

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 13, 2000, regarding Detailed Site Plan SP-99027/01 and Variance VD-99027B for Sweitzer Lane Property (Lot 1), the Planning Board finds:

1. This revision to the Detailed Site Plan is for the purpose of reducing the total number of spaces on the site plan as were previously approved on the original Detailed Site Plan SP-90027.
2. The subject property is located northwest of the overpass of Van Dusen Road at US Route 95. The property has frontage on Interstate 95, Sweitzer Lane and Frost Place. Access is proposed off of Sweitzer Lane and Frost Place. The property is a total of 37.23 acres of land in the I-3 Zone.
3. The original Detailed Site Plan was reviewed and approved by the Prince George's County Planning Board on July 22, 1999. At that time, the Planning Board also reviewed two requests for variances to Section 27-471(f)(3) and Section 27-474(b). The variance to Section 27-471(f)(3) was for the purpose of allowing the location of a loading space on a side of a building facing a street. The request allowed the loading space at the rear of the building along a possible future roadway (identified as I-5 in the approved Subregion I Master Plan). Section 27-474 (b), Table IV-Setbacks, footnotes 2 and 9 require a 30 foot setback from all streets, except freeways and parkways. Footnote 9 indicates that the setback also applies to surface parking and loading areas . The applicant requested a variance of a maximum of 9 feet from the 30-foot setback requirement to accommodate surface parking areas. Footnote 2 requires an additional setback for building height. The applicant also requested a variance of six feet in order to locate the parking lot 25 feet from the adjacent property. The Planning Board granted the variances as requested.
4. The approved Detailed Site Plan (SP-99027) includes a one story building to be used for office/research and development of 47,800 square feet. The plan also provided parking facilities above and beyond the numbers required by the Zoning Ordinance. This revision to the plan deletes spaces that were previously shown in an inconvenient location. The originally approved Detailed Site Plan provided 365 parking spaces. The minimum number of parking spaces required by the Zoning Ordinance based on the proposed square footage of the building is 123 parking spaces. The number of parking spaces proposed on the revised Detailed Site Plan is 192 spaces, substantially more than the minimum number of spaces required by the Zoning Ordinance.

5. Pertinent development data are contained in the following table:

Zone	I-3 Zone
Gross Lot Area	37.23 acres
Area Within a 100-Year Flood plain	0.50 acres
Net Lot Area	36.73 acres
Proposed Use	Office/Research and Development
Proposed Gross Floor Area	47,800 sq. ft.
Number of Parking Spaces Required (Based on office requirements 1 space/250 sq. ft. for the 1 st 2000 sq. ft. plus 1 space/400 sq. ft. thereafter)	123 spaces
Number of Parking Spaces Provided	192 spaces
Number of Loading Spaces Required (Based on industrial requirements)	3 spaces
Number of Loading Spaces Provided	9 spaces
Green Area Required (based on Net Lot area)	25%
Green Area Provided	89 %

6. The Detailed Site Plan has been reviewed for conformance to the I-3 regulations. Discussion of plan compliance to Section 27-472(f) is provided below:

(f) REGULATIONS

- (2) Not more than twenty-five (25%) of any parking lot and no loading space shall be located in the yard to which the building's main entrance is oriented, except that the Planning Board may approve up to an additional fifteen percent (15%) in its discretion if increased parking better serves the efficiency of the particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building. This regulation shall not apply to parking lots and loading spaces in an employment-industrial area as specifically designated on the most recently approved Area Master Plan, when the employment-industrial area includes land in two (2) more-intense zones.**

Comment: This section of the Ordinance is the subject of the variance application attached to this revision to the Detailed Site Plan. See the discussion in Finding No. 5 below.

- (3) No loading docks shall be permitted on any side of a building facing a street except where the lot is bounded by three (3) or more streets. This regulation shall not apply to and loading spaces in an ■employment-industrial area■ as specifically designated on the most recently approved Area Master Plan, when the ■employment-industrial area■ includes land in two (2) more-intense zones.**

Comment: This section of the Ordinance was the subject of a variance approved by the Planning Board in the review and approval of the original Detailed Site Plan, as stated in Finding No. 3 above.

