

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DDS-625, Parcel 33 Consolidated Storage, requesting a departure from design standards (DDS) for five and three feet from the 15-foot required height of the two accesses to the loading spaces 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 July 17, 2014, the Prince George's County Planning Board finds:

1. **Requests:** The subject application requests the approval of a DDS for five and three feet from the 15-foot required height of the two accesses to the loading spaces located inside the facility.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	I-2	I-2
Use(s)	Tile flooring company	Consolidated Storage
Total Acreage	1.5 (65,113 square	1.5 (65,113 square feet)
Lot Coverage Square Footage	64,870 (99.6 percent)	57,035 (87.6 percent)
Parcels	1	1
Square Footage/GFA	79,040	81,940
Number of Units	0	548
Number of Buildings	One	Two

Parking and Loading

Use	Number of Spaces Required	Number of Spaces Provided
Resident Manager	2	2
800 Sq. Ft. Rental	1 per 250 GFA or 4	4
540 Units	1 per 50 units = 11	13
Total Required	17	19
Including	1	1
Loading	4	2*

*The deficiency of two of the required loading spaces is addressed in Departure from Parking and Loading Spaces DPLS-402. See PGCPB Resolution No. 14-72 for a discussion of that approval.

3. **Location:** The site is in Planning Area 69, Council District 5. More specifically, it is located in the southeastern quadrant of the intersection of Frolich Lane and Tuxedo Road (MD 459).
4. **Surrounding Uses:** The site is bounded to the east by an open contractor storage yard, an industrial use in the I-2 Zone; to the north by Frolich Lane; to the south by a warehouse, an industrial use in the I-2 Zone; and to the west by Tuxedo Road (MD 459).
5. **Previous Approvals:** The site is subject to the requirements of the final plat for Parcel 33, recorded in Liber 32625 and Folio 373 in the Prince George's County Land Records. The site is also the subject of approved Stormwater Management Concept Plan 35438-2013-00, approved December 19, 2013 and valid until December 19, 2016.
6. **Design Features:** The site in companion case DSP-13039 is to be accessed via a two-way entrance on Frolich Lane and a right-in/right-out access from Tuxedo Road (MD 459). A two-story, 30-foot-high, brick and block "L-shaped" building is approved to be remodeled to provide 535 units in a consolidated storage facility, and a new one-story building is proposed on the corner of Tuxedo Road and Frolich Lane, which would accommodate an additional 13 units on the property, for a total of 548 units of consolidated storage. The original building on the site was constructed between 1965 and 1977 and previously housed a tile flooring and contractors' services business.

Architecture for the project is primarily composed of stucco applied over the existing brick walls painted dark gray, with light gray bands and green and blue color accents. The blue color is primarily located on a series of faux pilasters and on most of the ten roll-up doors visible on the approved architecture (there are additional doors on two of the elevations of the smaller building not shown), the first story of the façade of the existing building most proximate to Tuxedo Road, and as a backdrop for the building-mounted signage on the smaller building. The green color is primarily located on a wide band on the upper story of the existing building, to be remodeled, and on the first story of the new building. Approved portions of both buildings will be visible from Tuxedo Road and Frolich Lane. The entrances to the existing building to be remodeled appear to include articulation at the three entrances, with a transom over each, flush with the roofline, and pilasters running down the sides of each aperture. As elevation views of the architecture required by Section 27-282(e)(20) of the Zoning Ordinance have not been provided for the architecture, a condition of the companion DSP approval requires that they be submitted prior to certificate approval of the plans.

The signage for the project includes a building-mounted sign on each side of the existing building to be remodeled and one on the new building approved in DSP-13039. A third building-mounted sign is to be located on the side of the new building facing the intersection. As details for these signs demonstrating conformance to the requirements of Part 12 of the Zoning Ordinance had not been provided together with the revised architecture, a condition of the companion DSP approval required that these details also be submitted prior to certificate approval of the plans.

The above approval, in accordance with Section 27-475.04(a)(1)(A) of the Zoning Ordinance, showed an eight-foot-tall, board-on-board, vinyl fence to obscure the view of the entrance doors into the individual units of the existing building from Tuxedo Road for that stretch where they would be otherwise visible between the entrance gate to the property from Frolich Lane and the proposed one-story consolidated storage building. As any structure taller than six feet within the setback would require a companion variance, a condition of the DSP approval requires that the fencing provided within the 25-foot setback required from Tuxedo Road or Frolich Lane be a maximum of six feet high. Additionally, in order to ensure longevity of the fence and a more attractive appearance, a condition of the DSP approval also requires that a durable, non-white, non-wood, low-sheen material be utilized for the fencing or that it be replaced by a brick wall. As the details for the gates and key pad were not provided, another condition of the approval of DSP-13039 required that they be provided prior to signature approval. Lastly, as it is unclear whether the roll-up door at the far right of the existing building's Tuxedo Road frontage provides access to an individual unit, another condition of the DSP approval required that such information be provided and, if the door does in fact provide access to an individual unit, that it be screened from view from Tuxedo Road.

