



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

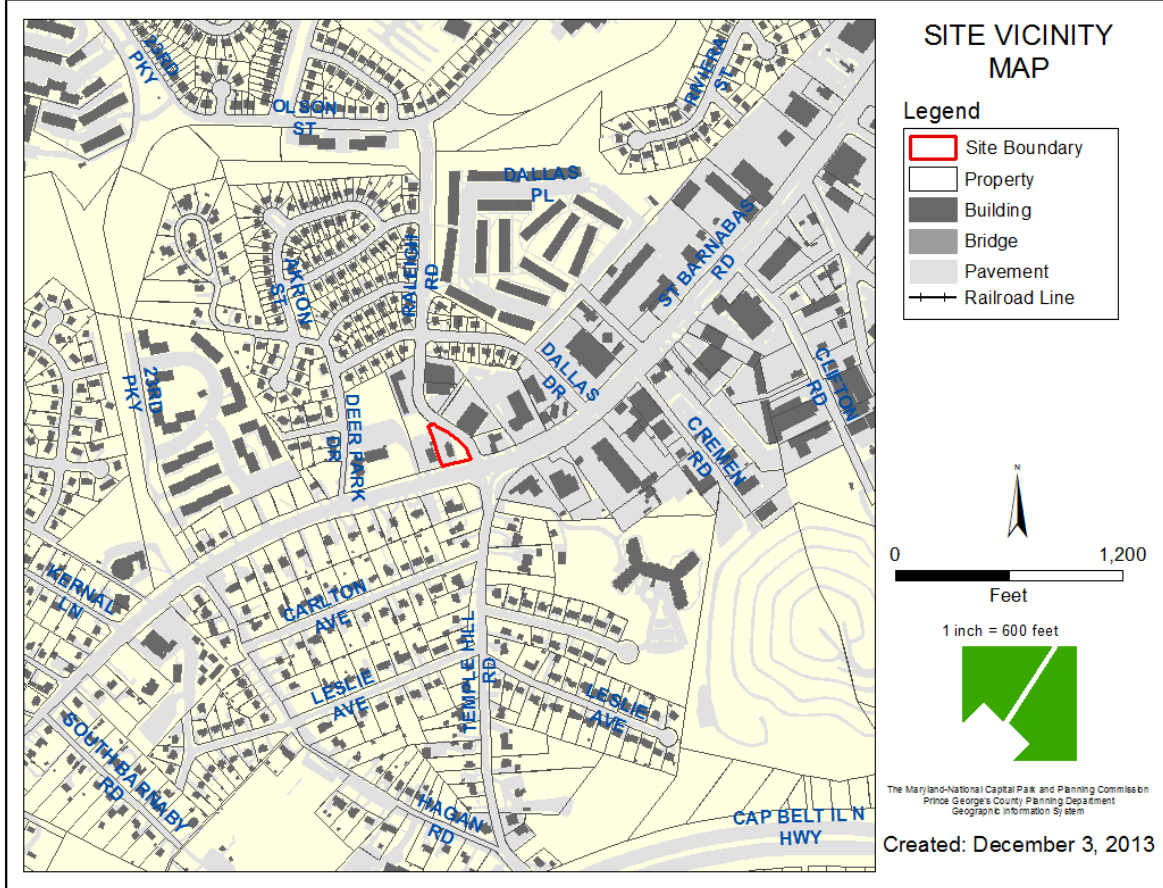
Special Exception

SE-4741

Application	General Data	
Project Name: Jim McKay Auto Mart Location: The northwestern quadrant of the intersection of St. Barnabas Road (MD 414) and Raleigh Road in Temple Hills. Applicant/Address: 4815 St. Barnabas Road, LLC. 1247 Harbour Island Walk Baltimore, MD 21230 Property Owner: Same as applicant	Planning Board Hearing Date:	03/27/14
	Staff Report Date:	03/12/14
	Date Accepted:	12/09/13
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.6 acre
	Zone:	C-S-C
	Gross Floor Area:	1,779 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	76A
	Tier:	Developed
	Council District:	08
	Election District	12
	Municipality:	N/A
	200-Scale Base Map:	206SE03

Purpose of Application	Notice Dates	
Special Exception for vehicle sales lot located in the C-S-C Zone.	Informational Mailing	11/20/13
	Acceptance Mailing:	09/23/13
	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		



