

June 6, 2007

**MEMORANDUM**

**TO:** Prince George's County Planning Board

**VIA:** Steve Adams, Urban Design Supervisor

**FROM:** Christopher Lindsay, Urban Design Section, Development Review Division

**SUBJECT:** Detailed Site Plan DSP-01021  
Variance VD-01021  
Departure from Design Standards DDS-521  
Alternative Compliance AC-01040  
Yong Property (Formerly the Archer Property)

At the May 24, 2007, Planning Board hearing, this case was continued for four weeks in order to allow the applicant to have more time to consult with the Department of Public Works and Transportation (DPW&T). This consultation is deemed essential to the review of this case because the DPW&T has previously objected to the substandard width of the subject property's driveway and to the placement of the screening fence along Kerby Hill Road, which are two key aspects of the existing development configuration.

As of June 6, 2007, the applicant has not submitted new information. The applicant has indicated that they have been in discussion with DPW&T, and that new information will be forthcoming in the near future. Upon submission of new information, it will be submitted to the Planning Board.



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

**DETAILED SITE PLAN**  
**Departure from Design Standards**  
**Variance**

**DSP-01021**  
**DDS-521**  
**VD-01021**

Application	General Data
<b>Project Name:</b> Yong Property (Formerly the Archer Property)  <b>Location:</b> North side of Kerby Hill Road, approximately 300 feet west of Indian Head Highway (MD 210)  <b>Applicant/Address:</b> Brian Yong 304 Patton Place Rockville, Maryland 20851	Date Accepted: 5/3/01
	Planning Board Action Limit: Waived
	Plan Acreage: 0.4890
	Zone: C-O
	Dwelling Units: NA
	Square Footage: 1055
	Planning Area: 80
	Tier: Developing
	Council District: 8
	Municipality: NA
200-Scale Base Map: 211SE01	

Purpose of Application	Notice Dates
Contractor's office without outdoor storage	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-12-2003) <span style="float: right;">3/30/07</span>
	Sign(s) Posted on Site and Notice of Hearing Mailed: <span style="float: right;">4/23/07</span>

Staff Recommendation		Staff Reviewer: Lareuse/Lindsay	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-01021, Yong Property  
Departure from Design Standards DDS-521  
Variance VD-01021  
Alternative Compliance AC-01040

Urban Design staff has completed review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the recommendation section of this report.

EVALUATION

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of Zoning Ordinance No. 16-2006 (A-9980-C).
- b. The requirements of the Zoning Ordinance in the C-O Zone and the site design guidelines.
- c. The conditions of the February 26, 2007, Council Order Approving Authorization to Issue Building Permit for a Structure Within a Planned Right-of-Way.
- d. The requirements of the Landscape Manual.
- e. The requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance.
- f. Referral comments.

FINDINGS

Based upon the evaluation and analysis of the subject detailed site plan, Urban Design Review staff recommends the following findings:

1. **Request:** The subject detailed site plan application is for approval of a contractor's office without outdoor storage in the C-O Zone. The business will be housed in an existing one-story building of 1,055 square feet. The variance application requests a variance of approximately six feet to the required ten-foot front setback from the right-of-way. The departure from design standards application requests a departure of up to 12 feet from the required driveway width of 22 feet.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-O	C-O
Use(s)	Contractor's Office (without outdoor storage)	Contractor's Office (without outdoor storage)
Acreage	0.489	0.489
Parcels	1	1
Building square footage/GFA (existing building)	1,055	1,055

**OTHER DEVELOPMENT DATA**

	<b>REQUIRED</b>	<b>PROPOSED</b>
Total Parking Spaces	3	5
Of which handicapped spaces	1	1
Loading spaces	0	0

3. **Location:** The subject property is located on the north side of Kerby Hill Road, approximately 300 feet west of MD 210. It is in Planning Area 80, Council District 8, and is within the Developing Tier.

