



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772
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PGCPB No. 2023-14

File No. DSP-19057

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Industrial Employment Zone (IE); and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, development applications may continue to be reviewed and decided in accordance with the Zoning Ordinance under which it was approved; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on February 2, 2023, regarding Detailed Site Plan DSP-19057 for LIW Ironworks, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) approves development of a contractor's office, with indoor storage and accessory fabrication. This application approves variances to the prior Prince George's County Zoning Ordinance. Specifically, a variance to Section 27-471(f)(2), to provide additional parking spaces within the yard with the front entrance; Section 27-471(f)(3), to permit a loading entrance area on the side of a building facing a street when the lot is bounded by two streets; and two variances to Section 27-474(a)(1)(b), for reduced building and parking setbacks.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	IE (prior I-3)	IE (prior I-3)
Use(s)	Vacant	Contractor's office, with indoor storage and accessory fabrication
Gross Acreage*	1.50	1.50
Square Footage/Gross Floor Area	0	18,850 sq. ft.

Note: *Section 27-474(c)1 of the prior Zoning Ordinance requires a minimum lot area of 87,120 square feet in the I-3 Zone. However, a smaller lot area is permitted, if the lot has been classified by a sectional map amendment, and the owner does not own abutting

property in the I-3 Zone. The owner does not own abutting property and the subject property was classified in the I-3 zoning category by the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*. Therefore, the lot area of 1.50 acres is permissible.

Parking and Loading

USE	NUMBER OF SPACES REQUIRED	NUMBER OF SPACES PROVIDED
Total Parking Spaces	37	39 5 compact spaces 2 handicap-accessible
Total Loading	1	1

3. **Location:** The subject site is located on the west side of MD 210, at Cornett Street, approximately 1,400 feet north of Aragona Boulevard, in Planning Area 80 and Council District 8. The site is zoned Industrial Employment (IE), but is being reviewed under the prior Planning Industrial/Employment Park (I-3) Zone of the prior Zoning Ordinance.
4. **Surrounding Uses:** The subject property is surrounded by other IE-zoned properties. The site is adjacent to an auto repair operation located to the southeast, in the IE Zone, which was previously zoned Light Industrial. A daycare facility is located to the north of the site and an industrial warehouse is located to the west. Properties in the Residential Estate Zone are located across MD 210.
5. **Previous Approvals:** The subject property contains an approved Preliminary Plan of Subdivision (PPS 4-20016) and an approved Conceptual Site Plan (CSP-19010), both of which were for one parcel for development of 19,000 square feet of industrial/commercial use on the property. This DSP approves development of 18,850 square feet of industrial and office space, keeping with the PPS and CSP approvals.

There are no prior record plats for the subject property. A final plat of subdivision will be required, following certification of this DSP, before any permits can be approved for the subject site. The final plat is required to be filed within the validity date of the PPS, December 2, 2023.

6. **Design Features:** The subject application approves development of an 18,850-square-foot building with a contractor's office, with indoor storage and accessory fabrication. The contractor's office will be within an open, indoor building which will have these dedicated areas: a contractor's office, a machinery and assembly area, and storage. The contractor's office, including storage on the ground floor and mezzanine level will be 10,400 square feet, and the fabrication area will be 8,450 square feet. Based on structural and mechanical requirements, the applicant proposes that 65 feet is the optimum width of the building, and a building length of 250 feet is necessary. The building will have no outside storage.

The approved building will be two stories and 32.6 feet tall. The building materials will be a combination of light grey and dark blue metal panel, and a light stone wall panel with a brushed slate roof panel. The front narrow section of the building will accommodate the office function of the building. The site will be accessed from two points, with one entrance along a service road adjacent to MD 210, which does not have direct access to the freeway, and one entrance on Cornett Street. An interior loading area, accessed through a 25-foot by 15-foot metal door for the delivery of materials, and employee parking will be accessed on the south side from Cornett Street. There will be a total of 39 parking spaces, including 5 compact spaces, 2 handicap-accessible spaces, and 1 interior 65-foot by 25-foot loading space. The site will have a 6-foot-tall entry gate, a 10-foot by 10-foot dumpster enclosure, and two stormwater management (SWM) ponds. Building-mounted signage is approved, which includes a 22-foot-long channeled lettered sign that reads "LIW Ironworks" along the front elevation and signage related to loading access.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the I-3 Zone of the prior Zoning Ordinance.

The subject application is in conformance with the requirements of Sections 27-471, 27-473, and 27-474 of the prior Zoning Ordinance, with the exception of Sections 27-471(f)(2), 27-471(f)(3), and 27-474(a)(1)(b). The applicant has submitted variance requests for those sections, which are discussed below.