(h) REQUIRED ACCESS

- (1) Each Planned Industrial/Employment Park (including each property in separate ownership) shall have frontage on, and direct vehicular access to, a street having a right-of-way width of at least seventy (70) feet.**

Comment: The subject property has frontage on and direct vehicular access to Frost Place which is a 70-foot right-of-way. The property also has frontage on and will extend Sweitzer Lane as an 80-foot-wide public right-of-way, which will become another access point for the property.

(i) MINIMUM AREA FOR THE DEVELOPMENT

- (3) If the area is less than twenty-five (25) acres, the property may be classified in the I-3 Zone when the property adjoins property in the I-3 or E-I-A Zone, provided that the area of the combined properties is at least twenty-five (25) gross acres.**

Comment: The subject property is approximately 37 acres of land in the I-3 Zone.

7. Pursuant to Section 27-230 and 27-239.03 of the Zoning Ordinance of Prince George's County, the applicant, 1325 G Street Associates Limited Partnership, requests that the Planning Board grant a variance from the strict application of Section 27-471(f)(2) of the Prince George's County Code, Subtitle 27, the Zoning Ordinance.

The subject property is known as Lot 1, Sweitzer Lane Property (also known as Konterra at Sweitzer). The property is the same property as shown on Tax Map 5, Grid B-4 and recorded among the Land Records of Prince George's County at Liber 5548, Folio 921.

Section 27-471(f)(2) of the Zoning Ordinance requires that no more than twenty-five percent (25%) of any parking lot or loading space be located in the yard to which a building's main entrance is oriented, except that the Planning Board may approve up to an additional fifteen percent (15%), in its discretion, if increased parking better serves the efficiency of the particular use; improves the views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building. The Planning Board approved the additional fifteen percent (15%) in the review of the original Detailed Site Plan (SP-99027).

The Applicant has filed for a revision to Detailed Site Plan SP-99027, Sweitzer Lane Property, and is requesting a variance in conjunction with that request in order to locate 69% of the parking in the yard to which the building's main entrance is oriented. The Applicant is requesting approval of a variance in order to provide more centrally located parking in relation to the ultimate development of the Property.

Pursuant to Section 27-239.03 of the Zoning Ordinance, the District Council or Planning Board may grant a variance from the strict application of the Zoning Ordinance in conjunction with its approval of a site plan. The District Council or Planning Board shall have the sole authority to grant variances from the strict application of the Zoning Ordinance in conjunction with its approval. In granting the variance, the Council or Planning Board is governed by Section 27-230 of the Zoning Ordinance.

Under Section 27-230, a variance may be granted if the District Council or Planning Board finds:

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

The 37.23-acre parcel known as the Sweitzer Lane Property, Lot 1, has an exceptional or unusual shape with topographical conditions which limit the areas in which parking can be located to serve the parking needs of the Property. Detailed Site Plan SP-99027 approved the first of three buildings slated for future development of an employment park on the Property. The approved Conceptual Site Plan SP-99025 provides for the ultimate development of an employment park on the Property and shows the exceptional shape of the site as well as the environmental and topographical conditions which limit the overall development, including the location of surface parking, to a relatively small portion of the Property. The parking on the revised Detailed Site Plan is oriented toward the center of the park in order to provide convenient, easily accessible parking which will serve the building

as well as the other buildings proposed within the employment park. Due to the exceptional shape of the subject property and the environmental and topographical constraints, it is not possible to limit the parking in the yard to which the building's main entrance is located and still provide centrally located parking to conveniently serve the entire employment park.

