

Case No: S.E. 4464-02

Applicant: E & R Services, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 15 - 2015

AN ORDINANCE, approving a second revision to an approved Site Plan to a Special Exception for a Contractor's Office with Outdoor Storage, on approximately 0.4944 acre of land, in the C-A (Commercial Ancillary) Zone, located on the west side of Seabrook Avenue across from its intersection with Smith Avenue, also identified as 6222 and 6224 Seabrook Road, Lanham, Maryland, in Councilmanic District 3.

WHEREAS, on February 19, 2004, the Decision of the Zoning Hearing Examiner approving S.E. 4464 for a Contractor's Office with Outdoor Storage became final, including the approval of VSE 4464 for an eleven foot side yard setback requirement in order to legalize an existing permanent single story building located one foot off the northern property line; and

WHEREAS, in 2006, a minor revision to S.E. 4464-01 was approved to consolidate three separate sheds, and a trailer into a single 1,680 square foot building, which expanded the approved building area to 3,116 square feet of gross floor area; and

WHEREAS, the Applicant is requesting the validation of a newly constructed 2,808 square foot building, comprised of a second story addition and two 12 foot wide extensions on the northern and eastern sides of the existing structure for a total of 5,924 square feet; and

WHEREAS, the Applicant is also requesting Alternative Compliance (AC-14006) from the requirements of the 2010 Prince George's County Landscape Manual for Section 4.7, Buffering Incompatible Uses, along the western property line; and

WHEREAS, the Planning Board and its Technical Staff recommended approval of Revision of Site Plan for Special Exception 4464-02 and AC-14006, with conditions; and

WHEREAS, the subject application was advertised and the property was posted prior to the public hearing, in accordance with law; and

WHEREAS, Planning Board and Technical Staff conditionally recommended approval of the subject application; and

WHEREAS, on January 14, 2015, the Zoning Hearing Examiner conducted a public hearing in accordance with the requirements of the Prince George's County Code on the proposed application; and

WHEREAS, on August 25, 2015, the Zoning Hearing Examiner filed a disposition recommendation of approval, subject to conditions; and

WHEREAS, upon review of the Zoning Hearing Examiner's disposition recommendation, the District Council determined that the subject application should be approved; and

WHEREAS, as expressly authorized by the Regional District Act within Title 22 of the Land Use Article of the Annotated Code of Maryland, and the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, we hereby adopt the disposition recommendation of the Zoning Hearing Examiner filed with the District Council on August 25, 2015.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1: The second revision to an approved Site Plan to Special Exception Application S.E. 4464-02 and Alternative Compliance 14006 is hereby APPROVED, subject to the following conditions:

1. Prior to certification of the Site and Landscape Plans the following revisions shall be made:

- a. Section 4.7-1 Landscape Schedule shall be revised to note the approved Alternative Compliance number and date of approval.
 - b. The Site Plan shall note the date of the original building construction and the cumulative total gross floor area of development after 1991 with permit number. If the total gross floor area exceeds 5,000 square feet, then a Preliminary Plan of subdivision must be filed.
 - c. Measurement for a required 50-foot loading space set back from adjacent residentially zoned property must be shown on the Site Plan or a Departure will be required.
 - d. The Site Plan must clearly demonstrate 40 feet from centerline of Seabrook Road to the property line to demonstrate an ultimate 80-foot right-of-way.
 - e. The Site Plan shall be revised to indicate that the slats will be removed from the chain-link fence along the property's entire frontage on Seabrook Road, or that the fence will be removed completely.
 - f. A note shall be added on the Site Plan indicating that the 22-foot gate on the south side of the building will remain open during business hours for parking purposes.
 - g. The plant list shall be corrected to label Hypericum frondosum as not native, adjust the plant list and the Section 4.9 schedule as necessary to demonstrate conformance.
 - h. A note shall be added to the Landscape Plan explaining the site's exemption from the requirements of Section 4.3 of the 2010 Prince George's County Landscape Manual.
2. Prior to the issuance of any permit:
- a. The Applicant shall erect the proposed six-foot-high sight-tight fence along the entire western property line along the shared edge, which runs immediately contiguous with Parcel 165 of the subject property.
 - b. Applicant shall remove slats from the chain-link fence along the entire Seabrook Road frontage, or the fence shall be completely removed.

3. Prior to signature approval of the Site and Landscape Plans, the Site Plans shall reflect the liber and folio of a 40-foot-wide landscape easement on Lot 165, abutting the west property line of the subject site. The easement document shall be reviewed by The Maryland-National Capital Park and Planning Commission (M-NCPPC) prior to being recorded in Prince George's County Land Records. The easement shall set forth the right, responsibilities, and liabilities of the parties, and contain the rights of M-NCPPC.

SECTION 2: This Ordinance shall take effect on the date of its enactment.

Enacted this 28th day of September, 2015, by the following vote:

In Favor: Council Members Franklin, Davis, Harrison, Lehman, Patterson, Taveras,
Toles and Turner.

Opposed:

Abstained:

Absent: Council Member Glaros

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Mel Franklin, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council