

C O R R E C T 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 March 27, *[April 8], April 24, May 8 and May 15, 2003 regarding Detailed Site Plan DSP-02068 for Washington Business Park, the Planning Board finds:

1. On March 27, 2003, a public hearing was held by the Prince George's County Planning Board for the subject Detailed Site Plan. At the hearing, citizens who live in the Glen Estates and Glenwood Park subdivisions across MD 450 expressed concern for several reasons that primarily included views into the subject site from the residential area and access onto MD 450. Because of the citizens' concerns, the applicant requested a continuance of the Planning Board hearing to April 24, 2003, in order to meet with the citizens. As a result of a meeting, the applicant revised the site plan to eliminate the entrance onto MD 450 and added a 10-foot-high fence on top of a berm that runs parallel to MD 450 to better screen the property from view of the residential area. Because the fence exceeds six feet in height and is within the building restriction line along MD 450, the applicant needed to file for a variance. In order to accommodate the variance with the Detailed Site Plan, the applicant requested and was granted another continuance of the Planning Board hearing to May 8, 2003.

The site comprises nine lots, Lots 33–37 and 40–43, for a total of 23.28 acres in the I-1 Zone and is located on the south side of MD 450, Annapolis Road, east of the intersection with Forbes Boulevard. The site also has frontage on Business Parkway in Washington Business Park. Detailed Site Plan approval by the Planning Board is required in accordance with Zoning Map Amendment (Z.O. No. 44-1979) to address the location of the buildings, landscaping and screening.

The applicant, The Jackson-Shaw Company, proposes to construct a 159,600-square-foot warehouse and accessory office facility for The Freeman Companies who plan to use the facility as a staging area for the planning and setup of conventions, parades and other large functions. The proposed warehouse building will be sited on Lots 33–35 and Lots 40–42 and will front on Business Parkway, an existing 80-foot right-of-way within the Business Park. Loading bays and trailer storage areas are located to the rear and sides of the property, oriented toward MD 450. Lots 36, 37 and 43 will be graded for future use. The site plan previously showed a secondary access point off of MD 450. The community objected to any entrance onto MD 450, therefore the applicant removed the entrance from the site plan.

*Denotes correction

[Brackets] denote deletion

Underlining denotes addition

The structure is 34 feet high, 710 feet long, and 260 feet wide. The building will be finished with textured panels with horizontal banding, vertical reveals and simulated granite panels for accent. The front and sides of the building are capped with a decorative cornice painted to match the horizontal banding. The upper portion of the building will be colored beige and the lower portion will be a simulated granite color. The vertical reveals on the front of the building will be blue-colored glass, while the ones on the sides and rear elevations will be painted blue reveals. (Note: Subsequent to the March 27, 2003, public hearing, a citizen advised staff that the blue painted reveals on the back of the building were not acceptable to the community and that a more naturalistic color would be preferred. Based on that request, staff has recommended an additional condition, condition 1.c., in the Recommendation Section below.) At the main entrance and at other various locations on the front and sides of the building, there are simulated granite tiles. See Finding 7 below for a discussion of planning issues.

2. The site development data is as follows:

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Vacant	Warehouse
Acreage	23.28	23.28
Lots	33-37 & 40-43, Blk. A	33-37 & 40-43, Blk. A
Parcels	N/A	N/A
Square Footage/GFA	0	159,600

OTHER DEVELOPMENT DATA:

Parking spaces required	81 spaces
Parking spaces provided	142 spaces
Loading spaces required	5 spaces
Loading spaces provided	58 spaces

3. The Detailed Site Plan is in compliance with all applicable requirements of the *Landscape Manual*.
4. The Detailed Site Plan is in general compliance with all Zoning Ordinance requirements for a warehouse facility in the I-1 Zone. The site is required to provide a minimum 10 percent green area. Twenty-one percent has been provided for the portion of the site occupied by the warehouse use. Section 27-465(a) requires that fences and walls over six feet in height meet setback requirements of Section 27-474 of the Zoning Ordinance. The applicant has proposed a 10-foot-high fence on top of a berm within the building restriction line along MD 450. The applicant has also submitted a variance for the fence, which is discussed in Finding 8 below.
5. In a memorandum dated February 18, 2003 (Ingrum to Wagner), the Environmental Planning

Section offered the following comments:

The Environmental Planning Section has reviewed the above referenced Detailed Site Plan and TCPII/6/03 received by the Countywide Planning Division on January 16, 2003. The Environmental Planning Section recommends approval of DSP-02068 and TCPII/6/03, subject to the conditions at the end of this memorandum.

