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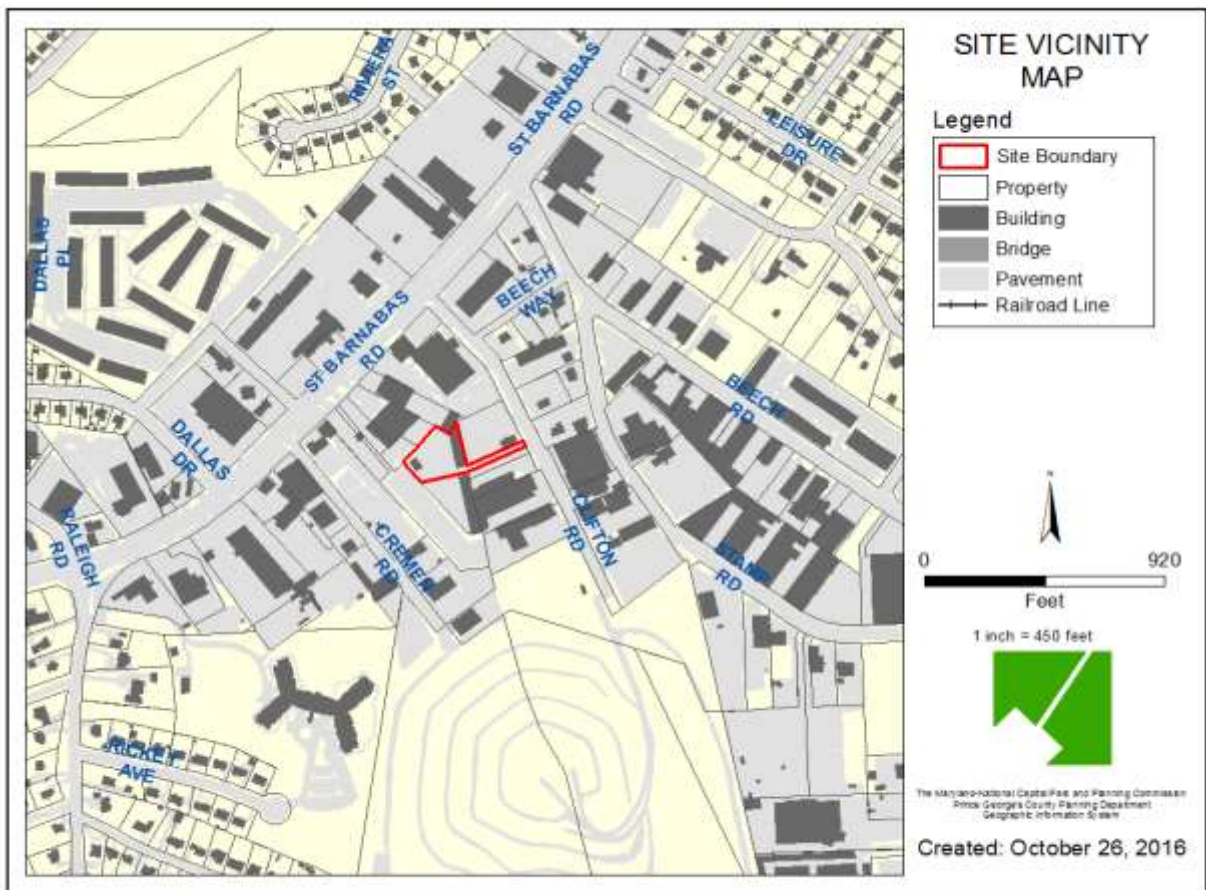
## Special Exception

## SE-4783

Application	General Data	
<b>Project Name:</b> Chuck's Used Auto Parts  <b>Location:</b> West side of Clifton Road, approximately 688 feet south of Saint Barnabas Road (MD 414).  <b>Applicant/Address:</b> CC Clifton Road, LLC 4743 Clifton Road Temple Hills, MD 20748  <b>Property Owner:</b> CC Clifton Road, LLC 4743 Clifton Road Temple Hills, MD 20748	Planning Board Hearing Date:	02/16/17
	Staff Report Date:	01/31/17
	Date Accepted:	11/09/16
	Planning Board Action Limit:	NA
	Plan Acreage:	0.99
	Zone:	I-1
	Gross Floor Area:	N/A
	Lots:	0
	Parcels:	1
	Planning Area:	76A
	Council District:	07
	Election District:	06
	Municipality:	N/A
	200-Scale Base Map:	206SE04