A public utility easement is indicated along the site's Tuxedo Road and Frolich Road frontages, and General Note 21 on the coversheet of the DSP indicates that a ten-foot-wide public utility easement is "as shown hereon." However, research has indicated and the project engineer has confirmed that such an easement was never established on the property, nor confirmed on an approved final plat. Therefore, an additional condition of the approval of companion case DSP-13039 requires that, prior to signature approval, the applicant revise the plans to remove all mention of a public utility easement from the DSP and the general notes for the project, and to adjust the numbering of the general notes accordingly.

7. **Zoning Ordinance:** The subject approval has been reviewed for compliance with the relevant requirements of the Zoning Ordinance including those regulations regarding loading space sizes found in Section 27-578, which include that the height of a loading space for industrial, wholesale, and storage use must be a minimum of 15 feet if the use has more than 3,000 square feet of gross floor area, and those of Section 27-587 regarding departures from design standards for off-street parking and loading. See Finding 9 for a discussion of the subject requested Departure from Design Standards DDS-625, in which the applicant is requesting the provision of one 10-foot-high and one 12-foot-high access door instead of the normally required 15-foot-high access doors to loading spaces.
8. **Departure from Design Standards DDS-625:** The approval of the departure from design standards for a departure of three and five feet, respectively, in the required 15-foot minimum height of the access to the two interior loading spaces is justified as follows:

"The applicant, Zev Cohen, and owner Tyvec Limited Partnership propose to rehabilitate and reuse two existing brick and block industrial buildings totaling approximately 79,040 square feet into 535 consolidated storage units and to construct a new 2,900 square foot one-story building containing 13 storage units. A total of 548 consolidated storage

units will be located on the 1.5 acre (I-2) heavy industrial site located in the southeastern quadrant of Tuxedo Road and Frolich Lane. The property is located in an older heavy-industrial area of the County in the southeast quadrant of the intersection of Tuxedo Road and Frolich Lane in the Tuxedo Industrial Park, north of U.S. Route 50 and west of the incorporated boundary of Cheverly. The neighboring properties to the north, south and east are zoned Heavy Industrial (I-2) and are improved with buildings and outdoor storage yards. The western boundary of the site is defined by Tuxedo Road and the northern boundary is delineated by Frolich Lane.

“The site is located within Planning Area 69 and is covered by the 2005 Tuxedo Road/Arbor Street/Cheverly Metro Area Approved Sector Plan and Sectional Map Amendment. It is located within ‘Subarea A’ of the Sector Plan, an area characterized as an old industrial area with 90 to 100% lot coverage, roads inadequate for industrial truck traffic and large visible outdoor storage areas. Issues identified by the Sector Plan are to redevelop the area as an industrial park with an improved appearance and to control noxious uses in this gateway area. Objectives include maintaining the industrial character while improving its appearance and softening the edges along Tuxedo Road by providing streetscape improvements and landscape amenities as well as limiting access points. The primary structure was constructed in 1971. Currently the building is occupied by a tile company and a printer cartridge recycling business. Reuse and repurposing of the of the buildings for consolidated storage will entail a combination of interior and exterior renovations and upgrades, however, the basic structural components and building entrances, including all of the existing roll-up overhead doors are proposed to be preserved.

Because the building is greater than 3,000 square feet in size, the Zoning Ordinance requires the height of the overhead doors to serve these loading spaces to be fifteen feet (15’) in height. The Planning Board herein approves the use of two existing overhead doors to serve the interior loading spaces. One has a height of twelve feet (12’) and the other is ten feet (10’) in height. The Planning Board hereby grants a departure from design standards to allow the use of the existing overhead doors to serve the interior loading spaces.

JUSTIFICATION OF REQUEST

The site is currently 100 percent impervious and is encumbered with numerous above and below ground utilities and a State Highway Administration easement which runs the entire length of the site’s road frontage. Restricting the number vehicular access points to the site, while providing adequate space for landscaping and screening along the public rights of way limits the possible locations for the required loading spaces. The other unique aspect of this approval is the fact that the subject consolidated storage units are physically small in size and are being marketed to residential renters than commercial storage companies. Given the primary use of individual private automobile and small deliver

trucks the size of the existing overhead doors will be more than adequate to serve the users of the facility.

