



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

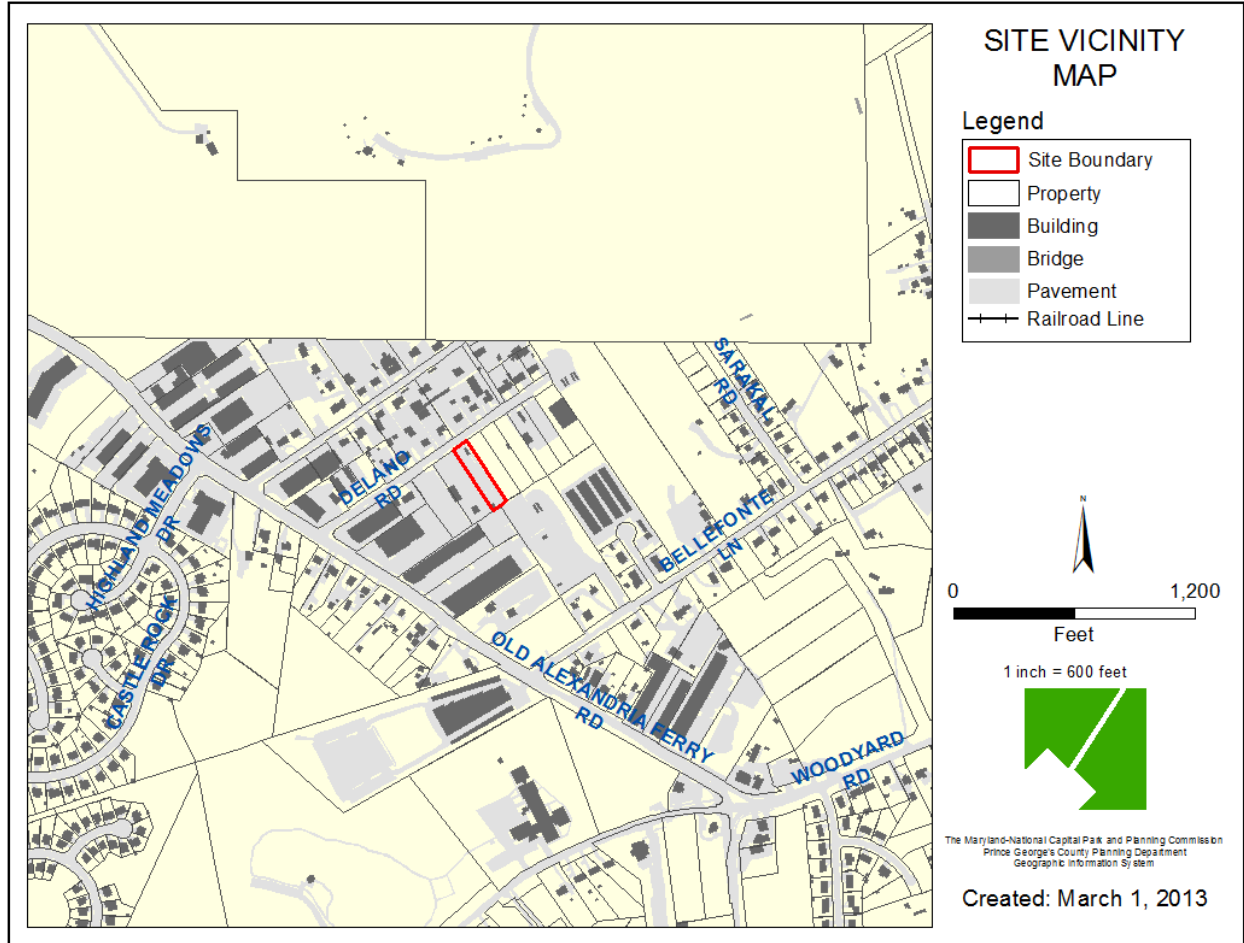
Special Exception

SE-4729

Application	General Data	
Project Name: Clinton Used Auto Parts, LLC Location: Southeast side of Delano Road, approximately 725 feet northeast of Old Alexandria Ferry Road. Applicant/Address: Clinton Used Auto Parts, LLC 7801 Delano Road Clinton, MD 20735 Property Owner: Ravan's Auto Sale, Inc. 7801 Delano Road Clinton, MD 20735	Planning Board Hearing Date:	07/18/13
	Staff Report Date:	07/02/13
	Date Accepted:	03/04/13
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.69 acre
	Zone:	I-1
	Gross Floor Area:	400 sq. ft.
	Lots:	1
	Parcels:	0
	Planning Area:	81A
	Tier:	Developed
	Council District:	09
	Election District	09
	Municipality:	N/A
	200-Scale Base Map:	210SE07