Section 27-471. I-3 Zone (Planned Industrial/Employment Park)

(a) Purposes.

(1) The purposes of the I-3 Zone are:

- (A) To provide increased and enhanced employment opportunities for the residents of the County and areas for industries, research facilities, and offices which have common characteristics with respect to site requirements, desired amenities, compatibility of operations, general functional classifications, and access;
- (B) To provide for a mixture of industrial, research, office, and in certain instances specific retail commercial uses (along with compatible institutional, recreational, and service uses) in a manner which will retain the dominant industrial/employment character of the area, while also providing for the enhanced viability of the zone by providing for the location of certain retail commercial uses on the periphery of the area, specifically when the periphery fronts on, and is adjacent to, arterial roadways;

- (C) To permit uses which, when compared to the uses permitted in other Industrial Zones, will minimize detrimental effects on uses of adjacent land, especially where adjacent land is being used commercially; and
 - (D) To provide development standards which assure the compatibility of proposed land uses with surrounding land uses, maximize open space so as to create a park-like setting, and improve the overall quality of industrial/employment areas in Prince George's County.
- (b) Landscaping, screening, and buffering of development in the I-3 Zone shall be provided as set forth in the Landscape Manual.
 - (1) 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.
- (c) Outside uses.
 - (1) With the exception of off-street parking and loading areas, recreational facilities (unless otherwise provided), airports, agricultural uses, sidewalk cafes (as an accessory use), surface mining operations, towers (poles, whips, and antennas), vehicle rental lots, and public utility uses, all uses allowed in the Table of Uses shall be located in wholly enclosed buildings. Outdoor storage is prohibited.
- (d) Site plans.
 - (1) A Conceptual Site Plan and a Detailed Site Plan shall be approved for all uses and improvements, in accordance with Part 3, Division 9, of this Subtitle.
 - (2) 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 or 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.
- (e) Uses.
 - (1) The uses allowed in the I-3 Zone are as provided for in the Table of Uses (Division 3 of this Part).

(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 particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building.**
- (3) No loading docks shall be permitted on any side of a building facing a street except where the lot is bounded by three (3) or more streets.**

(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.**
- (D) The remainder of the park shall be devoted to other uses, in the case of (A), (B), or (C), above.**
- (E) Notwithstanding the provisions of Subsections (g)(1)(A) through (D) of this Section, above, the development restrictions on warehousing, wholesaling, distribution, or storage of materials not used, or products not produced, on the premises shall not apply to property which lies entirely within the I-95/I-495 (Capital Beltway), contains less than 15 acres, is vacant at the time of filing of a Conceptual Site Plan application, and was originally classified in the I-3 Zone pursuant to a Sectional Map Amendment approved before January 1, 1978.**
- (h) Required access.**

 - (1) Each Planned Industrial/Employment Park (including each property in separate ownership) shall have frontage on, and direct vehicular access to, a street having a right-of-way width of at least seventy (70) feet.**
- (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 that 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, the property may be classified in the I-3 Zone when the property adjoins property in the I-3 or E-I-A Zone, provided that the area of the combined properties is at least twenty-five (25) gross acres.**
- (4) 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 that could be used to comply with the provisions of paragraph (1), (2), or (3), above.**

Section 27-473. – Uses permitted.

- (a) No use shall be allowed in the Industrial Zones, except as provided for in the Table of Uses or in Subsection (c) of this Section. In the table, the following applies: (in part)**
 - (4) The letters “PB” indicate that the use is permitted subject to the following:**
 - (A) The use shall be related to, dependent on, and secondary to a primary use on the premises;**
 - (B) The use shall be located on the same record lot as the primary use;**
 - (C) The use shall not be located within a building not occupied by the primary use; and**
 - (D) The floor area of any building (and the land area occupied by any structure other than a building) devoted to the use shall not exceed an area equal to forty-five percent (45%) of the gross floor area of the building within which the primary use is located, unless otherwise provided.**

The intent of the I-3 Zone is to provide increased and enhanced employment opportunities for the residents of the County and areas for industries, research facilities, and offices which have common characteristics with respect to site requirements, desired amenities, compatibility of operations, general functional classifications, and access. The I-3 Zone also provides development standards to assure the compatibility of proposed land uses with surrounding land

uses, maximize open space to create a park-like setting, and improve the overall quality of industrial/employment areas.

