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DETAILED SITE PLAN VARIANCE

**DSP-79011/06
VD-79011/06A**

Application	General Data
Project Name Bob Hall, Inc., Parcel B-1 Location Southeast quadrant of the intersection of US 301 and MD 4 Applicant/Address Stehle Engineering Corporation 14400 Old Mill Road, Suite 101 Upper Marlboro, MD 20772	Date Accepted 6/20/2002
	Planning Board Action Limit 9/26/02
	Plan Acreage 15.72
	Zone I-3
	Dwelling Units NA
	Square Footage 684,760
	Planning Area 82B
	Council District 9
	Municipality Upper Marlboro
	200-Scale Base Map 208SE13

Purpose of Application	Notice Dates
NEW REFRIGERATED WAREHOUSE, NEW TRUCK DRIVE-THRU & RELOCATION OF EXISTING STORAGE BUILDING VARIANCE FROM THE SETBACK AND PARKING REQUIREMENTS OF THE ZONING ORDINANCE	Adjoining Property Owners 06/20/02 (CB-15-1998)
	Previous Parties of Record 08/19/02 (CB-13-1997)
	Sign(s) Posted on Site 08/30/02
	Variance(s): Adjoining Property Owners 09/10/02

Staff Recommendation			Staff Reviewer: Laxmi Srinivas
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

September 11, 2002

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Laxmi Srinivas, Senior Planner

SUBJECT: Detailed Site Plan DSP-79011/06
Bob Hall, Inc.

The Urban Design staff has reviewed the Detailed Site Plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions.

EVALUATION

The Detailed Site Plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the following sections of the Zoning Ordinance:
 - Section 27-471 regarding the I-3 Zone (Planned Industrial/Employment Park)
 - Section 27-473 governing permitted uses in the I-3 Zone
 - Section 27-568 regarding minimum parking requirements
 - Section 27-582 regarding minimum loading requirements
- b. The requirements of the *Landscape Manual*
- c. Referrals

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

1. The subject site, consisting of approximately 15.72 acres, is located on the southeast corner of MD 4 and US 301. The MD 4 ramp is on the north side of the property. The adjacent properties are as follows:
 - property to the south zoned I-3 has industrial uses
 - property to the northeast zoned C-S-C has an integrated shopping center

2. Development Data Summary

	EXISTING	PROPOSED
Zone(s)	I-3	I-3
Use(s)	Beer distribution facility	Beer distribution facility
Acreage	15.72 acres	15.72 acres
Lots	NA	NA
Parcels	NA	NA
Square Footage/GFA	78,251	40,450 additional 118,701 total

2. The subject site is currently developed with a beer distributorship, associated warehouse building, office and parking.

3. The applicant is proposing a 35,125-square-foot warehouse addition and a 5,325-square-foot building that serves as a drive-through for the warehouses and associated parking. A 2,100-square-foot metal storage building will be relocated. The height, location, colors, materials and architectural style of the proposed buildings will be compatible with the height, location, colors, materials and architectural style of the existing buildings.

4. The following applications were previously approved for the subject lot:

SP-79011-	Original site plan for the beer distribution facility approved on May 10, 1979. SP-79011 constituted a single combined submission for both the Conceptual Site Plan and the Detailed Site Plan.
SP-82046-	A revision to the Detailed Site Plan was approved for the keg storage addition on August 25, 1982.
SP-83093-	A revision to the Detailed Site Plan was approved for a storage shed on November 18, 1993.
SP-79011/01-	A revision to the Detailed Site Plan was approved for an addition of a canopy over fuel pumps on June 10, 1992.
SP-79011/02-	A revision to the Detailed Site Plan was approved for various improvements, which was invalidated and superceded by Revision 03.
SP-79011/03-	A revision to the Detailed Site Plan was approved for a telecommunications tower on May 21, 1998.
SP-79011/04-	A revision to the Detailed Site Plan was approved to add five equipment buildings on February 16, 1999.