Each required finding for the requested departure from design standards for five and three feet, respectively, from the required 15-foot height requirement for the accesses to the loading spaces are included below as stipulated in Section 27-239.01(b)(7)(A) of the Zoning Ordinance is listed in **bold face** type below:

- (i) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The purposes of the Zoning Ordinance are as follows and will be equally well or better served by the applicant's proposal. The purposes of this Subtitle (Section 27-102) are listed below in **boldface** type.

- (1) **To protect and promote the health, safety, morals comfort, convenience, and welfare of the present and future inhabitants of the County;**
- (2) **To implement the General Plan, Area Master Plans, and Functional Master Plans;**
- (3) **To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;**
- (4) **To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;**
- (5) **To provide adequate light, air, and privacy;**
- (6) **To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**
- (7) **To protect the County from fire, flood, panic, and other dangers;**
- (8) **To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;**
- (9) **To encourage economic development activities that provide desirable employment and a broad, protected tax base;**
- (10) **To prevent the overcrowding of land;**

- (11) To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;**
- (12) To insure the social and economic stability of all parts of the County;**
- (13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;**
- (14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and**
- (15) To protect and conserve the agricultural industry and natural resources.**

The purposes of the Zoning Ordinance identified above are served and/or not interfered with by the Planning Board's approval, which involves utilizing two existing access doors to loading spaces that are three and five feet less than the required 15-foot height. The Planning Board's approval serves Purpose 1, to protect and promote the convenience and welfare of present inhabitants of the county, by permitting the owners of the property to adaptively reuse an existing structure on their property in a sustainable manner. Additionally, having the loading spaces indoors serves Purpose 11, to lessen the danger and congestion on the streets, and to ensure the continued usefulness of all elements of the transportation system for their planned functions. Lastly, the departure supports the economic development goals of Purposes 4 and 9. The Planning Board herein finds that the approval meets all the components of this required finding.

- (ii) The departure is the minimum necessary, given the specific circumstances of the request;**

The departure is the minimum necessary, as the existing circumstance in this approval is that the door apertures are extant. Creating higher openings would require demolition and reconstruction not included in the scope of this approval, which would also not be necessary for the approved operation on the site. Therefore, the subject approval meets this required finding.

- (iii) 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 departure is necessary because of the unique situation where the existing industrial buildings on the site are sought to be adaptively reused for consolidated storage. As the bulk of the storage units are small in size, the vehicles utilized to deliver items to be stored in the facility will be relatively modest and the existing 10- and 12-foot-high accesses to the loading spaces will be sufficiently high to serve the project, and the 15-foot-high doors normally required by the Zoning Ordinance would be unnecessarily tall. Therefore, the Planning Board finds that the approval meets this required finding.

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

Reducing the required height of the two accesses to the loading spaces five and three feet, respectively, will in no way impair the visual, functional, or environmental quality or integrity of the site or the surrounding neighborhood. Therefore, the subject approval meets this required finding.

In conclusion, the Planning Board finds that all of the required findings may be made to support approval of DDS-625.

9. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments relevant to this approval are summarized as follows:

- a. **Transportation Planning**—The approval of companion case DSP-13039 is subject to the general requirements of site plan review, which include attention to parking, loading, and on-site circulation. There are, however, no specific transportation-related requirements imposed by the zone or the use, and otherwise no transportation-related findings are required. In the I-2 Zone, a consolidated storage use is permitted subject to approval of a DSP in accordance with the requirements of Section 27-475.04 of the Zoning Ordinance. Those requirements are design-oriented and not traffic-related. There are no prior applications with prior transportation-related conditions related to the approval of companion case DSP-13039.

The site is within the area of the 2005 *Approved Sector Plan and Sectional Map Amendment for the Tuxedo Road/Arbor Street/Cheverly Metro Area* (Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan and SMA). It is adjacent to the overall right-of-way for the F-2 facility, a master plan freeway that connects to DC 295. It is immediately adjacent to Tuxedo Road (MD 459). The site plan for the existing building and building approved in companion case DSP-13039 is outside of the existing and ultimate right-of-way of F-2 and MD 459.

The site plan shows four commercial driveways, two on Frolich Lane and two on MD 459 with various widths and turning corner radii. A ramp near Frolich Lane provides access to

northbound MD 459. The revised layout of the driveways and on-site circulation are acceptable.