4. **Surroundings and Use:** The site is bounded to the south by Kerby Hill Road. To the north and east lies land owned by the Wilson Towers multifamily apartment complex. There is a concrete drainage swale running adjacent to the eastern edge of the site on the Wilson Towers property. To the west are single-family dwellings in the R-55 zone. Facing the subject property on the south side of Kerby Hill Road are a gas station and the Shalom Ministries Christian Center.

5. **Previous Approvals:** Zoning Map Amendment A-9917 rezoned the subject property from R-18 to C-O in July of 1998. However, the site, which had been in use as a landscape contractor's business for many years, was never issued a proper use and occupancy permit. The current contractor's business requires a use and occupancy permit as well.

The District Council, on February 26, 2007, granted authorization for the Planning Board to approve a site plan for the subject property, notwithstanding the presence of structures within the right-of-way, and for the Department of Environmental Resources to grant the applicant a building permit within the future right-of-way subject to the approval of the site design. The resolution of the District Council also requires that "any applicant construction done pursuant to this order must be removed or altered, if that is required for State or County construction within the right-of-way." To ensure that this requirement is clear, staff recommends that this condition be added to any approval of the subject application.

The subject applications have been filed in order to validate the existing use and design of the site, which has numerous design constraints.

6. **Design Features:** The subject property is developed with an existing single-story building. This building is located at the southern end of the property, approximately three feet from the 70-foot ultimate right-of-way for Kerby Hill Road at its closest point. The property is accessed by a driveway from Kerby Hill Road at the property's southwestern corner. This driveway is only 10 feet wide along its narrowest length, widening to 20 feet as it turns eastwards to access the parking areas. There is a proposed handicapped van-accessible parking space on the north side of the

building, and four standard parking spaces are provided in a row northeast of the handicapped space. The driveway and parking areas on the site are made of bluestone gravel surface.

The entire site is surrounded by fencing. A six-foot tall wood fence runs along the front property line, within the 70-foot ultimate right-of-way for Kerby Hill Road. The six-foot tall wood fence continues along the western and northern sides of the site, and the southern portion of the eastern side. A three-foot tall chain link fence runs along the remainder of the eastern side. It should be noted that these fences do not follow the property lines exactly, and areas of land not part of the subject property are enclosed by the fences on the west and north sides. It appears that the chain link fence is associated with the adjacent dwellings and the wood fence is associated with the subject property. A condition of approval is recommended to require the off-site fencing associated with the subject property either be relocated onto the subject property or removed from the plan.

The eastern two-thirds of the property, including the entire area occupied by the building and parking area, lie within the floodplain. It should be noted that the application does not propose additional structures within the floodplain.

The existing fence along the southern property line falls within the ultimate right-of-way for Kerby Hill Road. More importantly, the entire subject property falls within the ultimate right-of-way proposed for the future interchange of Indian Head Highway with Kerby Hill Road. The Transportation Planning staff has indicated that this interchange is currently being designed and might be implemented between 2010-2012.

#### COMPLIANCE WITH EVALUATION CRITERIA

6. **Zoning Ordinance No 98-221 (A-9917):** This zoning map amendment was approved by the District Council on May 18, 1999, rezoning the subject property from the R-18 Zone to the C-O Zone. As a condition to this approval, the amendment requires a detailed site plan to be reviewed by the Planning Board to address the following:

- a. **All buildings on the subject property shall be constructed of building materials similar to those used in the adjoining neighborhood.**

The building on the site is an existing structure. No new buildings are proposed. The building is composed of two parts. The original structure on the north side is constructed of brick painted in a light yellow color, while an addition on the south side, built in the mid-1990s, is constructed using white siding. Both sections of the building have flat roofs.

The subject property is located in a transition zone between single-family dwellings to the west, the multifamily dwellings to the north, and commercial and institutional uses on the south side of Kerby Hill Road. The adjacent single-family house is constructed using red brick, with a typical gable roof. The subject property is also adjacent to the Wilson Towers apartments, which are six-story, flat-roofed buildings constructed using red brick (although the apartment buildings themselves are more than 500 feet from the existing building on the subject property). Across Kerby Hill Road to the south, the subject property faces a typical Shell gas station and the Shalom Ministry Christian Center building, which are both single-story white structures utilizing flat roofs (a portion of the Shell building has a gable roof).