Background

This site was previously reviewed by the Environmental Planning Section in conjunction with rezoning applications A-8320, A-8772, A-8773, A-8894 and A-8921 and the Preliminary Plan of Subdivision 4-86120. All of these applications were approved and there were no environmentally related conditions approved with these applications.

Site Description

This 26.1-acre, I-1-zoned site is located on the south side of Business Parkway and the south side of MD 450. Recent air photos indicate that the majority of this site has been previously graded. A review of the available information indicates that wetlands and 100-year floodplain are found to occur on the property. There are no streams, areas of severe slopes, or areas of steep slopes with highly erodible soils located on this property. MD 450 is a significant noise generator; however, the proposed industrial use will not require noise mitigation. The soils found to occur, according to the Prince George's County Soil Survey, include the Keyport and Bibb series. The Bibb soils are in hydrologic group D and have limitations of high water table and poor drainage. The Keyport soils are considered highly erodible. According to available information, Marlboro clays are not found to occur on this property. The sewer and water service categories are S-3 and W-3, according to information obtained from the Department of Environmental Resources dated November 1, 2001. According to information from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur within this project site. There are no designated scenic and historic roads in the vicinity of this site. This property is located in the Folly Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the approved General Plan.

Environmental Review

1. A forest stand delineation (FSD) submitted with this application was reviewed and was found to address the criteria for an FSD in accordance with the *Prince George's County Woodland Conservation and Tree Preservation Technical Manual*.

Comment: No additional information is required with respect to the FSD.

2. This property is subject to the provisions of the Prince George's County Woodland

Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. TCPH/6/03 proposes to meet the 5.59-acre woodland conservation requirement with 0.30 acre of on-site preservation and 5.29 acres of off-site mitigation. TCPH/6/03 is recommended for approval subject to the following condition:

Recommended Condition: Prior to certification of the Detailed Site Plan, TCPH/6/03 shall be revised to provide the location of the off-site mitigation.

3. This site contains isolated areas of nontidal wetlands and floodplain and this application proposes impacts to these features. Copies of all state and federal permits for impacts to wetlands or Waters of the U.S. must be submitted to the Environmental Planning Section prior to the issuance of building permits.
Recommended Condition: Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and any associated mitigation plans.

4. A DER-approved stormwater management concept approval letter valid until December 31, 2005, has been submitted with this application.

Comment: No further information is required with respect to stormwater management on this site.

6. In a memorandum dated February 25, 2003 (Masog to Wagner), the Transportation Planning Section offered the following comments:

The Transportation Planning Section has reviewed the Detailed Site Plan referenced above. The subject property consists of nine subdivided lots in the I-1 Zone. The property is located approximately 1,000 feet east of Forbes Boulevard between MD 450 and Business Parkway. This property was subdivided as Washington Business Park, Preliminary Plan of Subdivision 4-86120. The applicant proposes to develop warehouse facilities totaling 159,600 square feet.

Review Comments:

The subdivision includes no formal trip cap condition. However, staff has determined that Preliminary Plan of Subdivision 4-86120 considered the construction of up to 735,000 square feet of I-1 uses within an industrial subdivision that included the subject property but was bigger than the subject property. All lots created under that subdivision have been platted; the total platted lot area is approximately 49.04 acres. The Washington Business Park has been assumed to be in the background (i.e., an approved development) for the purposes of analyzing other development proposals in the area. Had a trip cap condition been written, it would have restricted development on the entire

site to uses generating no more than 632 AM and 632 PM peak-hour vehicle trips. Based upon all constructed and approved development within the area of the subdivision, staff has determined the following trip generation totals:

1. Under the Detailed Site Plan for Lot 20B, the lot was approved for 62,843 square feet of warehouse space. Based on the parking ratio, however, staff assumes the use to be more like that of light service industrial. The site trip generation is 54 AM and 54 PM peak-hour trips. That plan was approved as Detailed Site Plan DSP-85115 and is built.
2. Under the Detailed Site Plan for Lot 24B, the lot was approved for 45,060 square feet of industrial space. The site trip generation determined at the time of site plan review is 33 AM and 31 PM peak-hour trips. That plan was approved as Detailed Site Plan DSP-00037 and is built.
3. Lot 39A contains a service station with a carwash and a convenience store. The service station includes 16 fueling positions. Accounting for pass-by travel, the use would generate 66 AM and 93 PM new vehicle trips.
4. Lot 32A was recently approved for a mini-warehouse storage facility of 119,460 square feet. The site trip generation is estimated at 18 AM and 31 PM peak-hour trips. That plan was approved as Detailed Site Plan DSP-02054.
5. The current proposal would include 159,600 square feet of warehouse facilities. The building would be located on Lots 33–35A and 40–42A. The site trip generation is estimated at 64 AM and 64 PM peak-hour vehicle trips.

