

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, in consideration of evidence presented at a public hearing on May 21, 2015, regarding Detailed Site Plan DSP-13015 for Arlington Chemical, Parcel 90, the Planning Board finds:

1. **Request:** Add "crematory" as a permitted use to Table 12–Part 3, Industrial Uses, of the 2005 *Approved Sector Plan and Sectional Map Amendment for the Tuxedo Road/Arbor Street/Cheverly Metro Area* (Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan and SMA) in the Heavy Industrial (I-2)/Development District Overlay (D-D-O) Zones. The applicant is also requesting a departure from the design standards that requires that the height of the access to a loading space measure a minimum of 15 feet if the use served has more than 3,000 square feet of gross floor area (GFA) and that the loading space measure a minimum of 45 feet in length, and a departure from the parking and loading standards that requires that 11 parking spaces be provided for the existing and proposed uses on the site.

2. **Development Data Summary:**

Zone(s) Use(s)	EXISTING	APPROVED
	I-2/D-D-O Warehouse, Storage and Distribution Chemical and Allied Manufacturing: Blending and Mixing of organic and Inorganic Chemicals	I-2/D-D-O Warehouse, Storage and Distribution, and Crematory Chemical and Allied Manufacturing: Blending and Mixing of organic and Inorganic Chemicals
Total area of the Property (square footage)	12,030	12,030
Green Area Square Footage (10% required)	1,203	1,400
Parcels	1	1
Square Footage/GFA	6,381	6,381
Number of Buildings	3	3
Building 1 (square footage)	3,068	3,068 – 396 (interior loading space) = 2,672
Building 2 (square footage)	2,337	2,337
Building 3 (square footage)	976 – 396 (interior loading space) = 580	976
Total Square footage	5,985	5,985

OTHER DEVELOPMENT DATA

Land Use	Parking Rate	Square Feet of Use	Parking Required	Parking Provided
Warehouse and Storage/ Warehouse Unit	3 spaces for the first 1,500 square feet or fraction of GFA and one additional for each 1,500 square feet of GFA	2,337	3	2
Mixing and Blending of Chemicals/Industrial Plant	2 spaces per 1,000 square feet of GFA	2,672	6	2
Crematory/Low Parking Generation Rate	1 space per 500 square feet of GFA	976	2	2
Subtotal Parking Required and Provided			11	6
After Reduction afforded by Section 27-572, Joint Use of Parking Lot Total Parking Required and Provided	20 percent or 2.2, rounded to 2		9	6*

*This total includes one 16-foot by 19-foot van-accessible parking space.

Loading

Land Use	Loading Spaces Required	Square Feet of Use	Loading Required	Loading Provided
Industry or manufacturing	1	2,000 to 25,000 sq. ft. of GFA	1	1**

**The loading space is provided as is allowed interior to the larger of the two warehouse buildings on-site.

3. **Location:** The site is in Planning Area 69, Council District 5. More specifically, it is located at 2313 51st Place and on the east side of 51st Place, approximately 300 feet north of its intersection with Tuxedo Road.
4. **Surrounding Uses:** The site is surrounded to the south by an existing steel fabricator in the Heavy Industrial (I-2) Zone; to the east and north by contractors' storage yards in the I-2 Zone; and to the west by 51st Place.
5. **Previous Approvals:** The property was subdivided by deed and is a legally existing parcel. The property is the subject of previous permits, including Permit Nos. 6468-87-CGU/01 and 1691-2009-U. The site is the subject of approved Stormwater Management Concept Plan 15150-2014-00, approved September 5, 2014 and valid until September 5, 2017.
6. **Design Features:** The site is accessed via an existing single, two-way, gated, 26-foot-wide driveway to 51st Place. The site plan submitted for the project indicates that the drive is flanked by 150 square feet of green area on the southwestern side of the driveway and 725 square feet of

