

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DDS-555 requesting departure from the requirements of Section 4.7 of the *Landscape Manual* in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on March 9, 2006, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located at the southeast corner of Sheriff Road and Glen Willow Drive, known as 6101 Sheriff Road. The property is improved with an existing building with light industrial uses. The property has 259 feet of frontage on Sheriff Road. Vehicular access to the property is from Sheriff Road.
- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Light Industrial Use	Light Industrial Use
Acreage	3.12	3.12
Lots	1	1
Parcels	NA	NA
Square Footage/GFA	36,000	36,000

- C. **History:** The existing building on the property was constructed in 1969. On October 20, 1999, the Board of Zoning Appeals granted a Variance appeal (Appeal No. V-152-99) for a 25-foot setback from the ultimate right-of-way of Glen Willow Drive to validate the existing conditions and allow for the addition of a loading area. The addition of a 5,610-square foot loading area required compliance with the requirements of the *Landscape Manual*. The Planning Director approved Alternative Compliance Application AC-99049 on November 22, 1999. The alternative compliance application was for relief from the landscape yard requirements of Section 4.2 of the *Landscape Manual* along Sheriff Road.

The applicant later decided to eliminate the proposed landscaping along the southern property line. Since this change was not in conformance with the requirements of the *Landscape Manual*, a revision to the original Alternative Compliance application AC-99049/01 was submitted. This application was for relief from the requirements of Section 4.7 of the *Landscape Manual* along the southern property line. On March 18, 2005, the Planning Director denied Alternative Compliance Application AC-99049/01 in conjunction with Permit No. 42023-2004-SGU. This case was before the Planning Board on April 28, 2005 and was continued to allow the applicant and staff devise a landscaping alternative that would provide some planting along the southern property line.

- D. **Master Plan Recommendation:** The 1993 Approved Landover and Vicinity Master Plan recommends employment-related uses for this site and retains the property in the I-1 Zone.
- E. **Request:** The applicant is requesting a departure from the requirements of Section 4.7 of the *Landscape Manual* along the southern property line. Section 4.7 of the *Landscape Manual* requires a Type 'D' bufferyard with a 40-foot-wide landscape yard planted with 282 planting units along the southern property line. Providing the required bufferyard would reduce the existing parking area by 9,225 square feet and eliminate 13 existing parking spaces.
- F. **Surrounding Uses:** The property is surrounded with the following uses:
- | | |
|--------|--|
| North— | Sheriff Road and industrial uses in the I-2 Zone across Sheriff Road |
| South— | Multifamily residential use in the R-18 Zone |
| East— | Vacant lot in the I-1 Zone |
| West— | Glen Willow Drive and Cedar Heights Park in the R-55 Zone across Glen Willow Drive |
- G. **Landscape Manual Requirements:** The property is subject to the requirements of Section 4.7 of the *Landscape Manual*. The proposed landscape plan falls short of the required minimum landscape yard and planting units. The Planning Director recommended denial of the applicant's proposal for alternative compliance (see review comments for AC-99049/01) and, consequently, the applicant is requesting a departure from these requirements.
- H. **Signs:** No freestanding signs are proposed with this application.
- I. **Other Issues:**
1. The Permit Review Section (memorandum dated January 24, 2005) recommends addition of notes regarding the use of the subject property and the addition of ramps/drop curbs for access to the building for the physically handicapped. Conditions of approval have been added to require these minor changes to the site plan.
 2. The Historic Preservation and Public Facilities Section (memorandum dated November 28, 2004) has no comments regarding the proposal.
 3. The Transportation Planning Section (memorandum dated December 6, 2004) has no comments regarding the proposal.
 4. The Environmental Planning Section (memorandum dated November 30, 2004) indicates that there are no environmental issues related to this proposal.

5. The Community Planning Division (memorandum dated January 31, 2005) states that the property is in the Developed Tier. The 1993 Approved Landover and Vicinity Master Plan recommends employment-related uses for this site and retains the property in the I-1 Zone. The Section has expressed concerns regarding the removal of the existing landscaping along the southern property line and the proposed lack of screening between the subject industrial use and the adjacent residential use.

J. Required Findings:

- (A) **Section 27-239.01(b)(9) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:**

1. **The purposes of this Subtitle will be equally well or better served by the applicant's proposal.**

The purposes of the Zoning Ordinance are set forth in Section 27-102. They are varied in nature, but in general are to protect the health, safety and welfare of the residents and workers in Prince George's County. In this instance, the facts establish that granting the requested departures will in no way jeopardize these purposes.

Providing the required bufferyard would reduce the existing parking area by 9,225 square feet and eliminate 13 existing parking spaces. Therefore, the applicant has not proposed any landscaping along the southern property line to screen the subject industrial use from the adjacent residential use. However, some minimum landscaping is required to screen the adjacent residential use. A condition of approval has been added to require the applicant to provide the following along the southern property line:

- A 15-foot-wide landscape yard planted with one staggered row of evergreen trees a minimum of ten feet on center.
- A six-foot-high sight-tight fence.

Staff's original condition required two staggered rows of evergreen trees. However, after further review of the site plan, staff became aware that two rows of evergreens would make the landscaped strip difficult to maintain. Although the above recommended landscaping and fence are not as extensive as landscaping and screening normally required for an industrial use, they are adequate to screen the adjacent residential property and improve the overall appearance of the property. An attempt to achieve full compliance with the *Landscape Manual* would be virtually impossible. With the proposed conditions, the purpose of this Subtitle will be equally well or better served.

2. The departure is the minimum necessary, given the specific circumstances of the request.

The requested departure is the minimum necessary. Strict compliance with the *Landscape Manual* will require substantial encroachment into the existing parking area and reduce the required number of parking spaces.

3. The departure is necessary in order to alleviate circumstances that are unique to the site or prevalent in areas of the County developed prior to November 29, 1949.

The existing size of the property is not adequate to accommodate the proposed loading dock extension, the required landscaping and the existing parking lot. Strict compliance with the *Landscape Manual* will require substantial encroachment into the existing parking area and reduce the required number of parking spaces. Therefore, the departure is necessary to alleviate circumstances that are unique to the site and unique to the use of the property as an industrial use located adjacent to a residential use.

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

The departure will not impair the visual, functional or environmental quality or integrity of the site or the surrounding area. The departure, with the recommended planting and fence, will, in fact, add to the visual, functional and environmental quality or integrity of the site and the surrounding neighborhood.

(B) For a departure from a standard contained in the *Landscape Manual*, the Planning Board shall find, in addition to the requirements in paragraph (A) above, that there is no feasible proposal for alternative compliance, as defined in the *Landscape Manual*, which would exhibit equal or better design characteristics.

Installation of landscaping according to the requirements of the *Landscape Manual* is not practical. These requirements cannot be provided without causing substantial damage to the existing parking lot and a loss of required parking spaces. There is no feasible proposal for alternative compliance, as defined in the *Landscape Manual* that would exhibit equal or better design characteristics.

Planning Commission adopted the findings contained herein and APPROVED the above-noted application, subject to the following conditions:

1. Prior to certification, the site plan shall be revised as follows:
 - a. A note stating the use of the subject building
 - b. Ramps/drop curbs or other means of access into the building for the physically handicapped
 - c. A 15-foot-wide landscape yard planted with one staggered row of evergreen trees a minimum of 10 feet on center along the southern property line.
 - d. A six-foot-high sight-tight fence along the southern property line.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of 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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, March 9, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of April 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JJ:bjs

(Revised 8/9/01)