SP-79011/05- A revision to the Detailed Site Plan was approved on March 25, 1999, to address right-of-way issues. A condition of approval was added to remove the tower and equipment building at the owner's expense if the State Highway Administration required the land.

The following variances were granted by the Board of Appeals for Prince George's County:

Variance Appeal No. 5413- granted 40 feet variance to the building setback from MD 4 and a 79 percent variance for the off-street parking requirement.

Variance Appeal No. 5483- granted a ten-foot variance to the side yard setback for the warehouse. The building was a truck maintenance/truck wash/parts storage facility located on the lower portion of the site.

5. Section 27-471, I-3 Zone (Planned Industrial/Employment Area) establishes the following parameters for development in the I-3 Zone:

a. *Purposes:*

To provide increased and enhanced employment opportunities.

To provide for a mixture of industrial, research, office and specific retail commercial office uses.

To permit uses which when compared to the uses permitted in other industrial zones will minimize detrimental effects on adjacent properties.

To provide development standards which assure compatibility of proposed land uses with surrounding land uses.

Compliance of the existing land use with this section was already established as a part of the original approval for the existing use.

b. *Landscaping, screening, and buffering of development in the I-3 Zone shall be as set forth in the Landscape Manual.*

Additional buffering and screening may be required to protect the park-like setting of the Planned/Industrial Employment Park from adjoining or interior incompatible land uses.

The proposal is subject to the requirements of Section 4.2 (Commercial and Industrial Landscape Strip Requirements), Section 4.7 (Buffering Incompatible Uses), and Section 4.3 (Perimeter and Interior Parking Lot Landscape Requirements) of the *Landscape Manual*. The proposal complies with the above requirements of the *Landscape Manual*.

c. *Outside uses:*

With the exception of off-street parking and loading areas, recreational facilities...all uses allowed in the Table of Uses shall be located in wholly enclosed buildings. Outdoor storage is prohibited.

The proposed use is entirely within the existing and proposed buildings.

d. *Site Plans:*

A conceptual and detailed site plan shall be approved for all uses and improvements.... In addition to the requirements of Part 3, Division 9, the Detailed Site Plan shall show the design and size of lettering, lighting, and all other features of signs proposed (except those for directional and informational purposes containing not more than four (4) square feet). These signs shall be reviewed and approved or disapproved at the same time the Detailed Site Plan is acted upon.

A Conceptual Site Plan and a Detailed Site Plan have already been approved for the existing use. The subject application is a revision to the previously approved Detailed Site Plan.

e. *Uses:*

The uses allowed in the I-3 Zone are as provided for in the Table of Uses

The existing use is a permitted use in the I-3 Zone.

f. *Regulations:*

- (1) *Additional regulations concerning the location, size and other provisions for all buildings and structures in the I-3 Zone are as provided for in Divisions 1 and 5 of this part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.*
- (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 proposed use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building.*
- (3) *No loading docks shall be permitted on any side of the building facing a street except where the lot is bounded by three (3) or more streets.*

The applicant has filed a variance application, VD-79011/06, for the proposed setbacks and parking. The variance application is discussed in detail under Finding 6. Finding 6 concludes that findings necessary for granting a variance can be made. With the approval of the variance, DSP-79011/06 can be found to be in conformance with the above section.

(g) *Warehousing:*

- (1) *Warehousing, wholesaling, distribution, or storage of materials not used, or products not produced, on the premises may be permitted, subject to the following:*
 - (A) *Not more than twenty percent (20%) of the net tract area of the entire Planned Industrial/Employment Park shall be devoted to these uses (including accessory uses such as off-street parking and loading areas)*
 - (B) *More than twenty percent (20%), but not more than thirty percent (30%), of the net tract area of the entire Planned Industrial/Employment Park*

may be devoted to these uses if at least five percent (5%) of the net lot area (of the lot on which the use is proposed) is devoted to green area. This green area shall be in addition to any other green area required by this Part. This additional green area shall either serve to preserve irreplaceable natural features, be designed so that the visual impact of the facility will be relieved (either by natural features or changes in grade), or provide distinctive furnishings (such as sculptures, fountains, and sidewalk furniture).

