

R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed Departure from Design Standards Application No. 537 requesting departures from the 50-foot setback requirement from residential zone for access to loading space in accordance with Subtitle 27 of the Prince George=s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearings on September 25, 2003 the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located on the east side of Crestwood Avenue South, 500 feet north of its intersection with Moore's Road. The property consists of six parcels of land with a combined area of 7.37 acres. It is irregularly shaped with the western portion (Parcels 79, 151, 181) forming a triangular shape and the eastern portion (parcels 54, 55, 182) forming a trapezoidal shape. The property is improved with a single-family dwelling, an office/ equipment storage structure, a parking area, and a greenhouse. The major portion of the eastern side of the property is densely wooded and is defined by steep slopes and a streambed.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Landscaping Contractor's Business	Landscaping Contractor's Business
Acreage	7.37	7.37
Parcels	181,79,151,54,182,55	181,79,151,54,182,55

- C. **History:** The subject property was incorporated into the Maryland-Washington Regional District on April 24, 1961. The 1993 Subregion V Sectional Map Amendment retained the property's R-R zoning.
- D. **Master Plan Recommendation:** The 1993 Subregion V Master Plan recommends the site for low-suburban density residential land use with up to 2.6 dwelling units per acre.
- E. **Request:** The applicant requests for approval of special exception (SE-4468) to validate a landscaping contractor's business that has been operating on the site since 1999. A landscaping contractor's business is allowed in the R-R Zone only with approval of a special exception request. The applicant is also requesting a variance of 17.63 acres from the 25-acre minimum area requirement for the proposed use. In addition, the applicant is requesting **a departure for the driveway to a loading space that is located less than 50 feet from residentially zoned property.**
- F. **Neighborhood and Surrounding Uses:** Staff defines the following neighborhood boundaries for the subject application:

North:	Piscataway Creek
East/Southeast:	Lusby Lane
South:	Dyson Road
West:	Branch Avenue

The neighborhood is characterized by single-family residential developments in the R-R Zone and several undeveloped wooded parcels. All of the adjoining properties are zoned R-R. The subject property and the adjoining property to the north are developed with single-family dwellings. The properties located to the east are currently undeveloped and are a subject of Preliminary Plan of Subdivision No. 4-02056 (the Loveless property). The properties to the south and to the west, across Crestwood Avenue South, are undeveloped.

G. Required Findings:

Required Findings: 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 would have in no way jeopardized these purposes. However, in view of the fact that the proposal failed to make the required findings for the associated variance and the resulting denial of both the variance and special exception, staff cannot recommend approval of the subject departure request. However, should the required findings for the variance ultimately be made, staff finds the requested departure to meet the purposes of the Zoning Ordinance.

The developable portion of the property on which all improvements are located is a triangularly shaped area with its narrow side pointing north and with its two sides bordering Crestwood Avenue South to the west and a single residential property to the east. The access to the subject site is located very near to the narrowest portion of the property. The western property line abutting the street is defined by an existing densely wooded area and landscape bufferyard with variable width ranging from 15 feet on the north to 160 feet to the south. Next to this bufferyard is located the 24,000-square-foot storage area for the plant stock. East of the plant stock storage area is located the 22-foot-wide driveway that provides access to the other improvements including the loading area. The driveway abuts a 40-foot-wide landscaped bufferyard that screens the subject property from the adjoining residentially zoned properties to the east. This

bufferyard also contains a six-foot, board-on-board fence.

The applicant indicated that the subject business operates between the hours of 7:30 a.m. and 5:00 p.m., throughout the year. The applicant further indicated that with the exception of loading the trucks in the morning and recovering crews and vehicles in the evening, all business activities occur off site.

Sufficient buffering is provided, through existing trees, landscaping and a six-foot-high fence, to protect the neighboring residential properties, in particular the adjoining property to the east, from any negative impact associated with the ten-foot departure for access to the loading facility.

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

The requested departure of 10 feet is the minimum necessary without causing substantial damage to the existing plant stock storage area and to the existing matured trees that are providing an effective screening and buffering of the property from the road and neighboring residential uses.

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 will merely validate a situation that existed on the property without any incident for the past three years. The proposed use will not intensify or exacerbate existing traffic and parking noise or aesthetic conditions in the area. The departure in this case is necessary to alleviate circumstances that are unique to the subject site.

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. The revised landscape plan provides for additional landscaping to further enhance the aesthetic quality of the site, compensate for the 10-foot deficit in driveway setback for access to loading space, and provides effective buffer for both the subject property and the adjoining properties.

An April 15, 2003, memorandum from the Urban Design Section notes that the revised landscape plan shows that the operation will be completely screened from the view of abutting residential properties in accordance with the *Landscape Manual*, in a manner that is either equal to or better than the *Landscape Manual* requirements, both in terms of size and number of plant units. To ensure the consistency with the *Landscape Manual*, it is recommended that the existing dwelling may not be used for anything other than residential purposes. If the dwelling is to be used for non-residential purposes, a revision of the site plan is required.

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 DDS-537 subject to the following conditions:

1. The two areas where trucks will be stored shall be labeled as “vehicle storage area” on the site plan.
2. Crestwood Avenue South shall be depicted on the site plan as a 60-foot-wide right-of-way.
3. Prior to certification, the Type I Tree Conservation Plan shall be revised to:
 - a. Show the minimum 50-foot stream buffer on the plan and in the legend.
 - b. Show the expanded stream buffer.
 - c. Revise note #1 to read “SE-4468” and not “4-00033.”
 - d. Revise the wording in the worksheet to correctly use the words “required” and “provided.”
 - e. Show the gross tract in the worksheet as 7.37 acres.
 - f. Remove the 0.25 acre of reforestation/replacement from the worksheet.
 - g. Correct the area of additional woodland retained but not any part of the requirement to read 3.42 acres.
 - h. Add an approval block.
 - i. Have the revised plan signed.
4. The parking schedule shall be revised to reflect the correct breakdown and allocation of spaces.
5. Hours of operation shall be from 7:30 a.m. to 5:00 p.m.

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 Lowe, seconded by Commissioner Harley, with Commissioners Lowe, Harley, Eley and Hewlett voting in favor of the motion, and with Commissioner Vaughns opposing the motion at its regular meeting held on Thursday, September 25, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of October 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:ET:rmk

(Revised 8/9/01)