Purpose of Application	Notice Dates	
Special exception for a vehicle salvage yard in the I-1 Zone.	Informational Mailing	06/09/16
	Acceptance Mailing:	10/28/16
	Sign Posting Deadline:	N/A

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



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

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

VIA: Christina Pompa, Acting Supervisor, Zoning Section, Development Review Division

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

SUBJECT: **Special Exception Application No. SE-4783**

REQUEST: **Vehicle Salvage Yard**

RECOMMENDATION: **Approval with conditions**

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NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of February 16, 2017. 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 irregularly-shaped property consists of approximately 0.986 acre of land. It is located on the west side of Clifton Road, approximately 688 feet south of St. Barnabas Road (MD 414), known as 4743 Clifton Road. The subject property is improved with a one-story block building (main building), one-story plywood barn and two metal sea containers that is being used for auto parts storage. The site also has a covered concrete pad that is being used to dismantle vehicle parts on-site. The site is currently used for auto parts sales and storage. The majority of the site is paved asphalt and is used for storage purposes and its associated parking, except for 2,875 square feet along the northwestern side of the property that is left in its natural state as a green area with trees and shrubs. The site has seven on-site and five off-site parking spaces. The seven-space asphalt parking lot is located close to the main building and is screened from the outdoor storage area by an existing 8-foot-high sheet metal fence with a 22-foot-wide gate leading to the storage area. Five of the required parking spaces, including one van-accessible handicapped space, are located within an adjoining access isle on Parcel K pursuant to the joint access easement recorded in Plat Book NLP 128-39. Access into the subject property is from Clifton Road to the east across a portion of Parcel K, abutting the subject property to the southeast, pursuant to the joint access easement.

During the site visit, it was noted that, while the overall parking lot is well kept, some of the asphalt paving in the existing parking area near the western end of the parking lot is crumbling and should be repaired. In addition, there appears to be a grading issue near the western side of the parking lot, close to the 22-foot gate opening, with standing water and mud puddle. This area should also be regraded and repaved. The site has an unmarked loading space that is not paved. The loading area should be paved with dust-free materials.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Auto Parts Sales with outside storage	Vehicle Salvage Yard
Acreage	0.986	0.986
Parcels	1 (Parcel L)	1 (Parcel L)
Square Footage/GFA	7,774 sq. ft.	7,774 sq. ft.

- C. **History:** The existing main building on the site was constructed in 1962. The subject property is known as Parcel L, Silver Hill Industrial Center, as shown on plat NLP 128-39 recorded in August 1986. The barn was constructed between 1984 and 1993 and the metal sea containers were placed on the site between 2000 and 2005. In 2004, Permit 3861-2004-01 was approved for auto parts sales and a six-foot fence. The property was retained in the Light Industrial (I-1) Zone in the 2013 *Central Branch Avenue Revitalization Sector Plan* (Central Branch Avenue Sector Plan).
- D. **Master Plan Recommendation:** The site is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035), the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)* (Heights and Vicinity Master Plan and SMA), and the Central Branch Avenue Sector Plan. The Heights and

Vicinity Master Plan and SMA retained the property in the I-1 Zone, and the Central Branch Avenue Sector Plan did not include a sectional map amendment.

- E. **Request:** The applicant proposes to add a vehicle salvage yard use to the existing auto parts sales and storage yard uses on the site. The establishment of the proposed salvage yard use would allow the applicant to validate an unauthorized vehicle salvage yard that is currently operating on the subject site. The proposed salvage yard consists of an existing 7,774-square-foot interior storage area, a 25,764-square-foot outdoor storage area, and parking lot with 12 parking spaces (seven on-site and five off-site). The applicant also proposes one loading space and restoration and replacement of the existing chain-link fence with an eight-foot-high screen fence along the northwest, south, and southwest sides of the property line, around the entire outdoor storage area.