(C) *More than thirty percent (30%), but not more than fifty percent (50%), of the net tract area of the entire Planned Industrial/Employment Park may be devoted to these uses if, in addition to meeting the requirements of (B), above, the Planning Board finds:*

:

- (i) *That the tract is suited for these uses because of its accessibility to railways or highways that readily accommodate warehousing;*
- (ii) *That the traffic generated by the uses is not directed through residential neighborhoods;*
- (iii) *That the use is compatible with surrounding existing land uses and those proposed on the Master Plan. In determining compatibility, the Planning Board shall consider architectural or physical features of the facility and may require that these features be compatible with surrounding land uses.*

Compliance of the existing land use with this section was already established as a part of the previous approvals for the existing use (Finding #2 of SP-79011). The previous approvals established that the plan proposed more than 30 percent but not more than 50 percent of the net tract area to be devoted to warehousing, wholesaling, distribution, etc., based on the provision of five percent or more of the net lot area devoted to the green area, in addition to the green area required under Section 27-392.

(D) *The remainder of the park shall be devoted to other uses, in the case of (A), (B), or (C), above.*

Compliance of the existing land use with this section was already established as a part of the previous approvals for the existing use.

h. *Required access:*

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.

The access for the subject property is on MD 976-C, which has a right-of-way width of approximately 65 feet. However, 35 feet is available along the subject property. The other 30 feet, if increased to 35 feet, would encumber some parts of the Western Branch waterway. The subject street provides adequate access for tractor-trailers and other vehicles. The adequacy of the subject access was established as part of the previous approvals.

i. *Minimum area for the development:*

- (1) *The minimum area for the development of any Planned Industrial/Employment Park shall be twenty-five (25) gross acres.*
- (2) *If the area is less than twenty-five (25) acres but not less than fifteen (15) acres, the property may be classified in the I-3 Zone when the property adjoins property in the C-O Zone provided the area of the combined properties is at least twenty-five (25) gross acres.*
- (3) *If the area is less than twenty-five (25) acres, and the land was classified in the I-3 Zone prior to October 31, 1977, or upon approval of a Sectional Map Amendment, it may be developed in accordance with this Part, provided the owner of record does not own abutting undeveloped land in the I-3, E-I-A or C-O Zone.*

Compliance of the existing land use with this section was already established as a part of the previous approvals for the existing use.

5. The proposed parking is consistent with the following requirements of Sections 27-568 and 27-582, Off-street Parking and Loading, of the Zoning Ordinance:

	REQUIRED PARKING	PROPOSED PARKING
Office One per 250 sq.ft. for the first 2,000 sq.ft. and one per 400 sq.ft. for the remaining sq.ft. (for 19,804 sq.ft.)	52	52
Warehouse Three per first 1,500 sq.ft. and one per 1,500 sq.ft. thereof (for 60,134 sq.ft.)	46	46
Drive Thru/Loading Area Three per first 1,500 sq.ft. and one per 1,500 sq.ft. thereafter (for 22,507 sq.ft.)	19	19
Keg Storage Three per first 1,500 sq.ft. and one per 1,500 sq.ft. thereof (for 17,182 sq.ft.)	6	6
Keg Refrigeration Three per first 1,500 sq.ft. and one per 1,500 sq.ft. thereof (for 6,825 sq.ft.)	6	6
Dead Storage Building Three for the first 1,500 sq.ft. (for 400 sq.ft.)	1	1
Existing Pumphouse One per 1,500 sq.ft. (for 1,050 sq.ft.)	1	1
Truck maintenance garage Three parking spaces per bay (for three bays)	9	9
Telecommunications tower and related uses	1	1
Relocated storage building Three for the first 1,500 sq.ft and one for 1,500 sq.ft. thereof (for 2,100 sq.ft.)	4	6
TOTAL	148	150

