

RESOLUTION

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 December 18, 2003, regarding Detailed Site Plan DSP-91054/02 for Bellefonte, the Planning Board finds:

1. **Request:** The subject applications request the following:
 - a. Revision of a previously approved detailed site plan for a charter bus company for the purposes of adding a 1,513.02-square-foot garage and additional paving.
 - b. A variance of 10 feet to the required 25-foot front yard set back.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Storage, residential, parking for bus company	Storage, residential, parking for bus company
Acreage	.7354	.7354
Lots	1	1
Parcels	N/A	N/A
Square Footage/GFA	1,513.02	1,513.02
Dwelling Units:	1	1

Other Development Data

	REQUIRED	PROVIDED
Square Footage of Green Area	2,898	7,384
Parking	3 spaces	10 spaces
Front Yard Setback	25 feet	15 feet
<i>Landscape Manual</i>		
Building Setback	40 feet	7-40 feet
Minimum Landscape Yard	30 feet	3-30 feet
Plant Units	444	290

3. **Location:** The subject site is located on the northwest side of Poplar Hill Lane approximately 980 feet north of its intersection with Alexandria Ferry Road, adjacent to Andrews Air Force Base.

4. **Surroundings and Use:** The subject property is located in an area that has adaptively reused single-family home sites as contractor's offices and shops, with the exception of its northern boundary that it shares with the golf course facility at Andrews Air Force Base.
5. **Previous Approvals:** When the subject property was rezoned from the R-R Zone to the I-1 Zone in May 1989, the Prince George's County District Council conditioned its approval on the requirement that any proposed development be subject to detailed site plan review, with particular attention given to buffering and screening of adjacent residential areas, noise impacts and building acoustics. Pursuant to that requirement, on October 10, 1991, Detailed Site Plan SP-91054 and Alternative Compliance AC-91084 for contractor's services and an outdoor storage lot for buses on the subject property were reviewed and approved by the Prince George's County Planning Board. Development of the site did not commence and that detailed site plan (SP-91054) expired in 1995. Subsequently, in response to an application by the applicant that was substantially the same, on January 29, 1998, the Prince George's County Planning Board approved a detailed site plan (Resolution No. 98-21), alternative compliance, and variance for the subject site with one condition. Since that time, the applicant has built a garage on the property without the required approvals, necessitating a revision to the detailed site plan, a variance and a revision to the alternative compliance. The Alternative Compliance Committee, however, heard and denied that request for revision; hence a departure from design standards accompanies the detailed site plan and variance applications.
6. **Design Features:** The subject property is triangular in shape and accesses Poplar Hill Lane. An existing one story brick and frame structure previously used as a single-family home is located centrally on the property. Parking surrounds the structure, with handicapped parking located directly in front of the house, standard car parking to either side, and bus parking provided to the rear, in the extreme northwesterly corner of the site. In addition, a one-story 1,513-square-foot garage is situated on the easterly side of the property's Poplar Hill Lane frontage. The site is somewhat landscaped both at its periphery and in front of the existing brick and frame structure.

COMPLIANCE WITH THE EVALUATION CRITERIA

7. **Zoning Ordinance:** The detailed site plan meets the requirements of Zoning Ordinance Section 27-469 for development in the I-1 Zone except with respect to the two following subsections:
 - a. **Section 27-469(b)**—Landscaping, screening, and buffering of the development in the I-1 Zone shall be provided in accordance with the provisions of the *Landscape Manual*.
 - b. **Section 27-474(b)** – Setback from the street shall be 25 feet.
8. **Landscape Manual:** The detailed site plan is not entirely in accord with the requirements of the *Landscape Manual*. Compliance with respect to the *Landscape Manual* shall be discussed below under the evaluation criteria for the departure from design standards application

9. **Zoning Map Amendment A-9741**—As stated in approving Resolution No. 98-21:
The property was rezoned from the R-R Zone to the I-1 Zone in May 1989. The rezoning of the property was conditional upon the following:

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 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 the adjacent residentially zoned area due to the fact that this site is not within close proximity of the residentially zoned property referenced above. Noise impacts are minimal and building acoustics are not an issue since no enlargement or expansion of the existing building is proposed.

Also, in a referral received from the Environmental Planning Section for the subject application, noise impacts have been deemed to be at an acceptable level.

10. **Woodland Conservation Ordinance**—The applicant has received an exemption from the Woodland Conservation Ordinance based on the fact that the site is less than 40,000 square feet in area, contains less than 10,000 square feet of woodlands, and does not have a previously approved Tree Conservation Plan.