green area on its northeastern side. The northeastern portion of the 51st Place frontage has an existing four-foot-wide concrete sidewalk within the right-of-way; the southwestern portion does not. Both sides, however, are enclosed by a six-foot-high chain-link fence with slats. A gate, of a swinging style, is composed of the same materials as the fence and is utilized to prevent after-hours access to the property. A lock box, supposedly meant to facilitate Prince George's County Fire/EMS Department access to the property, is located within the fenced area. Five standard-sized parking spaces are provided behind the green area on the southern side of the site's frontage and in front of the most southern building, described on the plans as an existing one-story, 976-square-foot metal building proposed to be utilized for the crematory. This building, one of three existing buildings on the site, is flanked with a 12-foot-wide concrete slab on its southern side, 360 square feet of which is approved herein to be removed and seeded and mulched as additional green area. A concrete slab is located to the side and rear of the building. An existing concrete block wall of an unspecified height is located along the rear property line behind the building. A gap of 2.6 feet separates this building and the second existing building on the site, described as a one-story, 3,068-square-foot, 20.6-foot- high building. This second building has an internal 12-foot-wide by 33-foot-long loading space with an overhead door. A single van-accessible parking space is located adjacent to the front of the second building in the central portion of the site, conveniently near a handicap-accessible pedestrian door, but inconveniently also near the access to the interior loading space through the overhead door. This design flaw, by condition of this approval, is herein corrected by a revision to the plan showing striping the path continuously from the parking space to the handicap-accessible door. Three additional parking spaces would normally be necessary in order for the applicant to meet the requirements of the Zoning Ordinance. However, in this case, the Planning Board herein approves use of the joint use of parking lot provision of Section 27-572 of the Zoning Ordinance to reduce the required parking by two. To the north of this additional parking is the third existing building on the site described on the plans as a two-story building with a basement used for warehousing. There is a basement entrance just north of the handicap parking space and a covered porch along the northern side of the building. The architecture of this third building indicates that the use was obviously residential, the purpose for which it was originally built, whereas the first two buildings discussed are utilitarian industrial metal structures. A site visit revealed that steps exist on the southeasterly portion of the existing part of the smaller of the two warehouses. A condition of this approval requires that the steps be indicated on the site plan and the green area be recalculated accordingly, or they shall be labeled to be removed.

Additionally, the applicant, in accordance with a stated goal of the Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan and SMA, is hereby required to upgrade the site in a variety of ways that will enhance the overall appearance of the site. More particularly, the applicant has agreed, and a condition of this approval requires, the following improvements in this regard:

- Remove the power mixer, a trailer, the truck chassis, and other items on-site not the subject of an approved permit or approval;
- Repair, scrape, and/or paint all metal currently in rusting and/or deteriorating condition on-site;

- Power wash the vinyl-sided warehouse previously used as a residential dwelling on-site;
- Replace the chain-link fence and gate across the site with a sight-tight durable fence; and
- Provide curb, gutter, sidewalk with a grass strip, and concrete bollards along the southeastern frontage of the site, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) or the Prince George's County Department of Public Works and Transportation (DPW&T) where such improvements would be located in the public right-of-way.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The approval complies with the requirements of the Heavy Industrial (I-2) Zone and the site plan design guidelines of the Prince George's County Zoning Ordinance. The relevant requirements of the Zoning Ordinance are as follows:
 - a. Those regulations in the I-2 Zone including Section 27-470(a) regarding purposes; Section 27-470(b) regarding landscaping, screening, and buffering; Section 27-473 regarding uses; Section 27-470(c) regarding outdoor storage; Section 27-470(d) regarding uses; and Section 27-470(e) regarding regulations. The crematory herein approved is a permitted use in the I-2 Zone as a special exception. However, the Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan removed the crematory as a permitted use in the I-2 Zone. Therefore, the subject approval is necessary. The subject project conforms to the requirements of these sections.
 - b. Those regulations regarding the number of parking spaces required are found in Section 27-568. The approval does not conform to the requirements of Section 27-568, as warehouse units in the schedule require three parking spaces for the first 1,500 square feet (or fraction) of GFA and one additional for each 1,500 square feet of GFA (or three), and only two are provided; industrial plants are required to provide two spaces per 1,000 square feet of GFA (or six spaces) and the applicant is only providing two; and the low parking generation rate applied to the crematory requires one space per 500 square feet of GFA (or two) for the use. In aggregate, the parking required is 11 and only six spaces are provided. Two of the required parking spaces may be reduced by the joint parking lot provision of Section 27-572, but this relief is insufficient to meet the requirements. Hence, a departure from parking and loading standards for three of the nine required parking spaces as allowed pursuant to Section 27-588 of the Zoning Ordinance is hereby granted. See Finding 12 for a full discussion of the relief herein approved.