The total trip generation resulting from the approved plus the pending plans is 235 AM and 273 PM peak-hour trips. Therefore, all constructed and approved development, plus the pending application, would be well below the assumed trip level for the entire site. Seven lots totaling 20.59 acres (a total of 41.98 percent of the platted lot area of the subdivision) remain undeveloped with no current development proposals.

In summary, the site plan is acceptable and consistent with prior underlying approved plans.

7. In a memorandum dated March 6, 2003 (Fields to Wagner), the Community Planning Division offered the following comments with regard to master plan issues:

There are several issues associated with the proposed development as it relates to the master plan's recommendations and guidelines. The master plan recommends that office-type uses be located along MD 450 in the employment park. The proposal is for a warehouse. A master plan guideline encourages that a building with warehouse and office use should have the office use fronting on MD 450. The front of the proposed use has office-building-type characteristics (main entrance, windows, foundation landscaping, and standard parking spaces in front), but it is oriented toward the employment park. The rear of the building, which fronts on MD 450, has the more industrial-type appearance and function (loading and unloading areas, truck trailer storage area, truck circulation area).

The applicant contends that based on the topography of the site, the utilization and enhancement of the existing berm along MD 450, and the proposed landscaping, the use (loading bays, trailer storage areas) will not be visible from MD 450 and the residential area across MD 450. The applicant concludes the master plan will not be impacted. (The applicant has conceded that the upper portion of the building, near the roofline, will be visible.)

The master plan is primarily concerned about compatibility because of the visual impact of warehouse-type uses on the residential area across MD 450 and along MD 450. If the proposed use is not visible from these areas, as the applicant contends they can accomplish, then there is no visual impact and related compatibility issue. There is a large berm that extends along the property's frontage with MD 450. This can be very effective as a screening tool. The subject building will be situated behind the berm. The Urban Design Section needs to determine the adequacy of this berm for its entire length and if supplemental screening measures are necessary. The screening needs to be effective from the residential areas across MD 450 including the Glenn Estates and Glenwood Park subdivision. The applicant's proposal to screen the use addresses the intent of the master plan. The applicant should enhance the upper portion of the subject building on the MD 450 side to reflect some of the architectural enhancements that are located on the front of the building.

The Transportation Planning Section should address the circulation of truck traffic to the subject site from the Capital Beltway and US 50 and the use of the driveway connection on MD 450.

8. Variance #VD-02068

The applicant has submitted a variance for a 10-foot-high fence that is within the building restriction line along MD 450. Section 27-465(a) of the Zoning Ordinance requires that fences and walls over six feet in height meet the setback requirements of Section 27-474. In this case, a 25-foot setback is required along MD 450 and the applicant is requesting a variance of 15 feet.

The criteria for granting a variance are set forth in Section 27-230 of the Prince George's County Zoning Ordinance. Specifically, a variance may be granted when the Planning Board finds that:

- "(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**
- (2) The strict application of this subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**
- (3) The variance will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan."**

The applicant's justification for the variance is as follows:

"The applicant submits that each of these criteria are satisfied in this case. First, the subject property has exceptional topographic conditions and other extraordinary situations or conditions which justify the requested variance. The subject property is located in an industrial zoning category. The property across MD Rte 450 is located in a residential zoning category. A desire has been expressed by the residents of the property across MD Rte 450 to be substantially screened from as much industrial activity on the subject property as possible. In addition, the residents are requesting that Freeman Decorating's building not access MD Rte 450 even though the approved subdivision would permit two points of access and the State Highway Administration provided a median break along the Freeman Decorating property to accommodate an access point. The proposed landscape plan and site plan prepared by the applicant presents an extraordinary effort to accommodate the concerns of the citizens to provide virtually complete screening of all activity on the subject property. The screening plan includes three components, an earthen berm, a fence, and landscaping. The earthen berm and fence combination will provide immediate screening of trucking and vehicle parking areas on the property from the residential area directly across MD Rte 450. The landscaping is intended to not only enhance the attractiveness along the perimeter of the property, but is also intended, within a few years, to provide a complete screening of all improvements on the property. The topography of the subject property, in relation to MD Rte 450, does not require the construction of a fence in order to achieve the screening referenced above. The topography of the residential property across the street, however, necessitates not only the construction of a fence, but a fence which exceeds 6 feet in height. The Prince George's County Landscape Manual requires that loading areas be screened from land in a residential zone, and recommends the use of a 6-foot high sight tight fence. The Landscape Manual notes, however, that additional screening may be required due to the specific conditions of a site if the normally required screening measures do not achieve the desired level of concealment. In this case, providing a higher fence to accommodate the topography of the residentially zoned property across from MD Rte 450 is consistent with the Landscape Manual. As a result, the topography of the subject property in relation to the residential property across the street and the zoning of the subject property in an industrial zoning category across from a residential area are extraordinary conditions which, consistent with the recommendations of the Landscape Manual, support the addition of a fence higher than 6 feet to achieve adequate screening of industrial activity on the subject property.

