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Departure from Design Standards Application

DDS- 559

Application	General Data
Project Name: University Plaza West Location: South side of University Boulevard, approximately 500 feet west of Riggs Road. Applicant/Address: Shellhom Langley, LLC 4912 Del Ray Avenue Bethesda, Maryland 20814 ATTN: Fred Wine	Date Accepted: 4/18/05
	Planning Board Action Limit: NA
	Plan Acreage: 4.03
	Zone: R-10
	Dwelling Units: NA
	Square Footage: 52,140
	Planning Area: 65
	Tier: Developed
	Council District: 02
	Municipality: N/A
200-Scale Base Map: 209NE02	

Purpose of Application	Notice Dates
Loading space and access driveway to the loading space less than 50 feet from residential zone	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-12-2003) 3/18/05
	Sign(s) Posted on Site and Notice of Hearing Mailed: 06/07/05

Staff Recommendation		Staff Reviewer: Laxmi Srinivas	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

June 30, 2005

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Laxmi Srinivas, Senior Planner

SUBJECT: **Departure from Design Standards DDS-559**

REQUEST: **Departure from the requirements of Section 27-579(b) of the Zoning Ordinance regarding setback requirements for loading zones.**

RECOMMENDATION: **APPROVAL with Conditions**

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date indicated above. The Planning Board also encourages all interested persons to request to become a person of record in this application. Requests to become a person of record should be made in writing and addressed to the Development Review Division at the address indicated above. Please call 301-952-3530 for additional information.

FINDINGS:

A. **Location and Field Inspection:** The subject property is located on the south side of University Boulevard, approximately 500 feet west of Riggs Road. The subject property is currently developed with an integrated shopping center. The property has 804 feet of frontage on University Boulevard. Vehicular access to the property is from two entrances along University Boulevard.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-10	R-10
Use(s)	Integrated Shopping Center	Integrated Shopping Center
Acreage	4.03	4.03
Lots	1	1
Parcels	NA	NA
Square Footage/GFA	52,140	52,140

C. **History:** The Prince George’s County Planning Board approved Detailed Site Plan DSP-03039 for an integrated shopping center on January 22, 2004 (PGCPB No.04-04). Section 27-579 (b) of the Zoning Ordinance states that no portion of an exterior loading space shall be located within 50 feet of any residential zone. The required 50-foot setback was not provided on the detailed site plan and was simply and inadvertently missed by both the applicant and the Planning Staff.

The applicant has, therefore, filed the subject departure from design standards application. The applicant has filed a revision to Detailed Site Plan DSP-03039/01 for minor changes to the approved detailed site plan.

D. **Master Plan Recommendation:** The 1989 approved Langley Park-College Park-Greenbelt Master Plan recommended residential uses for the subject property and retained the property in the R-10 Zone.

E. **Request:** Section 27-579(b), of the Zoning Ordinance states that no portion of an exterior loading space and no vehicular entrances to any loading space (including driveways and doorways), shall be located within 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). This application is seeking relief from this 50-foot setback requirement of the Zoning Ordinance. The loading space to the rear of the building is set back 42 feet from the adjacent residentially zoned property and the access to the loading space is set back 20 feet from the adjacent residentially zoned property.

F. **Surrounding Uses:** The property is surrounded with the following uses:

North— University Boulevard

East— Integrated shopping center in the C-S-C Zone

South—School in the R-55 Zone

West— Integrated shopping center in the C-S-C Zone

- G. **Landscape Manual Requirements:** The subject integrated shopping center must meet the requirements of Section 4.2, Commercial and Industrial Landscape Strip; Section 4.3, Parking Lot Requirements; and Section 4.7, Buffering Incompatible Uses of the *Landscape Manual*. The proposal complies with the requirements of the *Landscape Manual*.
- H. **Signs:** The proposed sign was approved during the review of Detailed Site Plan DSP-03039. The proposed sign meets the requirements of the Zoning Ordinance.
- I. **Other Issues:**
1. The Permit Review Section (memorandum dated May 4, 2005) recommends the following minor changes to the site plan. Conditions of approval have been added to require the same.
 2. The Historic Preservation and Public Facilities Section (memorandum dated May 31, 2005) states that the existing fire engine service, ambulance service, paramedic service and ladder truck service are within the travel time guidelines. The existing police service is adequate to serve the population generated by the proposed use.
 3. The Environmental Planning Section (memorandum dated April 27, 2005) states that there are no environmental issues related to this proposal.
 4. The State Highway Administration (memorandum dated May 5, 2005) states that they have no objections to the subject departure from design standards application.
 5. The Community Planning Division (memorandum dated May 16, 2005) states that there are no master plan issues associated with the proposal. The property is in the developed tier. The General Plan recommends residential and nonresidential mixed use along designated corridors such as University Boulevard. The 1989 approved Langley Park-College Park-Greenbelt Master Plan recommends residential uses for the subject property.
 6. The Historic Preservation Section (memorandum dated May 26, 2005) states that a Phase I archeological survey is not recommended by the county.
 7. The Urban Design Section (memorandum dated April 26, 2005) states that they have no problems with the subject request because of the grade difference between the two properties and the landscaped bufferyards on the subject property.
 8. The Transportation Planning Section (memorandum dated May 2, 2005) has no comment regarding the subject application.
- J. **Required Findings:**
- (A) **Section 27-239.01(b)(9) 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 this Subtitle will be equally well or better served by the applicant's proposal.

The purposes of the Zoning Ordinance are set forth in Section 27-102. They are varied in nature, but in general are to protect the health, safety and welfare of the residents and workers in Prince George's County. In this instance, the facts establish that granting the requested departures will in no way jeopardize these purposes.

The location of the loading spaces in the rear of the subject building is ideal because it does not obstruct traffic in the parking lot and it enhances the overall appearance of the property by concealing the loading areas in the rear and side of the lot. The existing retaining wall and fence will adequately screen the loading space from the adjacent properties. The existing school on the adjacent residentially zoned property is located more than 100 feet from the property line of the subject property; therefore, the reduced setbacks for the loading space and the access driveways for the loading space will not have significant noise or visual impact on the adjacent residential property.

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

The requested departure is the minimum necessary. Strict compliance with the setback requirements would require either the building area or the parking area to be reduced and would not allow the applicant to build an integrated shopping center of sufficient size for the residents in the neighborhood.

3. The departure is necessary in order to alleviate circumstances that are unique to the site or prevalent in areas of the County developed prior to November 29, 1949.

The departure is necessary to alleviate circumstances that are unique to the site. The existing size of the property is not adequate to accommodate the proposed buildings, the required parking and loading, and the required setbacks for the loading areas. The site is unique in its location adjacent to residentially zoned property that is developed with a school rather than residential uses. The school is set back more than 100 feet from the property line and the school site is at a higher elevation than the subject property. The reduced setbacks will not, therefore, have any negative impacts on the adjacent school.

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

The departure will not impair the visual, functional or environmental quality or integrity of the site or the surrounding area because the proposed loading spaces and the access driveways to the loading spaces will be adequately screened from the adjacent properties.

CONCLUSION:

Based on the preceding analysis and findings, it is recommended that DDS-559 be APPROVED, subject to the following condition:

Prior to certification, the site plan shall be revised to show the following:

- A. Section drawing for the small dumpster along the southwest corner of the site to verify compliance with the screening requirements of Section 4.4 of the *Landscape Manual*.
- B. The height of the retaining wall and the security fence. If the height of the retaining wall and the security fence is over six feet, it shall meet the main building setbacks.