The approved contractor's office, as a permanent use, including the indoor storage and accessory indoor fabrication are permitted uses in the I-3 Zone. The application states that the fabrication use will mostly be the cutting of parts to size, such as fencing materials, steel stairs, and railings for off-site jobs and installation with some assembly of the parts and welding, but the welding will be about five percent of the overall fabrication work. According to Section 27-473, under Miscellaneous Industrial, Manufacturing, and Related Uses, a contractor's office, including indoor storage and accessory indoor fabrication (only within a wholly enclosed building) of plumbing, air conditioning, heating, carpentry (and the like), parts for installation off-site is permitted, as approved by the Prince George's County Planning Board.

The subject application meets the specific requirements of Section 27-473(a)(4) listed above. The floor plan and DSP demonstrate that the fabrication component does not exceed 45 percent of the gross floor area of the building. The approved area for fabrication is 8,450 square feet and the area for storage of components is 5,200 square feet. The total square footage of the building is 18,850 square feet. The total area of the fabrication area is 44.8 percent of the gross floor area of the building, which complies with the space allocation requirement of this use in this zone.

The approved development provides appropriate landscaping, screening, and buffering, in conformance with the 2010 *Prince George's County Landscape Manual*. The site access and site layout are adequate, and the development maintains the overall character of the surrounding area. This application approves variances to regulations for building and parking setbacks, loading space location, and distribution of parking spaces relative to the main entrance for Sections 27-471(f)(2), 27-471(f)(3), and 27-474(a)(1)(b).

The 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (master plan) recommends future mixed-use on the subject property and identifies the area as the Broad Creek Transit Village. The subject property is recommended for senior housing or commercial development. However, the Prince George's County District Council has not applied the appropriate zoning to realize this land use recommendation. The property is zoned for industrial use (I-3) and abuts an auto repair facility.

The master plan provides the following guidance for the I-3 Zone:

Uses that will minimize detrimental effects on residential and other adjacent areas; a mixture of industrial, research, and office uses with compatible institutional, recreational, and service uses in a manner that will retain the dominant industrial/employment character of the zone; standard minimum tract size of 25 adjoining gross acres; standard minimum lot size of two acres; Conceptual and Detailed Site Plan approval required; 25 percent green area required; outdoor uses restricted; warehousing and wholesaling uses limited.

The subject 1.5-acre parcel is part of the larger industrial district, extending to the south from Fort Washington Road. The project has approximately 30,000 square feet of green area, which is 47 percent of the site, where a minimum of 25 percent is required. The approved uses are consistent with the dominant industrial/employment character of the zone. Outdoor storage is not approved. The approved application is consistent with the master plan's recommendations for uses in the I-3 zone.

The Planning Board, at the time of its review of the CSP, imposed additional conditions on the approved uses and the current plan satisfies these additional conditions analyzed in Finding 9.

Variance Requests

The applicant requested four variances to the requirements of Sections 27-471(f)(2), 27-471(f)(3), and 27-474(a)(1)(b), for building and parking setbacks, loading space location, and distribution of parking spaces relative to the main entrance.

Section 27-230(a) of the prior Zoning Ordinance states that a variance may only be granted when the Planning Board finds that:

- (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);**
- (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;**
- (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;**
- (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject property; and**
- (5) Such variance will not substantially impair the use and enjoyment of adjacent properties.**
- (6) Notwithstanding any other provision of this Section, a variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.**

This specific parcel of land is impacted by its narrowness, irregular shape, and the fact that it is considerably smaller than other lots within the subject zone, all factors which meet the

extraordinary situation criteria. The subject parcel is an irregular L-shaped piece of property, created by Parcel 280, which borders the site to the southeast and contains an existing auto repair facility. The wider portion of the site fronts Cornett Street and the more narrow section fronts a service road, adjacent to MD 210, which does not have direct access to the freeway. The narrow section of the site is only approximately 109 feet wide and will be used for visitor and office parking. This portion of the site is adjacent to the front part of the building, which will be utilized for office space. The wider portion of the site will be used for employee parking and contains an interior loading space, which eliminated the need for a loading dock. This section of the lot provides access to the interior accessory fabrication and storage areas. The subject parcel is only 1.50 acres, and this zone requires a minimum net lot area of 87,120 square feet (2.00 acres), unless the site was classified in the I-3 Zone prior to October 31, 1977, or by a sectional map amendment (SMA). In this case the property was classified in the I-3 Zone via an SMA, which occurred on April 25, 2006. Though the size of this lot is permissible, an extraordinary situation exists, since the site is exceptionally tight and a challenging shape for development. As such, the Planning Board finds it meets the criteria to grant variances, as described below.

