

## 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 April 5, 2001, regarding Detailed Site Plan SP-00030 for B.L. Holland Properties, the Planning Board finds:

1. Location - The subject property is located west of the intersection of Westphalia Road and D•Arcy Road, and directly north of the intersection of Westphalia Road and Mellwood Road. The property has frontage on Westphalia Road, and is bounded to the north, east, and west by residential properties zoned either R-A, R-R, or R-T, all of which are vacant with the exception of a single-family dwelling located at the south corner of the east property line with frontage on both Westphalia and D•Arcy Roads. The site is bounded to the south by the Westphalia Road right-of-way.

An existing residential street right-of-way, Spring Street, dead-ends at, and abuts, a portion of the west property line.

2. The Proposed Development - The purpose of this Detailed Site Plan is for the approval of an outdoor storage facility with supporting offices for a contractors company on the subject property. The development proposal provides for an existing two-story building in which the proposed offices would be housed, four (4) existing permanent trailers which would be used as temporary storage facilities, and a small parking compound. The plan includes site and landscape plans. The subject property will have a single vehicular access point from the Westphalia Road right-of-way.
3. Background - The *Mellwood/Westphalia Master Plan* (1994) recognized the 1991 rezoning of the subject property to light industrial as the approved land use for the subject property. The Sectional Map Amendment (1994) was approved and retained the I-1 zoning for the subject property. No master plan issues are related to the subject application.
4. The Approved Zoning Map Amendment - The Zoning Map Amendment for the subject property, A-9830, was approved by the District Council on July 9, 1991 with 1 condition (Zoning Ordinance No. 33-1991). The condition of approval required Detailed Site Plan review, and provided specific criteria for review of any subsequent development proposal with respect to the subject property. Below is the specific condition warranting discussion pertaining to conformance to the approved Zoning Map Amendment:

1. **No building, grading or use and occupancy permit shall be issued until a Detailed Site Plan is approved in accordance with Part 3, Division 9 of the**

**Zoning Ordinance. Such site plan shall give special consideration to the following:**

- (1) To assure that activities are adequately buffered, by use of screening and landscaping techniques, from the views of adjacent residentially zoned land; and

Comment : As previously stated, the subject property is bounded on three sides, north, east, and west, by residentially zoned lots. Per the *Landscape Manual*, the proposed use is categorized as high intensity and is accordingly required to provide a Type D bufferyard when located adjacent to residential property. A Type D bufferyard provides the maximum amount of landscape screening, or plant units per linear foot, required by the *Landscape Manual* with respect to buffering between incompatible uses. The proposed plan satisfies the requirement for the provision of the said bufferyard along its entire perimeter adjacent to the residential properties, with the exception of a portion of the west property line along which the existing two-story building with offices encroaches into the required 40-foot-wide bufferyard area (See Finding No. 7 for Alternative Compliance).

The required Type D bufferyard is the minimum screening required by the *Landscape Manual* when a high impact use is adjacent to residentially zoned property. It appears that, given the wide array of high-intensity uses allowed in the I-1 zone, the intent of the subject condition was for the provision of additional screening above the minimum required by the *Landscape Manual*. As evidence of this, it should be noted that the condition calls for ■screening and landscaping•. Generally, if there are optional choices to satisfy a condition the language would read ■screening and/or landscaping•. Although the applicant is proposing extensive landscaping at the site perimeter, given the intensity of the use and the susceptibility of the property to trespassing once the surrounding residential properties are developed, which could become an issue of public safety, staff believes that the intent of the said condition was for the provision of a combination of opaque screening and landscaping between the subject site and the adjoining residential properties. The proposed plan provides for a six-foot-high, sight-tight, board-on-board fence along the west property line where the requirements of the *Landscape Manual* could not be satisfied. Therefore, it is recommended that a six-foot-high, sight-tight, board-on-board fence be provided along the entire perimeter adjacent to the residentially zoned properties.

The proposed plan provides for a combination of shrubs, shade and evergreen trees in the perimeter bufferyards. Given the recommended sight-

tight fencing, staff believes that some of the proposed shrubs become unnecessary with respect to screening and the provision of the said shrubs would present an undue financial hardship on the property owner. Therefore, it is recommended that the plan be revised to remove some of the shrubs proposed at the site perimeter. Quantities and location of shrubs to be removed should be determined by staff of the Urban Design Section as designee of the Planning Board.

- (2) The applicant shall demonstrate that there will be adequate transportation facilities to serve the property.

Comment : See Finding No. 8.

The subject development proposal will satisfy the requirements of Zoning Ordinance No. 33-1991 when conditions in the Recommendation Section of this report are enforced.

