

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 September 9, 2004, regarding Detailed Site Plan DSP-03080 for Bellefonte, Lot 29, Walls Property, the Planning Board finds:

1. **Request:** The subject application requests a roofing contractor's office and shop in the I-1 Zone and a variance from Sections 27-465 (a) and Section 27-474 (b) Table I—Setbacks to allow a six-foot fence on a retaining wall.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	Light Industrial (I-1)	Light Industrial (I-1)
Use(s)	Vacant	Roofing contractor's office and shop
Acreage	1.0363	1.0363
Lots	One	One
Parcels	None	None
Building Square Footage/GFA	0	12,213

OTHER DEVELOPMENT DATA

	REQUIRED	PROPOSED
Total parking spaces	25	27
Of which handicapped spaces	2	2
Standard spaces (9.5' x 19')	15	17
Compact spaces (8.0' x 16.5')	8	8
Loading spaces	2	2

3. **Location:** The site is in Planning Area 81A, Council District 9. More specifically, it is located at 7813 Delano Road, approximately 1,200 feet northeast of its intersection with Old Alexandria Ferry Road.
4. **Surroundings and Use:** The subject property is bounded to the north by a contractor's storage yard containing construction vehicles and materials, to the west by a boat and vehicle repair shop and an auto towing yard, to the south by a mini-warehousing facility, and to the east by an outdoor storage yard.

5. **Previous Approvals:** Basic Plan A-9741-C, approved May 9, 1989, included the subject property and required detailed site plan approval. It provides:

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

The proposed application is herein being subjected to detailed site plan review. Please note that since there are no adjacent residential areas, particular attention need not be given to buffering and screening. Noise impacts and building acoustics have been considered in building design and are ensured by inclusion of a condition in the recommended conditions below. Please note that as to buffering and screening, the applicant has met the basic requirements of the *Landscape Manual*.

Preliminary Plan of Subdivision 4-04069 was approved by the Planning Board on July 15, 2004. Resolution 4-167, formalizing that approval, has been included on today's agenda for your consideration. Conditions contained in Resolution 4-167 approving Preliminary Plan of Subdivision 4-04069 that are relevant to the approval of the subject detailed site plan have been included in bold type below and are followed by staff's comments.

Total development within the subject property shall be limited to 14,000 square feet of warehouse and related office facilities, or equivalent development that generates no more than 10 AM and 10 PM peak-hour vehicle trips. Any development generating a greater impact than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

Comment: The detailed site plan includes 12,213 square feet of warehouse-related office facilities. According to information contained in the staff report provided for the subdivision, the proposed use will generate 8 AM and 8 PM peak-hour vehicle trips. Therefore the proposed project meets the requirements regarding size and trip generation and does not trigger the need for a new preliminary plan.

An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

Comment: Recommended Condition 1(d) below requires that the applicant add a condition to the plan that an automatic fire suppression system will be provided in the proposed building, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. Therefore, the proposed project meets this condition of the preliminary plan, as well.

6. **Design Features:** The subject proposal includes a 12,187-square-foot building located along its northeasterly property line. The building measures a total of 12, 213 square feet. Seven regular and two handicapped parking spaces, accessed from Delano Road, form a small lot in front of the

building. A drive aisle, located on the southwesterly side of the building, leads to a second parking area to the rear of the building, containing an additional 18 parking spaces, a concrete pad containing the two required loading areas, and a dumpster. There is a small wetlands area on the southeastern corner of the site and the plan shows the required 25-foot buffer from its periphery. The landscape plan includes required planting at the periphery of the parking and drive aisle areas, interior plantings in the parking area, and some additional foundation plantings on the southwesterly side of the proposed building.

The front façade of the building will be enhanced with a mansard standing seam metal roof. The visible facades (front and west) will be constructed of split face block. The other two facades will be constructed of painted concrete block. Fenestration on the building is minimal and utilitarian, with the north and west elevations the only ones featuring windows. The north façade indicates two standard-sized doors, an overhead door and nine windows, while the west façade shows only four windows, near the front of the building. The mansard roof is continued on the west elevation over the four windows. The east façade has no fenestration, while the south elevation has two standard and two overhead doors. The site is to be lit by security lights on the upper portions of the building on the north, south, and west facades.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-1 (Light Industrial) Zone as contained in Sec. 27-469 and 27-473 (b) of the Zoning Ordinance. Staff finds that the subject application meets all requirements of the Zoning Ordinance except for Sections 27-465(a) and 27-474(b), Table I-Setbacks, that require fences over six feet high comply with the setback requirements for buildings in the I-1 Zone. The six-foot-high solid wood fence proposed for the rear portion of the southwestern property line exceeds this requirement because of its proposed location on top of a retaining wall.
8. **Landscape Manual:** The proposed development is subject to the requirements of Section 4.3.a—Parking Lot Landscaped Strip, Section 4.3.b—Perimeter Area for Parking Lots, and 4.3.c—Interior Planting for Parking Lots.