Variance Request 1—Section 27-471(f):

- (2) Not more than twenty-five (25%) of any parking lot and no loading space shall be located in the yard to which the building's main entrance is oriented, except that the Planning Board may approve up to an additional fifteen percent (15%) in its discretion if increased parking better serves the efficiency of the particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building.**

The development approves parking within the yard where the building's main entrance is oriented, which exceeds the 25 percent requirement. The project provides 39 total site spaces, which allows for 13 spaces in this location, if following the 25 percent requirement. The development approves 17 parking spaces, for a total of 43.5 percent of the parking located in this yard. The requirement has the provision that the Planning Board may approve up to an additional 15 percent of parking spaces in a yard, where the building's main entrance is oriented, if the increased parking would better serve the efficiency of the use. The Planning Board approves the site to have an additional 15 percent parking in the yard, where the building's main entrance is located, bringing the total to 40 percent of the site parking spaces allowed in this yard. The Planning Board approves a variance for an additional 3.5 percent of parking spaces allowed in the yard, in which the building's main entrance is located, bringing the total percentage of parking to 43.5 percent, which is equivalent to 17 parking spaces. An analysis of the variance finding approved by the Planning Board is provided below.

The Planning Board has reviewed the additional 15 percent parking and 3.5 percent variance, and determined that the application meets the variance standards, as the very narrow shape of the lot is an exceptional condition and the increased parking in this location will better serve the efficiency of the use. The variance allows more parking spaces to serve the contractor's office use, which is located close to the main entrance of the building, in the narrow part of the site for

optimal use of the building site. Additional parking in this location creates a more efficient and functional front entrance to the building. The optimal building development layout for this site has two entrances that divides vehicular traffic between uses. The front of the building will be utilized for office uses. The side entrance will be used for the interior fabrication use and allows for deliveries, with an interior loading space. Allowing additional parking at the front entrance allows the site to increase circulation, separating truck delivery traffic from visitor and office parking. The Planning Board has determined that the 3.5 percent variance request is the minimum reasonably necessary, as it allows the applicant to better distribute the parking spaces between the office and fabrication uses, improving site circulation. The office use has a higher parking requirement, compared to the accessory fabrication use and, allowing the variance permits additional parking in front of the building for both employees and visitors of the site. The Planning Board has determined that granting the variance does not impair the applicable area plans which include, the master plan and the 2014 *Approved Plan Prince George's 2035 General Plan* (Plan 2035). The master plan recommends that the site be developed for a future mixed use and identifies the area as the Broad Creek Transit Village. However, the District Council has not applied the appropriate zoning to realize this land use recommendation, and the approved use is consistent with the Henson Creek-South Potomac Planning Area's recommendations for uses in the I- 3 Zone. Therefore, the Planning Board finds that the variance request does not impair Plan 2035 and the master plan, as the approved use is permitted in the I-3 Zone and the surrounding properties in the Broad Creek Transit Village are also zoned industrial. The Planning Board found that approving the variance request does not impair the use and enjoyment of the adjacent properties. The auto repair facility to the south of the entrance parking lot in the I-1 Zone is considered a compatible use by the Landscape Manual. The day care facility to the north of the entrance parking lot has been considered an incompatible use by the Landscape Manual and has received an adequate Section 4.7 landscape buffer, which the Planning Board deemed sufficient to buffer the parking and industrial use from the existing day care facility. The Planning Board determined that the variance requested is not self-inflicted, as the proposed site layout is the most reasonable for traffic circulation, given the oddly configured piece of land.

Variance Request 2—Section 27-471(f):

- (3) No loading docks shall be permitted on any side of a building facing a street except where the lot is bounded by three (3) or more streets.**

The development approves a 65-foot by 25-foot interior loading area within the building, with the entrance for trucks on the side of the building facing Cornett Street. The building is bounded by two streets and, as such, the location of the door to the interior loading area is technically not in compliance with Section 27-471(f)(3). The interior loading area will have a 25-foot by 15-foot metal door facing Cornett Street. Interior truck turning plans have been reviewed by the Planning Board, and are in conformance with the prior Zoning Ordinance. The interior loading space and exterior door are consistent with the design standards shown in Section 27, Part 11, Division 3 of the prior Zoning Ordinance. The Planning Board approves a variance granting a loading area entrance on the side of a building facing a street, where the lot is bounded by two streets, and an analysis of the findings is provided below.