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

Northwest: St. Barnabas Road (MD 414)

Northeast: Branch Avenue (MD 5)

South: Capital Beltway (I-95/495)

West: Temple Hill Road

This is the same neighborhood as was accepted in Special Exceptions SE-4605 and SE-4525, which are located approximately 400 feet south of the subject site near the termination of Clifton Road. The boundaries defined by staff are developed with a mix of industrial uses in nature, with commercial uses being found along St. Barnabas and Temple Hill Roads. Residential uses are found southeast of the intersection of those two roads and southwest of the intersection of Branch Avenue and St. Barnabas Road.

The immediate neighborhood is predominantly industrial, developed with a mixture of warehouses, auto repair, and auto storage uses. The subject property abuts an automobile dealership to the north and a small shopping center to the northwest, both zoned Commercial Shopping Center (C-S-C). The properties adjoining the subject property to the south and east consist of the following uses: a vacant vehicle storage parking lot to the east, a vehicle storage yard, industrial warehouses, vehicle repair and service to the south, and to the southwest another vehicle storage yard, all zoned I-1.

- G. **Specific Special Exception Requirements:** Pursuant to Section 27-417.03 of the Zoning Ordinance, a vehicle salvage yard is permitted in the I-1 Zone as a special exception 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;**

**Comment:** The subject property is currently surrounded by an existing six-foot-high chain-link fence. This existing fence is proposed to be replaced by an eight-foot-high vinyl fence around the entire northern, northwestern, southwestern, and part of the southern property boundary.

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

**Comment:** The proposal conforms to this requirement. The fence is made of vinyl.

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

**Comment:** While the height of the storage is not indicated on the site plan, during the site visit, staff noted that the existing storage is visible from ground-level beyond the eight-foot-high fence. Staff recommends that the height of the storage be reduced so it is not visible at ground-level beyond the fence. A note on the site plan was added confirming that the height of the storage will be limited to comply with this requirement.

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

**Comment:** The applicant indicated that the proposed use fully complies with this requirement. The main building on the site, used for storage, is constructed of fireproof masonry.

- H. **Parking Regulations:** Section 27-568 of the Zoning Ordinance requires one parking space for 1,000 square feet of gross storage area for the first 10,000 square feet, plus one additional space for each additional 10,000 square feet.

A note on the site plan indicates that the proposed vehicle salvage yard consists of 25,764 square feet of gross storage area. Twelve parking spaces are required. A total of 12 spaces are provided for the salvage yard use. Five of these parking spaces are located within the pipe-stem portion of Parcel K, contiguous to the south side of the subject site's driveway.

According to Section 27-573 of the Zoning Ordinance, a parking lot may be provided on a lot other than that lot on which the principal use is located, provided:

- (1) **The entire parking lot is within five hundred (500) feet of the nearest boundary of the record lot on which the use is located; and**
- (2) **A legal arrangement assures the permanent availability of the parking lot.**

**Comment:** Five of the twelve required parking spaces, including one van-accessible handicap space, are accommodated on Parcel K as permitted under a joint access easement throughout Parcels J, K, and L for ingress/egress and parking as recorded on Plat NLP 128-39, for Parcels J, K and L, Silver Hill Industrial Center. A site plan note clearly indicates that per Permit 31626-2012-01-U, Parcel K has 22 parking spaces and, per Permit 18278-2010-U, Parcel J has 20 parking spaces to accommodate its use within the site. There is room for 15 additional parking spaces available within the pipe-stem of Parcel K. Five of these parking spaces are used to supplement additional required parking for the subject site. There is sufficient parking to accommodate its use within the site. Therefore, there is sufficient room to provide additional parking spaces within the pipestem on Parcel K for the subject parcel, as well as other parcels. All off-site parking spaces are located within 500 feet of the recorded lot.

- I. **Loading Requirements:** Section 27-582 of the Zoning Ordinance requires one loading space for industry or manufacturing comprised of 2,000 to 25,000 square feet of gross floor area (GFA).