The second criteria which must be met to justify the approval of a variance is that strict application of Subtitle 27 will result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property. In this particular case, the applicant submits that its original screening plan satisfies the requirements of the Zoning Ordinance that loading areas be screened. The residents across MD Rte 450 have requested more extensive screening which results in complete screening immediately upon the commencement of activities on the property. Even with the 8-10 foot tall trees originally proposed by the applicant along the berm, some time would have been required for the vegetation to grow and provide the complete screening desired by the residents. The addition of the fence at the height of 10 feet achieves an immediate level of screening and still allows for the proposed vegetation to mature and achieve an even greater degree of screening. To strictly apply Subtitle 27 to require a level of screening which cannot be achieved without the construction of a fence of adequate height to accomplish this goal would be an undue hardship upon the owner of the subject property, since the property is zoned for industrial activities. Given the topography of the residential area, virtually any use of the property will require a similar level of screening and failure to permit such screening would essentially deny the reasonable use of the property.

The final criteria for granting a variance is the variance will not substantially impair the intent, purpose or integrity of the General Plan or the Master Plan. In this case, the granting of the proposed variance will not impair the integrity of the Master Plan. The Master Plan recognizes the importance of separating the industrial and the residential activities. The Master Plan recommends that if a building is to be oriented toward MD Rte 450 that such business should be of an office style development rather than an industrial style development. In this particular case, the proposed business is being oriented away from the residential area and the applicant is seeking to completely separate the residential area from the industrial activity by eliminating any access from the property which is owned by Freeman Decorating and by providing the extensive screening described above. Granting the variance will ensure additional visual separation which is consistent with the Master Plan goals.”

Staff agrees with the applicant’s justification for the variance and that the criteria have been met. However, the fence that the applicant has proposed is not an attractive solution. The fence will be over 1,000 feet long with no breaks or changes in materials. The *Landscape Manual* states that the option used for screening purposes should not be used to produce monotonous, linear designs. It is staff’s opinion that over 1,000 linear feet of this type of fence will be monotonous unless interrupted by a change in material such as brick columns. Therefore staff recommends that the fence be revised to provide split-faced block columns, naturalistic in color or a color to match the building, 30 feet on center and that the fence be stained a color that is naturalistic and blends with the surroundings.

9. The Subdivision Office has indicated that the Detailed Site Plan is in conformance to the requirements of Preliminary Plan 4-86120, PGCPB Resolution 86-370.
10. The Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from 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 Type II Tree Conservation Plan (TCPII/6/03) and APPROVED Detailed Site Plan DSP-02068 further APPROVED Variance Application No. VD-02068 for the above-described land, subject to the following conditions:

1. Prior to certification of the detailed site plan, TCPII/6/03 shall be revised to provide the location of the off-site mitigation.
2. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and any associated mitigation plans.
3. Prior to certification of the detailed site plan, the following modifications shall be provided:
 - a. All chain-link fence shall be coated with black vinyl.
 - b. The board-on-board fence along MD 450 shall be revised to provide split-faced block columns, naturalistic in color or a color to match the building, 30 feet on center and the fence shall be stained a color that is naturalistic and blends with the surroundings.
 - c. The color of the vertical reveals on the side and rear elevations of the building shall be revised to be a color that is naturalistic and compatible with the building and surroundings.
 - d. The architectural elevations shall be revised to provide the decorative cornice treatment to the rear elevation of the building, matching the front elevation.
 - e. The Landscape strip along MD 450 shall be increased in width from 20 feet to 30 feet.

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 Scott, seconded by Commissioner Lowe, with Commissioners Scott*, Lowe and Eley [and Lowe] voting in favor of the motion, and Commissioner Vaughns voting in opposition and with Chairman Hewlett [abstained] temporarily absent at its regular meeting held on Thursday, May 15, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of June 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:GW:rmk

*Denotes correction
[Brackets] denote deletion
Underlining denotes addition