The Planning Board has reviewed the variance request and determined that there are practical difficulties, regarding conformance with this regulation, due to the exceptional conditions of the property. The approved location of truck access to the indoor loading area with an exterior loading door is adequate, given the unique shape of the site and the need for optimal efficiency of the space and its proposed use. Due to the unique physical conditions of the property, the exterior loading door needs to face the street and, if the exterior loading door was not permitted in this location, the circulation of the site would be significantly impaired and parking would be required to be relocated, which would cause more employee and visitor vehicles to be located in high traffic areas with truck deliveries. The site plan and building design are restricted by the size and narrowness of the site and this is the most efficient use of the site, permitting the loading space in the interior of the building and eliminating the need for an external loading dock. The Planning Board determined that allowing the loading area entrance on the side of a building facing a street, where the lot is bounded by two streets instead of three, is the minimum variance reasonably necessary. This was determined by an analysis of the site circulation pattern, which has both parking areas facing a street, and the applicant provided an interior loading space, in lieu of an exterior space. This provision will eliminate the need for a loading dock and minimize the visual impact to the adjacent Cornett Street. The Planning Board determined that granting the variance does not impair the applicable area plans which include, the master plan and Plan 2035. The master plan recommends that the site be developed for a future mixed use and identifies the area as the Broad Creek Transit Village. However, the District Council has not applied the appropriate zoning to realize this land use recommendation, and the approved use is consistent with the Henson Creek-South Potomac Planning Area's recommendations for uses in the I-3 Zone. Therefore, the Planning Board finds that the variance request does not inhibit Plan 2035 and the master plan, as the approved use is permitted in the I-3 Zone and the surrounding properties in the Broad Creek Transit Village are also zoned industrial. The Planning Board found that approving the variance request does not impair the use and enjoyment of the adjacent properties. The loading space fronts Cornett Street, and the adjacent uses are an auto repair facility and an automobile sale facility, which are compatible commercial and industrial uses. The loading door facing Cornett Street is consistent with these surrounding uses and the appearance of these sites. Drivers on Cornett Street should not recognize an aesthetical difference. The Planning Board determined that the variance requested is not self-inflicted, as the proposed site layout is the most reasonable for traffic circulation, given the oddly configured piece of land and the inability to create surface parking lots for this site that do not front the adjacent streets.

Variance Request 3—Section 27-474 (a)(1)(b). Setback requirement for all yards:

Footnote 2 Plus one (1) foot for each foot of building height up to a maximum of seventy-five (75) feet required

The regulations for setbacks require a minimum of 20 feet within the I-3 Zone, plus an additional foot for each building height, as outlined in Footnote 2. The Planning Board approves a two-story building that is 32.6 feet in height and requires a setback of 52.6 feet for all yards. The development does not meet this setback requirement on the north, west, and a portion of the south sides of the building. The building is set back 20 feet from the property line on the north side, requiring a variance of 32 feet, 6 inches. The building is set back 44 feet, 4 inches from the

property line on the west side, requiring a variance of 8 feet, 4 inches. The building is set back 23 feet, 8 inches on a portion of the south side, requiring a variance of 28 feet, 8 inches. The Planning Board approves these three building setback variances, and an analysis of the findings is provided below.

The Planning Board reviewed the setback variances and determined that the subject development is located on a significantly smaller site (consisting of 1.5 acres), which is uncommon for the I-3 Zone, and providing the required 52.6-foot setback within all yards would have a significantly negative impact on the building footprint and efficiency of use. The Planning Board determined that the three building setback variance requests are the minimum reasonably necessary, as they allow for development of the use in a manner that promotes site circulation and achieves all required landscape buffers. The setback variances allow for development of a two-story building with a gross floor area of 18,850 feet and a building footprint of 16,650 feet. The Planning Board determined that this building size is sufficient, as the applicant stated that the optimized width for the proposed building is 65 feet and the length is 250 feet. Developing the site without a variance, would require a 52.6-foot setback in all yards, resulting in a building envelope of 5.5 feet. The Planning Board determined that granting the variance does not impair the applicable area plans which include, the master plan and Plan 2035. The master plan recommends that the site be developed for a future mixed use and identifies the area as the Broad Creek Transit Village. However, the District Council has not applied the appropriate zoning to realize this land use recommendation, and the approved use is consistent with the Henson Creek-South Potomac Planning Area's recommendations for uses in the I- 3 Zone. Therefore, the Planning Board finds that the variance request does not impair Plan 2035 and the master plan, as the approved use is permitted in the I-3 Zone and the surrounding properties in the Broad Creek Transit Village are also zoned industrial. The Planning Board found that approving the variance request does not impair the use and enjoyment of the adjacent properties. The auto repair facility to the south of the entrance parking lot in the I-1 Zone is considered a compatible use by the Landscape Manual. Then the day care facility to the north of the entrance parking lot has been considered an incompatible use by the Landscape Manual and has received an adequate Section 4.7 landscape buffer, which the Planning Board deemed sufficient to buffer the parking and industrial building from the existing day care facility. The Planning Board determined that the variance requested is not self-inflicted, as the proposed site layout is the most reasonable for traffic circulation, given the oddly configured piece of land.