One loading space is required for the subject 7,774-square-foot GFA of industrial plant. The site plan shows one 12-foot by 45-foot loading space as required. However, during the site visit, it was noted that the loading space was not existing. The proposed loading space must be surfaced in such a manner as to be dust free.

J. **Landscape Manual Requirements:** Section 27-328.02, Landscaping, Buffering and Screening, of the Zoning Ordinance:

**Except for uses which do not require the construction, enlargement, or extension of a building, all land uses requiring the approval of a Special Exception shall comply with the landscaping, buffering and screening requirements set forth in the *Landscape Manual* through the approval of a landscape plan. In approving a Special Exception, the District Council may require additional landscaping, screening or buffering if it determines that amount required by the *Landscape Manual* is insufficient to adequately protect adjacent uses.**

The Zoning Ordinance exempts the proposal from compliance with the landscaping, buffering and screening requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because the use will not involve the construction, enlargement, or extension of a building.

However, the Urban Design Section, in a memorandum dated January 12, 2017, stated that no dumpster or mechanical equipment, such as meters, freestanding air conditioners, heat pumps, or similar equipment is shown on the plans. The Urban Design Section recommends that the plans be revised to show the location of such mechanical equipment or dumpsters and show it being screened in conformance with the requirements of this section.

**Comment:** During the site visit, staff noted that the site has meters located on the south side of the existing building. Currently the site is exempt from Section 4.4(c)(5), requirements for screening mechanical equipment, because it is located adjacent to an industrial use and is not visible from any public road. At this time, the applicant is not proposing any dumpster on the site. If in the future any dumpster is proposed, it must meet the requirements of Section 4.4 of the Landscape Manual.

The site plan shows two metal sea containers, along the west side of the property, which are currently being used for auto parts storage. These containers were originally shown to be removed in the approved permit plan, 27706-2002 CEU. The Urban Design Section stated in their memorandum that, if the metal sea containers are to remain on-site and have not received any proper permits, additional GFA would be proposed and would be subject to Section 4.7 of the Landscape Manual. However, per the Prince Georges County Department of Permitting, Inspection and Enforcement (DPIE), sea containers are not considered buildings and cannot obtain building permits. For this reason, they are to be permitted as part of a storage yard. Therefore, staff believes that the site is not subject to Section 4.7.

Although the proposal is exempt from the Landscape Manual, in this case, it still has to meet the landscaping, buffering, and screening requirements of the I-1 Zone. **Section 27-469(b)(1)** requires that **at least 10 percent of the net lot area shall be maintained as green area.** Ten percent of the net lot area is 4,296 square feet. The site meets this requirement. The site is providing a total of 4,875 square feet, or 11.65 percent, of green area comprised of existing 2,875 square feet of landscaping along the western property line; 845 square feet of walkway

along the front steps of the building; and 1,156 square feet of walkway along the north side of the pipestem of Parcel L.

**TREE CANOPY COVERAGE:** This application is not subject to the Prince George's County Tree Canopy Coverage Ordinance because it does not propose disturbance of new GFA of 5,000 square feet or greater.

K. **Sign Regulations:** No signage is shown on the site plan. 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.

L. **Required Findings:** Section 27-317(a) of the Zoning Ordinance provides that:

(a) **A Special Exception may be approved if:**

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

**Comment:** 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 Ordinance suggests that the proposed use is similar in nature to the uses that have long existed on the site. The one-story auto parts storage building and sales has been on-site since 2003. Prior to this use, the site was used for woodworking, also industrial in nature. The property is located in an exclusively industrial area, well removed from residential properties. While the subject property abuts commercial uses along the northern and northwestern boundaries, those uses are an auto dealership and the rear of a strip shopping center, neither of which are incompatible with the use upon the subject property. Furthermore, the operations on the site will be screened from the surrounding properties with an eight-foot-high sight-tight fence which will provide privacy for this property and prevent the public from viewing the outdoor area. Thus, approving this request ensures that a necessary industrial use remains in a predominantly industrial area and will not stymie development of unrelated, or otherwise, incompatible properties in commercial or residential zones. For these reasons, staff believes that the applicant's site plan conforms with the requirements of the Ordinance and presents no conflicts with the fundamental purposes of this Subtitle.