The existing building is not constructed of building materials that are similar to those used in the adjoining residential neighborhood. The building materials are somewhat closer in style to the commercial and institutional buildings on the south side of Kerby Hill Road. In view of the

essentially temporary nature of the building, the Urban Design staff feels that it would not be justifiable to require major changes to the existing structure.

- b. **Planted materials in the landscaped buffers and landscape strip on the property shall be provided outside of the fence wherever possible, in order to provide greater compatibility with residential yards.**

The proposed planting within the landscape strip adjacent to Kerby Hill Road has not been provided outside of the fence because the fence follows the property line. This situation is discussed in detail under Finding 14.c., below.

Along the western and northern sides of the site, the plantings within the bufferyards are located behind the fence. Staff feels that it is appropriate to provide the buffer planting behind the fence because the fence line serves to demarcate the de facto property line between the yards.

- 7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the C-O Zone and the site plan design guidelines of the Zoning Ordinance.

- a. The C-O Zone permits a contractor's office as a use, provided that there is no outdoor storage of materials or equipment.
- b. The C-O Zone requires a ten-foot-wide front setback from the right-of-way for all structures.

The existing six-foot-high fence along the front property line falls within the right-of-way for Kerby Hill Road, the existing building intrudes into the ten-foot setback, and the entire site is within the right-of-way for the future MD 210/Kerby Hill Road interchange. The applicant has filed for a variance to allow the existing building and fence to remain at their present locations, with the building approximately four feet from the Kerby Hill right-of-way. The variance would thus allow a six-foot intrusion into the required setback.

The Planning Board may grant a variance if it makes the following findings:

- i. **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional conditions, or other extraordinary situations or conditions.**

The subject property is entirely within the planned right-of-way for the interchange of Indian Head Highway and Kerby Hill Road, which constitutes an extraordinary situation.

- ii. **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.**

The strict application of the required front setback from the Kerby Hill Road right-of-way would force the applicant to move the existing building. The unusual circumstances regarding this property are such that the proposed development is essentially temporary until the land is acquired for the interchange, rendering it impractical and uneconomical to invest significant

resources on this land. The impracticality and expense of meeting the required setback constitute an exceptional hardship upon the owner of the property.

**iii. The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

The granting of this variance would permit an existing condition to continue only for the immediate future. As all improvements made on the property must be removed to protect the master-planned road improvements, the variance will not substantially impair the intent, purpose, or integrity of the General Plan or master plan.

The Urban Design staff feels that the required findings for approving a variance have been made and the proposed variance VD-01021 should be approved.

- c. The C-O Zone requires a 12-foot-wide side yard setback from the side yard line of any residential land, unless the Landscape Manual requires a greater setback.

On the west side, the subject property adjoins the side yards of two single-family residences. The existing building is set back more than 12 feet from the sides, but the subject property's fencing along this side intrudes upon one of the adjacent properties. In line with the recommendations of the Zoning Section (see Finding 14 below), the Urban Design Section recommends that all fencing associated with the subject property that exists beyond the subject property should be relocated to the subject property.

On the north side, the subject property adjoins the side yard of the apartment complex. The existing building meets the required setback, but the fencing along this side is entirely within the apartment complex's property. The fencing should be relocated onto the subject property.

The C-O Zone requires a 25-foot wide side yard setback from the rear yard line of any residential land, unless the Landscape Manual requires a greater setback. The existing building meets the required setback.

- d. The proposed driveway on the site is only ten feet wide where it enters the site from the public right-of-way and for part of its length within the site, widening to 20 feet as it turns eastward to access the parking areas. Under Section 27-563, a two-lane driveway providing access from a street to a parking area should be a minimum of 22 feet wide. Furthermore, the Department of Public Works and Transportation (see Finding 17 below) has indicated that a commercial driveway should be no less than 30 feet wide. The applicant has applied for a Departure from Design Standards, DDS-521, to allow the driveway to be narrower than would normally be required.