Variance Request 4—Section 27-474(a)(1)(b). Surface parking setbacks:

Footnote 3 Including surface parking and loading areas, except that fifty percent (50%) of this additional yard (created under Footnote 1 or 2) may be used for surface parking.

Footnote 3 allows for a 50 percent reduction of the additional required yard that was created by Footnote 2, reducing the setback requirement by 16.3 feet. For this application, the parking and loading must be set back a minimum 52.6 feet, however, with the 16.3-foot reduction, the setback would be 36.3 feet. The parking setbacks on both the east and south property line do not meet this requirement. The parking on-site is set back 28 feet from the eastern property line, which requires

a variance of 8.3 feet. The parking is set back 13 feet from the southern property line, which requires a variance of 23.3 feet. The Planning Board approves these two variance requests to surface parking setbacks, and an analysis of the findings is provided below.

The Planning Board has reviewed the request and determined that the plan provides for an efficient use of the site and, due to the significantly reduced size of the lot for this zone, providing the parking setback would decrease the number of parking spaces and prevent the site from providing the minimum amount of parking to satisfy the use. The Planning Board determined that the two parking setback variance requests are the minimum reasonably necessary, as they allow for development of the use in a manner that promotes site circulation and achieves all required landscape buffers. The parking setback variances allow for the site to meet the minimum required parking requirement, and denial of the variance would lead to nonconformance of the site. The Planning Board determined that granting the variance does not impair the applicable area plans which include, the master plan and Plan 2035. The master plan recommends that the site be developed for a future mixed use and identifies the area as the Broad Creek Transit Village. However, the District Council has not applied the appropriate zoning to realize this land use recommendation, and the approved use is consistent with the Henson Creek-South Potomac Planning Area's recommendations for uses in the I- 3 Zone. Therefore, the Planning Board finds that the variance requests do not impair Plan 2035 and the master plan, as the approved use is permitted in the I-3 Zone and the surrounding properties in the Broad Creek Transit Village are also zoned industrial. The Planning Board found that approving the variance requests do not impair the use and enjoyment of the adjacent properties. The auto repair facility to the south of the entrance parking lot in the I-1 Zone is considered a compatible use by the Landscape Manual. The day care facility to the north of the entrance parking lot has been considered an incompatible use by the Landscape Manual and has received an adequate Section 4.7 landscape buffer, which the Planning Board deemed sufficient to buffer the parking and industrial building from the existing day care facility. The Planning Board determined that the variance requested is not self-inflicted, as the proposed site layout is the most reasonable for traffic circulation, given the oddly configured piece of land.

8. **Preliminary Plan of Subdivision 4-20016:** This DSP approves development of 18,850 square feet of industrial and office space. The Planning Board approved 4-20016 for the development of 19,000 square feet of industrial/commercial use on the property, subject to six conditions. The relevant conditions are discussed, as follows:

1. **Prior to approval of a final plat of subdivision, the final plat shall grant 10-foot-wide public utility easements along the public rights-of-way, in accordance with the approved preliminary plan of subdivision.**

The property has frontage along MD 210 and Cornett Street. The required 10-foot-wide public utility easement (PUE) is shown on the DSP, along the public right-of-way of Cornett Street, in accordance with the approved PPS. The PUE along the frontage of MD 210 is also shown, in accordance with the approved PPS. However, the PUE conflicts with an existing Washington Suburban Sanitary Commission (WSSC) easement located adjacent to the right-of-way, along approximately half of the property's frontage.

The applicant should confirm with WSSC if the establishment of the PUE, in its location on the PPS, will be approved for colocation within the existing WSSC easement. If the current location of the PUE is not approved by WSSC, the PUE will need to be relocated so that it does not overlap with the existing WSSC easement, and thus, will no longer be parallel, contiguous, and adjacent to MD 210. A variation from the normal requirement of Section 24-122(a) of the prior Prince George's County Subdivision Regulations will be required. A condition is provided addressing the possible relocation or omission of the required PUE, which will be evaluated, prior to approval of the final plat.