Purpose of Application	Notice Dates	
A vehicle salvage yard and junk yard in the I-1 Zone, including a variance to the building setback requirement of Section 27-474(a)(1)(b) of the Zoning Ordinance for the setback for a trailer from the street and an eight-foot-high fence on the property line.	Informational Mailing	08/30/12
	Acceptance Mailing:	02/28/13
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Tom Lockard Phone Number: 301-952-3410 E-mail: Thomas.Lockard@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



July 2, 2013

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: Tom Lockard, Planner Coordinator, Zoning Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4729**

REQUEST: **A vehicle salvage yard and junk yard in the I-1 Zone, including a variance to the building setback requirement of Section 27-474(a)(1)(b) of the Zoning Ordinance.**

RECOMMENDATION: **APPROVAL, subject to conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of July 18, 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 property is located on the southeast side of Delano Road, approximately 725 feet northeast of its intersection with Old Alexandria Ferry Road. The special exception site is made up of a single lot (Lot 114) within the Bellafonte Industrial Subdivision. The site is narrow and deep, consisting of a partially-surfaced strip surrounded by a variety of fencing in various stages of disrepair. The front third of the property is used for used car sales pursuant to Detailed Site Plan DSP-02031, which was approved by the Planning Board on September 5, 2002. It contains a 400-square-foot office trailer which has an existing permit (9697-2007-CGU), which appears to have a small building attached which was not reflected on the permit or the DSP approval. The rear two-thirds of the site is behind a tall fence and is used for open storage of a collection of vehicles, parts, scrap metal, and general debris. It is apparent from the review of aerial photos that the site has been cleaned, although the materials on the site are still stored in a haphazard manner.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Used Auto Sales Outdoor Storage	Vehicle Salvage Yard Junk yard Used Auto Sales
Acreage	0.69	0.69
Lots	1	1
Parcels	0	0
Square Footage/GFA	400	400

- C. **History:** This property was rezoned to the Light Industrial (I-1) Zone via Zoning Map Amendment A-9741 (Zoning Ordinance No. 23-1989), approved by the District Council on May 9, 1989. The site was retained in the I-1 Zone in the September 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). In 2002, the Planning Board approved Detailed Site Plan DSP-02031 (PGCPB Resolution No. 02-173) on July 18, 2002 for a used car sales lot on the site.
- D. **Master Plan Recommendation:** The Subregion V Master Plan and SMA places this property in Employment Area B—Alexandria Ferry Road Industrial Area. As the master plan states, this area “is subject to noise levels and accident risks that are higher than recommended for residential or high occupancy uses” (page 74). Additionally, the master plan recommends that, “Where properties are judged still suitable for private land use, this master plan reaffirms the recommendation for very low intensity, land extensive industrial land uses compatible with the adverse effects of overhead flight operations” (pages 75–76). The junk yard and auto salvage yard uses are industrial uses allowed in the I-1 Zone. The 2002 *Prince George’s County Approved General Plan* (General Plan) places the site in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.
- E. **Request:** The applicant proposes to establish a vehicle salvage yard and junk yard on the rear of the site. The front of the property would continue to be used for the auto sales office (in the existing trailer), display, and parking. All of the vehicle salvage and junk yard activities are shown to take place on the rear of the site.