5. The site development data is as follows:

**B. L. HOLLAND PROPERTIES**  
**ZONE I-1**

Total Site Area	2.34 acres
Building Height Office	28 feet
Proposed Use	Contractor's Outdoor Storage
Parking Required Office @ 1 sp/250 sf up to 2,000 sf & 1 sp/400 sf above the first 2,000 sf	11 parking spaces
Parking Provided	6 parking spaces (See Finding No. 9)
Interior Green Space	N/A

6. Conformance with Woodland Conservation Ordinance • This site is subject to the provisions of the Woodland Conservation Ordinances, because it is more than 40,000 square feet in size and there is more than 10,000 square feet of woodland on the subject property. The subject development proposal is exempt from the Woodland Conservation Ordinance as it

will result in a cumulative disturbance of less than 5,000 square feet of woodlands. A letter of exemption will be required prior to issuance of any permit.

No environmental issues are raised by the proposed development.

7. Conformance with the Requirements of the Zoning Ordinance in the I-1 Zone, including the Requirements of the Prince George's County *Landscape Manual* - Section 27-469 of the Zoning Ordinance provides the following requirement:

**(c)(1) Outdoor storage shall not be visible from the street.**

The proposed plan provides a six-foot-high, sight-tight, board-on-board fence along the frontage of Westphalia Road. It is not clear as to whether the entire frontage, entrance drive included, will be screened with the said fence. A sight-tight fence must be provided along the entire frontage of the Westphalia Road right-of-way for staff to find compliance to the subject requirement of the Zoning Ordinance. Therefore, it is recommended that the applicant provide a six-foot-high sight-tight fence along the entire frontage of Westphalia Road.

The subject application will be in general conformance with Section 27-469 of the Zoning Ordinance which regulates development in the I-1 Zone, when amended as recommended.

Sections 4.2, Commercial and Industrial Landscape Strip Requirements, and 4.7, Buffering Incompatible Uses, apply to the subject site. The subject plan does not meet the requirements of Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual* and the applicant applied for Alternative Compliance, AC-00065 for a reduction in the required building setback along the west property line. The Alternative Compliance Committee recommended approval of the proposed landscape plans, and the Planning Director recommends approval to the Planning Board. The following is the recommendation of the Alternative Compliance Committee and the Planning Director:

■**REQUEST:** Alternative Compliance is requested for Section 4.7, Buffering Incompatible Uses of the *Landscape Manual*, for the western property line.

■**BACKGROUND**

■The proposed use, contractors storage yard, is considered a high intensity use. The adjacent, vacant properties along the south end of the western property line are zoned residential. A ■D• bufferyard is required to buffer future residences from the subject use.

■**REQUIRED:** Section 4.7 (Buffering Incompatible Uses), along the western property line.

■Length of bufferyard	210	feet
Landscaped yard	40	feet
Building setback	50	feet

Plant units (160 PUs/100 LF)	168	plant units
50 percent reduction for fence along the property line (80 PUs/100 LF)		

**■PROVIDED**

■Landscaped yard	40	feet
Building setback	2 to 4	feet
Plant units	168	plant units

**■JUSTIFICATION OF RECOMMENDATION:**

■The existing single-family residence converted to an office building on the property encroaches into the required landscaped bufferyard along a very small portion of the western property line (approximately 15 percent). The proposed board-on-board fence will effectively screen the storage area for this portion of the site. The required planting units along the western property line have been provided. Therefore, the Committee is of the opinion that the above alternative will be equal to or better than normal compliance to the requirements of the Landscape Manual.

**■RECOMMENDATION:**

■The Alternative Compliance Committee recommends APPROVAL of the alternative compliance plan for Section 4.7 along the western property line, as proposed.■

The landscape plans will be in full conformance with the requirements of the *Landscape Manual* with approval of the said Alternative Compliance application.

8. Transportation - The subject plan was referred to the Transportation Planning Section and in a memorandum (Masog to Jordan) dated March 27, 2001 the following comments were provided:

■At the time the subject property was rezoned under a Zoning Map Amendment (A-9830), the District Council specifically required that the site be subject to site plan review. Among the elements to be reviewed would be the adequacy of transportation facilities in the area. Although it is somewhat irregular to address adequacy issues at the time of Detailed Site Plan, the condition was presumably written because it was unlikely that the site would ever be tested as a subdivision.

■The proposed use is a construction storage yard. There are no rates for a construction storage yard in either the Guidelines for the Analysis of the Traffic Impact of Development Proposals or the Institute of Transportation Engineers• Trip Generation Manual. The closest category for which rates are published is ■Utilities,• which is described as ■office space,

industrial space, or parts and equipment storage areas. The rates in the *Manual* for this use suggest that the site would generate 6 AM (4 in, 2 out) and 1 PM (0 in, 1 out) peak hour vehicle trips. Transportation staff believes these trips would be distributed 60 percent toward the southwest, 30 percent toward the northwest, and 10 percent toward the east.