2. **Any residential development on the subject property shall require approval of a new preliminary plan of subdivision, prior to approval of any permits.**

The subject DSP approves development, in accordance with the approved PPS, and no residential development is approved. A new PPS is not required at this time.

3. **Development of the site shall be in conformance with the approved Stormwater Management Concept Plan 1220-2017-01 and any subsequent revisions.**

A copy of an approved SWM concept plan and letter were submitted with the subject DSP.

4. **Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-008-2020-01). The following note shall be placed on the final plat of subdivision:**

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-008-2020-01), or as modified by a future Type 2 tree conservation plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

This condition will be addressed at the time of final plat review.

5. **Total development within the subject property shall be limited to uses, which generate no more than 22 AM peak-hour trips and 21 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

This approval is consistent with the land use and density considered in the prior approval and, as such, does not modify the approved trip cap.

6. **In conformance with the 2010 *Approved Countywide Master Plan of Transportation and the 2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, the applicant, and the applicant's heirs, successors, and/or assignees shall provide the following on the detailed site plan, prior to its acceptance, for the subject site that depicts:**

- a. **A "bicycles may use full lane" signage assembly and shared-lane markings (sharrows) along the subject property's frontage of MD 210 (Indian Head Highway), subject to modification by the Maryland State Highway Authority, with written correspondence.**
- b. **A 5-foot-wide sidewalk along the subject property's frontage of MD 210 (Indian Head Highway).**
- c. **A 5-foot-wide sidewalk along the subject property's frontage of Cornett Street.**
- d. **A crosswalk crossing the drive aisle at both points of vehicle entry.**
- e. **One bicycle rack at a location convenient to the entrance of the building.**

The site fronts a service road that is adjacent to MD 210 which does not have direct access to the freeway. The road is not a designated shared roadway; therefore, the sidewalk along MD 210, the shared road pavement markings, and signage are not required with this application.

9. **Conceptual Site Plan CSP-19010:** This DSP approves development of 18,850 square feet of industrial and office space. The District Council approved CSP-19010 for the development of 19,000 square feet of industrial/commercial use on the property, subject to seven conditions. The relevant conditions are discussed, as follows:

- (c) **At the time of Detailed Site Plan (DSP), Applicant shall provide a detailed evaluation of air and water quality environmental impact to surrounding properties based on a description of materials and substances that will be stored and used for the proposed fabrication facility.**

The applicant has satisfied this condition and provided the information in the backup.

- (d) **At the time of Detailed Site Plan (DSP), Applicant shall be required to provide or obtain approval for placement of adequate road signage at the entrance of the existing and adjacent daycare facility to serve as notice of any and all truck traffic associated with the proposed fabrication facility.**

The applicant has not fulfilled this condition. The applicant has stated in the SOJ that the placement of road signage at the entrance of the existing and adjacent daycare facility is

not possible, as MD 210 is a state highway under the jurisdiction of the Maryland State Highway Administration (SHA), which does not allow signage of any kind to be placed in the public right-of-way. A record from SHA has been provided in the backup.

- (e) **At the time of Detailed Site Plan (DSP), Applicant shall be required to provide or obtain approval for placement of adequate road signage on any shared roadways or driveways with adjacent or adjoining property owners to prohibit illegal parking of trucks or automobiles associated with the proposed fabrication facility.**

The applicant has not fulfilled this condition. The applicant has stated that the adjacent street to the south, Cornett Street, is County-owned and the Prince George's County Department of Public Works and Transportation prohibits the applicant from placing any signage of any kind in its public right-of-way.

- (f) **Prince George's County Tree Canopy Coverage Ordinance – Subtitle 25, Division 3, requires minimum percentage of tree canopy coverage (TCC) on projects that need a grading permit. Properties zoned I-3 are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The subject site is 1.5 acres in size and the TCC is 0.15 acre (6,534 square feet). At the time of Detailed Site Plan, Applicant shall ensure full compliance with the requirements of the Tree Canopy Coverage Ordinance.**

The applicant has fulfilled this condition and provided the required tree canopy coverage (TCC).

10. **2010 Prince George's County Landscape Manual:** The application is subject to the requirements of Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.

The landscape and lighting plan provided with the subject DSP contains the required schedules demonstrating conformance to these requirements, including a Type C Buffer, a 6-foot-high opaque fence, and 251 planting units along the boundary of incompatible uses.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and previously contained more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan (TCP2-010-2017-01) was approved with the DSP application.