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

SUBJECT: **Special Exception Application No. SE-4741**
Jim McKay Auto Mart

REQUEST: **Vehicle sales lot in the C-S-C Zone**

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of March 27, 2014. 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 subject property is located in the northwestern quadrant of the intersection of St. Barnabas Road (MD 414) and Raleigh Road in Temple Hills, more specifically at 4815 St. Barnabas Road. The proposed area of special exception is in the southeastern corner of the platted Parcel B, which measures approximately 0.6 acre. Parcel B is partially developed with an existing restaurant in its southwestern corner and a small strip shopping center in its northern portion. The central part of Parcel B is vacant.

The area of special exception is developed with a one-story, 1,779-square-foot, A-frame building that is set back approximately 35 feet from the right-of-way line of Raleigh Road and approximately 50 feet from the right-of-way line of St. Barnabas Road (MD 414). The structure was originally built in approximately 1968, and though currently vacant, was previously utilized as a fast food and pizza restaurant. There are current entrances to the site from Raleigh Road, to the north of the existing building and from St. Barnabas Road to the south of the building. Both of these entrances are proposed to remain along with the existing paved areas to the north, west and south of the existing building.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant building	Vehicle sales
Acreage	0.6	0.6
Square Footage/GFA	1,779	1,779
Variances	No	No

- C. **History:** The April 2013 *Central Branch Avenue Corridor Revitalization Sector Plan* retained the property in the C-S-C Zone. There has been no other zoning activity at this site.
- D. **Master Plan Recommendation:** The October 2002 *Prince George's County Approved General Plan* placed 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.

This application generally conforms to the land use recommendations of the 2013 *Central Branch Avenue Corridor Revitalization Sector Plan*. The subject property is within the plan identified Beech Road Focus Area. The sector plan examines the Beech Road focus area to address conflicts between residential, commercial, and industrial land uses. The plan envisions this area as a community-scaled commercial area that supports the residential neighborhoods by providing locally serving retail, offices, and public uses closely integrated with residential development.

- E. **Request:** The applicant proposes to establish a vehicle sales lot on the subject property. Proposed site improvements include milling and overlaying the existing paved areas, removal of some of the paved areas to add landscaping islands, restriping the parking spaces, adding permeable paving and reinforced turf areas to the east of the existing building for vehicle display areas, re-facing the existing pylon sign, adding a bollard fence with gates to enclose the parking and display areas, and adding landscaping. No changes to the existing building are proposed.
- F. **Neighborhood and Surrounding Uses:** The neighborhood is defined by the following boundaries:

North— Barnaby Run

East— Twenty-Eighth Avenue

South— St. Barnabas Road (MD 414)

West— Deer Park Drive

The subject neighborhood has a dual character. To the north it is a mix of residential uses (single-family and apartments), while the southern half of the neighborhood consists of strip-commercial uses oriented towards St. Barnabas Road (MD 414).

The site is surrounded by the following uses:

North— Undeveloped land and a small strip shopping center in the C-S-C Zone, beyond which are single-family attached residences in the R-35 Zone.

East— Across Raleigh Road are a gas station and a telephone utility office, both in the C-S-C Zone.

South— Across St. Barnabas Road (MD 414) is a church in the R-R Zone.

West— A fast-food restaurant in the C-S-C Zone, beyond which is a church in the R-R Zone.

G. Specific Special Exception Requirements:

Section 27-461(b)(B) of the Zoning Ordinance permits a special exception for a vehicle sales lot, which includes dealer servicing and outdoor storage of vehicles awaiting sale, but excludes the storage or sale of wrecked or inoperable vehicles, except as accessory to the dealership for vehicles awaiting repair, in the C-S-C Zone. The sale of other than new vehicles may only occur on a tract of land containing a minimum of 25,000 square feet. The subject site contains 26,102 square feet.

Section 27-417.02. Vehicle, boat, mobile home, trailer, and camping trailer sales room or lot.

