



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

## **PLANNING DIRECTOR DECISION**

### **Limited Departures and Revisions to Approved Plans**

Application No: ROSP SE-4464/01

Project Name: John Vitale and Sons, Inc.

Reviewer's Name: Kendra C. Wright, Senior Planner, Zoning Section

**A. Nature of the Applicant's Request:** The applicant requests approval of a revision of site plan to consolidate the storage area currently occupied in three separate 320 square-foot sheds and a 480 square-foot trailer to a single 1,680 square foot-building. The total storage area will increase by eight percent, which is 240 square feet.

**B. Required Findings:** Section 27-325(a) generally authorizes the Planning Board and Planning Director to approve certain minor changes to approved special exception site plans. Section 27-325(b) and (c) provide the following specific criteria for approval:

**(b) Minor Changes, Planning Board.**

- (1) The Planning Board is authorized to approve the following minor changes:**
  - (A) An increase of no more than fifteen percent in the gross floor area of a building;**
  - (B) An increase of no more than fifteen percent in the land area covered by a structure other than a building;**
  - (C) The redesign of parking or loading areas; or**
  - (D) The redesign of a landscape plan.**
- (2) The Planning Board is further authorized to approve the minor changes described in (d) and later subsections below.**
- (3) In reviewing proposed minor changes, the Board shall follow the procedures in (a) above.**

**(c) Limited minor changes, Planning Director.**

- (1) The Planning Director is authorized to approve minor changes administratively, without public hearing, in cases listed in (b), but only if the proposed minor changes are limited in scope and nature, including an increase**

in gross floor area or land covered by a structure other than a building up to ten percent. The Director shall deny any administrative approval request proposing site plan changes which will have a significant impact on adjacent property.

- (2) Before approving a minor change, the Director shall make all findings the Planning Board would be required to make, if it reviewed the application.
- (3) The Director is not authorized to waive requirements in this Subtitle, grant variances, or modify conditions, considerations, or other requirements imposed by the Planning Board or District Council in any case.
- (4) The applicant's property shall be posted within ten days of the Director's acceptance of filing of the application. Posting shall be in accordance with Part 3, Division 1. On and after the first day of posting, the application may not be amended.
- (5) The Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.
- (6) If posting is waived or a written request for public hearing is not submitted within the posted time period, then the Director may act on the application. The Director's approval concludes all proceedings.
- (7) If the Director denies the application or a timely hearing request is submitted, then the application shall be treated as re-filed on the date of that event. The applicant, Director, and Technical Staff shall then follow the procedures for Planning Board review in (a) above.

The proposed revision involves an increase in gross floor area of eight percent and is, therefore, eligible for review by the Planning Director.

**Sec. 27-317. Required findings.**

- (a) A Special Exception may be approved if:
  - (1) The proposed use and site plan are in harmony with the purpose of this Subtitle;
  - (2) The proposed use is in conformance with all 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;
  - (4) The proposed use 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**
- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

**A. Determinations:**

- (1) The subject property is an irregularly shaped parcel of land on the west side of Seabrook Road at its intersection with Smith Avenue. The subject property abuts the Amtrak/Conrail railroad tracks along its northwest property line. It is roughly developed with a single-story structure, which has existed since the mid 1950s. It has been utilized as service commercial since the mid 1960s and as a contractor's office with outdoor storage since 1988. It consists of approximately .49 of an acre.
- (2) It is surrounded by the following uses:
  - North: Amtrak/Conrail railroad tracks in the R-R (Rural residential) Zone and vehicle service uses located further along Lanham Severn Road located in the C-S-C (Commercial Shopping Center) Zone;
  - East: Across Seabrook Road is a MARC station and parking lot to the northeast on Smith Avenue. Vehicle service uses lie on the south side of Smith Avenue in the C-M (Commercial Miscellaneous) Zone. Single-family detached homes in the R-80 (One-Family Detached Residential) Zone are located to the southeast across Seabrook Avenue;
  - South: A day care center in the C-A Zone, an asphalt contractor's office in the C-S-C Zone and single-family detached homes in the R-80 Zone.
  - West: Amtrak/Conrail railroad tracks in the R-R Zone and undeveloped land and single-family detached homes in the R-80 Zone.
- (3) Special Exception 4464 and VSE 4464 were approved for a contractor's office, with outdoor storage of materials in the C-A Zone, on October 30, 2003.
- (4) The site consists of a one-story building, a trailer, and three storage sheds. There was a discussion of an additional proposed storage shed in the original exception report, which would have increased the gross floor area to 3,196 square feet. This shed was not erected, and the gross floor area remained 2,876 square feet. A fabric canopy covers the area between the sheds. This area is not included in the calculations of the gross floor area and does not affect the application for revision of the site plan. Upon removal of the existing storage sheds, the canopy will also be removed.
- (5) The proposed use is in conformance with all the applicable requirements and regulations of the Zoning Ordinance. The proposed revision will not substantially change the proposed use and site plan nor impair the purposes of the Zoning Ordinance or applicable master plans.
- (6) The subject contractor's business has operated at its present location for several years. The proposed revision will not affect the subject use as a plumbing contractor. The

subject use has been part of the commercial strip that buffers the adjacent residential community from the railroad. Nothing in the record suggests that the use has had adverse impacts on the community.

- (7) The subject property is less than 40,000 square feet in area and is therefore exempt from the Woodland Conservation Ordinance.
- (8) The structure will be located to comply with the building and setback requirements. It will also improve the appearance of the property by eliminating the various structures and creating one unit. The changes are very minor and will not impair the findings made by the Planning Board or District Council in approving the special exceptions.

A.     **Recommendation:**     Based on the above findings, it is recommended that ROSP SE-4464/01 be APPROVED.

**APPROVED BY AUTHORITY OF:  
Fern V. Piret, Planning Director**

**By:**\_\_\_\_\_ **Date:**\_\_\_\_\_

**Jimi Jones, Acting Zoning Supervisor**