Parking is provided on the west side of the existing building. A departure was in companion case DPLS-402 to reduce the number of on-site loading spaces from four to two. The two interior loading spaces measuring 20 feet by 50 feet are approved in companion case DSP-13039 in the northeastern most corner of the building with vehicular access from Frolich Lane. The site plan shows the interior loading spaces as 15 feet by 45 feet and 25 feet by 45 feet. Most of the storage units will be accessible from interior hallways, with larger units accessed from the exterior of the buildings. The Planning Board in companion case DPL-402 does not oppose the request for a departure from the required number of loading spaces.

As noted earlier, the site is within the Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan and SMA. The development standards of the D-D-O Zone do not apply to this site.

The Planning Board is approving herein Departure from Design Standards (DDS-625) regarding the height of the overhead doors providing access to the loading spaces. The Planning Board finds herein that the existing ten-foot and 12-foot high overhead doors will allow access for all types of passenger vehicles, sport utility vehicles, pick-up trucks, panel vans and all but the largest of tractor trailers.

From a standpoint of transportation, the DDS is hereby found acceptable and meets the finding required for a DDS as described in Section 27-582(a) of the Zoning Ordinance.

- c. **Town of Cheverly**—In a memorandum dated May 17, 2014, the Town of Cheverly offered the following comments regarding DSP-13039, DPLS 402, and DDS-625:

“Parcel 33 are being submitted on behalf of the Town of Cheverly. Input regarding this DSP was solicited and received from the Cheverly Planning Board and the Cheverly Green Infrastructure Committee. Town residents displayed a significant interest in this DSP as the property lies one block outside of the Cheverly Industrial Park.

“This property resides in an area of great interest for two primary reasons; 1) it is at the Gateway to Prince George’s County Maryland, and 2) it lies just outside of the Chesapeake Bay Critical Areas. Recently two significant actions have occurred that should be considered when reviewing this application.

- “1) MNPCCP undertook an Industrial Plan for the Tuxedo Road Area at the request of the Towns of Cheverly and Bladensburg,

- "2) Chesapeake Critical Areas has begun the process of altering the boundaries along the Anacostia.

"Gateway Comments: As a gateway to Prince George's County and key area to the Economic Revitalization of the Tuxedo Road consideration should be given to the exterior of the building and its environment.

"The site is located in Subarea A of the sector plan and is primarily comprised of industrial uses. The plan has a number of Urban Design recommendations for the sector plan area. The Town of Cheverly believes that these recommendations should be followed.

- "• Provide monumental regional and area gateways at strategic locations to announce entry into the county, the State of Maryland, and the Town of Cheverly. Use high-quality materials, landscaping and visually appealing design and construction:
- "• Plant street trees along both sides of all the streets to provide shade and define the public realm. Street trees should be durable and native species, approved by the appropriate agency.
- "• Utilize high-quality building materials such as brick, stone and comparable products on new and infill development. The materials should be compatible with the redevelopment character desired and surrounding development that contribute positively to the overall built environment.

"Cheverly would like to see higher quality materials, that would complement the brick front of the building used to emphasize the Gateway aspect. The current colors proposed, appear garish and do not emphasize the older nature of the Industrial Area.

"Cheverly would like to see higher quality fencing, especially on the sides of the building that face Tuxedo Road. The design should be of a quality befitting a Gateway to our County.

"Cheverly would like to see native tree plantings that would add texture to the sight and soften the blighted Industrial look of the area.

"Bottom line, a line straight across from the proposed boundary to the property is 978.854 feet; from the current boundary is 1291.506 ft. Nice loophole."

The applicant has submitted revised architecture for the project which addresses some of the Town of Cheverly's concerns. Genuine stucco, a little-used and costly architectural material, has replaced the originally proposed exterior insulating finishing system (EIFS).

Additionally, the architectural design for the project has transitioned from a bright color block design that was not endorsed by the Planning Board or the town to one that successfully integrates muted blue and green colors with two shades of gray and employs color banding and an aesthetically-pleasing rhythm of various colors and faux pilasters to create a successful architectural composition. In addition, the Planning Board notes that 14 Eastern Redbud, 16 Kousa Dogwood, and four Winter King Hawthorne trees are located primarily along the project's Frolich Lane and Tuxedo Road frontages. These trees, together with almost 100 complementary shrubs (Japanese Holly, Dwarf Juniper and Vanhout Spriaea), will provide adequate landscaping. Lastly, a condition of companion case DSP-13039 requires that the originally proposed eight-foot-tall vinyl fence be replaced by a non-white, non-wood, low-sheen durable material or a brick wall to be determined prior to signature approval by the Planning Board or its designee.