Referral Comments

6. The Permit Review Section (Gallagher to Srinivas, July 16, 2002) has requested minor changes to the Detailed Site Plan. Conditions of approval have been added to require the changes.
7. The Department of Environmental Resources (De Guzman to Srinivas, July 11, 2002) has stated that the site plan is consistent with the approved stormwater management concept approval # 10998-2001.
8. The Town of Upper Marlboro (Ford to Srinivas, July 17, 2002) has no comments on the proposal.
9. The Environmental Planning Section (Markovich to Srinivas, July 1, 2002) has stated that the proposal is exempt from the woodland conservation ordinance.
10. The Washington Suburban Sanitary Commission (Thacker to Srinivas, July 3, 2002) has stated that there is existing on-site service.
11. The Subdivision Section (Chellis to Srinivas, July 11, 2002) has stated that the development as proposed is exempt from the subdivision regulations. The plat of record, NLP103@56 was recorded in 1979. The Section has stated that the bearings and distances of the Detailed Site Plan must be revised in accordance with the final plat of subdivision.
12. The Community Planning Division (Baxter to Srinivas, June 24, 2002) has stated that the proposal conforms to the Subregion VI Master Plan. The proposal is also consistent with the master plan guidelines for landscape buffers. A condition of approval was added for one of the previous revisions that required the applicant to bear the cost of removing the existing telecommunications tower at the time of construction of the master plan interchange, if required by the State Highway Administration. The Section recommends that this condition be retained. This condition has been retained with slight modifications.
13. The State Highway Administration (McDonald to Srinivas, July 16, 2002) has stated that they have no objection to the approval of the subject Detailed Site Plan. The Department has stated that the ultimate right-of-way dedication is based on the US 301 Access Control Study, March 1999 document.
14. The Transportation Planning Section (Masog to Srinivas, September 9, 2002) has stated that the original Preliminary Plan 4-78270 did not establish trip caps or other explicit limits on the development of the subject property. A previous condition of approval was added to require the applicant to remove or relocate the telecommunications tower if the underlying property were to be acquired by the State Highway Administration. The Section does not recommend a similar condition for the subject case because such conditions are generally added to accessory uses on the property, nonpermanent buildings, and low intensity uses and fast-food restaurants, convenience stores, and service stations that have a useful life of 5 to 10 years.
15. With the proposed conditions, Detailed Site Plan DSP-79011/06 is found to 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. The Detailed Site Plan is in conformance with the Conceptual Site Plan approved for this site, CSP-79011.

Variance

16. Section 27-474, Regulations, of the Zoning Ordinance requires the following in the I-3 Zone:

Setbacks along the street=50 feet

Setbacks from adjoining land in any nonresidential zone=36 (20 +16 for a 16-foot-high building)

Parking allowed in the front yard=25 percent with an additional 15 percent at the discretion of the Planning Board (40 percent)

The applicant's proposal is inconsistent with these requirements in the following ways:

Setbacks along the street (MD 4)=10 feet

Setbacks from adjoining land in any nonresidential zone (adjacent property to the south)=20 feet.

Parking proposed in the front yard=88 percent

The applicant was previously granted the following variances:

Setback along the street=ten feet for the existing warehouse building (Variance Appeal No. 5413)

Parking in the front yard=89 percent for the existing parking (Variance Appeal No. 5413)

16. Section 27-230 of the Zoning Ordinance requires the Planning Board to make the following findings prior to approving an application for a variance:

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

The applicant is proposing a ten-foot setback for the proposed warehouse addition from MD 4 so that it lines up with the existing warehouse. The justification for granting the variance for the existing warehouse was that the location maximized the amount of suitable land for a major structure. Due to the steep slopes and major construction costs involved to meet the setback requirements, a variance was granted by the Board of Zoning Appeals. Due to the grade differential between the site and the highway, visual contact with the existing and proposed buildings is difficult. Due to the grade differential, the proposed landscaping will be more visible from the highway than the building. In order to construct a warehouse expansion of the proposed size, the addition had to be lined up with the existing warehouse. Again, the location of the proposed addition maximizes the amount of suitable land.