■The staff has analyzed the MD 4/Westphalia Road intersection using the most recent available data (1995). This intersection operates at Level-of-Service (LOS) E, with a Critical Lane Volume (CLV) of 1,587, in the AM peak hour. In the PM peak hour, the intersection operates at LOS F, with a CLV of 1,624. Because the trip generation of the use is very low, the trips generated by this site have no numerical impact on the critical intersection. The impact of the site is 3 AM and 1 PM peak hour trips. Given that the staff cannot show that there is a change in the service level measures at the critical intersection which is attributable to the subject site, there is no justification for using this intersection to place conditions on the subject development or otherwise restrict it. Within this context, therefore, the transportation staff finds that transportation facilities serving the property are adequate.

DPW&T has reviewed the site, and has determined frontage improvements which should improve access to the site. This will contribute to the adequacy of the adjacent transportation facilities.

9. Urban Design - The subject plan has used an incorrect parking ratio, and is therefore deficient in the required number of parking spaces as noted in the development data table of Finding No. 5. Parking requirements for an office use, per Section 27-568 of the Zoning Ordinance, are noted in the above-mentioned development data table. Therefore, given the minimum number of parking spaces required for the subject property it is recommended that the proposed plan be revised to provide a minimum of 11 parking spaces.
10. Referrals - The subject application was referred to all applicable agencies and divisions; no significant issues were identified. The Permit Review Section provided several comments pertaining to additional information being provided on the plans, and subsequent to receipt of the said referral the applicant has revised the plan to address all noted concerns of the Permit Review Section. The Department of Public Works & Transportation provided comments for designated roadway improvements within the right-of-way. The plans should address these comments at the time of the review of permits.
11. **The applicant is requesting a variance from Section 27-474(a)(1)(C), which states that minimum sideyard setbacks for all buildings in the I-1 zone shall be twenty (20) feet from adjoining land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, or any approved Conceptual or Detailed Site Plan). An existing two-story structure, used as**

office space, is located approximately 1 linear feet from the west property line of the site. No change to the existing structure or construction activity is proposed in this area. Thus the applicant requests a variance of 19 feet in order to validate the existing structure located within the 20-foot setback limits.

Section 27-230 contains the criteria for approval of a variance. This request meets the criteria contained in Section 27-230 as follows:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

The extraordinary situation or condition of the subject property is that the existing structure was constructed prior to the rezoning of the subject property to the I-1 zone, and thus by granting approval of I-1 for the site it was noted and understood that a variance for setback requirements would be required for any subsequent development proposal. As evidence of this, the technical staff report, dated June 20, 1990, for the rezoning of the property states as follows:

■A departure from the Landscape Manual and a variance from the building setback (50 feet) would be required because the existing building encroaches into the bufferyard and building setback area. It appears that the existing building was approved in error because the C-1 Zone (previous zoning) required a minimum 12-foot-wide side yard.●

The structure is in violation of the requirements of the Zoning Ordinance because the property was rezoned to I-1 and permits were approved in error at the time of its construction, neither of which should be held against the property owner as reasons for denial of this application. Given the said extraordinary circumstances, acknowledged over 10 years ago during the rezoning process, staff believes that the subject application is the appropriate vehicle to use for the purposes of validating the structure and amending previous mistakes.

- (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

The existing residential structure is in good condition and provides a necessary complementary office use for the contractor business. It would thus pose a peculiar and unusual practical difficulty and undue hardship upon the owner of the property to move or raze the building for the purposes of strict

**compliance with regulations that require a minimum of a 20-foot setback for all buildings adjacent to residentially zoned properties.**

- (3) **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

**The property is located in the area covered by the *Mellwood/Westphalia* Master Plan, which was adopted and approved in 1994. The master plan recognized both the 1991 rezoning of the subject property to light industrial as the approved land use for the subject property, and the abutting and surrounding residential properties. Given the master plan acknowledgment of the industrial zoning on the subject property, granting approval of this variance will not impair the integrity of the master plan as this use is allowed and encouraged in the I-1 Zone.**

12. The 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 Alternative Compliance AC-00065, APPROVED Variance Application No. VD-00030. and further APPROVED the Detailed Site Plan SP-00030, subject to the following conditions:

1. Prior to certificate approval the following revisions shall be made to the Detailed Site Plan:
  - a. Provide a six-foot-high, sight-tight, board-on-board fence along the north, east, and west property lines adjacent to the existing residentially zoned properties.
  1. Remove some of the shrubs in the proposed bufferyards along the north, east, and west property lines. Quantities and location of shrubs to be removed shall be determined by the staff of the Urban Design Section as designee of the Planning Board.
  2. Provide a six-foot-high sight-tight fence with an entrance gate along the entire frontage of Westphalia Road.
  3. Provide a minimum of eleven (11) parking spaces.



- e. Demonstrate 10 percent of the lot be reserved as green area.
- f. Provide a note stating that the parking lot will not be used at night, and also list hours of operation.

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.

\* \* \* \* \*

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 Eley, seconded by Commissioner Brown, with Commissioners Eley, Brown, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 5, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of May 2001.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JJ:rmk