- c. Those regulations regarding parking space sizes are found in Section 27-558. The plans conform to this requirement by providing the required 9.5-foot by 19-foot parking spaces and one 16-foot by 19-foot van-accessible handicapped space. The subject approval conforms to the requirements of this section.
 - d. Those regulations regarding the number of loading spaces required are found in Section 27-582. The approval conforms by including one loading space interior to the existing 3,068-square-foot metal warehouse on the property. Those regulations regarding the purposes of the parking and loading part of the Zoning Ordinance are found in Section 27-550. Those regulations regarding fractional totals are found in Section 27-569 of the Zoning Ordinance.
 - e. Those regulations regarding loading space sizes are found in Section 27-578. The approval does not conform in that the loading space measures 33 feet instead of 45 feet as required by the Zoning Ordinance, and the height of the access to the loading space measures 12 feet instead of the required 15 feet. Hence, the Planning Board hereby grants a departure from design standards for the three-foot shortage as allowed pursuant to Section 27-587 of the Zoning Ordinance. See Finding 12 for a full discussion of these two departures from design standards.
 - f. The required findings of Section 27-285(b), Planning Board procedures, with respect to DSPs and preservation and restoration of environmental features, which are discussed in Findings 13 and 14 below.
8. **The requirements of the 2005 Approved Sector Plan and Sectional Map Amendment for the Tuxedo Road/Arbor Street/Cheverly Metro Area:** Subarea A is exempt from the development district standards per the Applicability of Site Plan Requirements stated on page 84 of the Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan. However, a crematory was not a permitted use in the I-2 Zone in the sector plan use table, creating the need for the subject approval. Note that the other uses on the site (warehousing and the blending and mixing of organic and inorganic chemicals) are permitted in the I-2 Zone per the sector plan use table.
9. **2010 Prince George's County Landscape Manual:** The approval is exempt from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) per Section 1.1(d)(7) of the Prince George's County Code.
10. **Prince George's County Woodland and Wildlife Habitat Conservation:** The site is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance as stated in a Letter of Exemption issued by the Planning Board on October 10, 2013 for the site because the property contains less than 10,000 square feet of woodland and has no previous tree conservation plan approvals.

11. **Prince George's County Tree Canopy Coverage Ordinance:** The approval is not subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance because the disturbance on the site will not exceed 5,000 square feet.

12. **Requested departures from the requirements of Section 27-568(a) and Section 27-578:**

- a. **Departure from the number of parking and loading spaces required pursuant to Section 27-588 of the Zoning Ordinance from the number of parking spaces required by Section 27-568(a) of the Zoning Ordinance as permitted without separate application by Section 27-548.25(e) of the Zoning Ordinance—**In a letter dated May 7, 2015, the applicant's representative requested a departure of three spaces from Section 27-588 of the Zoning Ordinance, which requires a minimum of 11 parking spaces for site, as follows, and as modified by Section 27-572 of the Zoning Ordinance, which permits a two parking space reduction in the requirement (total of nine). Six parking spaces are shown on-site.

The Planning Board has included each required finding as specific in Section 27-588(b)(7)(A) of the Zoning Ordinance in **boldface** type below, followed by Planning Board comment:

- (i) **The purposes of this Part (Section 27-550) will be served by the applicant's request;**

The purposes of this part will be served in that adequate off-street automobile parking will be provided for the project because the nature of operations of the three land uses herein approved to be on-site is atypical of those listed in Section 27-568 of the Zoning Ordinance, and are therefore expected to generate the need for fewer than those required by the schedule contained therein.

- (ii) **The departure is the minimum necessary, given the specific circumstances of the request;**

The departure of three spaces is the minimum necessary because of the size of the site and existing buildings on it.

- (iii) **The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;**

The subject departure is necessary to alleviate the circumstances unique to this site, which was initially developed as a single-family detached dwelling house, and being developed in evolutionary fashion into an embalming fluid business, initially established on the site in 1926, and the eventual construction of the two metal buildings in the backyard of the

house to provide additional space for the business. The residential use was converted over time to provide additional warehousing as the business expanded. The relatively small size of the property was characteristic and prevalent in this area of the County which was developed prior to November 29, 1949. Also, when the business was first established on the property in the 1920s, automotive use was limited and most parking and loading needs were most probably met curbside. The foregoing makes it difficult to meet the design criteria for the loading space. Hence, creating the need for the departures.

- (iv) **All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

All methods for calculating the number of spaces required have either been used or found to be impractical on this site. In particular, the 20 percent reduction afforded by Section 27-572 of the Zoning Ordinance was utilized, but the compact space allowance of Section 27-559 afforded no additional relief.

- (v) **Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

As there are no residential areas adjacent to the subject site, this normally required finding becomes not applicable.

In addition, as per Section 588(b)(7) of the Zoning Ordinance, the Planning Board must give consideration to the following, included in **boldface** type below, followed by Planning Board comment:

- (i) **The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;**

Parking and loading is generally provided on-site in the general facility of the subject project within 500 feet of the subject property, leaving on-street parking available for any overflow.

- (ii) **The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;**

The subject approval will help implement the portion of the vision statement of the Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan and SMA to create an attractive and efficient industrial community at Tuxedo Road and Kenilworth Avenue (page 13) by providing the required parking on-site and aesthetic improvements to the property frontage and structures thereon.

(iii) The recommendations of a municipality (within which the property lies) regarding the departure; and

In an e-mail dated April 16, 2015, Mayor Callahan of the Town of Cheverly stated that the town council neither supports nor opposes the project. Therefore, there is no municipal recommendation to conform to regarding the departures approved herein.

(iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.

There are no known proposed public parking facilities in the Prince George's County Capital Improvement Program (CIP) within the general vicinity of the subject property. Therefore, this normally required consideration is inapplicable to the subject project.

Lastly, as per Section 588(b)(7) of the Zoning Ordinance, the Planning Board in making their findings may give consideration to the following, included in **boldface** type below, followed by Planning Board comment:

(i) Public transportation available in the area;

Public transportation is available in the area. More particularly, there is bus service in the vicinity of the subject site and it is located 0.65 mile from the Cheverly Metro station.

(ii) Any alternative design solutions to off-street facilities which might yield additional spaces;

There are no practical alternative design solutions to off-street facilities which might yield additional spaces that should be considered as part of the subject departure application.

(iii) The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;

The nature of the uses within 500 feet of the subject property is similar to that of the subject site with standard working hours. However, as all required parking and loading will be provided on-site, the off-site parking generated by the subject property will be non-existent or minimal, not impacting other businesses in the area.

(iv) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.

As the subject project is located in the I-2 Zone, this normally suggested consideration is inapplicable.

b. **Departure from design standards pursuant to Section 27-587 of the Zoning Ordinance from the height and length requirements of Section 27-578 of the Zoning Ordinance as permitted without separate application by Section 27-548.25(e) of the Zoning Ordinance:**

In a letter dated May 6, 2015, the applicant's representative requested a departure from Section 27-578 of the Zoning Ordinance, which requires that loading spaces for industrial, wholesale, and storage uses measure 45 feet long and for the access to the loading spaces for industrial, wholesale, and storage uses to be a minimum of 15 feet in height. Section 27-578 of the Zoning Ordinance specifies the following design parameters for loading spaces:

	LENGTH	WIDTH	HEIGHT (IF COVERED OR OBSTRUCTED)
Industrial, wholesale, and storage uses	45 feet	12 feet	12 feet if use served has 3,000 square feet or less GFA; 15 feet if use served has more than 3,000 square feet GFA

Section 27-548.25 of the Zoning Ordinance states the following:

If a use would normally require a variance or departure, separate applications shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards.

However, as discussed in Finding 8 of this approval, the subject project is exempt from the development district standards. Therefore, after consultation with the Associate General Counsel (M-NCPPC), the Zoning Ordinance requirements relating to departures have been applied. Each such required finding found in Part 3, Division 5, Section 27-239.01(b)(7) of the Zoning Ordinance is included in **boldface** type below, followed by Planning Board comment:

(7) Required findings.

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The purposes of the Zoning Ordinance, as described in Section 27-102, would be equally well or better served by the applicant's subject approval. In particular, the subject approval will help implement the area master plan, the Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan and SMA in accordance with Section 27-102(a)(2) of the Zoning Ordinance. More particularly, the requested departures enable the subject project to go forward and help implement the goal of the sector plan to improve the appearance of the area, as the approval includes cleaning/removing rust from the façades of the structures on-site and frontage improvements including sidewalk, landscaping, curb, gutter, enhanced bollards, and a new fence and gate.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

The departures are the minimum necessary, as it is to enable the loading space to be accommodated in an existing building, the dimensions of which are not contemplated to be changed as part of this application.

(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;

The departures are necessary to alleviate the circumstances unique to this site, which was initially developed as a single-family detached dwelling house, and being developed in evolutionary fashion into an embalming fluid business, initially established on the site in 1926, and the eventual construction of the two metal buildings in the backyard of the house to provide additional space for the business. The residential use was converted over time to provide additional warehousing as the business expanded. The relatively small size of the property was characteristic and prevalent in this area of the County which was developed prior to November 29, 1949. Also, when the business was first established on the property in the 1920s, automotive use was limited and most parking and loading needs were most probably met curbside. The foregoing makes it difficult to meet the design criteria for the loading space. Hence, creating the need for the departures.

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

The departures will not impair the visual integrity of the site or the neighborhood, as the subject loading space will be wholly located inside a building and loading operations will not be at all visible outside that building or off-site.

- (e) **If a use would normally require a variance or departure, separate applications shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards.**

The subject departure applications were processed in accordance with the above. Separate applications were not required and the departures are being considered together with the DSP. The Planning Board need not find in this approval that the departures conform to all of the applicable development district standards, as the subject project is exempt from the development district standards of the Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan and SMA. See Finding 7 for a further discussion of this exemption.

13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The comments are summarized as follows:

- a. **Community Planning**—The subject approval is to amend the Development District Overlay (D-D-O) Zone to permit a crematory at this location. As part of the approval, the applicant is required to make a number of improvements to the site that will help implement the goals of the 2005 Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan and SMA for this industrial area. With these changes, the Planning Board hereby finds that the amendment herein approved will not substantially impair the sector plan.

With respect to Plan Prince George's 2035 and the Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan and SMA, the Planning Board stated that the subject approval is required to conform to the applicable general or master plan. Further, the Planning Board stated that the subject property is located in the Established Communities area of the Prince George's County Growth Policy Map in Plan Prince George's 2035 and that the vision for the Established Communities is to have context-sensitive infill and low- to medium-density development.

With respect to the Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan and SMA, the Planning Board stated that it retained the subject property in the I-2 Zone, but placed a D-D-O Zone over the industrial area. The D-D-O Zone limits uses in the I-2 Zone, but retains the regulations of the I-2 Zone. The Planning Board also noted that the subject property is not located within the Joint Base Andrews Interim Land Use Control impact area.

The Planning Board then discussed the following planning issues regarding the subject project:

- (1) The Land Use and Development Pattern element of the sector plan placed this property in Subarea A, which was created for the older industrial uses that dominate this portion of the area covered by the sector plan, with the two overall goals stated to guide future development, stated on page 20 of the area sector plan:
 - **To improve the industrial employment character and appearance of this gateway to Prince George's County.**
 - **To eliminate noxious uses that negatively impacts the environment and other land uses.**
- (2) To address this second goal, the plan retained the current industrial land use designation and created a D-D-O Zone to prohibit noxious land uses that are otherwise permitted in the underlying zone.
- (3) On page 58 of the sector plan, Subarea A includes four recommendations as discussed below:
 1. **Improve the visual appearance of the existing industrial facilities through the enforcement of existing County Codes that regulate illegal parking and impoundment of abandoned cars, illegal dumping, and general maintenance.**
 2. **Provide driveway entrances to businesses and improve overall circulation by defining travel lanes and driveway entrances using street curbs.**
 3. **Provide adequate and consistent industrial lighting throughout the area.**
 4. **Locate loading and storage areas to the rear of buildings and away from public view.**

The subject project meets the four above-stated goals and the recommendations of the plan, the Planning Board offered the following:

The applicant gave extensive justification about the need for crematories in the county, as well as, reasons why placing this use on a site that already produces and stores embalming fluids makes good economic sense. Upgrading the appearance of the site would address the second major goal for this area by improving the subarea's

appearance, which is a stated objective in the sector plan. The improvements herein required include replacing the existing fencing with a more attractive fence without razor wire, replanting the grass areas as much of it is dead or in poor condition, adding landscaping, removing outdoor storage, and improving the frontage southwest of the vehicular access to the property with curb, gutter, sidewalk, and bollards to protect the property by preventing trucks from the industrial use across the street from backing onto the property, and cleaning rust from and power washing the buildings to upgrade the look of the site. These improvements will improve the general appearance of the site and help to create a higher quality of industrial facilities in the area as envisioned by the sector plan.

- b. **Transportation Planning**—The site is subject to the general requirements of site plan review, which includes evaluation of access, parking, loading, and on-site circulation. There are no specific transportation-related requirements of the Zoning Ordinance for the specific use. The subject site is located within the land area covered by the Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan and SMA and the D-D-O Zone.

The proposed use would be located in an existing one-story building. Two other buildings are being used as warehouse space. The site is located in an industrial area. As customers already pick up embalming fluid at the site and little, if any, additional traffic is expected to be generated by the additional use.

Access will be provided from an existing commercial driveway onto 51st Place and that parking is to be provided on-site. From a standpoint of transportation, the plan is hereby found acceptable and meets the required finding of Section 27-285 of the Zoning Ordinance for a DSP.

- c. **Subdivision Review**—The subject property is located on Tax Map 58 in Grid E-3 and measures approximately 24.58 acres. The property has never been the subject of a preliminary plan of subdivision or record plat and is a legal acreage parcel, specifically Parcel 90. There are no other subdivision issues with the subject approval, and a preliminary plan is not required at this time.

- d. **Trails**—The following are bicycle and pedestrian comments concerning the subject application:

- The Planning Board has reviewed this proposal for conformance with the conditions of prior approvals and the *Approved Sector Plan and Sectional Map Amendment for the Tuxedo Road/Arbor Street/Cheverly Metro Area* (area master plan).
- The area master plan, on page 39, recommends that development should “provide sidewalks and high-quality materials throughout the area as road improvements or streetscape improvements are made.”

- There are no specific bicycle or pedestrian recommendations for the subject property frontage contained in the area sector plan.
- There is partial sidewalk along the property frontage.
- The area master plan does make recommendations for trails in the area, but that these recommendations do not directly affect the subject approval.
- The area could benefit from a comprehensive road reconstruction program, but there are no capital improvement projects in place for the area at the present time.

From a trails perspective, the plan as approved will not conflict with the area master plan recommendations.

- e. **Permit Review**—Numerous permit review comments were either addressed by revisions to the plans or are addressed by conditions of this approval.
- f. **Environmental Planning**—The Planning Board offered the following regarding the proposed crematory:
 - The site has been issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance because the site is less than 40,000 square feet in size and has no previous tree conservation plan approval. The exemption letter is valid until April 9, 2016. A natural resources inventory (NRI) equivalency letter has been issued based on the standard woodland conservation exemption and that no regulated environmental features are located on-site. The NRI equivalency letter is valid until April 9, 2019.
 - The site plan contains a note that a stormwater management concept approval letter has been issued (15150-2014-00) by DPIE. The site must be developed in accordance with the approved stormwater concept. Due to the commercial use, traffic-generated noise is not regulated in relation to the approval, and the site is not located in close proximity to any roadway designated as arterial or higher. The site does not front on any designated scenic or historic roadway. No other environmental requirements have been identified for this approval.
- g. **Prince George's County Fire/EMS Department**—In a memorandum dated November 20, 2014, the Fire/EMS Department offered comment regarding private road design, needed accessibility, and the needed location and performance of fire hydrants. With respect to accessibility, the Fire/EMS Department noted that a key for the locked gate is already provided for the property on the side on which the property is accessed would have to be provided. At the recommendation of the Fire/EMS Department, a

condition of this approval requires that the lock box be repositioned on the plans, outside the gate and fence, where it could then serve its proper function.

- h. **The Prince George's County Police Department**—In a memorandum dated May 10, 2015, the Police Department stated that, after reviewing the plans for the project and visiting the site, they have no comment regarding the subject project.
- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board did not receive comment from DPIE regarding the subject approval.
- j. **Prince George's County Health Department**—In a memorandum dated April 17, 2015, the Health Department offered the following:
 - The proposed addition of a crematory has potential impacts as the site would become a registered source of air pollution. The application indicates general awareness of the requirement to obtain a state permit to construct and a permit to operate in order to assure conformity with state and federal air quality standards. Further information regarding the permitting and inspection process is available from the Air & Radiation Management Administration of the Maryland Department of the Environment.
- k. **Maryland Department of the Environment (MDE)**—In an e-mail dated November 25, 2014, MDE stated that they did not recognize the name “Arlington Chemical” and that further, they had never received a permit application from such a company for a crematory in the State of Maryland. In a subsequent e-mail sent the same day, MDE offered the following additional information regarding their permitting process:
 - All applications for crematories will not be accepted without zoning approval.
 - Once an application for a crematory has zoning approval, the application must successfully complete a toxics review process, including the following:
 - The applicant must prove that their emissions will not endanger their neighbors.
 - The applicant must meet a minimum stack height and a maximum operating limit.
 - The applicant must meet all of the applicable equipment requirements such as having a secondary chamber and some recorders.
 - As for other chemicals on the site and their potential for negative health impacts and dangers of fire and explosion, the Prince George's County Health Department and the Prince George's County Fire/EMS Department would provide expertise and have the authority to regulate in those regards.

In closing, MDE noted that the permitting process itself is rather lengthy and involves public participation. It also involves two distinct times when newspaper notices must be published and the public invited to comment and, if desired, request a meeting or hearing on the application.

- l. **Town of Cheverly**—In an e-mail dated April 16, 2015, Mayor Callahan of the Town of Cheverly stated that the town council met recently and agreed that they would remain silent regarding the subject project, neither supporting nor opposing it. Further, they stated that they appreciate that the applicant has been in communication with the Town and that the Town believes that the proposed addition of a crematory to the property will not create any further issues for the town.
- m. **Town of Colmar Manor**—The Planning Board did not receive comment regarding the subject project from the Town of Colmar Manor.
- n. **Washington Gas Company**—In a letter dated April 29, 2015, a representative of the Washington Gas Company indicated an intention to install natural gas service to the property. In the letter, the representative outlines the financial and other requirements for the installation by Washington Gas Company.

Such installation would enable the applicant to remove the existing above-ground propane storage tank from the property, as it is currently indicated to be removed on the DSP. This may require a revision to the DSP to be approved by the Planning Board or its designee.

- 14. Based on the foregoing and in accordance with Section 27-285(b) of the 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 costs and without detracting substantially from the utility of the proposed development for its intended use.
- 15. As there are no regulated environmental features on the subject site, the normally required finding of Section 27-285(b)(4) of the Zoning Ordinance that a DSP demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible need not be made in this case. @

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 the Detailed Site Plan DSP-13015, subject to the following conditions:

- 1. Prior to certification of the detailed site plan (DSP), the following revisions shall be made to the plans:
 - a. Clearly identify the square footage allocated for each use in each building.

- b. Revise the parking schedule to reflect the use of the joint parking reduction provision of Section 27-572 of the Zoning Ordinance to reduce the otherwise required parking spaces in accordance with Finding No. 2 and the departure from the number of parking spaces.
 - c. Revise the plans to include replacement of the chain-link fence and gate currently located across the front of the property. Such replacement shall not have barbed or razor wire, and shall be constructed of a quality material such as durable Trex or other composite board-on-board fencing, to be approved by the Planning Board or its designee.
 - d. Revise the plans to include curb, gutter and sidewalk, to connect with existing sidewalk along the southeastern frontage of the property within the Prince George's County right-of-way, unless modified by the approving authority.
 - e. The applicant shall include a note on the plans indicating that metal currently in a rusting and/or deteriorating condition shall be repaired, scraped, and painted so as to improve its appearance and functionality. Such rust removal shall include the metal basement window shutter, and the fuse box on Building 2.
 - f. Revise the plans to show the path provided at the side of the handicap-accessible parking space shall be extended in an easterly direction so as to connect with the handicap-accessible door to the 3,068-square-foot warehouse.
2. The vinyl-sided warehouse previously used as a residential dwelling, long used as part of the embalming fluid manufacturing and distribution activity on the site, shall be power washed so as to improve its appearance.
3. The lock box for Prince George's County Fire/EMS Department access shall located outside the fenced and gated property. Final design of the lock box and its designated location shall be approved by the Fire/EMS Department.

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 Shoaff, with Commissioners Washington, Shoaff, Bailey, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 21, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of June 2015.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:RG:rpg