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## Detailed Site Plan DSP-91054/02, Variance VD-91054/02 And Departure from Design Standards DDS-544

Application	General Data
Project Name  Bellefonte, Lot 7  Location  Northwest side of Poplar Hill Lane approximately 980 feet north of Alexandria Ferry Road.  Applicant/Address  John Paris 7708 Poplar Hill Lane Clinton, MD 20735	Date Accepted 12/18/02
	Planning Board Action Limit Waived
	Plan Acreage 0.7354
	Zone I-1
	Dwelling Units NA
	Square Footage 1,513.02
	Planning Area 81A
	Council District 9
	Municipality NA
	200-Scale Base Map 210SE7

Purpose of Applications	Notice Dates
DSP—To revise DSP-91054 to include a garage and modify the landscaping scheme. VD—To validate an existing 15-foot intrusion into the required front yard setback. DDS—To allow an intrusion into the building setback, a decrease in the minimum landscaped yard and the number of plant units required by the <i>Landscape Manual</i> .	Adjoining Property Owners 1/13/03 (CB-15-1998) and 4/22/03
	Previous Parties of Record 3/2/03 (CB-13-1997)
	Sign(s) Posted on Site 11/26/03
	Variance(s): Adjoining 4/22/03 Property Owners

Staff Recommendation			Staff Reviewer: Ruth Grover
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

July 30, 2009

**MEMORANDUM**

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Ruth Grover, Senior Planner

SUBJECT: Detailed Site Plan DSP-91054/02,  
Variance VD-91054/02 and Departure from Design Standards DDS-544

The Urban Design staff has reviewed the detailed site plan and the variance application. Based on that review and the findings in this report, the Development Review Division recommends APPROVAL with conditions as stated in the recommendation section of this report.

**EVALUATION**

The detailed site plan and variance applications were reviewed and evaluated for conformance with the following criteria:

- a. The Prince George's County Zoning Ordinance.
- b. The *Landscape Manual*.
- c. Compliance with Zoning Map Amendment A-9741.
- e. The Woodland Conservation Ordinance.
- f. Referrals.

**FINDINGS**

Based on evaluation and analysis of the subject application, the Urban Design staff recommends the following findings:

- 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**

	<b>EXISTING</b>	<b>PROPOSED</b>
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**

	<b>REQUIRED</b>	<b>PROVIDED</b>
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.
- c. **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.
- d. **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.

11. 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.

## **RECOMMENDATION**

Based upon the foregoing evaluation, analysis and findings, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE DSP-91054/02 and Variance VD-91054/02 subject to the condition that:

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.

## REQUEST FOR A DEPARTURE FROM DESIGN STANDARDS

### EVALUATION

The departure from design standards application was reviewed and evaluated for conformance with the Prince George’s County Zoning Ordinance.

### FINDINGS

Based on evaluation of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The subject application requests the following:

A departure from design standards required by the *Landscape Manual* for:

- (i) An intrusion into the building setback.
- (ii) A decrease in the width of the minimum landscaped yard.
- (iii) A decrease in the number of required plant units.

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
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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.
7. **History of the Application:** Alternative Compliance from the requirements of the *Landscape Manual* was denied by the Planning Director on July 23, 2003. The applicant requested that the required 40-foot building setback on the northerly side of the subject property be reduced to a setback that varies between 7 and 40 feet, that the required 30-foot landscaped yard be reduced to a landscaped yard that varies between 3 and 30 feet, and that the 444 plant units required be reduced to 290. The Alternative Compliance Committee, in justifying its recommendation of denial, stated:



“Since the approval of the previous alternative compliance, the applicant has further encroached upon the landscaped yard and building setback required by the *Landscape Manual*. Although the applicant removed two sheds totaling approximately 396 square feet that were contained wholly within the required landscaped yard, a new building has since been constructed, of which approximately 528 square feet are located within the landscaped yard, and a total of approximately 1028 square feet are within the required building setback. The applicant has built additional parking spaces within the landscaped yard, adding approximately 638 square feet of new parking to the required landscaped yard.