11. **Referral Comments:**

- a. **Permits**—The Permit Review Section wanted clarification of the land use and revisions to parking and loading for the property reflecting the presence of a residence, if any, on the premises and for the “new” building. Design and screening of the loading space must be provided and an access driveway must be clearly defined in accordance with the Zoning Ordinance. In addition, they noted that a revision to AC-91085 appears to be required for the new building. Please note that such application was made and denied, resulting in companion case DDS-544.

- b. **Transportation**—The Transportation Planning Section found the site plan acceptable.

Subdivision—The Subdivision Section found the application exempt from the requirement to subdivide per Section 24-111(C)(2), noting that the site plan is consistent with the plat for Lot 7.

Community Planning—Noting that according to the most current Air Installation Compatible Use Zone (AICUZ) study (1998), the subject property is in the Accident Potential Zone One (APZ I) and is severely impacted by the noise of air traffic from Andrews Air Force Base, the Community Planning Division stated that low-intensity industrial uses such as those proposed are appropriate for the location, pursuant to the 1993 Subregion V master plan. They further stated that the proposal is not inconsistent with the

applicable 2002 General Plan Development Pattern policies. In addition, they noted that the site is located at the end of Poplar Hill Road, roughly one and one-half miles from the end of the runway under the flight path at Andrews Air Force Base. Poplar Hill Road is a dead-end industrial access road that terminates at the fence line for Andrews Air Force Base; it is extremely unlikely that it will ever be extended further.

- e. **Environmental Resources**—The Environmental Planning Section, noting that there are no wetlands or floodplain on the site, cited an exemption letter and CSD approval in the file and concurred with Finding 2 of PGCPB No. 98-21 for DSP-91054/01.
- f. **Redevelopment Authority**—The Redevelopment Authority stated that they had no comments on the project.
- g. **Public Works and Transportation**—At the time of this writing, the Department of Public Works and Transportation has not commented on the project.
- h. **DER Watershed Protection**—In its latest comments on the proposed project, the Department of Environmental Resources stated that the stormwater management concept approval must be revised to include the garage and additional paving.
- i. **Andrews Air Force Base**—Andrews Air Force Base stated that only low-density and low-intensity repair and miscellaneous services are permitted in the APZ 1. Further, they noted that the APZ 1 Zone is where ten percent of all aircraft accidents occur. Also, they noted that since the project is located within the 70-75 dB noise contour, sound attenuation materials need to be incorporated into the design and construction of the structure. They were additionally concerned that an adequate security patrol buffer be maintained between the properties, including the removal of any objects close to their fence that impede line of site. Lastly, they were concerned that no structure on the site exceed 95 feet, with any object exceeding 40 feet requiring the filing of an FAA form 7460-1.
- j. **WSSC**—At the time of this writing, the WSSC has not responded to the request for referral comments.

VARIANCE REQUEST

The applicant is requesting a variance in accordance with Section 27-239.04 from Section 27-474 of the Prince George's County Zoning Ordinance. The bus garage was constructed 15 feet into the required 25-foot building setback from the ultimate right-of-way line.

- 12. Section 27-230 sets forth the following criteria written in bold face type below for approval of the variances. Staff's evaluation of the subject application's compliance with each criterion follows each bolded section in italicized type.

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

The subject property's triangular shape makes site design a challenge. The narrow easterly point of the triangle provides very little space in which to locate a building that conforms to all the required setbacks.

The strict application of the Subtitle will result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property.

The strict application of the subtitle would require the applicant to remove at least part of the existing bus garage at great expense and effort. Such action would have extreme negative pecuniary impacts on the applicant's "All-About Town" bus business that has made a considerable economic contribution to the county as a small business for a number of years.

In regard to the building setback, it should be noted that this variance request seeks to validate an existing condition. The building is essentially a nonconforming building and the applicant is proposing to bring the building into conformance in order to provide a use that is allowed in the zone. To meet current setback requirements, the side of the existing building would have to be removed or the entire building relocated at a tremendous cost and loss of revenue to the owner.

Staff is of the opinion that failure to approve the variance would create unusual practical difficulties for the applicant.

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

As per the Community Planning Division, the proposed plan 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. Therefore, it can be said that the variance will not substantially impair the intent, purpose or integrity of the general plan or master plan.

The Urban Design staff recommends that the Planning Board approve the variance to Section 27-474(b) of the Zoning Ordinance.

13. The plan will, if revised in accordance with the conditions of approval, represent 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-91054/02 and further approved Variance Application No. VD-91054/02 subject to the following condition:

1. Prior to signature approval, applicant shall revise Stormwater Concept Plan #97800-2090 to reflect the "as built" situation on the property including, but not limited to, additional paving and construction of a garage.

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 and Squire voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, December 18, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of January 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:rmk