- F. **Neighborhood and Surrounding Uses:** Staff would submit that the neighborhood boundaries are as follows:

North— Piscataway Creek and Joint Base Andrews

East— Piscataway Creek

South— Woodyard Road (MD 223)

West— Old Alexandria Ferry Road

This is the same neighborhood as was accepted in SE-3744 and SE-4442, which are located 1,000 feet to the south along Bellefonte Lane and 2,000 feet to the south at the intersection of Woodyard Road and Old Alexandria Ferry Road, respectively. The western half of the neighborhood is primarily developed with industrial uses including contractor's businesses and storage yards, many of which are housed in former single-family residences. There are some remaining single-family residences and undeveloped wooded lots in the eastern end of the neighborhood.

The subject property is bounded by the following uses:

North— A construction company and concrete contractor in the I-1 Zone.

East— Undeveloped land in the I-1 Zone.

South— Contractor's offices with outdoor storage and vehicle storage in the I-1 Zone.

West— Contractor's offices with outdoor storage in the I-1 Zone.

- G. **Specific Special Exception Requirements:** Pursuant to Sections 27-417.03 and 27-367 of the Zoning Ordinance, a vehicle salvage yard and junk yard, respectively, are permitted in the I-1 Zone as a special exception subject to the same following requirements:

- (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 application proposes an eight-foot-tall fence around the vehicle salvage and junk yard proposed to the rear of the property. This will replace the assortment of fences along the perimeter of the site, much of which is fulfilling its purpose in theory only. The applicant should provide a detail for an attractive, durable, non-wood, non-white fence that would provide an opaque screen for the vehicle salvage yard.

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

The fence on the site plan, as conditioned above, conforms to this requirement. The fence is to be made of a non-wood, non-white material.

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

The topography of the site is level and the site is to be surrounded by a fence, therefore, the outdoor storage will not be visible at ground level from beyond the fence. Stacking of cars or other materials within the staging area shall not be permitted, since doing so could raise the vehicles above the fence. In addition, items taller than eight feet in height (trailers or scrap metal frames, for example) cannot be placed along the fence where they will be visible from ground level.

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

The applicant is not proposing interior storage.

- H. **Variance to the building setback requirement of Section 27-474(a)(1)(b) of the Zoning Ordinance:** Section 27-474(a)(1)(b) requires building setbacks of 25 feet from the street and a total of 30 feet for both side yards. The Zoning Ordinance requires an eight-foot-high fence along the periphery of the storage area, which must meet the setback pursuant to Section 27-465. The fence is set back 130 feet from Delano Road, but is on the property line along the side yards. The applicant is requesting a variance of 30 feet. In addition, when the existing trailer was placed on the site, it was set back 25 feet from the existing streetline of Delano Road rather than from the 70-foot ultimate right-of-way. Although both the DSP and two previous permits were approved with the trailer shown in this location, a variance should be obtained in order to validate the placement.

Section 27-230(a) 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 subject property is unusually long and narrow, being only 81 feet in width yet 370 feet in length. If the applicant were to meet the 30-foot setback proscribed by the code, the resulting area within the fence available for vehicle salvage would be 21 feet in width. This is less than the required width for a driveway to serve the area. As to the 25-foot setback required for the sales trailer, it should be noted that three times the trailer location has been approved by the county, once through the certification of a DSP and twice through the approval of permits.

(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

Requiring the 30-foot setback for the fence would result in an undue hardship to the applicant. Because the resulting area would be so narrow, it would make it unusable as a vehicle salvage or junk yard which is otherwise permitted in the zone and reasonable for this location. Similarly, requiring the applicant to move the existing trailer to meet the 25-foot setback from a deemed 70-foot right-of-way for Delano Road is not necessary or reasonable. The applicant placed the trailer in this location relying on three separate approvals by the county. To insist that he now disconnect the trailer from utilities and move it 20 feet further into the site would be an undue hardship.

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

The variance for the fence setback will not substantially impair the intent, purpose, or integrity of the Subregion V Master Plan and SMA, which recommends industrial/employment uses for the property. A similar variance is required for virtually every vehicle salvage or junk yard due to the requirement for an eight-foot-high fence around the perimeter of the site. The use is permitted by special exception in the I-1 Zone and is therefore presumed to be compatible with the surrounding area. This criterion is met.