The relocated storage building is set back 20 feet from the rear property line instead of the required 36 feet. The subject location was chosen to minimize the disturbed area and avoid an additional access to the relocated storage building. At present, the access for the telecommunications tower can be used for the relocated storage building. Also, the existing vegetation around the building will adequately screen the building.

The applicant is proposing 88 percent of the parking in the front yard. The applicant was previously granted a variance by the Board of Zoning Appeals to allow 89 percent of the parking in the front yard. The original justification for granting this variance was that the subject site offers limited land suitable for parking construction due to its narrowness and steep grade. The proposed parking is also being placed in the front yard due to the same site constraints. Although eight of the new parking spaces are to be constructed within the existing paving, 57 spaces still have to be provided outside the truck access roads and turning areas. The area in front of the existing parking lot was chosen for the proposed parking so that it would be within reasonable walking distance to the main buildings and would require minimal grading. The existing and proposed parking lots will not be visible from the street because it is set back more than 700 feet from the street and will not be very visible from the street due to the narrow frontage (approximately 215 feet).

Therefore, due to the unique site conditions, excessive slopes, and narrowness and unusual shape, the granting of the above variances is justified.

- (2) *The strict application of this Subtitle will result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon the owner of the property; and*

To construct the warehouse and the storage shed with the required setbacks from the street and the adjoining property to the south, the applicant would incur substantial expenses for major site grading for construction along steep slopes. The construction of the parking lot strictly in accordance with the Zoning Ordinance requirements would also involve major expenses and substantial disruption of sensitive slopes. Due to the unique site conditions, the applicant was previously granted variances by the Board of Zoning Appeals. The same unique site conditions still exist and therefore variances are requested for the proposed expansion, also. The previous justifications for granting the variance still apply to the proposed additions. The proposed additions make use of the most suitable areas for construction without incurring major expenses and disruption of steep slopes. Therefore, the granting of the variance is justified and the strict application of this subtitle would result in peculiar or unusual difficulties to, or exceptional or undue hardship upon, the owner of the property

The existing house was constructed according to residential yard setback requirements and the property was later reclassified in the I -3 Zone. Since the house is being converted for industrial purposes, the existing setbacks are to be retained. For the structure to be brought into compliance with the industrial sideyard setback requirements, the existing house would have to be modified or the entire building would have to be relocated. This would create substantial practical difficulties for the owner. Relocating the parking to the rear and relocating the existing structures within the building restriction line would result in additional expenditure for the owner. Therefore, the strict application of this subtitle would result in unusual practical difficulties for the owner.

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

The granting of the previous variances was deemed consistent with the objectives of the Circulation and Transportation chapter in the master plan. The Circulation and Transportation chapter recommended the use of landscape buffers between transportation facilities and incompatible adjacent land uses. Due to the existing landscaping, the grade differential between the site and the highway and the proposed landscaping, the granting of the variances will not impair the intent of the Circulation and Transportation chapter. The justification for granting the

previous variances applies to the subject variances. Therefore, the variance will not substantially impair the intent, purpose or integrity of the General Plan or master plan.

The Planning Board finds that the approval of variance application VD-79011/06A is justified based on the fulfillment of the criteria mentioned above

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-79011/06 and VD-79011/06A subject to the following conditions:

1. Prior to certification of the Detailed Site Plan, the site and landscape plans shall be revised to show the following:
 - a. Parking schedules that include the dates that each building was constructed.
 - b. Right-of-way along MD 4.
 - c. A 16-foot-wide by 19-foot-long van space for the physically handicapped.
 - d. Bearings and distances matching the final plat.
2. The applicant, his heirs, successors or assigns shall bear the cost of removing the telecommunications tower at the time of construction of the master planned interchange, if required by the State Highway Administration. The relocated storage building shall also be removed and relocated if required by the State Highway Administration. If the State Highway Administration determines that the master planned interchange will not impact the area of the subject site where the telecommunications tower and the relocated storage building are located, then the applicant shall not be required to remove and relocate the telecommunications tower and the storage building.