As set forth in Section 27-239.03 of the Zoning Ordinance, the Planning Board may grant a departure if it makes the following findings:

- i. The purposes of this subtitle [i.e., Subtitle 27, Purposes set forth in Section 27-102] will be equally well or better served by the applicant's proposal.**

Comment: The apparent purpose of Section 27-563 is to provide safe and convenient access from the street to the parking area. As noted by the Transportation Planning Section (see Finding 16 below), the small size of the site serves to limit the magnitude of

the contractor's business. The amount of traffic that will enter and exit the site using the driveway will be very small and it is unlikely there will be multiple vehicles entering and exiting at the same time. It is the staff's belief that the purposes of the subtitle will be equally well served by the narrower driveway proposed by the applicant.

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

Comment: The narrow width of the site and the plantings that have been proposed to provide required screening and landscaping on the site would make it difficult to expand the driveway. This departure is the minimum necessary, given the specific circumstances of the request.

**iii. 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.**

Comment: The presence of the site within a planned right-of-way constitutes a unique circumstance that makes significant improvements on the site uneconomical and impractical.

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

Comment: The proposed driveway will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood. Visually, functionally and environmentally, the proposed driveway will be very similar to the existing driveway.

The Urban Design staff feels that the required findings for approving a departure from design standards under Section 27-239.03 have been made and that proposed Departure from Design Standards DDS-521 should be approved.

- 9. Council Order of February 26, 2007, approving authorization to issue building permit for structure within a planned right-of-way included the following conditions:

**To protect the State's interest in C-709, and to preserve State and County rights in and adjacent to the subject property, the applicant's request is approved as follows:**

**1. Construction as proposed in SP 01021/01 and DDS 521 may be approved, if the applicant meets standards and regulations, notwithstanding the subject property's location within a planned right-of-way.**

Comment: If the requested variance, departure from design standards, and alternative compliance are approved, the applicant will have met standards and regulations.

**2. Any applicant construction done pursuant to this order must be removed or altered, if that is required for State or County construction within the right-of-way.**



Comment: To ensure that this condition is clear, it is recommended that this condition be carried forward and approved as part of the subject application.

**3. The dimensions and location of the driveway and parking space proposed by the applicant must be as shown in Exhibit 6, or as shown in the detailed site plan finally approved by the Planning Board or District Council.**

10. **Landscape Manual:** The proposed development of a contractor's office is subject to Sections 4.2, 4.3, 4.4, and 4.7 of the Landscape Manual.

- a. Section 4.2 Commercial and Industrial Landscape Strip Requirements: This section requires a landscaped strip to be provided on the property adjacent to all public rights-of-way. The applicant has selected a ten-foot-wide landscape strip planted with a minimum of one shade tree and ten shrubs per 35 linear feet of frontage, excluding driveway openings. However, the proposed strip is too narrow as the existing building intrudes into the required ten foot width.

The existing building on the site is located approximately three feet from the right-of-way for Kerby Hill Road. The right-of-way extends several feet onto the subject property. It is not possible to provide the full ten-foot-wide landscape strip between the right-of-way line and the building. However, measured from the existing property line rather than from the ultimate right-of-way line, the strip measures approximately seven feet in width at its narrowest point. The landscape plan proposes to provide the required amount of plant material within this area. As the District Council has authorized the approval of improvements within the future interchange, it seems reasonable to allow part of the landscaped strip planting to be provided within the ultimate right-of-way of Kerby Hill Road.

There is an existing six-foot wood fence that runs along the front property line. The Department of Public Works and Transportation (DPW&T), in a memorandum dated July 27, 2001, objected to the placement of this fence, which restricts the required sight distance along Kerby Hill Road. If required by DPW&T, the fence should be removed in order to provide adequate unobstructed sight distance.

The Planning Director has recommended that the applicant's request for alternative compliance to this section be approved.