The Property is unique and unusual in comparison to surrounding properties due to the shape of the Property and the existing environmental and topographical constraints. This uniqueness causes Section 27-471(f)(2) of the Zoning Ordinance to have a disproportionate impact on the Property. Due to the unusual shape, wetlands and steep slopes, the Applicant may only locate a small portion of the total parking for the site to the rear and sides of the building, leaving only the front of the building for the location of the majority of the parking. The uniqueness of the site thus precludes the location of parking in areas which would be the normal location for other sites not restricted by unusual shape, wetlands and steep slopes. The site thus meets the first prong of the case law test for approval of a variance. The property is unique and this uniqueness causes a disproportionate impact of Section 27-471(f)(2) on the property as compared to other properties in the area.

(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.

Strict application of Section 27-471(f)(2) would unreasonably prevent the central location of parking to serve a future employment park on the Property. Without this variance, the Applicant will not be able to provide convenient, accessible parking for the employment park as shown on the approved Conceptual Site Plan. Adherence to the strict application of the above provision would force the Applicant to attempt to locate parking on the north side of the building where grading would disturb steep slopes and wetland areas. Strict application will impose an unreasonable burden on the Applicant since it is unlikely that permits can be obtained which would allow parking to be located in this area. Thus, Applicant will suffer undue hardship if it is not allowed to locate more parking in front of the building since environmental and topographical conditions prevent it from locating more parking on the sides of the building where it would still be convenient for this building as well as future buildings in the employment park. Thus strict application of the ordinance creates an undue hardship on the Applicant due to the unique shape and environmental constraints of the Property. Such hardship is not shared by other properties in the area because such properties do not have the same unique shape and environmental and topographical constraints.

Applicant would suffer undue hardship and practical difficulties without approval of the variance because the ordinance unduly restricts the location of parking for the property. Such hardship is due to the shape and character of the property and Applicant thus satisfies the second prong of the case law test for approval of a variance.

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

The employment park proposed for the Property, as shown on the approved Conceptual Site Plan, is consistent with the I-3 zoning of the Property. Therefore, approval of this variance will not impair the intent, purpose or integrity of the approved Subregion I Master Plan. The variance will allow the Applicant to provide convenient parking for the ultimate development of this Property by locating 69% of the parking in the yard to which the building's main entrance is oriented.

For the reasons stated above, the staff recommended that the Planning Board approve in conjunction with the revision to the Detailed Site Plan (SP-99027/01), the variance to allow for more than 40% of the parking in the yard to which the building's main entrance is oriented.

8. The Detailed Site Plan includes provisions for draining surface water to prevent adverse effects on the subject property or any adjacent property. A stormwater management concept plan for the development was approved (#998006110) by the Department of Environmental Resources (DER) on June 4, 1999.
9. This site is not exempt from the requirements of the Woodland Conservation Ordinance. The Natural Resources Division reviewed the original Detailed Site Plan and Tree Conservation Plan and recommended approval. This revision to the Detailed Site Plan will not increase the amount of trees being removed from the site.
10. This property is subject to the requirements of the *Landscape Manual*. The revised plan does not impact the previous finding of conformance to the applicable Sections of the *Landscape Manual*. However, the original plan included a circle drive within the extension of Frost Place. As a condition of approval of the original plan, additional landscaping along the entrance drive and the circle drive was required to create a campus-like setting. The revised plan has deleted the circle drive and the associated landscaping. According to the applicant's representative, the drive has already been built without the circle design. The applicant requests that the plans be approved without the circle drive and that the circle be required to be built at a later phase. The staff recommends that the circle driveway design be shown on the plans to be constructed at a future date.
11. The revised Detailed Site Plan is in conformance to the approved Preliminary Plat of Subdivision 4-99030.
12. The revised Detailed Site Plan is in conformance with the approved Conceptual Site Plan, CSP-99025.

13. The revised 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 SP-99027/01 and further approved Variance Application No. VD-99027B, subject to the following condition:

1. Prior to signature approval, the plans shall be revised to add a note to indicate that the circle drive and associated landscaping will be implemented with the development of any future building within the employment park, with feasibility and location of the circle to be determined at the time of the future Detailed Site Plan.

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 McNeill, seconded by Commissioner Brown, with Commissioners McNeill, Brown, Boone and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 13, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of May 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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