

A M E N D E D   R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

[WHEREAS, in consideration of evidence presented at a public hearing on January 9, 2003, regarding Detailed Site Plan DSP-02067 for Bellefonte, Part of Lot 5, the Planning Board finds:]

\*\*WHEREAS, DSP-02067 for Bellefonte, Part of Lot 5, which was inadvertently given Detailed Site Plan number DSP-90097/02, was approved by the Planning Board on January 9, 2003, and PGCPB Resolution No. 03-08 was adopted on January 30, 2003; and

\*\*WHEREAS, on February 24, 2003, the District Council elected to review this case; and

\*\*WHEREAS, on May 5, 2003, the District Council voted to remand the case to the Planning Board in accordance with Section 27-290 of the Zoning Ordinance in order for the applicant and staff to present to the Planning Board a full picture for the area including the subject property, to have the photographs taken by the citizens to be placed in the record, to show if the subject site is buffered and screened from major roadways and adjacent uses, and other matters; and

\*\*WHEREAS, in consideration of evidence presented at a second public hearing on September 11, 2003, regarding DSP-02067 for Bellefonte, Part of Lot 5, the Planning Board re-approved this application with additional findings and conditions. The resolution PGCPB No. 03-08(A) was adopted on October 9, 2003, and

\*\*WHEREAS, on November 10, 2003, the District Council elected to review this case; and

\*\*WHEREAS, on November 24, 2003, the District Council voted to remand the case to the Planning Board in accordance with Section 27-290 of the Zoning Ordinance in order to allow the case to be reviewed again after revised Bellefonte design standards have been approved, to show how the purposes of the Zoning Ordinance, as stated in Section 27-102(a), are being fulfilled, and other matters; and

\*\*WHEREAS, in consideration of evidence presented at a third public hearing on November 4, 2004, regarding DSP-02067 for Bellefonte, Part of Lot 5, the Planning Board finds:

1. The purpose of Detailed Site Plan DSP-02067 is to validate an existing auto storage yard located within the I-1-zoned area known as Bellefonte. Bellefonte was rezoned from R-R to I-1 in 1989

\*\*Denotes amendment/2  
[Brackets] denotes deletion  
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by the District Council under Zoning Map Amendment A-9741-C, adopted May 15, 1989.

Bellefonte is characterized by small, residential-type buildings, some of which remain as residential dwellings and many of which are in the process of being converted to commercial and industrial uses. The subject site is entirely surrounded by I-1-zoned property. The site is located on the west side of Annbar Lane, a 30-foot-wide private right-of-way for ingress and egress.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Acreage	0.85 acres	0.85 acres
Lots	Part of Lot 5	Part of Lot 5
Use(s)	Storage Yard	Storage Yard
Parcels	N/A	N/A
Square Footage/GFA	1,127 sq. ft.	1,127 sq. ft.
Dwelling Units	1 DU	1 DU

3. The Detailed Site Plan is in conformance with Zoning Map Amendment A-9741-C, which includes the following condition:

**Any proposed development of the property shall be subject to detailed site plan review. Particular attention shall be given to buffering and screening of the adjacent residential area, noise impacts, and building acoustics.**

The plan has been reviewed for conformance to the condition and has been found to have no impact on any adjacent residentially zoned area due to the fact that this site is not within close proximity of the residentially zoned property. There are no offices located on the subject property. However, a security manager will be living on site in the existing residence. There is no proposed increase in gross floor area and the proposed use and the surrounding uses are deemed high impacts. While the site is subject to the requirements of the *Landscape Manual*, the uses have been found to be compatible. Therefore, no bufferyards are required. It should be noted that the plans indicate that the proposed use and surrounding uses are medium impacts. Condition 1.a in the Recommendation section of this report addresses this concern.