“Environmental Comments: The Town of Cheverly recommends that MNCPPC ask the applicant to take appropriate measures to ensure that stormwater is managed as much as possible on site.

“This property lies 979 feet, as the bird flies, from the Anacostia. However, as the Critical Areas boundary is currently proposed the property lies 1,300 feet, or just outside the Critical Areas. Clearly, this Industrial Area as it is currently constituted is critical to managing storm water in the area. The entire Kenilworth Industrial area is covered with impervious surfaces as is this property and there is very little green area to absorb the water run-off. The area itself has a slope that begins near Hospital Hill and runs straight to Route 50 and Lower Beaverdam Creek.

“The Anacostia River and Lower Beaverdam Creek are stressed when even a little rainfall occurs. However, this stress is obvious when serious rain events occur overflowing the streams and flooding Tuxedo Road and Route 50 to the point of road closures.

“Cheverly would like the applicant to implement significant storm water measures in an effort to maintain storm water on their property. Extending the footprint of the building or increasing the impervious surface should not be considered unless the following are implemented.

- “• Implement a Green Roof Concept to capture rain water.
- “• Implement a rain Garden concept on site.
- “• Plant Native trees and shrubs”

In a memorandum dated May 19, 2014, DPIE, Prince George's County authority on stormwater management, stated that the companion DSP-13039 is consistent with approved Stormwater Management Concept Plan 35438-2013-00. This is prima facie

evidence that stormwater will be handled in accordance with current stormwater laws as they apply to the subject site.

“Pedestrian Safety: This area has significant pedestrian and bike traffic which is surprising given the speed of the traffic in the area. The competition between pedestrians, bikers, cars and trucks is a safety hazard. Trucks and cars travelling eastbound on Route 50 commonly exit the highway heading to Tuxedo Road travelling at speed over 50 MPH past this site.

“Foot traffic in the area is created by the nearby café and bus stop. The café which is next to this site is the only place to grab a sandwich or drink in the Industrial Park. The Bus Stop in front of this site is the only bus stop in the area for workers who use Public Transportation. Additionally, there are no official Bike Paths in the area so residents of Cheverly who live in the south part of town use this route to access the Bladensburg Bike Paths.

“Given the competition between trucks, cars and pedestrians the Town of Cheverly Recommends the following:

- “• Greater Setbacks in the planned building to allow for sidewalks to be implemented. Given the bus stop in the front of the building and the passage of pedestrians a sidewalk is a critical safety feature.
- “• Improved Bus Stop. Currently there is only a sign sticking out of a tuft of grass. We should have a Bus Stop that is worthy of a Gateway that is enclosed and shelters pedestrians. The Bus Stop should show that we value the area and the workers who commute there.
- “• Some accommodation should be made for bikers in this area. Given the speed of the traffic it would be great to have a segregated lane, but even arrows and signage would be an improvement.”

The Town of Cheverly’s suggestions have been selectively incorporated into the companion DSP-13039 approval. With respect to pedestrian safety, pedestrian improvements provided by the applicant for the project include a concrete sidewalk along the majority of the Frolich Lane frontage of the site, leading to the existing building. Also proposed are striped walkways in the interior of the site along the eastern and southern façades of the new proposed building and the southwestern elevation of the existing building, as well as across from the building to a concrete walk which leads to the bus stop along the Tuxedo Road (MD 459) frontage. Additionally, a condition of the approval of companion DSP-13039 requires a standard sidewalk be incorporated into the frontage improvements along the subject site’s entire frontage of Tuxedo Road and Frolich Lane.

- d. **Town of Colmar Manor**—In a voicemail received May 8, 2014, a representative of the Town of Colmar Manor indicated that they had no comment on the subject project.
 - e. **Town of Bladensburg**—On June 23, 2014, a representative of the Town on Bladensburg stated that they had no comment on the subject project.
 - f. **City of Hyattsville**—In an e-mail dated May 13, 2014, a representative of the City of Hyattsville stated that he had no comment regarding the subject project.
10. Based on the foregoing and in accordance with Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
11. As there are no regulated environmental features on the subject site, the normally required finding of Section 27-285(b)(4) of the Zoning Ordinance that a detailed site plan demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible need not be made in this case.

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 above-noted application.

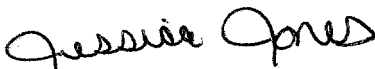
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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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 Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, July 17, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of July 2014.

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 7/31/14