

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed a Departure from Design Standards requesting a departure from the requirements of Section 4.7 of the *Landscape Manual* 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 January 20, 2005, the Prince George’s County Planning Board finds:

FINDINGS:

A. **Location and Field Inspection:** The subject property is located on the north side of Old Alexandria Ferry Road approximately 200 feet south east of Bellefonte Lane, known as 7880 Old Alexandria Ferry Road. The applicant proposes to construct a 3,200-square-foot building in which he will repair lawnmowers and have sufficient area for some outdoor storage. The property has 97 feet of frontage on Old Alexandria Road. Vehicular access to the property is from Old Alexandria Road.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-4	I-4
Use(s)	Vacant	Lawnmower repair service
Acreage	0.45	0.45
Lots	1	1
Parcels	1	1
Square Footage/GFA	0	3,200

C. **History:** The Planning Director denied two Alternative Compliance applications for this proposal. AC-02043 was denied by the Planning Board in conjunction with Permit No. 27012-2001-CGU on October 1, 2003, and AC-02043/01 was denied by the Planning Director in conjunction with Permit No. 27012-2001-CGU on January 20, 2004.

D. **Master Plan Recommendation:** The 1993 master plan for Clinton and vicinity recommends industrial uses for the subject property.

- E. **Request:** The applicant is proposing a 3,200-square-foot building on the property. Therefore, the proposal is subject to the following requirements of the *Landscape Manual*:

Section 4.7 (Buffering Incompatible Uses) along the northern, eastern and western property lines

Section 4.2 (Commercial and Industrial Landscape Strip) along Old Alexandria Ferry Road

The proposal complies with the requirements of the *Landscape Manual* along the northern property line and along Old Alexandria Ferry Road. The proposal does not comply with the *Landscape Manual* setback requirements, landscape yard width requirements, and planting materials requirement along the eastern property line and does not comply with the *Landscape Manual* setback requirements and landscape yard width requirements along the western property line. The applicant has obtained letters from the adjacent property owners stating that they have no objections to the reduced setbacks, landscape widths and planting requirements..

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

North— Single-family residential in the I-4 Zone

East— Single-family residential in the I-4 Zone

South— Old Alexandria Ferry Road

West— Single-family residential in the I-4 Zone

- G. **Landscape Manual Requirements:** The property is subject to the requirements of Section 4.7 of the *Landscape Manual*. The proposed landscape plan falls short of the required minimum building setback, minimum landscape yard and minimum planting units requirements. The Planning Director recommended denial of the applicant's proposals for alternative compliance and, consequently, the applicant is requesting a departure from these requirements.

- H. **Signs:** No freestanding signs are proposed with this application.

- I. **Other Issues:**

1. The Permit Review Section (memorandum dated September 27, 2004) has requested minor changes to the site plan. Conditions of approval have been added to require the same.
2. The Historic Preservation Section (memorandum dated September 30, 2004) has stated that the proposal will have no impact on historic properties.
3. The Transportation Planning Section (memorandum dated September 17, 2004) has stated that they have no comments regarding the proposal.

4. The Environmental Planning Section (memorandum dated September 24, 2004) has stated that there are no environmental issues related to this proposal.

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 applicant has provided the required plant materials along the western property line and 30 percent of the required plant materials along the eastern property line. The existing lot and the adjacent lots were originally zoned as single-family lots. Later, they were rezoned to the I-4 Zone. Given the narrow width of the subject lot (92 feet), the applicant cannot provide the required setbacks for an industrial use in the midst of single-family houses. The applicant requires an office and shop of sufficient size and also requires an outdoor storage area for the lawn mower repair services. Therefore, the applicant cannot provide the required setbacks of 50 feet along the eastern and western property lines and adequate landscaping has been provided in areas where the use of the property as a lawn mower repair service is not restricted. Eventually, all the adjacent single-family residences in the I-4 Zone will be converted to industrial uses. Therefore, the proposed landscaping is adequate for the present and future use of the adjacent properties. Although the proposed landscaping and fence are not as extensive as landscaping and screening for an industrial use, they are adequate to screen the adjacent residential properties and improve the overall appearance of the property along Old Alexandria Ferry Road. The proposed landscaping and screening ensure these requirements and enhance the visual quality of the site and project an aesthetically pleasing appearance. An attempt to achieve full compliance with the *Landscape Manual* would be virtually impossible.

Given all of the above, the purposes of this Subtitle will be equally or better served by the applicant's proposal.

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

The requested departures are the minimum necessary. Strict compliance with the *Landscape Manual* would require building setbacks of a total of 100 feet. The lot width is only 92 feet. Full compliance with the *Landscape Manual* is virtually impossible. Therefore, the departure is the minimum necessary given the site constraints and the industrial nature of the proposed use.

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 commonly found in older areas initially developed with residential dwellings and later converted to commercial or industrial uses. A lawn mower repair service is a permitted use in the I-4 Zone. The existing size of the property is not adequate to accommodate the current landscaping requirements and the parking size requirements. Compliance with the current standards will require encroachment into areas that accommodate structures essential to the functioning of the repair service. Therefore, the departure is necessary to alleviate circumstances that are unique to the site and unique to the use of the property as a lawn mower repair service.

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 departure, with the proposed planting and the proposed six-foot-high, board-on-board fences, will, in fact, add to the visual, functional and environmental quality or integrity of the site and the surrounding neighborhood.

(B) For a departure from a standard contained in the *Landscape Manual*, the Planning Board shall find, in addition to the requirements in paragraph (A) above, that there is no feasible proposal for alternative compliance, as defined in the *Landscape Manual*, which would exhibit equal or better design characteristics.

Installation of landscaping according to the requirements of the *Landscape Manual* is not practical. These requirements cannot be provided without causing substantial damage to the use of the property as a lawn mower repair service. There is no feasible proposal for alternative compliance, as defined in the *Landscape Manual*, that would exhibit equal or better design characteristics.

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 the Departure from Design Standards application DDS 547, subject to the following conditions:

1. Prior to certification of the departure from design standards application, the site plan shall be revised to show the following:

- a. Height of the proposed building.
- b. A ramp or means of access from the parking space for the physically handicapped to the building.
- c. A note stating that the landscaped strip along Old Alexandria Ferry Road has not been included in the 25 percent green area calculation per Section 24-472(b).
- d. Building coverage calculations in accordance with Section 27-474(e), Table IV, of the Zoning Ordinance.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley and Hewlett voting in favor of the motion, and with Commissioner Vaughns opposing the motion and Commissioner Eley absent at its regular meeting held on Thursday, January 20, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of February 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LS:rmk

(Revised 8/9/01)