Conclusion

The variance for the setback for the location of the trailer and eight-foot-high fence being sought by the applicant is caused by unique circumstances, and strict application of the requirement would result in practical difficulties to the applicant. Because the applicant has met the criteria for a variance, the variance should be approved.

- I. **Parking Regulations:** Section 27-568 of the Zoning Ordinance requires the following parking to serve the subject uses:

Use	Schedule	Spaces Required
Office Trailer	400 s.f @ 1 space per 500 s.f.	1
Vehicle Sales Lot	4,372 s.f @ 1 space per 1,000 s.f.	5
Vehicle Salvage/Junkyard	9,000 s.f. @ 1 space per 1,000 s.f.	9
TOTAL REQUIRED		15
TOTAL PROVIDED		15

The site plan shows the required parking for the uses on the site.

- J. **Loading Requirements:** Section 27-582(a), Schedule of Loading Spaces, of the Zoning Ordinance requires one loading space for industry or manufacturing uses comprising over 2,000 to 25,000 square feet of gross floor area (GFA). Because the only building shown on the site is the 400-square-foot trailer, no loading space is required.
- K. **Prince George's County Landscape Manual Requirements:** The application for a new vehicle salvage yard and junk yard involves a change of use from a lower- to a higher-intensity use category as defined in Section 4.7 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) and is subject to the requirements of the Landscape Manual as discussed below. Given the current use and condition of the property, staff recommends that the soil in any area to be used for proposed plantings be prepared in accordance with industry standard landscape specifications.

Section 4.2— Requirements for Landscaped Strips along Streets

The proposal is subject to Section 4.2, Requirements for Landscaped Strips along Streets, along the frontage of Delano Road to the north. The submitted site plan provides the incorrect schedule for this requirement. The site plan should be revised to provide the current schedule from the Landscape Manual, completed correctly, showing the requirements being met. This includes not using evergreen trees in the strip because they pose a visibility and safety issue along the right-of-way.

Section 4.7—Buffering Incompatible Uses

The submitted site plan incorrectly indicates that the proposed use is a medium impact and no bufferyard is required, as all the adjacent uses are medium impact. The proposed auto salvage yard and junk yard is actually a high-intensity use per Section 4.7, and represents a change of use from a lower- to a higher-intensity use category and is, therefore, subject to the requirements of Section 4.7. The submitted site plan is not clear about the specific type of uses adjacent to the west and south needed in order to correctly evaluate their use impact category. This should be clarified on the plan to determine if and what type of incompatible use bufferyards are required along those property lines. The required schedules and plantings should be provided as necessary. The adjacent property to the east is industrially-zoned and vacant; therefore, no bufferyard is required along that property line per Section 4.7(c)(5)(G). This should be noted as such on the site plan.

Section 4.9—Sustainable Landscaping Requirements

The site is subject to the requirements of Section 4.9; therefore, the appropriate schedule should be included on the plan and conformance to its requirements thereon demonstrated.

- L. **Zone Standards:** The applicant is seeking a variance for the setback for the trailer and eight-foot-high fence location. As discussed previously, staff is supporting the requested variances. Otherwise, the proposal conforms to the standards of the I-1 Zone.
- M. **Sign Regulations:** No sign is shown on the site plan; however, there is a freestanding sign within the right-of-way for Delano Road which staff cannot find a permit for. It must be removed. All signs that will be placed on the property must meet all area, height, and setback standards. In addition, any proposed freestanding sign must be identified on the approved site plan.
- 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 uses. Review of the applicant's site plan for conformance with the requirements of the Zoning Ordinance suggests that the proposed use is similar in nature to the uses that have long existed on the site and in the general neighborhood. The property is located in an exclusively industrial area, well removed from residential properties. The operations on the site will be screened from the surrounding properties. A staff visit to the site showed the area to have little traffic.

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

With the proposed conditions in place, the proposed use meets the specific criteria for a vehicle salvage yard and junk yard. Staff is supporting both of the variances being sought by the applicant. As conditioned, the site is in compliance with the applicable requirements of the Zoning Ordinance and Landscape Manual.