- b. Section 4.3, Parking Lot Requirements, requires that parking lots adjacent to a compatible use be separated by a perimeter landscape strip. The four standard parking spaces in this application are in close proximity to the eastern property line. The applicant proposes two shade trees and four shrubs along the 43 linear feet of parking lot perimeter, which meets the requirement.
- c. Section 4.7, Buffering Incompatible Uses, requires bufferyards consisting of building setbacks and landscaped yards adjacent to all incompatible uses.
- (1) Western property line: Along this boundary, the subject property borders single-family residences. The proposed use on the subject property is a contractors' office (without outside storage), which is considered a low-impact use. Adjacent to single-family detached houses, this use requires a type B bufferyard consisting of a minimum 30-foot building setback and 20-foot landscaped yard with 80

plant units per 100 linear feet of property line. The existing building and proposed waste enclosure meet the required setback. However, the existing driveway and paved area begin only 2.3 feet from the property line at their closest point, greatly reducing the width of the landscaped yard. The required landscape yard has been provided in all areas not occupied by the parking and driveway. As an alternative compliance, the applicant proposes planting for the buffer yard that is more than would normally be required for a Type B bufferyard.

The existing configuration of the site includes a bluestone driveway and parking surface that lie as close as 2.3 feet from the western property line. Landscaping has been proposed in all areas of the required bufferyard that are not occupied by the parking areas and driveway. There is existing fencing along this property line, some of which is eight-foot wood board-on-board fencing, the remainder being chain link. The proposal provides significantly more plant material than would normally be required in a type B bufferyard. Furthermore, there are several trees located to the east of the 20-foot bufferyard that could be included in the plant count if a wider yard were required. These trees will contribute to the buffering of the incompatible uses.

The Alternative Compliance Committee is of the opinion that the proposed planting will provide a bufferyard along this property line that is equal or better than normal compliance. It should also be borne in mind that the proposal is essentially temporary in nature as the land will be acquired for right-of-way for the construction of the interchange for Kerby Hill Road and Indian Head Highway.

The Planning Director has recommended that the applicant's request for alternative compliance to this section be approved.

- (2) Northern property line: Along this boundary, the subject property borders multi-family residential land. The proposed contractor's office will require a Type A bufferyard consisting of a minimum 20-foot building setback and 10-foot landscaped yard planted with at least 40 plant units per 100 linear feet. The proposed landscaping plan will meet the requirements.
- (3) Eastern property line: Along this boundary, the subject property borders land owned by the multifamily apartment complex to the north, but the adjacent land here is vacant and undevelopable because it lies within the floodplain and the ultimate right-of-way for the future interchange. Because it is undevelopable, this land is considered a compatible use and requires no buffering.

11. **Woodland Conservation and Tree Preservation Ordinance:** This property is exempt from the Woodland Conservation and Tree Preservation Ordinance because it contains less than 10,000 square feet of woodlands and has no previous tree conservation plan approvals. A standard letter of exemption for the site was issued March 20, 2007, and expires March 20, 2009.
12. The Permit Review Section, in a memorandum dated May 15, 2001, offered the following comments that have not yet been resolved:
  - a. Any fencing shown off the subject property must be removed.

- b. The site plan must demonstrate that the building will be handicap accessible, i.e., a ramp to the building must be provided.

Urban Design comment: An inspection of the site on May 1, 2007, revealed that there is a level path from the handicapped parking space to both entrances of the building. There is no need to provide a ramp as the building is at the same elevation as the parking space.

- c. Note 2 on the site plan indicates that there is no new construction proposed on this site. However, the site plan demonstrates a proposed enclosed waste storage area.

Urban Design comment: Staff recommends a condition to remove the waste storage area from the plan as it is no longer being proposed by the applicant..

- 13. The Maryland State Highway Administration, in a memorandum dated May 8, 2001, offered no objection to approval of the detailed site plan.
- 14. The Zoning Section, in a memorandum dated May 21, 2002, offered the following comments:
  - a. While the C-O Zone permits a contractor's office, it does not permit a contractor with outside storage. All materials must be stored in a wholly enclosed building and no equipment associated with the business may be stored outside the building. The proposed area for the parking of vehicles may include the parking of trucks, but not backhoes or similar equipment. A note to this effect should be placed on the site plan.
  - b. Was an elevation submitted to determine the compatibility of building materials with the surrounding neighborhood? This finding is a condition of approval of A-9917.

