

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Bellefonte requesting a Departure from Design Standards 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 December 18, 2003, the Prince George's County Planning Board finds:

1. **Request:** The subject application requests the following:

A departure from design standards required by the *Landscape Manual* for:

- (i) An intrusion into the building setback.
- (ii) A decrease in the width of the minimum landscaped yard.
- (iii) A decrease in the number of required plant units.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Storage, residential, parking for bus company	Storage, residential, parking for bus company
Acreage	.7354	.7354
Lots	1	1
Parcels	N/A	N/A
Square Footage/GFA	1,513.02	1,513.02
Dwelling Units:	1	1

Other Development Data

	REQUIRED	PROVIDED
Square Footage of Green Area	2,898	7,384
Parking	3 spaces	10 spaces
Front Yard Setback	25 feet	15 feet
<i>Landscape Manual</i>		
Building Setback	40 feet	7-40 feet
Minimum Landscape Yard	30 feet	3-30 feet
Plant Units	444	290

3. **Location:** The subject site is located on the northwest side of Poplar Hill Lane approximately 980 feet north of its intersection with Alexandria Ferry Road, adjacent to Andrews Air Force Base.
4. **Surroundings and Use:** The subject property is located in an area that has adaptively reused single-family home sites as contractor's offices and shops, with the exception of its northern boundary that it shares with the golf course facility at Andrews Air Force Base.
5. **Previous Approvals:** When the subject property was rezoned from the R-R Zone to the I-1 Zone in May 1989, the Prince George's County District Council conditioned its approval on the requirement that any proposed development be subject to detailed site plan review, with particular attention given to buffering and screening of adjacent residential areas, noise impacts and building acoustics. Pursuant to that requirement, on October 10, 1991, Detailed Site Plan SP-91054 and Alternative Compliance AC-91084 for contractor's services and an outdoor storage lot for buses on the subject property were reviewed and approved by the Prince George's County Planning Board. Development of the site did not commence and that detailed site plan (SP-91054) expired in 1995. Subsequently, in response to an application by the applicant that was substantially the same, on January 29, 1998, the Prince George's County Planning Board approved a detailed site plan (Resolution No. 98-21), alternative compliance, and variance for the subject site with one condition. Since that time, the applicant has built a garage on the property without the required approvals, necessitating a revision to the detailed site plan, a variance and a revision to the alternative compliance. The Alternative Compliance Committee, however, heard and denied that request for revision; hence a departure from design standards accompanies the detailed site plan and variance applications.
6. **Design Features:** The subject property is triangular in shape and accesses Poplar Hill Lane. An existing one-story brick and frame structure previously used as a single family home is located centrally on the property. Parking surrounds the structure, with handicapped parking located directly in front of the house, standard car parking to either side and bus parking provided to the rear, in the extreme northwesterly corner of the site. In addition, a one-story 1,513-square-foot garage is situated on the easterly side of the property's Poplar Hill Lane frontage. The site is somewhat landscaped both at its periphery and in front of the existing brick and frame structure.
7. **History of the Application:** Alternative Compliance from the requirements of the *Landscape Manual* was denied by the Planning Director on July 23, 2003. The applicant requested that the required 40-foot building setback on the northerly side of the subject property be reduced to a setback that varies between 7 and 40 feet, that the required 30-foot landscaped yard be reduced to a landscaped yard that varies between 3 and 30 feet, and that the 444 plant units required be reduced to 290. The Alternative Compliance Committee, in justifying its recommendation of denial, stated:

“Since the approval of the previous alternative compliance, the applicant has further encroached upon the landscaped yard and building setback required by the *Landscape Manual*. Although the applicant removed two sheds totaling approximately 396 square feet that were contained wholly within the required landscaped yard, a new building has since been constructed, of which approximately 528 square feet are located within the landscaped

yard, and a total of approximately 1028 square feet are within the required building setback. The applicant has built additional parking spaces within the landscaped yard, adding approximately 638 square feet of new parking to the required landscaped yard.