\*4. The Order of Remand states that the case is:

“REMANDED to the Planning Board, for the following reasons:

“A. The record does not show that the applicant and staff presented to the Planning Board a full picture of the area which includes the subject property. At this time that area is a mix of residential, commercial, and industrial uses; some residential uses are not adequately separated from nonresidential uses; and some commercial and industrial uses appear not in conformance with current County development standards, as to screening, buffering, landscaping, and general property upkeep. Planning Department staff should request that County Community Standards staff place in the record information about the immediate area (or neighborhood) around the subject property, determine whether this applicant complies with all County standards at its existing storage yard, and advise the District Council whether other properties in the immediate vicinity meet County standards. The Council intends to ensure that the subject property – on which a storage yard was started without required permits – is in full compliance and that other nearby properties are also in compliance.

**Comment:** See Finding 12 below for details.

“B. Photographs taken by citizens after the Planning Board hearing were not placed in the administrative record, and those photographs should be received at the remand hearing.

**Comment:** The above-noted photographs will be introduced at the time of Planning Board hearing.

“C. The Planning Board and Planning Commission staff should state in this record whether development and storage yard uses on the subject property are buffered and screened from major roadways and adjacent uses. If they are not, it should be explained why buffering and screening are not needed.”

**Comment:** See Finding 5 below for details.

\*5. Landscape Manual: The proposed development is subject to the requirements of Section 4.2, Commercial and Industrial Landscaped Strip Requirements, 4.7, Buffering Incompatible Uses, of the Landscape Manual because the proposed automobile storage use greatly increases the use intensity of the site.

- a. Section 4.2 requires a 10-foot-wide landscaped strip be provided on the property adjacent to all public rights-of-way. In this case, even though the driveway in front of the property is a private one, since the proposed use is a high impact use and two parking spaces will be located in the front yard, the same requirement will also apply in order to be consistent with the surrounding uses and with past practice in the application of Section 4.2. A condition of approval which requires a 10-foot-wide landscaped strip to be planted with 20 shrubs per 35 linear feet of frontage, excluding driveway openings has been proposed in the Recommendation section of this report.
- b. Section 4.7 requires a landscaped bufferyard be provided between two incompatible uses. Since the adjacent properties on both sides of the subject site are all used as vehicle storage yards, which is a high impact use defined by the *Landscape Manual*, the proposed automobile storage yard on the subject property is deemed compatible with uses on the adjacent properties. No Buffer yard is required between the subject site and the adjacent properties to the south and north.
- c. An existing board-on-board wood fence aligned with the rear elevation of the existing building screens the rear storage yard from the view from Annbar Lane. The fence is weathered naturally, dilapidated in appearance and is becoming a visual nuisance. Urban Design staff recommends an updated solid wood fence with brick piers be erected in order to screen the rear storage yard from the street. A condition of approval has been proposed in Revised Recommendation section of this report.

At the Planning Board hearing on November 4, 2004, the Planning Board removed the condition requiring brick piers with the fence.

- [4]6. The Environmental Planning Section, in a memorandum dated December 24, 2002 (Lammers to Whitmore), provided the following comment:

“This property is located just south of Andrews Air Force Base within the 70 to 75 dBA noise contour associated with the flight path of aircraft. Based on the proposed use of the property, this noise impact will not be required to be attenuated. This site is also located within the limits of Accident Potential Zone I for Andrews Air Force Base. The development of this site as a storage yard is consistent with the uses of APZI according to Table 4-2 (Land-Use Compatibility) of the 1998 Andrews AFB AICUZ Study.”

**Comment:** A note should be placed on the plan stating that the subject site is located within Accident Potential Zone I of Andrews Air Force Base. The site is exempt from the Woodland Conservation Ordinance because there is less than 40,000 square feet of existing woodland and it does not have a previously approved Tree Conservation Plan.

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- [5]7. The Permit Review Section had numerous comments which have been addressed except for the following:

“A note must be provided on the site plan that states the subject property is not located within 300 feet of any residentially zoned land and land owned by Washington Metropolitan Area Transit Authority in accordance with Section 27-473 (b)(Footnote38) of the Prince George’s County Zoning Ordinance.”

**Comment:** Condition 1.b in the Recommendation section of this report addresses this concern.

“Note 4 on the site plan lists the use of the building as residential and no other parking besides the two residential spaces is listed. Please clarify the uses. Specifically, how will customers retrieve their vehicles and where is the office for the storage business? ...”