- (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 Map Plan, the General Plan.**

The proposal for a junk yard and vehicle salvage yard conforms to the land use recommendations in the Subregion V Master Plan and SMA for employment land use. The proposed use will not be visible nor does it use the internal streets of a residential neighborhood. All of these facts point to the conclusion that it would not substantially impair the integrity of the master plan or the General Plan.

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

The proposed vehicle salvage yard and junk yard use at the site will not detract from the established character of this industrial neighborhood. Like any special exception use could have an impact on the health, safety, or welfare of residents or workers in the area, it is not more perceptible in this particular case nor would it exacerbate the admittedly somewhat depressed condition of the area. The applicant will be adding landscaping and fencing to the site and the dismantling activity takes place out of view of surrounding properties.

The Transportation Planning Section has indicated that, from the standpoint of transportation, this special exception raises no health, safety, or welfare issues. Delano Road is a cul-de-sac which sees relatively little traffic.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

As noted, the subject property is within one of the most industrial areas in Prince George's County. It is located within a light-industrial enclave with no residential development in the vicinity, at the end of the flight path for Joint Base Andrews. Existing uses in the immediate area in which the site is located include contractor's offices, outdoor storage, and vehicle storage lots. Thus, the location and operation of the subject vehicle salvage yard in the area is consistent with the existing industrial developments in the area and should not be deleterious to the use and enjoyment of adjacent properties.

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

The site is exempt from the requirements for a tree conservation plan because it contains less than 40,000 square feet in area and does not have a previously approved tree conservation plan. The applicant has obtained a letter of exemption.

- (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

The appropriate standard to be used in determining whether a requested special exception use would have an adverse effect, and therefore should be denied, is whether there are facts and circumstances showing that the use would have adverse impacts above and beyond those inherently associated with such a special exception use, irrespective of its location within the zone. Staff has not found that to be the case in this instance.

The subject special exception, if approved, is governed by substantial regulation in the Prince George's County Zoning Ordinance (Sections 27-317 and 27-413.03) and the State of Maryland, Department of Transportation, Subtitle 04, Chapter 08 (Junkyard Licensing and Control Authority). Failure to operate in accordance with these regulations carries penalties as severe as revocation of the special exception and other licenses to operate.

The applicant has met their burden of proof in this case. Therefore, staff recommends APPROVAL of Special Exception Application No. SE-4729, subject to the following conditions:

1. The site plan should be revised to show the following:
 - a. Add a note to the plan that there is no interior storage associated with the vehicle salvage yard or junk yard uses, or if there is, a note that a fireproof building is provided for it.
 - b. The proposed eight-foot-high gate and fence shall be identified on the site and landscape plans and details shall be provided including materials, height, and width.
 - c. Revise the site plan to provide curbs along the entire green area landscape strip on the east and west sides of the property.
 - d. Revise the site plan to note conformance to the applicable Interim Land Use Controls requirements.
 - e. Provide industry standard landscape specifications on the special exception plan for planting site preparation and planting procedures.
 - f. Revise the landscape plan to provide the correct Section 4.2 schedule showing the requirement being met.
 - g. Revise the landscape plan to provide a Section 4.9 schedule showing the requirements being met.
 - h. Revise the landscape plan to note that no Section 4.7 bufferyard is required along the eastern property line per Section 4.7(c)(5)(G) of the *Prince George's County Landscape Manual*, clearly label the type of uses adjacent to the west and south, and provide Section 4.7 schedules, demonstrating conformance and plantings along the western and southern property lines, if required.
2. The height of the outdoor storage shall not exceed the height of the eight-foot-high fence. This shall include stacked vehicles awaiting salvage. Any existing material on-site which would be visible beyond the fence at ground level shall be removed.

3. Any additions to the office trailer built without permits shall be removed unless a valid permit can be produced.
4. The freestanding sign within the right-of-way for Delano Road shall be removed, unless a valid sign permit can be produced.
5. Vehicle fluid recovery and disposal and the scrapping of tires shall be done in strict compliance with all state and federal regulations.
6. Vehicles for sale shall not be displayed in parking spaces.

Staff recommends APPROVAL of the requested variance to Section 27-474(a)(1)(b).