In conjunction with this DPLS, the Planning Board approved Detailed Site Plan DSP-20010 (PGCPB Resolution No. 2021-106), for the construction of a 3,350 square feet of commercial retail space and a 1,600-square-foot eating and drinking establishment with a drive-through, and a Departure from Design Standards (DDS), DDS-668 (PGCPB Resolution No. 2021 107), for a reduction in the width of the loading space driveway from 22 to 16 feet in width, which was approved by the Planning Board on the same day.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-M	C-M
Use(s)	Vacant	Commercial retail and eating and drinking with drive-through
Gross Acreage	0.55	0.55
Parcels	1	1
Total Gross Floor Area	0	4,950 sq. ft.

OTHER DEVELOPMENT DATA

Parking Spaces

	Required	Provided
Normal Commercial: 1 space/150 sq. ft. for the first 3,000 sq. ft. of GFA, plus one space/200 sq. ft. above the first 3,000 sq. ft. GFA.	18*	--
Eating and Drinking Establishment: 1 space per 50 sq. ft. of service/prep, plus 1 space per 3 seats for 15 seats	13*	--
Standard Parking Space (9.5 x 19 feet)	-	16
Compact Parking Space (8 x 16.5 feet)	-	7
Handicap-Accessible (Van)	-	1
Total**	31	24

Notes: *Includes a reduction of 20 percent per Section 27-572 of the Prince George’s County Zoning Ordinance, for shared parking.

**DPLS-479 requests the proposed reduction of seven parking spaces. The Planning Board determines that the DPLS meets the requirements for approval as discussed in Finding 7.

Loading Spaces*

	Required	Provided
Commercial	1	1
Total	1	1

Note: *DDS-668 requests a reduction in the width of the driveway access to the loading space to 16 feet wide. The Planning Board determined that the DDS is acceptable and meets the requirements for approval, as discussed in PGCPB No. 2021-107.

3. **Location:** The site is located in the southwest quadrant of the intersection of MD 564 (Lanham Severn Road) and Seabrook Road, in Planning Area 70 and Council District 3.
4. **Surrounding Uses:** The subject property is bound to the north and east by the public rights of way of Lanham Severn Road and Seabrook Road, respectively, with commercial uses beyond each. The property is bound by commercial uses in the Commercial Miscellaneous (C-M) Zone to the west, and to the south by railroad tracks, which service commercial uses in the Ancillary Commercial Zone beyond. Seabrook Road dead ends at the railroad tracks adjacent to the site.

5. **Previous Approvals:** The subject property is known as Parcel F, which is located on Tax Map 44 in Grids D1 and E1. Parcel F was created in approximately 1962 and is part of a larger assemblage of commercial uses which were also developed at that time. Parcel F was created by a lot line adjustment of Parcel C-1, recorded in Plat Book WWW 44 page 64 in 1962, and Parcel C-2, recorded in Plat Book WWW 44 page 83 in 1962. Parcels C-1 and C-2 were the subject of preliminary plan of subdivision (PPS) 12-2466, approved in 1962. However, no available records of this PPS remain.

The 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and SMA) retained the property in the C-M Zone and downgraded Lanham Severn Road from an arterial roadway to a collector roadway, reducing the ultimate right-of-way width from 120 to 80 feet. Vacation Petition V-18003 was approved in 2019, to reclaim the previously dedicated right-of-way width. Parcel F is recorded in Plat Book ME 253 on page 46 and is entitled “Parcels D, E & F, M. Leo Storch Property, Seabrook”, which were created on January 15, 2019.

A gas station had operated on the site until approximately 2016 when a fire destroyed the building. The property is currently unimproved except for asphalt pavement.

Stormwater Management (SWM) Concept Plan 20666-2019 has been issued for the site and is valid until October 26, 2023.

6. **Design Features:** The subject DSP proposes construction of 3,350 square feet of commercial retail space, for which a tenant has not been determined, and a 1,600-square-foot eating and drinking establishment with a drive-through, specifically a Dunkin Donuts. One building is proposed, which is connected to the existing commercial strip on the adjacent Parcel D, with parking provided to the north and east. The site is accessed from Seabrook Road on the east, Lanham Severn Road on the north, and an inter-parcel connection to Parcel D on the west. The DSP proposes a one-way drive-through on the east side of the building, and a loading space/trash dumpster area with access driveway to the south of the building. Sidewalks are proposed, allowing pedestrian access from Lanham Severn Road and Seabrook Road into the site. However, crosswalks are not included at all vehicular crossings for safe passage and are required to be provided, as conditioned with the DSP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Departure from Parking and Loading Spaces DPLS-479:** The applicant requires a departure from Section 27-568(a) of the Zoning Ordinance, for a reduction in the number of parking spaces. As noted in Finding 2, the proposed development is required to provide 31 parking spaces and the applicant has proposed 24 spaces, for a reduction of seven parking spaces. The required findings for the Planning Board to grant the departure in Section 27-588(b)(7) of the Zoning Ordinance, are as follows:

(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;

The applicant asserts that the operations of the proposed donut shop, along with the limited seating being provided, obviate the need for the full parking requirement. Also, the applicant states that the proximity to parking at the nearby Maryland Area Regional Commuter (MARC) station to the east would likely result in more customers parking at MARC, walking to the use, and walking back to the station. These are credible scenarios; however, staff does not believe that the applicant would limit staffing the donut shop to five employees. If anything, more employees would be needed to enable quick service of customers – especially drive-through customers – to limit the length of queuing on what is a very small site. Even so, it is believed that the MARC station proximity provides adequate justification for the parking space reduction on-site. Staff finds the applicant's request will serve the purposes of Section 27-550 of the Zoning Ordinance.

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

The submitted SOJ indicates that the site is constrained by the three rights-of-way, which it abuts, and by existing commercial development to the west. Given these constraints, there is no need to provide more parking than is necessary to serve the use. The parking provided is the amount necessary to serve the needs of the proposed uses, and the departure requested is the minimum necessary given the specific circumstances of the request.

(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 applicant cites rights-of-way constraints on the site along with the desire to redevelop a property that had been destroyed by fire. The applicant also believes that the drive-through nature of the use combined with its location next to a MARC station parking lot create a special nature to the proposal. Also, given the discussion for the DDS, there is a rationale to give consideration to circumstances that existed before 1949. Given the limitations of the site and the nature of the use,

it is believed that the applicant has made the case that circumstances are special.

- (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**

The applicant’s analysis has shown that the proposed location, with access to mass-transit opportunities and exploration of using alternative parking calculations, supports a reduction in the total required quantity of parking spaces to serve the development, and that all methods of calculating the number of spaces has been used.

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

The property is generally located in a commercial area that is enclosed by roads. There are no residential areas in close proximity which would be impacted upon by granting this departure.

Therefore, the Planning Board approves DPLS-479, to allow a reduction of seven parking spaces, from 31 to 24 parking spaces.

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

- a. **Transportation Planning**—The Planning Board adopts a memorandum dated July 1, 2020 (Masog to Bishop), which provides an evaluation of the application and the companion departures that is included in the findings above and finds that the on-site circulation of this plan acceptable.

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:

- A. APPROVE Departure from Parking and Loading Spaces DPLS-479 to allow for a reduction in the number of parking spaces required from 31 to 24 spaces.


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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 29, 2021, in Upper Marlboro, Maryland.

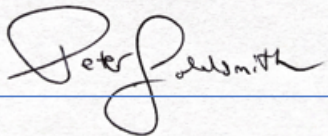
Adopted by the Prince George's County Planning Board this 9th day of September 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:NAB:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: August 6, 2021