“The applicant proposes no additional landscaping, suggesting that the unusual configuration of the property creates a hardship and that existing mature trees within the landscaped yard and the existing woodlands located on the adjacent property provide sufficient screening.

“The committee is of the opinion that the alternative compliance plan is not equal to or better than the normal requirements of the *Landscape Manual*.”

Required Findings Pursuant to Zoning Ordinance Section 27-239.01(b)(9)

8. As per Section 27-239.01(b)(9), in order for the Planning Board to grant the departure, the following findings must be made. Staff’s evaluation of the subject application’s compliance with each criterion follows each bolded section in italicized type.

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

The application does meet the purposes of the Zoning Ordinance as expressed therein. Specifically, the ordinance must recognize the needs of business and encourage economic development activities that provide desirable employment and a broad, protected tax base. The subject site is surrounded by compatible industrial land use except for the boundary it shares with the Andrews Air Force Base golf course. In a letter dated September 5, 2003, Andrews Air Force Base, due to security concerns, expressed the desire not to have landscaping planted at least within five feet of the shared boundary. Therefore, the only conflicting land use in the vicinity has expressed the opinion that they would prefer less buffering along their common property line, as the applicant has requested in the subject DDS.

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

The departure is the minimum necessary as the garage has already been built and the parking lot paved. To deny the request would require the demolition or relocation of structure and the removal of paving.

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

The subject site is triangular in configuration, making it not maximally usable as a bussing concern. Additionally, the site is unique in that it is located in a previously residential neighborhood, which has been rezoned to industrial and is almost exclusively industrial in the proposed project’s vicinity. Lastly, because the site, like most surrounding sites, contains a

single-family home as its main place of business and was previously designed for single-family use, site design is hampered by preexisting design and built form.

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

The building, being of new construction, is in better condition than many other structures in the neighborhood. As previously mentioned, the subject site is surrounded, except for the Andrew's Air Force Base golf course, by similar industrial use. The site is partially obscured by fencing and landscaping and is located at a dead-end, ensuring that the structure will not be seen by through traffic.

That there is no feasible proposal for alternative compliance, as defined in the *Landscape Manual*, that would exhibit equal or better design characteristics.

The subject application was considered fully by the Alternative Compliance Committee and denied by the Planning Director. There is no feasible proposal for alternative compliance that would exhibit equal or better design characteristics.

9. **Referrals for DDS-544**

- a. **Subdivision Section**—The Subdivision Section stated that there are no additional subdivision comments regarding the DDS.
- b. **Permits Section**—The Permits Section stated that access to a 12- by 33-foot loading space must be clearly delineated on the site plan, that a variance is required for the project, and that the project must meet the requirements of the *Landscape Manual*.
- c. **Redevelopment Authority (RA)**—RA stated that they had no comments regarding the proposed DDS.
- d. **Environmental Planning Section**—The Environmental Planning Section stated that they had no issues connect with the proposed DDS.
- e. **Andrews Air Force Base**—Andrews Air Force Base stated that they stand by their September 5, 2003, letter regarding this matter. In that letter they recommended that any plantings be at least five feet and preferably ten feet from the fence line.
- f. **Department of Environmental Resources (DER)**—DER stated that the approved stormwater management conceptual plan must be revised to reflect the garage and paving shown on the site plan. This concern has been addressed in a recommended condition to companion case DSP-91054-02 and VD-91054/02.

10. The Departure from Design Standards application—DDS-544 as particularized in Finding 8 above meets the requirements of Zoning Ordinance Section 27-239.01(b)(9)

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 APPROVE the above-noted application, subject to the following conditions:

1. The following note shall be added to the plans:

“Plantings along the subject property’s northerly boundary adjacent to Andrews Air Force Base shall be a minimum of five, and preferably ten feet from the fence line.”

2. The amount of green space shall be corrected to 7,384 square feet.

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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns, Squire and Eley voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, December 18, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of January 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:rmk