

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-266 requesting a departure of 3 out of 4 required off-street parking spaces and Alternative Compliance (AC-04008) for Landscape Manual requirements for minimum building setback and landscaped yard 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 September 9, 2004, the Prince George's County Planning Board finds:

- A. Location and Field Inspection:** The subject property is a rectangular-shaped parcel located on the north side of Merrimac Drive between Tahona Drive and University Boulevard. The property is developed with a small, one-story single-family detached home that contains a dentist's office. A driveway, located in the front yard, allows for the parking of one vehicle.
- B. History:** The property was retained in the R-35 Zone by the Langley Park–College Park–Greenbelt SMA (1990). This application was originally before the Planning Board in January 2001. It was determined that Alternative Compliance was required and a Continuance was granted.
- C. Master Plan Recommendation:** The Langley Park–College Park–Greenbelt Master Plan (1989) recommends single-family detached development for the subject property.
- D. Request:** Section 27-568(a) of the Zoning Ordinance requires a minimum of four off-street parking spaces for a doctor's office. The applicant is requesting a departure of three off-street parking spaces.
- E. Surrounding Uses:**
 - North— Single-family detached homes in the R-35 Zone.
 - East— Single-family detached homes in the R-35 Zone.
 - South— Across Merrimac Drive is the University Landing apartment complex.
 - West— Single-family detached homes in the R-35 Zone and single-family detached homes farther west in Montgomery County.

F. Alternative Compliance Request (AC-04008):

The applicant is requesting Alternative Compliance for Section 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. A "B" Bufferyard (30 feet wide) is required between the subject property and the adjoining properties along the eastern and western property lines. The subject property is approximately 55 feet by 120 feet and is substantially landscaped.

The dentist’s office is classified as a low impact use in Section 4.7 (table A minimum 30-foot-wide landscaped yard is required along the eastern and western property lines (lots 13, 14 and 16), which are developed with single-family detached homes. What is required by the *Landscape Manual* and provided by the applicant is broken down as follows:

Required Along Lot 16 (western property line):

Linear Feet of Frontage	120 feet
Minimum Landscaped Yard	30 feet wide
Minimum Building Setback	40 feet (from property line)
Plants Required	83 plant units
(50 percent reduction along 32 feet of property line due to six-foot-high fence)	

Provided Along Lot 16:

Landscaped Yard	7.5 feet wide
Building Setback	7.5 feet
Plantings Provided	40 plant units

Required Along Lots 13 & 14 (eastern property line):

Linear Feet of Frontage	120 feet
Minimum Landscaped Yard	30 feet wide
Minimum Building Setback	40 feet (from property line)
Plants Required	66 plant units
(50 percent reduction along 75 feet of property line due to six-foot-high fence)	

Provided Along Lots 13 & 14:

Landscaped Yard	7.5 feet wide
Building Setback	7.5 feet
Plantings Provided	68 plant units

Justification of Recommendation:

The Alternative Compliance Committee reviewed the applicant’s request and determined that although the applicant cannot meet the setback or landscape yard requirements, the side yards and back yard are nicely landscaped and screened with attractive six-foot-high decorative fencing. This significant landscaping and fencing helps to preserve the residential character of the property. With the addition of one shade tree in the front yard, the applicant will slightly exceed the number of required plant units along the eastern property line by Lots 13 and 14. The committee believes the existing landscaping, fencing, and brick paving will be equal to or better than normal compliance with the requirements of the *Landscape Manual* given the significant spatial limitations of the site and recommends approval of the alternative compliance request

G. Required Findings:

Section 27-588(b)(8)(A) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:

1. The purposes of Section 27-550 will be served by the applicant's request.

The purposes of the Parking Regulations will be served by the applicant's request. The purposes seek among other things to provide parking and loading areas sufficient to serve the needs of the use and to protect the residential character of the area. The subject property is located within a residential neighborhood, and Merrimac Drive, upon which this property fronts, is an established a 60-foot public right-of-way, with curb and gutter on both sides of the street. On-street parking is permitted upon both sides of this street, and on-street parking spaces are often available within the vicinity of the subject property.

Merrimac Drive is a typical residential street in an older community that is characterized by single-family detached homes on small lots and multifamily dwellings nearby. Strict compliance with the parking requirements would require that the front yard be paved to accommodate additional spaces. Such a solution would impair the residential character of the neighborhood.

2. The departure is the minimum necessary, given the specific circumstances of the request.

The departure is the minimum necessary. The Parking Regulations require three parking spaces based on a standard of one parking space per 100 feet of gross floor area (for the office). The site plan indicates that the existing dentist's office has 275 square feet of gross floor area. In addition, one parking space is required for the existing residential use on the property.

3. 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 alleviate circumstances, which are special to the subject use, given its nature at this location. The subject use is located on a typical residential street with homes on small lots. Strict compliance with the parking requirements would require that the front yard be paved to accommodate additional spaces. Such a solution would impair the residential character of the neighborhood.

4. All methods for calculating the number of spaces required have either been used or found to be impractical.

The applicant has applied the correct method for calculating the number of spaces required. No other parking standard can be applied in this case.

5. Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted. The subject use has been in operation in the neighborhood for nearly 15 years. During a field inspection of the neighborhood, staff noted ample on-street parking along Merrimac Drive.

Section 27-588(b)(8)(B) provides that in making its findings, the Planning Board shall give consideration to the following:

1. 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 500 feet of the subject property.

Based on a field inspection of the neighborhood conducted by the technical staff, it is noted that ample on-street parking exists along Merrimac Drive within 500 feet of the property.

2. The recommendations of an area master plan, or County or local revitalization plan, regarding the subject property and its general vicinity.

The Langley Park-College Park-Greenbelt Master Plan (1989) recommends single-family detached development for the subject property. The subject property serves as both a dentist's office and residence.

3. The recommendations of a municipality (within which the property lies) regarding the departure.

The subject property does not lie within a municipality.

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

There are no public parking facilities proposed in the County CIP within the general vicinity of the property.

Section 27-588(b)(8)(C) provides that in making its findings, the Planning Board may give consideration to the following:

1. Public transportation available in the area.

The Planning Board notes that public transportation is available in the area. A Metro bus stop is located almost directly across the street from the subject property near the corner of Merrimac and Tahona Drives.

2. Any alternative design solutions to off-street facilities which might yield additional spaces.

No alternative design solution was found that would not require that the front yard be paved to accommodate additional spaces. Such a design solution would detract from the residential character of the neighborhood.

3. 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 500 feet of the subject property.

The existing dentist's office operates Monday through Thursday 10:00 a.m. to 5:00 p.m., Saturday 10:00 a.m. to 2:00 p.m. and Tuesday and Thursday evenings by appointment only. There are no businesses within 500 feet of the property.

4. 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.

The subject property is in the R-35 Zone and the applicant does not propose the development of multifamily dwellings.

CONCLUSION:

Based on site visits by the technical staff to the property and information submitted by the applicant, the Planning Board believes that the departure of three parking spaces and approval of the alternative compliance request meets the findings in Section 27-588(b)(8) and presents a better design solution than strict compliance with the parking and landscaping requirements. Therefore, the Planning Board hereby APPROVES DPLS-266 and AC-04008, subject to a condition that the site plan shall be revised to provide one shade tree in the front yard.

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 APPROVES the above-noted applications, subject to a condition that the site plan shall be revised to provide one shade tree in the front yard.

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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, September 9, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of October 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JJ:rmk

(Revised 8/9/01)