

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed April 12, 2007 requesting from the requirement of Section 27-579 of the Zoning Ordinance that states that loading operations or vehicular entrances (including driveways and doorways) to any loading space must be located at least 50 feet from any residentially zoned land. 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 April 12, 2007, the Prince George's County Planning Board finds:

- A. **Departure from Design Standards DDS-562 for loading operations within 50 feet of residentially zoned land:** The requested relief is from the requirement of Section 27-579 of the Zoning Ordinance that states that loading operations or vehicular entrances (including driveways and doorways) to any loading space must be located at least 50 feet from any residentially zoned land. The applicable required findings for a departure from design standards pursuant to Section 27-239.01(b)(8) are listed below in bold face type, followed by staff comment. The above departure from design standards is requested for the both the access to the loading space from Chadds Ford Drive as well as the loading spaces themselves on that site within 50 feet of residentially zoned land along both the northern and western boundaries of the subject site. This occurs because the zoning line actually comes onto the site.

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

Comment: The purposes of the Zoning Ordinance as set forth in Section 27-102, particularly Section 27-102(a)(6), that states that it is a purpose of the ordinance to promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development, will be equally or better served by the applicant's proposal. The land immediately west of the subject site, where the access to the loading space and the loading spaces themselves are located, is environmentally sensitive, replete with floodplain, a stream and designated stream buffer. As a result of the approval of Preliminary Plan of Subdivision 4-04112, this land is to either be conveyed to M-NCPPC or identified as an unbuildable "outlot." Therefore, the development potential of this property is curtailed and the possibility that the adjacent property would be negatively impacted by the proximity of loading operations has been eliminated.

The departure is the minimum necessary, given the circumstances of the request;

Comment: Given the location of the R-M/L-A-C zoning line on the site and the design program of the integrated shopping center, the placement of the loading operations for the center are most logically placed to the rear of the building. Largely due to the fact that residential zoning intrudes on the site, the departure requested is the minimum necessary to accomplish putting loading operations in the least obtrusive location, at the rear of the largest building on the site.

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;

Comment: The departure is necessary because of the site's location between a heavily traveled thoroughfare and environmentally sensitive unbuildable land which is in a residential zoning category. Common sense dictates that loading operations be located to the back of the development to limit their negative visual impacts. An additional factor that makes this application unique is that the zoning line between LAC and the adjacent R-M zone actually describes an arc which curves over the rear property line into the back of the site.

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 if proposed conditions requiring additional landscaping along the western property line are fulfilled.

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 recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED.

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 Vaughns, with Commissioners Eley, Vaughns, Squire and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, April 12, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of May 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator