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Special Exception Variance Request Alternative Compliance

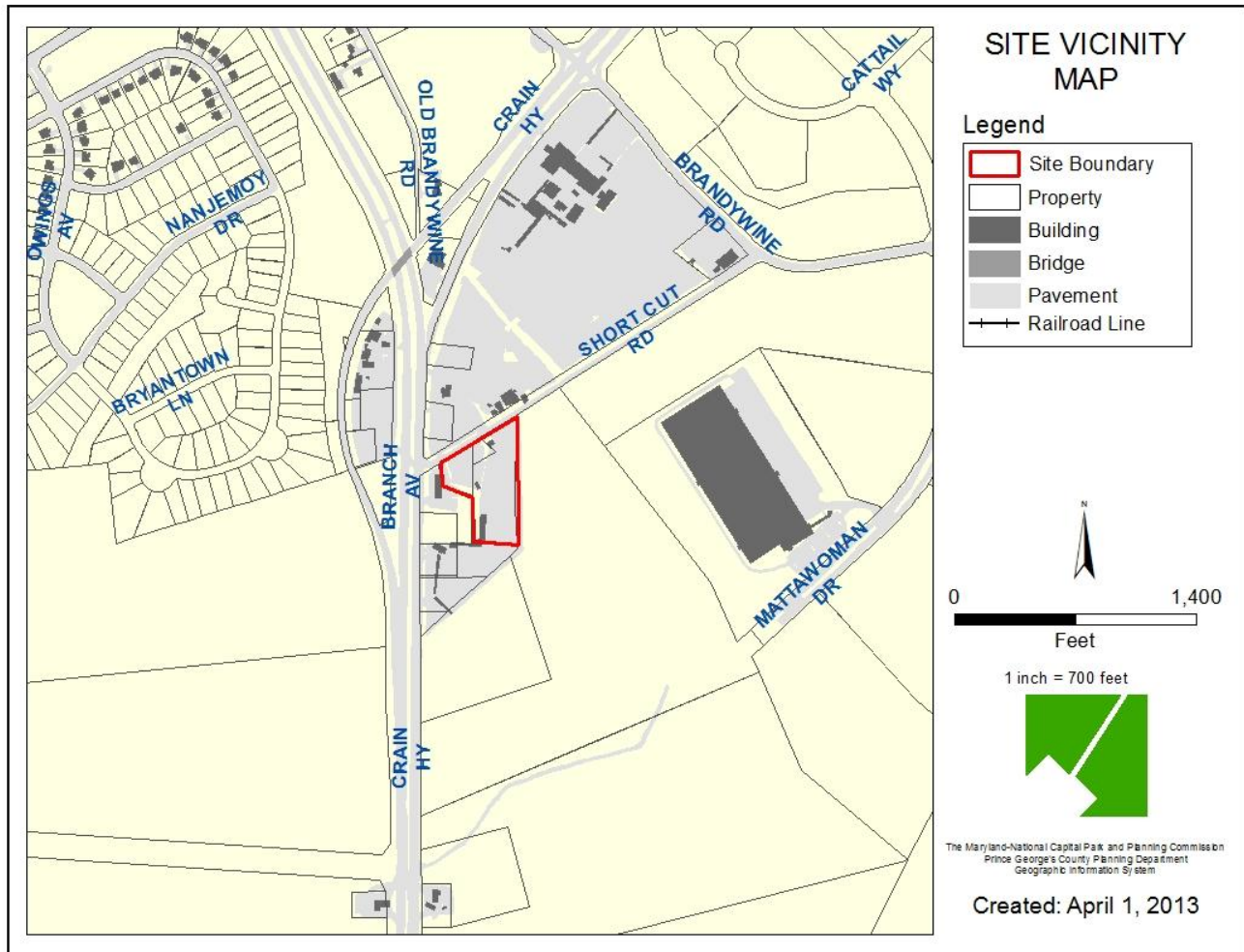
**SE-4637
 VSE-4637
 AC-13005**

Application	General Data	
Project Name: Ransom Motors II Vehicle Salvage Location: South side of Short Cut Road, approximately 138 feet east of the intersection of Branch Avenue (MD 5) and Robert Crain Highway (US 301). Applicant/Address: Walter M. and Henry A. Meinhardt 14145 Brandywine Road Brandywine, MD 20613 Property Owner: Walter M. and Henry A. Meinhardt 14145 Brandywine Road Brandywine, MD 20613 M&M Joint Venture 14145 Brandywine Road Brandywine, MD 20613	Planning Board Hearing Date:	06/13/13
	Staff Report Date:	05/29/13
	Date Accepted:	12/19/11
	Planning Board Action Limit:	N/A
	Plan Acreage:	4.86
	Zone:	I-1
	Gross Floor Area:	4,961 sq. ft.
	Lots:	0
	Parcels:	3
	Planning Area:	85A
	Tier:	Developing
	Council District:	09
	Election District	11
	Municipality:	N/A
	200-Scale Base Map:	218SE07

Purpose of Application	Notice Dates	
SE-4637: To operate a vehicle salvage yard in the I-1 Zone. VSE-4637: Variance from Section 27-417.03(2) for fence material and from Section 27-474 for front and side yard building setbacks. AC-13005: Waiver from Section 4.7 of the 2010 Prince George's County Landscape Manual along the eastern property line.	Informational Mailing	01/09/09
	Acceptance Mailing:	11/18/11
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Taslima Alam Phone Number: 301-952-4976 E-mail: Taslima.Alam@ppd.mncppc.org	
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APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Zoning Supervisor, Development Review Division

FROM: Taslima Alam, Senior Planner, Zoning Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4637**
Variance Request Application No. VSE-4637
Alternative Compliance Application No. AC-13005

REQUEST: **SE-4637:** To operate a vehicle salvage yard in I-1 Zone.

VSE-4637: Variance from Section 27-417.03(2) for fence material and from Section 27-474 for front and side yard building setbacks.

AC-13005: Waiver from Section 4.7 of the 2010 Prince George's County Landscape Manual along the eastern property line.

RECOMMENDATION: **Approval with conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of June 13, 2013. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS

- A. **Location and Field Inspection:** The site is located on the south side of Short Cut Road, approximately 138 feet east of the intersection of Branch Avenue (MD 5) and Robert Crain Highway (US 301), more specifically at 7903 Short Cut Road, Brandywine, Maryland. The subject property is irregular in shape and consists of three separate parcels of land (Parcels 84, 110, and 146) which total approximately 4.86 acres in the Light Industrial (I-1) Zone. The site is improved with two structures. The first is a 4,217-square-foot, one-story frame building with three service bays, located in the southwest corner of Parcel 84. This building is being used for dismantling and storing vehicle parts. However, it has not been the subject of any permit or other approval. A building permit will be required for the existing frame building. The other is a 744-square-foot, one-story, concrete block building located at the entrance of the subject property on Short Cut Road on Parcel 146 and is currently being used for storage. The site is largely cleared and is currently being used for storing, parking, and salvaging damaged vehicles and has an access to Short Cut Road for the adjacent nonconforming Ransom Motors property to the south.

The site plan indicates that the entire site is covered with compacted gravel, a dust free surface. During the site visit, it was noted that certain areas of the lot especially in the dismantle area and internal drive aisle barely shows any gravel at all; therefore, these areas are very muddy when it rains, has too many puddles, or may even be too dusty during dry summer months. There is no defined existing parking lot or loading area on the site. An eight-foot-high, light-tight metal fence encloses the entire property boundary from north, east, and part of the west side of the property. There is no fence behind the existing frame building located along the southwestern side of the property. The existing metal fence along the eastern property line and other areas are poorly maintained and needs to be mended. However, only a six-foot-high chain-link fence exists along the southern property line with an internal access gate located between the common boundary line of Parcel 84 and abutting Parcel 255 (existing Ransom Motors I Vehicle Salvage Yard) to separate the two parcels. There are other six-foot-high chain-link fences with internal gates existing within the proposed site that separates the vehicle dismantling area, the large vehicle parking area (i.e. school buses, trucks, and etc.), and the compact car area on the site. In addition, it was noted that the site does not contain any landscaping except a couple of evergreen trees, one of which is located at the north and the other located at the west side of the property. These trees are in poor health.

The site has frontage on Short Cut Road. Access to the site is via two driveway entrances one of which is 25 feet wide, used to access Parcel 110, and the other is 50-feet wide, used to access Parcels 84 and 146. There is also an internal access gate located between the common boundary line of Parcel 84 and the abutting vehicle salvage yard, Parcel 255 (Ransom Motor I) to freely maneuver cars between the two properties. This access is now proposed to be closed with an eight-foot-high, steel, screen wall along the southeastern half of the common boundary line.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Vehicle Parking, Salvaging, and Storage Yard	Vehicle Salvage and a Storage Yard with Contractors' Office
Acreage	4.86	4.86
Lots	N/A	N/A
Parcels	3	3
Square Footage/GFA	4,961	4,961

C. **History:** The property was rezoned from the General Commercial (C-2) Zone to the Light Industrial (I-1) Zone in the September 5, 1978 Sectional Map Amendment (SMA). The property was retained in the I-1 Zone in the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B* (Subregion V Master Plan and SMA). The subject site has been used in conjunction with the adjacent certified nonconforming use known as Ransom Motors I Vehicle Salvage Yard (Parcel 255) for storing, parking, and dismantling damaged vehicles for many years without a legal permit. On March 12, 2007, the Department of Environment Resources (DER) inspected the subject property and issued a citation (Case No. Z-1948-9-07) for alleged violation of Sections 253(a)(1) and 4-118(c) for “use of a building, structure and land without a valid use and occupancy permit” for Parcel 84. Therefore, the applicant is now proposing this special exception approval and close all activities between the two properties as one entity.

D. **Master Plan Recommendation:** The Subregion V Master Plan and SMA retained the subject property in the Light Industrial (I-1) Zone.

Prince George's County Approved General Plan: The 2002 *Prince George's County Approved General Plan* designates the subject property as a possible future Brandywine community center. A community center designation provides for residential densities and a mix of uses in areas where compact development is recommended. The policy for centers is to: “promote the development of mixed residential and nonresidential uses at moderate to high densities and intensities in context with surrounding neighborhoods and with a strong emphasis on transit-oriented design.”

E. **Request:**

Special Exception SE- 4637—The applicant seeks approval of a special exception to operate a vehicle salvage yard on a 4.86-acre property including storing and dismantling parts from damaged vehicles, and to validate the existing storage of damaged vehicles in the I-1 Zone. The proposal includes the use of an existing concrete block building located at the entrance of the subject property as a contractors' office and an existing frame building located in the southwestern corner of the property for dismantling parts of the damaged vehicles. No new improvements, except for some fencing and construction of a designated parking area, are being proposed on the site. The applicant has submitted companion alternative compliance and variance applications which are discussed in this report in Findings H and I below.

Variance Request VSE-4637—The applicant is requesting a variance from Section 27-417.03(a)(2) of the Zoning Ordinance to allow continuous use of the existing eight-foot-high metal fence along the northern, eastern, and western property lines and proposes to provide the

same new fence along southern property line. This variance is necessary because the Zoning Ordinance does not allow the use of “corrugated metal or sheet metal” fence for a vehicle salvage yard. In addition, the applicant is requesting a variance from Section 27-474(a) of the Zoning Ordinance which establishes regulations for development in the I-1 Zone, including building setbacks for fences and walls over six feet high. Since the existing fence is over six feet high, variances of 30 feet for side yard building setbacks for the location of the existing fence and existing frame storage building along the eastern property line and a 15-foot building setback from street for the location of a fence along the northern property line are requested.

Alternative Compliance AC-13005: The applicant is also requesting alternative compliance from Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) along the eastern property line to allow a reduction in the width of the required bufferyard and building setback. The application is subject to Section 4.7 because there is a change of use from a lower to a higher intensity use category.

- F. **Neighborhood:** The subject property is located on the east side of the intersection of Branch Avenue (MD 5) and Robert Crain Highway (US 301) within an industrial zoned land area. At this time, the neighborhood is predominantly industrial. Much of the industrial land in the area is owned by and used by the applicant’s other business, Brandywine Auto Parts. Other lands along Short Cut Road, to the east of subject property, is zoned Residential Medium Development (R-M) with limited commercial uses necessary to serve the dominant residential uses. The neighborhood is defined by the following boundaries:

North—	Brandywine Road (MD 381)
West—	Robert Crain Highway (US 301)
South—	Cedarville Road
East—	Timothy Branch Stream Valley

Surrounding Uses: The subject property is surrounded by the following land uses:

North—	Bounded by Short Cut Road, and beyond is Brandywine Auto Parts sales office, in the I-1 Zone.
West—	Sunoco gas station and south of that is undeveloped vacant land in the I-1 Zone.
South—	Abuts Ransom Motor I, a nonconforming use vehicle salvage yard, under common ownership in the I-1 Zone.
East—	Vacant land which is to be developed residentially as part of approved Comprehensive Design Plan CDP-0902, Villages at Timothy Branch, in the R-M Zone.

- G. **Specific Special Exception Requirements:** Section 27-417.03 of the Zoning Ordinance sets forth specific special exception requirements for a vehicle salvage yard in the I-1 Zone.

(a) A vehicle salvage yard may be permitted, subject to the following:

- (1) The use shall be enclosed by a solid, sightly, light-tight wall or fence at least eight (8) feet high, and found to be satisfactory by the District Council;**

The perimeter of the subject site is currently enclosed by an existing eight-foot-high, solid, green, steel, screen wall along all the boundary lines, except the southern property line, adjacent to the common ownership nonconforming vehicle salvage yard. Currently, a six-foot-tall chain-link fence exists along this property line which will be replaced with a solid light-tight fence to conform to this requirement. There is no wall located behind the existing frame building along the southwestern property line because the building is located right on the property line itself and works as screening. However, because the wall exceeds the six-foot height restriction, it must conform to the building setback requirement set by the Zoning Ordinance. Since the existing fence and the frame building are located on the property line, a variance for the building setback requirement is requested for both as part of this application.

- (2) The fence shall not be constructed of corrugated metal or fiber glass, or sheet metal;**

The submitted site plan does not conform to this requirement since the existing screen wall is made of steel panels which are sheet metal, and is not allowed. The applicant has requested a variance from this requirement to allow continued use of the existing fence, which is substantial and effective. The existing wall is a panelized metal which is 29 gauge steel with a corrosive baked on enamel finish, green in color. The current wall is more likely than other types to rust, develop paint chips, or have individual panels become dented or fall down, which would be unattractive and/or result in a lack of screening if not repaired in a timely fashion. Staff recognizes that, while the existing screen wall is considerable and effective, it could be moderately attractive as long as the applicant can maintain and repair the wall as necessary along all property lines. Therefore, a condition is in place that the screen wall be repaired and maintained regularly, in perpetuity. This could be partially accomplished if wheel stops or a curb were required to be placed along all areas where the vehicle salvage use abuts the wall to protect the wall from possible damage from vehicles on-site.

- (3) Outdoor storage shall not be visible from the ground level beyond the fence; and**

The subject site is enclosed by an existing eight-foot-high, steel, screen wall and the terrain is relatively flat; therefore, the outdoor storage area will not be visible from ground level beyond the fence. All walls screen the use from view of the public road and surrounding properties. Moreover, the 13-foot-high frame building along a portion of the southwestern boundary of the site also screens the visibility of the outdoor storage area.

- (4) Interior storage shall be located within a fireproof building.**

The applicant indicated that the proposed use fully complies with this requirement.

H. **Variance Request VSE-4637:** The proposed site plan requires the following variances.

Section 27-417.03(a)(2) of the Zoning Ordinance states that the fence shall not be constructed of corrugated metal or fiber glass, or sheet metal. The site has an existing eight-foot-high, solid, light-tight fence along its northern, eastern, and western property lines and an eight-foot-high metal fence is proposed along southern property line, all of which are made of steel panels, which are sheet metal and are not allowed. A variance is requested from this requirement to allow the existing screen wall to be used to satisfy screening requirements.

Section 27-474 of the Zoning Ordinance establishes regulations for development in the I-1 Zone including building setbacks, which also apply to fences and walls over six feet high. The site is unable to meet the required setback; therefore, the applicant has requested variances to the required setback along the western and northern property lines.

Along the Western Property Line, the adjacent property is zoned I-1 and is developed with an automobile filling station. A side yard setback of 30 feet is required per the Zoning Ordinance for the existing eight-foot-high, steel, screen wall and existing frame store building. A variance of 30 feet is requested for the existing eight-foot-high, steel, screen wall and the existing 13-foot-high frame building.

Along the Northern Property Line, adjacent to Short Cut Road, a setback of 25 feet is required from the ultimate right-of-way per the Zoning Ordinance. The submitted site plan shows the ultimate right-of-way line for Short Cut Road and indicates that the existing steel screen wall is to be relocated ten feet outside of the right-of-way to the south to accommodate the required landscape strip, which leaves a 15-foot building setback requirement to be met for the fence location. A variance of 15 feet is requested for the relocated existing eight-foot-high, steel, screen wall.

Section 27-230(a) of the Zoning Ordinance provides the following findings for approval of a variance:

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The property does not have exceptional narrowness, shallowness, shape, or exceptional topographical conditions. The subject property is located in an industrial area in the Brandywine community. The applicants or their affiliated companies own a substantial amount of land in the area and other areas which are used in conjunction with the Brandywine Auto Parts business. Many of these properties have steel panel screening that has existed on the property for over 42 years. The adjacent vehicle salvage yard immediately south of the subject site (Parcel 255) is also screened by an eight-foot-tall, solid, green, steel, screen wall which is under the common ownership as the subject site. Therefore, it is reasonable for applicant to request to keep the same existing steel panel fence on the subject property. This will not only ensure visual consistency of fence in the area, but will also provide security against vandalism, theft of valuable car parts removed from salvaged vehicles, and reduce maintenance. Thus, requiring the existing fence to be replaced with vinyl or wood does not do substantial justice to either the applicant or other property owners or commuters in the area.

With respect to the issues of setbacks along northern and western property lines, if full setbacks for the existing building and fence were applied to meet the Zoning Ordinance or Landscape Manual requirements, the owner would lose approximately 43,255 square feet or 27 percent of

useable area of land. For this reason, the variance request would do substantial justice to the property owners in that it would allow them to use a larger portion of the land for vehicle storage. In addition, removing the fence to meet the setback requirement per the Zoning Ordinance does not in any way improve the intended function of the wall, and the location of the wall will have no discernible impact on other property owners. In fact, it will create a no man's land between the wall and the adjacent property line which will be less likely to be maintained, and will not benefit the adjoining owners. All of these issues are extraordinary situations the owners have to face if they are to meet the setback requirements per the Zoning Ordinance.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

The strict application of the setback and specific fence material requirement will create an undue hardship upon the owners of the property. The applicant contends that requiring the existing screen walls to be removed and replaced with non-metal screening, such as wood or vinyl, would jeopardize the security of its operations. The existing panelized metal fence on the property is custom made and is durable and secure. The gauge of the steel prevents vandals from cutting through it. The existing eight-foot-tall metal fence construction provides security and makes it very difficult to climb over. The required wood or vinyl fence is not durable and is too easy to penetrate. This would, at a minimum, require the applicants to install a secondary means of security, such as a chain-link fence with barbed wire or electrified fencing in addition to the screen fencing, to protect valuable precious parts from being stolen. Furthermore, the requirement to remove hundreds of feet of metal screening and replace it with less durable and less secure screening is unnecessarily burdensome to the applicants because it makes the business less secure and exposes the applicants and its employees to the threat of criminal activity. Hence, the strict application of this subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owners of the property.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

The variance will not substantially impair the intent, purpose, or integrity of the Subregion V Master Plan and SMA, which retained the subject property in the I-1 Zone for continued industrial use. The use is permitted by special exception in the I-1 Zone. Moreover, because no new construction is proposed with the addition of the vehicle salvage yard use, granting the requested variance will not impair the integrity of the General Plan or master plan in any way and is therefore presumed to be compatible with the surrounding area.

- I. **Parking Regulations:** Section 27-568 (a)(7), Schedule of Parking Spaces, of the Zoning Ordinance requires one parking space for every 1,000 square feet of gross storage area of the first 10,000 square feet, plus one space for each additional 10,000 square feet for a junk yard or an auto salvage yard. For an auto salvage yard of 155,615 square feet, 25 parking spaces are required.

Section 27-568(a)(5)(B) requires one parking space for every 500 square feet of gross floor area (GFA) of office space. For a 744-square-foot contractors' office building, two parking spaces are required. The site plan provided two parking spaces for the site.

The proposed vehicle salvage yard requires a total of 27 parking spaces for the entire use. A total of 27 parking spaces with two spaces being reserved for the physically handicapped are provided.

However, eight of the proposed standard parking spaces located adjacent to Short Cut Road do not appear to scale 9.5 feet by 19 feet. Prior to the Zoning Hearing Examiners hearing, the site plan should be revised to provide correct sized parking spaces in accordance with Part 11, Division 2 of the Zoning Ordinance, or ask for applicable departures as necessary. Moreover, the existing contractors' office building should be handicap accessible in accordance with the requirements of the Americans with Disabilities Act (ADA).

Section 27-582(a), Schedule of Loading Spaces, of the Zoning Ordinance requires one loading space for industry or manufacturing comprising over 2,000 to 25,000 square feet of GFA. For a building with a GFA of 4,961 square feet, one loading space is required. The plan correctly provides one 45-foot by 12-foot loading space.

- J. **Prince George's County Landscape Manual Requirements:** The site is subject to Section 4.2, Requirements for Landscaped Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because there is a change of use from a lower to a higher intensity use category. The submitted site plan indicates compliance with Sections 4.2, 4.3, 4.4, and 4.9, but does not meet the requirements of Section 4.7 of the Landscape Manual. The applicant filed a request for alternative compliance from Section 4.7, Buffering Incompatible Uses, for a reduction in the width of the required bufferyard and building setback along the eastern property line. The following is a summary of that request and recommendation.

A Section 4.7 Type "D" bufferyard, which includes a 50-foot building setback and a 40-foot landscaped yard, is required along the eastern property boundary adjacent to a vacant R-M-zoned property, Parcel 19, within the Developing Tier. The applicant is asking for relief due to the fact that the additional requirements for approval of a special exception vehicle salvage yard, in Section 27-417.03(a) of the Zoning Ordinance, includes very definite requirements for screening. It specifies that the use be enclosed by an at least eight-foot-high, solid, slightly, light-tight wall or fence, not constructed of corrugated metal, fiber glass, or sheet metal. The applicant went on to explain that the adjacent Parcel 19 is part of the Villages of Timothy Branch Preliminary Plan of Subdivision 4-09003, which was approved showing a 35-foot-wide outlot and a Type "D" 40-foot-wide landscaped bufferyard along this common property line. The proposed outlot is intended to serve as half of a future industrial roadway right-of-way to serve the industrially-zoned parcels to the south of the subject site when Crain Highway (US 301) is upgraded to an access-controlled freeway and the properties lose the ability to access it. The applicant argues that not only is the full bufferyard and setback proposed to be provided on the adjacent property, but additionally, if this area is eventually utilized as a roadway, no Section 4.7 bufferyard would be required.

As an alternative, the applicant stated that there is currently an existing eight-foot-high metal panel wall along the eastern property line, which meets the special exception requirements, except for it being made of metal. The applicant proposes to move this wall 20 feet to the west, providing a 20-foot-wide building setback and landscaped yard, with 595 plant units, which is one more than what is required, accounting for the allowed 50 percent fence reduction.

Given the provision of the full required amount of plants, compliance with the specific screening requirements for the special exception use, and the approved plans for the adjacent vacant, residentially-zoned property, the Alternative Compliance Committee finds the applicant's proposed alternative compliance measures to be equally effective as normal compliance with Section 4.7 of the 2010 *Prince George's County Landscape Manual*.

On April 22, 2013, the Alternative Compliance Committee forwarded their report to the Planning Director for approval. The Planning Director recommended approval, subject to condition, of alternative compliance from Section 4.7 of the Landscape Manual.

- K. **Zoning Standards:** The subject property is in the I-1 Zone. Section 27-461 of the Zoning Ordinance requires special exception approval for a vehicle salvage and storage yard in the I-1 Zone. The site plan, with the approved requests for variances and alternative compliance, along with recommended conditions, will be in conformance with all zoning requirements and regulations.
- L. **Sign Regulations:** No freestanding signs are proposed for the subject use. Any sign that will be placed on the property must meet all area, height, and setback requirements.
- M. **Referral Comments:** No major issues were identified in the referrals that were received for the subject application. Any plan revisions that were requested have either been addressed through the submission of revised plans or through recommended conditions of approval.

The Community Planning Division, in a memo dated May 20, 2013, stated that the site plan should indicate a transit right-of-way alignment for a future transit line between Charles County and the Branch Avenue Metro Station. However, the Transportation Planning Section, in a memo dated January 18, 2012, stated that this alignment has no impact on this site.

- N. **Required Findings:** Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle;

The fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety, and welfare of the public and promote compatible relationships between the various types of land. There are no major issues associated with this application that would conflict with the general purposes of this subtitle. The property is located in a light industrial area, where the surrounding properties to the north, south, and west are all zoned industrial except the adjacent property to the east, which was rezoned to R-M. The proposed use will allow the applicant additional space for salvage operations that is currently ongoing at the adjacent property. The applicant currently has other similar uses that have long existed in the immediate vicinity of the subject property for over 42 years. Utilizing the subject property as proposed will allow these uses to be located in close proximity to one another which will promote public health and safety. For instance, the applicant can transport vehicles and auto parts salvaged on the subject property to other commonly-owned parcels with minimal traffic impact to the surrounding area. Developing similar uses in the area will not only promote public health and safety, but will keep the development in harmony with adjoining use.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;

The proposed use is not in compliance with the Landscape Manual requirements or the specific requirements for this special exception use. However, with approval of the additional applications for Alternative Compliance (AC-13005) and Variance Request (VSE-4637), the proposed use and accompanying site plan will be in conformance with all of the applicable requirements and regulations of this Subtitle.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;

This application is subject to the Subregion V Master Plan and SMA, which recommends a light industrial land use for the subject property. The subject property is located within the I-1 Zone, which allows the proposed use subject to the grant of a special exception. Hence, the proposed use will be consistent with the character of the surrounding industrial uses and it will not substantially impair the integrity of any validly approved master plan or functional master plan, or in the absence of a master plan or functional master plan, the General Plan.

(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

The owners of this property own an adjacent salvage yard as well as an automobile parts and installation business in the immediately vicinity of the subject property. Adding another salvage use will not have any effect on the health, safety, or welfare of residents or workers in the area as this business will operate in conjunction with the existing Ransom Motor I operation to the south, for the disposal of any fluids drained from the vehicles. A monitoring study will be conducted each year to ensure that the business operates in compliance with applicable environmental standards. For these reasons, the use of subject property will not adversely affect the health, safety, or welfare of residents or workers in the area.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

As noted, the subject site is located within a light industrial zone. The adjacent properties to the subject site include a gas station, an existing vehicle salvage yard, Brandywine Auto Parts sales office, and the undeveloped residential development approved in Preliminary Plan of Subdivision 4-09003 for the Villages of Timothy Branch development in the R-M Zone. Compatibility between the requested industrial uses with the adjacent residential development is a near concern. The Community Planning Division, in a memorandum dated May 20, 2013, stated that screening and landscaping along the property line abutting future residential development is critical to ensuring the highest degree of land use compatibility. This concern is addressed through the proposed alternative compliance request as discussed in Finding J above. The existing screening and proposed landscaping will provide sufficient buffering and adequate transition between the proposed industrial use and future residential development. As a result, the proposed use will not be detrimental to the adjacent properties or the general neighborhood.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

The Environmental Planning Section, in a memorandum dated May 20, 2013, stated that the site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because, while the site is over 40,000 square feet in area, it contains less than 10,000 square feet of woodlands on-site and, therefore, is not subject to the provision of tree conservation plan approval. The site has no previous tree conservation plan approvals.

(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

There are no regulated environmental features on the site.

CONCLUSION

Based on the preceding analysis and findings, it is recommended that Special Exception Application No. SE-4637, Variance Request Application No. VSE-4637, and Alternative Compliance Application No. AC-13005, for Ransom Motors II Vehicle Salvage be APPROVED subject to the following conditions:

1. Prior to the Zoning Hearing Examiner's hearing, the site plan shall be revised to provide the correct sized parking spaces in accordance to Part 11, Division 2 of the Zoning Ordinance, or ask for applicable departures as necessary.
2. The existing contractors' office building shall be handicap accessible in accordance with the requirements of the Americans with Disabilities Act (ADA).
3. Prior to the certification of the special exception site plan, the plans shall be revised as follows:
 - a. Revise the site and landscape plans to provide wheel stops or a curb along all areas where the vehicle salvage use abuts the wall, and planting area to protect the existing wall and proposed plants from possible damage from vehicles on-site.
 - b. Screen walls shall be repaired and maintained regularly, in perpetuity.
 - c. Revise the Section 4.7 schedule along Parcel 19 to list the required Type "D" bufferyard, with a minimum required 50-foot building setback, a minimum required 40-foot landscaped yard, and a minimum provided building setback and landscaped yard of 20 feet.
4. The applicant shall acquire a building permit for the existing frame building located along the southwestern side of the property.