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

**Comment:** The proposed use meets the specific criteria for a vehicle salvage yard. The subject property is located in the I-1 Zone, which permits the proposed special exception. With the recommended conditions, the proposed use conforms to all 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 Map Plan, the General Plan.**



**Comment:** A vehicle salvage yard will not substantially impair the integrity of the Heights and Vicinity Master Plan and SMA recommends employment uses for the property. The subsequent sector plan, the Central Branch Avenue Sector Plan, recommends retaining the I-1 use on the property. The subject property is identified within the plan in the Beech Road Focus Area. The sector plan examines the Beech Road focus area to address conflicts between residential, commercial, and industrial land uses. As stated in the Community Planning memorandum dated December 8, 2016, 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. This is done by creating adequate on-site parking, landscaping and sidewalks, and buffering of residential uses from industrial operations. Furthermore, this site is located in the Established Communities area of the Prince George's County Growth Policy Map in Plan Prince George's 2035. The vision for Established Communities in Prince George's County is to have context-sensitive infill and low- to medium-density development. The subject property is neither visible nor does it use the internal streets of the residential section of the neighborhood. It is set back far from any residential uses. The site is consistent with the land use recommendation of the General Plan, master plan, and/or sector plan. The site is in an established industrial area and is well surrounded by other established industrial uses. These facts point to the conclusion that it would not substantially impair the integrity of the master plan or Plan Prince George's 2035.

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

**Comment:** The addition of the proposed vehicle salvage yard use on the site will not detract from the established character of this industrial section of the neighborhood. While it, like any special exception use, could produce an effect on the health, safety, or welfare of residents or workers in the area, it is not more perceptible in this case because industrial uses have been existing on the site and in the immediate area since the 1960s without incident. The proposed specific use is an extension of the uses that have taken place on this site for over a decade without any adverse effect on the health and safety of the residents. As mentioned before, the site is not inconsistent with the existing development in the area. The site is well-maintained and the dismantling will take place inside a fenced yard away from any public view.

Moreover, according to the Heights and Vicinity Master Plan and SMA, the subject property is located in one of the five employment centers, Silver Hill Industrial Area, which is further classified as one of the two primary employment centers. Per the master plan (page 81), "employment areas are an essential component of the economic stability of a planning area. These areas provide services, produce products, jobs and economic base." Staff believes the proposed use will continue to promote these goals. The salvage business encourages economic development, while providing desirable employment opportunities, thereby ensuring a broad and protected tax base.

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

**Comment:** As noted, the subject property is within the Silver Hill Industrial Area as designated by the master plan. It is located within a light-industrial enclave with no residential development in the immediate vicinity. Existing uses in the immediate area in which the site is located include automobile sales and service, vehicle storage yards, vehicle repair services, and warehouse facilities, as well as the visually-imposing Class III landfill at the end of Clifton Road. Thus, the location and operation of the subject vehicle salvage yard in the area is not inconsistent 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.**

**Comment:** A tree conservation plan is not required because the property contains less than 10,000 square feet of woodland, and it does not have a previously approved tree conservation plan. The site has an approved Woodland Conservation Ordinance Exemption Letter (S-165-16) and a Natural Resources Inventory Exemption Letter (NRI-052-14).

**(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 in accordance with the requirement of Subtitle 24-130(b)(5).**

**Comment:** There are no regulated environmental features on the subject property.

**(b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:**

- (1) where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or**
- (2) where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.**

**Comment:** The subject property is not within the boundaries of any 100-year floodplain, nor is it within the Chesapeake Bay Critical Area.

## 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 27-417.03) 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.

Based on the preceding analysis and findings, staff recommends APPROVAL of Special Exception Application No. SE-4783, subject to the following condition:

1. Prior to issuance of any permit:
  - a. Regrade and repair the parking area by the 22-foot gate opening that leads to the rear storage area.
  - b. Provide an on-site dust-free loading space.