- (a) A motor vehicle, boat, mobile home, trailer, and camping trailer sales room or sales lot for operable vehicles may be permitted, subject to the following:**
 - (1) The number and type of vehicles which are permitted on the lot shall be determined on a case-by-case basis, taking into account factors such as gross vehicle weight, vehicle size, the nature of vehicles (commercial, industrial, earth-moving equipment, passenger, or other vehicle type).**

The applicant is proposing to sell only passenger cars and light trucks on the subject property. They propose a maximum of 50 vehicles. Given the area of the outdoor display area, (12,060 square feet), it appears that 50 standard-sized passenger vehicles can be accommodated in the outdoor display area without encroaching upon the parking areas, drive aisles and landscaping along the north and west sides of the building. The site plan

should reflect that the display area will be used to display approximately 50 standard-sized vehicles.

- H. **Parking Regulations:** The parking requirements for a full-service automobile dealership are based upon the display area, gross floor area (GFA), and service bays as shown below:

1,779 SF of GFA office, showroom,		
parts and service	1 space/500 GFA	4 spaces
12,060 SF of outdoor display area	1 space/1,000 SF	13 spaces
Total spaces required		17 spaces
Total proposed		19 spaces

The proposed site plan meets the design standards for parking and loading facilities. No loading space is required since the building is less than 2,000 square feet in area.

- I. **Landscape Manual and Tree Canopy Coverage Requirements:** The proposed project is subject to the requirements of Sections 4.2, 4.3, 4.4, and 4.5 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) as follows:

Section 4.2–Requirements for Landscaped Strips along Streets

The project is subject to the requirements of Section 4.2, Requirements for Landscaped Strips along Streets, along its Raleigh Road and St. Barnabas Road frontages. The submitted plan provides the appropriate schedule, which demonstrates the requirements being met with the proposed development. However, the landscape plan does not reflect the 56 shrubs required and listed as provided in the schedule along the frontages. The landscape plan should be revised to include the 56 shrubs. As is allowed, slower-growing ornamental trees with lower ultimate heights have been selected for the portion of the frontage where shade trees might eventually interfere with existing overhead wires.

Section 4.3–Parking Lot Requirements

The project is subject to the requirements of Section 4.3 of the Landscape Manual, Parking Lot Requirements, because it involves new impervious areas in excess of 7,000 square feet. The submitted plan, however, incorrectly provides a schedule for a Section 4.3 perimeter strip along the western edge of the parking area, adjacent to the existing fast-food restaurant, as this part of the section only applies when a parking lot is adjacent to a property line. While the schedule can be removed as the requirement does not apply, the Urban Design Section suggests that the applicant should be required to retain the plantings along this edge for aesthetic reasons. The submitted plan provides a schedule for Section 4.3 Interior Planting which shows the requirements being met.

Section 4.4–Screening Requirements

The submitted site plan does not indicate any loading or maintenance areas visible from residential properties and streets, any outdoor merchandise storage, outdoor merchandise storage areas visible from residential properties and streets, exterior trash facilities, or mechanical equipment visible from adjacent properties, streets, outdoor living and recreation areas, and parking facilities that need to be screened in conformance with these requirements.

Section 4.5–Stormwater Management Facilities

The subject site plan does not indicate any proposed stormwater management facilities on-site that would require landscaping per this section.

Section 4.9 –Sustainable Landscaping Requirements

The special exception (SE) is subject to the requirements of Section 4.9 for all proposed plantings. The plan includes a Section 4.9 schedule and notes demonstrating conformance to these requirements. However, the plant schedule labels Little Leaf Linden and Washington Hawthorn as native species, which is incorrect, and changes the number of native species listed in the Section 4.9 schedule. The plant schedule and Section 4.9 schedule should be corrected and conformance to the requirements of Section 4.9 demonstrated.

Tree Canopy Coverage

The project is subject to the requirements of the Tree Canopy Coverage Ordinance as it involves land disturbance of more than 5,000 square feet. The limit of disturbance (LOD), however, appears to be incorrect though as it does not include the proposed areas of reinforced turf, permeable paving and new landscaped areas. This is important to clarify because, per Section 25-128 of the Zoning Ordinance, Tree Canopy Coverage Requirements, permits for redevelopment of a previously developed site, which does not qualify for an exemption under the requirements, shall be subject to the tree canopy coverage requirements based on the area within the limit of disturbance. The submitted plan provides a tree canopy coverage schedule with the calculation for the ten percent tree canopy required in the C-S-C Zone based on the entire area of special exception. This requirement is shown being met through the proposed plantings on-site. However, the number of proposed trees shown in the schedule does not match the number of proposed trees in the plant schedule. The area of disturbance should be corrected, the tree canopy coverage requirement should be recalculated based on the total area of disturbance and discrepancies regarding the number of landscape trees should be resolved, prior to recommending approval of the project.