This site was previously cleared of all on-site woodland prior to 2006, without a TCP2 or permit from the previous owner. In 2017, the current owner was required to provide a natural resources inventory equivalence letter and a TCP2 to reflect the current environmental features and to meet the requirement for the previous woodland clearing. This site contained 1.05 acres of woodland, which has all been cleared, resulting in a woodland conservation requirement of 0.66 acre. A fee

in-lieu of \$8,624.88 was paid through the approval of the prior TCP2, to meet the requirement for the clearing of all on-site woodlands. The approved TCP2 shows that vegetation remains along the northern and western property lines, but these areas do not qualify as forested area.

12. **Prince George's County Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance. Section 25-128 of the Prince George's County Code requires a minimum percentage of TCC on projects that propose more than 5,000 square feet of disturbance. The subject property is located in the I-3 Zone, which requires a minimum of 10 percent TCC, or 0.15 acre. The subject DSP provides the required schedule demonstrating conformance to these requirements through existing trees and the provision of new plantings on the subject property.
13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Subdivision**—The Planning Board has reviewed and adopts the memorandum dated September 30, 2022 (Gupta to Butler), incorporated herein by reference, in which the Subdivision Section noted that the DSP has been found to be in conformance with the approved PPS.
 - b. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated September 30, 2022 (Smith to Butler), incorporated herein by reference, in which the Transportation Planning Section determined that the plan is acceptable and meets the findings required for a DSP, as described in the Zoning Ordinance.
 - c. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated October 3, 2022 (Schneider to Butler), incorporated herein by reference, in which the Environmental Planning Section determined that the approved tree conservation plan is acceptable.
 - d. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated September 27, 2022 (Smith to Butler), incorporated herein by reference, in which it was determined that the subject property does not contain and is not adjacent to any Prince George's County historic sites or resources. This plan will not impact any historic sites, historic resources, or known archeological sites.
 - e. **Permit Review**—The Planning Board has reviewed and adopts the memorandum dated August 12, 2022 (Barlett to Butler), incorporated herein by reference, in which it was determined that the plan was acceptable with the technical conditions regarding dimensions and details for parking, fencing, trash enclosure, and setbacks.

- f. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated September 28, 2022 (Umeozulu to Butler), incorporated herein by reference, in which it was determined that the plan conforms to the master plan.
- 14. As required by Section 27-285(b) of the prior Zoning Ordinance, the DSP 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 development for its intended use.
- 15. Per Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:
 - (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.**

The site does not impact any regulated environmental features.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation Plan TCP2-010-2017-01 and APPROVED a Variance to Section 27-471(f)(2), a Variance to Section 27-471(f)(3), and two Variances to Section 27-474(a)(1)(b), and further APPROVED Detailed Site Plan DSP-19057 for the above-described land, subject to the following conditions:

- 1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided as follows:
 - a. Revise the 10-foot-wide public utility easement along the public right-of-way of MD 210 to not conflict with the existing Washington Suburban Sanitary Commission easement. Development Review Division staff shall review any necessary revisions and modifications prior to certification.
 - b. Provide building setback dimensions.
 - c. Include the trash enclosure in the elevations and provide trash enclosure details.
 - d. Add the location, height, and type of fence to be used.
 - e. Provide the correct square footage breakdown for each use on all plans.
 - f. Replace all Type 2 fence material from chain link to black vinyl coated chain link on the landscape plan.

- g. Show additional evergreen shrubs on the landscape plan to adequately screen the exterior loading door from Cornett Street.
 - h. Add a note on the landscape plan demonstrating conformance with Section 4.4 of the 2010 *Prince George's County Landscape Manual*.
 - i. Revise the parking layout on the landscape, photometric, and sign exhibit plans.
2. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall submit a variation from Section 24-122(a) of the prior Prince George's County Subdivision Regulations, in accordance with Section 24-113 of the prior Subdivision Regulations, for the provision of a nonconforming public utility easement adjacent to the public right-of-way of MD 210, if required.
3. Prior to certification, the Type 2 tree conservation plan (TCP2-010-2017-01) shall be revised, or additional information shall be provided as follows:
- a. Revise the parking layout and building footprint to match the detailed site plan.
 - b. Revise the building setbacks to match the detailed site plan.
 - c. Revise the stormwater layout to match the detailed site plan.
4. Prior to certification of the detailed site plan, the applicant shall revise the stormwater management concept plan, unless communication is provided from the Prince George's County Department of Permitting, Inspections and Enforcement that no revision is needed.

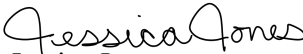
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

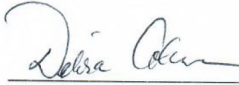
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, February 2, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of February 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:AS:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel
Dated 2/22/23