The Urban Design staff reviewed the proposed landscape plan and found that the submittals are in general compliance with the applicable sections of the *Landscape Manual*.

9. **Woodland Conservation Ordinance:** The site is subject to the provisions of the Woodland Conservation Ordinance because it has more than 40,000 square feet of woodland. A simplified forest stand delineation encompassing the 5.21 acres of Lot 29 and part of Lot 42 indicates that there are 4.79 acres of woodland. The forest stand delineation shows an area now utilized as a contractor's storage yard on Lot 42 that was cleared after the enactment of the Woodland Conservation Ordinance without a letter of exemption or a tree conservation plan. There are no priority preservation areas, as defined in the Prince George's County Woodland Conservation and Tree Preservation Policy on the site. A Type II Tree Conservation Plan, TCPII/16/04, has been reviewed. The plan accounts for the clearing proposed to develop Lot 29 and the clearing previously completed on Lot 42. The woodland conservation has been correctly calculated as

1.34 acres. The plan proposes to meet the requirement by providing 1.34 acres of on-site preservation and will retain an additional 1.65 acres of woodland that is not part of any requirement. The proposed woodland conservation areas will serve as buffering should development be proposed in the future on Lot 42. The plan contains technical errors that need correction, but is approvable subject to conditions recommended below.

10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning Division**—The Community Planning Division stated that the proposed land use is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier and conforms to the employment area land use recommendations of the 1993 Subregion V Master Plan. They additionally noted the subject site's proximity to Andrews Air Force Base and suggested referring it to them for information and comment. Noting that the quality of development and redevelopment in the vicinity of the proposed site is poor and that the public street had been allowed to deteriorate substantially, they suggested that a comprehensive code enforcement and public street improvement program be recommended to the County Executive and the County Council.
- b. **Transportation Planning Section**—The Transportation Planning Section, noting that the county's standard roadway adjacent to an industrial zone is a 70-foot right-of-way, stated that the site plan is acceptable, provided that all structures are appropriately set back from Delano Road so that a right-of-way of 35 feet from centerline can be accommodated. Staff has reviewed the site plan and determined that the desired right-of-way on the Delano Road frontage could be accommodated.
- c. **Subdivision Section**—In a memorandum dated January 8, 2003, the Subdivision Section stated that since its original subdivision from Lot 29 as recorded in Record Plat BB 9@100, there is no further record of a resubdivision by deed or record plat. Therefore, the Subdivision Section suggested that the site plan be revised to include Lot 42 in its entirety. Further, they stated that if Lot 42 has been further subdivided by deed, the applicant must demonstrate that the deed division of Lot 42 was a legal division of land or that they are subject to a legal exemption. In conclusion, the Subdivision Section stated that the applicant is subject to a preliminary plan of subdivision for the construction of more than 5,000 square feet on part of Lot 29, based on the information provided on the site plan. A revised plan submitted after the writing of the above referral shows the subject project located entirely on Lot 29, eliminating Lot 42 from the proposed project. In addition, Preliminary Plan of Subdivision 4-04069 was approved on July 15, 2004, addressing the Subdivision Section's concern regarding the need for a new Preliminary Plan of Subdivision for Lot 29 because of the proposed construction in excess of 5,000 square feet of the property.
- d. **Trails**—The senior trails planner of the Transportation Planning Section stated that there are no trail requirements for DSP-03080.