**Comment:** The existing single-family dwelling unit will be utilized as a residence for the on-site manager. No office will be present on site; all office-related activities are performed off site. Except on rare occasions customers do not retrieve their cars at this site. The function of the site is for storage of repossessed cars that are picked up by the applicant and then transported by the applicant to be auctioned.

“The submitted plan does not appear to address Section 4.7, Buffering Incompatible Uses, in the *Landscape Manual*. The required bufferyard is 20 feet with 80 plant units per 100 linear feet of common property line.”

**Comment:** While the subject application is not exempt from the requirements of the *Landscape Manual*, all adjoining uses are compatible and therefore no bufferyards are required (see Finding 3).

- [6]8. The State Highway Administration and Department of Environmental Resources have found the plans acceptable as submitted.

- [7]9. The Subdivision Section, in a memorandum dated November 15, 2002 (DeI Balzo to Whitmore), provided the following comment:

“Property is part of Lot 5, Record Plat BB 9 @ 100. Applicant must demonstrate how Lot 5 was subdivided so staff can determine legality of the lot.”

**Comment:** The applicant has provided a copy of the Deed (attachment ‘A’), which demonstrates how Lot 5 was legally subdivided.

- [8]10. The Community Planning Division has found the subject application appropriate for this location.

- [9]11. At the time of the writing of the staff report, Andrews Air Force Base had not responded to the referral request.

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- \*12. Per Reason A of the Order of Remand, the subject application was referred to the Community Standards Division, Department of Environmental Resources. In a memorandum dated July 10, 2003, the Community Standards Division, Department of Environmental Resources (Barry to Zhang) provided the following information:

“7803 Annbar Lane¾ the Zoning Enforcement Section of the Community Standards Division has an ongoing case on this property for operating without a use and occupancy permit.

“ 7801 & 7805 Annbar Lane¾ We have no case or outstanding violations on these properties at this time.

“7804 & 7806 Annbar Lane¾ The inspector was unable to verify these addresses, and we have no information in our files for these addresses.”

**Comment:** The subject site carries a street address of 7803 Annbar Lane. As identified by the above referral comments, this site is currently operated as a vehicle storage yard without a use and occupancy permit. The purpose of this DSP application is to validate the existing operation. The immediate areas around the subject property meet County standards.

- [10]13. This Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

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 Detailed Site Plan DSP-02067, subject to the following conditions:] \*\***REAPPROVED the Detailed Site Plan DSP-02067 and transmitted the case to the District Council with the approval conditions mandated by the Order of Remand, as follows:

1. Prior to signature approval the following revisions shall be made, or information supplied:
  - a. The bufferyard planting schedules shall be revised to indicate that all adjacent uses are deemed high uses.
  - b. A note shall be added to the plans stating that the subject property is not located within 300 feet of any residentially zoned land and land owned by the Washington Metropolitan Area Transit Authority.

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\*\*Denotes amendment/2

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A note shall be placed on the plan stating the site is located within Accident Potential Zone I of Andrews Air Force Base.

- \*d.     The two parking spaces shall be removed from the existing driveway and be located in a place in the front yard.
- \*e.     A 10-foot-wide landscaped strip shall be provided along the property frontage on Annbar Lane and be planted with 20 shrubs per 35 linear feet of frontage, excluding driveway opening.
- \*f.     A detail shall be added on the site plan for a new wood fence and gate. The detail shall include a solid wood stockade panel stained in terra-cotta color. The fence and gate shall be shown on the site plan and be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
- \*2.     Prior to issuance of the use and occupancy permit, the applicant shall upgrade the existing front fence that screens the rear yard from view of Annbar Lane with the solid wood fence as described in above condition 1 (f).
- \*3.     Prior to issuance of any sign permits, the applicant shall submit the details of the proposed sign identifying the business on the site for review and approval by the Urban Design Section acting as the designee of the Planning Board. One permanent ground-mounted sign fronting the street is permitted inside the landscaped front yard area.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following 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, Eley, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 4, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of November 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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