- J. **Zone Standards:** The proposed site plan meets or exceeds the requirements of the C-S-C Zone.
- K. **Sign Regulations:** The proposed freestanding sign meets the location requirements of the Zoning Ordinance.
- L. **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 purposes of Zoning Ordinance are many and varied; however, they can best be summed up as promoting the health, safety and welfare of county residents by providing for the orderly growth and development of the county and promoting the most beneficial relationship between the uses of land and buildings. The proposed use and site plan will provide for the orderly growth of the county by replacing a vacant and neglected site with a new use. With the recommended conditions of approval, the proposed development will be harmonious with current and planned surrounding land uses.

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

The proposed site plan conforms to the requirements of the C-S-C Zone and the requirements of a vehicle sales lot. With the recommended conditions, the use will also comply with the requirements of the 2010 *Prince George's County 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.**

If the subject property is developed with an automobile dealership, its use would be consistent with similar uses along St. Barnabas Road (MD 414) and would conform to the local commercial use called for in the April 2013 *Central Branch Avenue Corridor Revitalization Sector Plan*. For these reasons, staff concurs with the applicant's argument that the proposed use will not substantially impair the integrity of the master plan.

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

The proposed use will not have adverse impacts on the public health, safety and welfare. The proposed use will be developed in accordance with all applicable regulations. The applicant is proposing to add substantial amounts of landscaping on the site and will generally revitalize this vacant building. The Transportation Planning Section referral reply of January 8, 2014, concludes that the traffic generated by this use could be considered *de minimus* during the AM and PM peak hours, and would be less trip intensive than the prior use.

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

With the recommended conditions limiting the type and number of vehicles to be sold and changes to the proposed landscaping, the proposed use will not be detrimental to the use or development of adjacent properties or the surrounding neighborhood in general.

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

The site contains less than 10,000 square feet of woodlands and is exempt from this requirement. A letter of exemption from the Environmental Planning Section of the Maryland-National Capital Park and Planning Commission (M-NCPPC) Countywide Division must be obtained prior to final disposition of the case.

- (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.**

The site does not contain any regulated environmental features.

CONCLUSION

A special exception use is considered compatible with uses permitted by-right within the zone it is located as long as specific criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, **at the particular location proposed, would have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the zone.**

Staff believes that the applicant has their burden of proof in this instance. Therefore, staff recommends APPROVAL of Special Exception Application No. SE-4741, subject to the following conditions:

1. Prior to final approval of this special exception, the site and/or landscape plans shall be revised to show:
 - a. Correctly reflect the entire area of disturbance with the subject application on the plan and in the notes.
 - b. Revise the Tree Canopy Coverage Schedule to use the total area of disturbance in calculating the tree canopy coverage requirement, and correctly reflect the number of proposed types of trees in the schedule.
 - c. Revise the landscape plan to reflect the correct number of plants being provided within the Section 4.2 landscape strip.
 - d. Remove the Section 4.3 schedule for a Parking Lot Perimeter Landscape Strip.
 - e. Provide a note on the plans that states that “the project is not subject to the requirements of Section 4.7 of the 2010 *Prince George’s County Landscape Manual* because the proposed area of special exception is not adjacent to a property line.”
 - f. Correct the native species designation in the Plant Schedule and adjust the Section 4.9 schedule, as necessary, to match the Plant Schedule and demonstrate conformance to all requirements.
 - g. Show an Americans with Disabilities Act (ADA) curb cut and ramp along the subject site’s frontage of the Raleigh Road (at St. Barnabas Road) and a marked crosswalk across Raleigh Road, unless modified by the Department of Public Works and Transportation (DPW&T) or the Maryland State Highway Administration (SHA).
 - h. Revise the site plan to depict the distance from the center line of St. Barnabas Road (MD 414) to the front property line of the subject property.
2. The applicant shall obtain an exemption letter from the Woodland Conservation Ordinance prior to final disposition of the case.
3. Vehicle sales shall be limited to passenger cars and light trucks, with a maximum of 50 cars displayed on the site at any given time. These limitations shall be noted on the site plan.