“The applicant proposes no additional landscaping, suggesting that the unusual configuration of the property creates a hardship and that existing mature trees within the landscaped yard and the existing woodlands located on the adjacent property provide sufficient screening.

“The committee is of the opinion that the alternative compliance plan is not equal to or better than the normal requirements of the *Landscape Manual*.”

#### **Required Findings Pursuant to Zoning Ordinance Section 27-239.01(b)(9)**

8. As per Section 27-239.01(b)(9), in order for the Planning Board to grant the departure, the following findings must be made. Staff’s evaluation of the subject application’s compliance with each criterion follows each bolded section in italicized type.

##### **The purposes of this Subtitle will be equally well or better served by the applicant’s proposal;**

*The application does meet the purposes of the Zoning Ordinance as expressed therein. Specifically, the ordinance must recognize the needs of business and encourage economic development activities that provide desirable employment and a broad, protected tax base. The subject site is surrounded by compatible industrial land use except for the boundary it shares with the Andrews Air Force Base golf course. In a letter dated September 5, 2003, Andrews Air Force Base, due to security concerns, expressed the desire not to have landscaping planted at least within five feet of the shared boundary. Therefore, the only conflicting land use in the vicinity has expressed the opinion that they would prefer less buffering along their common property line, as the applicant has requested in the subject DDS.*

##### **The departure is the minimum necessary, given the specific circumstances of the request;**

*The departure is the minimum necessary as the garage has already been built and the parking lot paved. To deny the request would require the demolition or relocation of structure and the removal of paving.*

##### **The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

*The subject site is triangular in configuration, making it not maximally usable as a bussing concern. Additionally, the site is unique in that it is located in a previously residential neighborhood, which has been rezoned to industrial and is almost exclusively industrial in the proposed project’s vicinity. Lastly, because the site, like most surrounding sites, contains a single-family home as its main place of business and was previously designed for single-family use, site design is hampered by preexisting design and built form.*

**The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

*The building, being of new construction, is in better condition than many other structures in the neighborhood. As previously mentioned, the subject site is surrounded, except for the Andrew's Air Force Base golf course, by similar industrial use. The site is partially obscured by fencing and landscaping and is located at a dead-end, ensuring that the structure will not be seen by through traffic.*

**That there is no feasible proposal for alternative compliance, as defined in the *Landscape Manual*, that would exhibit equal or better design characteristics.**

*The subject application was considered fully by the Alternative Compliance Committee and denied by the Planning Director. There is no feasible proposal for alternative compliance that would exhibit equal or better design characteristics.*

9. **Referrals for DDS-544**

- a. **Subdivision Section**—The Subdivision Section stated that there are no additional subdivision comments regarding the DDS.
- b. **Permits Section**—The Permits Section stated that access to a 12- by 33-foot loading space must be clearly delineated on the site plan, that a variance is required for the project, and that the project must meet the requirements of the *Landscape Manual*.
- c. **Redevelopment Authority (RA)**—RA stated that they had no comments regarding the proposed DDS.
- d. **Environmental Planning Section**—The Environmental Planning Section stated that they had no issues connect with the proposed DDS.
- e. **Andrews Air Force Base**—Andrews Air Force Base stated that they stand by their September 5, 2003, letter regarding this matter. In that letter they recommended that any plantings be at least five feet and preferably ten feet from the fence line.
- f. **Department of Environmental Resources (DER)**—DER stated that the approved stormwater management conceptual plan must be revised to reflect the garage and paving shown on the site plan. This concern has been addressed in a recommended condition to companion case DSP-91054-02 and VD-91054/02.

10. The Departure from Design Standards application—DDS-544 as particularized in Finding 8 above—meets the requirements of Zoning Ordinance Section 27-239.01(b)(9)

## **RECOMMENDATION**

Based upon the foregoing analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE DDS-554 for Bellefonte, Lot 7 subject to the following conditions:

Prior to signature approval of plans, the following revisions shall be made:

1. The following note shall be added to the plans:

“Plantings along the subject property’s northerly boundary adjacent to Andrews Air Force Base shall be a minimum of five, and preferably ten feet from the fence line.”
2. The amount of green space shall be corrected to 7,384 square feet.