Urban Design comment: There are no new buildings proposed on the site. Urban Design staff believes it is reasonable to interpret the rezoning condition to apply to new construction on the site.

- c. A condition of rezoning requires plant materials in the landscaped buffers and landscape strip to be provided outside of the fence wherever possible. Staff suggests moving back the wood fence along Kerby Hill Road in order to accomplish this. Placing this fence further back should also improve visibility for drivers of vehicles entering the subject site and the residential property to the west. An alternative would be to plant large caliper shade trees which will provide a canopy over the wood fence in a reasonably short time frame. If planting is not placed outside of the fence along Kerby Hill Road, landscaping should be provided outside the wood fence on the eastern portion of the site, closest to Kerby Hill Road.

The existing six-foot-tall wood fence along Kerby Hill Road is directly adjacent to the sidewalk, following the property line of the subject property. The applicant has proposed planting trees and shrubs behind this fence in order to meet the Landscape Manual requirements for Section 4.2, Commercial and Industrial Landscape Strips.

The Zoning Section notes that a condition of rezoning requires the landscape strip to be provided outside of the fence wherever possible. Furthermore, the Department of Public Works and Transportation (DPW&T) objects to the current placement of the fence since the fence obstructs site distance along Kerby Hill Road. However, from an urban design

standpoint, the fence serves to screen the existing building from the road. A possible solution to this problem would be to move the fence northward approximately four feet (it could not be moved more than that due to the placement of the existing building). However, there is a significant drop in elevation immediately north of the fence's current location. This would present a potential hazard for pedestrians on the Kerby Hill Road sidewalk. It would also greatly reduce the screening value of the fence, rendering the existing building much more visible than it is now. The Urban Design staff recommends that the fence remain in its current position unless DPW&T requires it to be removed. If DPW&T requires the fence to be removed, the detailed site plan should be amended to reflect this change prior to issuance of the certificate of occupancy for the site.

15. The Department of Environmental Resources, on May 28, 2001, affirmed that the site plan is consistent with Stormwater Concept Plan 10185-2000.
16. The Transportation Planning Section, in a memorandum dated June 6, 2001, noted that it would be impossible to approve additional permanent structures on the property without Council action due to the presence of the master plan right-of-way. However, since the proposal makes use of an existing building, the additional structures are limited to parking, paving, and a trash enclosure. Although the proposed structures do not qualify as temporary structures, it is likely that staff would not object greatly to their placement in the master plan right-of-way, as their value is probably quite minor in comparison to the cost of acquiring the entire site at such time that the state would need to buy it. The site plan is acceptable from the standpoint of access and circulation. Due to the limited size of the subject property and the resulting limitation of the size of business, staff does not object to the granting of the departure in the size of the driveway.
17. The Department of Public Works and Transportation, in a memorandum dated July 27, 2001, provided the following comments:
  - a. Restricted Site Distance—Kerby Hill Road has a 25-mile per hour (MPH) speed limit. There is a sharp curve on Kerby Hill Road in front of the subject property. At this location, an advisory speed limit of 15 MPH is posted. Vehicles travel along the site's frontage in excess of 20 MPH. The existing fence along the frontage of the site property limits the site distance at the entrance to 115 feet. The American Association of State Highway and Transportation Officials (AASHTO) recommend a minimum sight distance of 210 feet for 20 MPH speeds.
  - b. Substandard Driveway Entrance—The existing driveway is a single residential driveway with a 10-foot width. According to the site plan submitted to this office, the applicant is revising the property for commercial use. According to DPW&T Standard 8, for commercial use, the width of the driveway entrance should not be less than 30 feet.

Urban Design comment: If DPW&T requires the fence to be removed, the detailed site plan should be amended to reflect this change prior to issuance of the certificate of occupancy for the site. The applicant has filed for a departure from design standards to allow the driveway to be narrower than the standard commercial driveway.