- e. **Permits**—In a memorandum dated December 29, 2003, the Permit Review Section made numerous comments and suggestions regarding the proposed project. All concerns have either been addressed through revisions to the plans or in the recommended conditions below.
 - f. **Environmental Planning**—In a memorandum dated February 13, 2004, the Environmental Planning Section recommended approval of DSP-03080 and TCPII/16/03 subject to conditions requiring several technical corrections to the plan.
 - g. **Department of Environmental Resources**—In comments received January 12, 2004, the Department of Environmental Resources stated that the site plan for Bellefonte, Lots 29 and 42, DSP-03080, is not consistent with approved stormwater concept #11223-2003. However, revisions to the detailed site plan have removed this inconsistency. Confirmation of same is forthcoming from the Department of Environmental Resources.
 - h. **Prince George's County Fire Department**—In comments offered February 9, 2004, the Prince George's County Fire Department stated that both the premises and fire hydrants that might be used in the event of fire must be accessible to fire apparatuses from the public street and that private roads must be 20 feet in width. They additionally stated that they would establish fire lanes if they felt it necessary to ensure access to the site.
 - i. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated August 18, 2004, DPW&T stated that right-of-way dedication and frontage improvements in accordance with DPW&T's urban primary residential road standards are required for Delano Road including a full width, two-inch mill and overlay within the frontage limits of the property. In addition, street trees, lighting and sidewalks would be required, and storm drainage systems and facilities must meet their requirements and a soils investigation report completed and submitted.
 - j. **Washington Suburban Sanitary Commission**—In comments dated February 11, 2004, The Washington Suburban Sanitary Commission stated that water and sewer are available to the site and suggested that the engineer for the project submit an on-site package to the Permit Services Division for review.
 - k. **Andrews Air Force Base**—At the time of the writing of this staff report, written comment has not been received from Andrews Air Force Base, although the planner for Andrews Air Force Base has verbally stated that he expected Andrews Air Force Base to have no comment on the project.
11. 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 cost and without detracting substantially from the utility of the proposed development for its intended use.

VARIANCE REQUEST

The applicant is requesting a variance from the provisions of Sections 27-465(a) and Section 27-474(b), Table I—Setbacks of the Prince George’s County Zoning Ordinance. Section 27-465(a) states, “Unless otherwise provided, fences and walls (including retaining walls) more than six (6) feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings.” Section 27-474 (b) Table I—Setbacks stipulates that, on this I-1-zoned property for the southwesterly side, the required side yard setback (as 0 feet is provided on the northeasterly side) is 30 feet in this case.

Section 27-230 sets forth the following criteria for approval of the variance:

1. **A specific parcel of land has exceptional narrowness, shallowness or shape, exceptional topographic conditions or other extraordinary situations or conditions.**

The site is exceedingly long and narrow, making it difficult to accommodate the proposed 12,213-square-foot contractor’s offices and shop. The building has been pushed to a zero lot line on its easterly side and, by creative design in concert with the Department of Environmental Resources, stormwater management is being accomplished at least partially off site. In addition, a grade change from the subject site to Lot 119 adjoining the subject property to the west requires the construction of a retaining wall. The subject application meets this standard of variance, in that it is exceptionally narrow and the topographic conditions call for the construction of a retaining wall creating the need for a variance for the fence.

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.**

It is reasonable for a roofing contractor’s offices and shops to be fenced with a fence of sufficient height to provide adequate security for equipment and materials. If the fence were set back the required setbacks for buildings, the fenced area would be miniscule. The strict application of this Subtitle would result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property because the applicant would be unable to protect the financial investment made in the property via the construction of a significantly large building to house his roofing business. Therefore, it may be said that the subject application meets this standard for variances.

3. **The variance will not substantially impair the intent, purpose or integrity of the general plan or Master Plan.**

The Community Planning Division has stated that the application is not inconsistent with the 2002 General Plan Development Pattern policies for Corridors in the Developed Tier and that the application conforms to the land use recommendations of the 1989 approved master plan for Langley Park-College Park-Greenbelt and vicinity. Therefore, it can be said that the subject application meets this standard of variance.

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/16/04) and APPROVED Variance Application No. VD-03080, and further APPROVED Detailed Site Plan 03080 for the above-described land, subject to the following condition:

1. Prior to signature approval, the applicant will:
 - a. Correct the building square footage to 12,213 and the required parking to $24.42 = 25$ spaces.
 - b. Provide documentation to staff as designee for the Planning Board that the detailed site plan for the subject project is consistent with approved stormwater concept plan #11223-2003.
 - c. Provide documentation to staff as designee for the Planning Board that building design has successfully addressed issues of noise impacts and building acoustics resulting from proximity to Andrews Air Force Base.
 - d. Add a note to the plans that an automatic fire suppression system will be provided in the proposed building, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

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 Eley, with Commissioners Harley, Eley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 9, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of September 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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