In a second memo dated January 17, 2002, the Department of Public Works and Transportation stated the following:

Staff from DPW&T visited the site and confirmed that a fire hydrant and utility pole would need to be relocated for the driveway to be widened to the standard width of 30 feet.

Therefore, based on the above, DPW&T hereby grants your request to have the subject driveway widened to only 20 feet. Please note, however, that due to the sharp curve on Kerby Hill Road at the location of the subject driveway, the existing plank fence along the property frontage is limiting the sight distance for left/right turn movements. Therefore, your client needs to remove or relocate the plank fence to correct the sight distance problem.

Comment: It appears that there was some confusion at the time this memo was issued because DPW&T's memo refers to the applicant's request to have the subject driveway widened to 20 feet, whereas the site plans and justification statement submitted show a proposed driveway width of only 10 feet at its narrowest length.

At the May 24, 2007, Planning Board hearing for this case, a continuance of four weeks was granted in order to allow the applicant's representatives to discuss the situation with DPW&T and ascertain the position of that agency. As of June 6, 2007, the Urban Design section has not received any written information regarding the progress of this discussion and as a result the staff is unable to make concrete findings about whether DPW&T will allow the fence and driveway to remain as shown on the applicant's proposed site plan. It is expected that the applicant will submit new information prior to the June 21, 2007, Planning Board hearing.

Therefore, the Urban Design section recommends that if the Department of Public Works sustains its prior objection to the placement of the fence along Kerby Hill Road, or indicates that a driveway width of 10 feet will not be allowed, then the site plan should be revised to satisfy DPW&T's objections.

18. The Environmental Planning Section, in a memorandum dated June 4, 2001, stated that the boundary lines for the site delineated on the detailed site plan do not match the current GIS property layer or the fence lines viewed on the 1998 aerials for the site. A variance is requested in order to permit an existing fence along the property line, but it is unclear which fence was being referred to due to a confusion of fence lines which are not aligned with property boundaries. Environmental concerns regarding the location of a fence would be related to the placement of a structure in the 100-year floodplain. Therefore, the staff recommends that no new fencing be placed in the 100-year floodplain.
19. The Community Planning Section, in a memorandum dated May 31, 2001, noted that the applicant had indicated that the driveway for the business would be used by relatively few people, primarily the owner and a few employees. The Community Planning Section requested that if this argument is accepted, the approval of the departure allowing a narrower driveway should be limited to the current use. If the business changes or is otherwise re-developed, the full two-way driveway width should be required, or at least re-evaluated. A condition to this effect has been added to the recommendation section.
20. As required by Section 27-285(b), the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

## RECOMMENDATION for Detailed Site Plan

Based upon the foregoing evaluation and analysis, Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-01021 for the Yong Property, APPROVE Variance VD-01021, and APPROVE Alternative Compliance AC-01040, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall revise the site plan to:
  - a. Remove or relocate to the subject property all fencing associated with the subject property that extends outside the property lines.
  - b. Correct the fencing currently labeled as “8 foot wood fence” to show the existing “6-foot-high wood fence.”
  - c. Add a note to the plans that states “All materials must be stored in a wholly enclosed building and no equipment associated with the business may be stored outside the building. The proposed area for the parking of vehicles may include the parking of trucks, but not backhoes or similar equipment.”
  - d. Remove the proposed waste storage area from the plans.
  - e. Add a note to the plans that states that “Any change in use or redevelopment of this property requires compliance with the standard driveway width requirement.”
  - f. Show no new fences or structures within the 100-year floodplain.
  - g. Show the 100-year floodplain.
2. Any applicant construction done on the site shall be removed or altered, if that is required for state or county construction within the right-of-way.
3. If the Department of Public Works and Transportation requires the fence along Kerby Hill Road to be removed, the plans shall be amended to reflect this change prior to the issuance of the certificate of occupancy for the site.
4. If the Department of Public Works and Transportation objects to the proposed 10-foot-wide driveway, then the plans shall be revised to satisfy the objection prior to the issuance of the certificate of occupancy for the site.

## RECOMMENDATION for Departure from Design Standards

Based on the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE DDS-521.