

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 20, 2006, regarding Detailed Site Plan DSP-05103 for E&J Auto Body, the Planning Board finds:

1. **Request:** The subject detailed site plan application is for approval of a use for an automotive storage yard for cars waiting to be repaired for the existing E & J Auto Body Shop. The site is .42 acre in the C-M (Commercial Miscellaneous) Zone.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-M (DDOZ)	C-M (DDOZ)
Use(s)	Automotive storage yard	Automotive storage yard for cars awaiting repair
Acreage	0.427	0.427
Lot	10	10
Building square footage/GFA	NA	NA

3. **Location:** The subject site in Planning area 69, Council District 5, in the Developed Tier. The subject site is located on the north side of US 50, John Hanson Highway, 100 feet south of Arbor Street, and 325 feet east of 59th Avenue.
4. **Surroundings and Use:** The site is bounded to the north by automotive repair in the C-M (Commercial Miscellaneous) Zone, to the south by US 50, John Hanson Highway, to the east by vacant land in C-S-C (Commercial Shopping Center) Zone, and to the west by an automotive storage yard in the C-M Zone.
5. **Previous Approvals:** Lots 36–42, Block 7, Tuxedo Subdivision, were rezoned from the R-55 Zone to the C-M Zone on April 18, 1977, by Zoning Map Amendment 9112-C, subject to conditions:

That development of the subject property be subject to site plan approval by the Planning Board, with particular emphasis placed on the view of the property from U.S. Route 50.

The subject site has an approved letter of exemption from the Environmental Planning Section dated November 16, 2005, from the Prince George's County Woodland Conservation Ordinance. The approval will be valid through November 16, 2007.

6. **Design Features:** The applicant is requesting approval of the use of the site as an existing auto storage yard for automobiles waiting to be repaired. There are three existing sheds on site, which the applicant proposes to remove. The property is accessed off of Arbor Street, approximately 500 west of Columbia Park Road. The site also has frontage on John Hanson Highway (US 50). There is no architecture proposed for this site.

The applicant is proposing to remove the existing chain-link fence on the south and east property lines and to relocate the chain-link fence to the east of the property line. A six-foot-high, board-on-board fence is proposed along the south property line. To provide sufficient screening and improve the view of the property from US 50, staff recommends providing a six-foot-high fence along the south and east property lines that is durable, low-maintenance, and not constructed of wood.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the C-M Zone and the site plan design guidelines of the Zoning Ordinance. The subject application is in general conformance with the requirements of Section 27-461 of the Zoning Ordinance, which governs development in the commercial zones. The proposed auto storage yard is a permitted use in the C-M Zone.

The subject application is in general conformance with the requirements of the Development District Overlay Zone (DDOZ). The 2005 Approved Sector Plan and Sectional Map Amendment for the Tuxedo Road/Arbor Street/ Cheverly Metro Area recommends Retail/Residential/Office Mixed-Use and classifies the subject property in the M-U-I Zone. The subject site is exempt from the DDOZ requirements because there is no new construction on the site.

8. **Landscape Manual:** The proposed development is subject to Section 4.2, Commercial and Industrial Landscaped Strip Requirements. Section 4.2 requires that in all commercial zones a landscaped strip shall be provided on the property adjacent to all public rights-of-way. The applicant chooses Option 2 to provide a minimum ten-foot-wide landscaped strip to be planted with a minimum of one shade tree and five shrubs per 35 linear feet of frontage, excluding driveway openings. A total of 71 plant units are proposed for the landscape strip, which is in excess of the required plant units. Staff recommends providing evergreen trees instead of the proposed shade trees in addition to the six-foot high fence.
9. **Woodland Conservation Ordinance:** This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is less than 40,000 square feet, contains less than 10,000 square feet of woodland, and does not have a previously approved tree conservation plan. A standard letter of exemption has been issued for this site and will be valid through November 16, 2007.
10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Community Planning: In a memorandum dated April, 27, 2006, the Community Planning Division stated that with the addition of appropriate screening, maintaining this property as an auto storage yard for vehicles waiting to be repaired will not substantially impair the intent, purpose or integrity of the General Plan or the master plan.

Transportation: In a memorandum dated April 12, 2006, the transportation planner offered no comments and stated the proposed site plan seeks the approval of an existing use and no additional development appears to be proposed by this site plan.

Subdivision: In a memorandum dated April 27, 2006, the Subdivision Section stated the record plat for the subject property was recorded in land records as A@71 with no plat notes in 1931. The detailed site plan submitted for this application is consistent with the approved plat based on the construction/widening of the US 50 right-of-way since the plat was recorded.

Comment: The subject application does not propose any increase of gross floor area. According to Section 24-111(c), a new preliminary plan of subdivision is not required.

Trails: In a memorandum dated June 16, 2006, the trails planner provided the following comments:

The Adopted and Approved Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan recommends streetscape improvements and wide sidewalks along Arbor Street in order to safely accommodate pedestrians and encourage transit-oriented development. More specifically, the intent of the Public and Private Open Spaces Standards (streetscape and street configuration) is a multimodal road system that encourages pedestrian and automobile mobility. Standard 2 of this section requires that Main Streets (such as Arbor Street) have sidewalks that are 15 feet wide (Sector Plan, page 98). Arbor Street is classified as a main street on page 37 of the Sector Plan. The DDOZ also includes standards for crosswalks, paving material, and street lighting that are to be incorporated into the streetscape. Corridor-wide, comprehensive improvements are recommended along Arbor Street and Tuxedo Road to facilitate this pedestrian friendly, transit-oriented development. It is envisioned that these improvements will be incorporated as development occurs or when the appropriate road agency makes streetscape modifications or improvements.

The Sector Plan states: "Under the Zoning Ordinance, and for the purposes of this Development District Overlay Zone (DDOZ), development is any activity that materially affects the condition or use of land or a structure. Redevelopment, rehabilitation, and renovation of existing structures are all forms of development" (Sector Plan, page 84). Due to the nature of the subject application (approval of an existing use with no new construction), no frontage improvements are recommended at this time. As the subject application proposes no new construction or modifications to the already existing use, the requirements of the DDOZ are not applicable.

There are no master plan trails recommendations. Due to the nature of the subject application (approval of an existing use with no new construction), the streetscape requirements of the DDOZ are not applicable.

Permits: In a memorandum dated April 6, 2006, the Permit Review Section provided the following comments:

- a. A shed is now shown on Lot 11 that was not shown on the site plan approved in conjunction with permit 6773-88-U for the for the four-bay auto repair service. This shed is blocking the access for the one parking space. A fence is also now shown from the corner of the building to the shed, which also blocks the parking space. A minimum of 18 feet is required for all two-way drive aisles on sites constructed prior to 1970. The shed must be removed/relocated and a gate must be provided with a minimum width of 18 feet to allow access for the parking space.

Comment: The applicant revised the plan and proposed to remove the three existing sheds from the site. The existing gate is 22 feet wide, which allows access for the parking space.

- b. A parking schedule for the auto repair use on Lots 11–14 must be provided on the site plan since the proposed storage yard is used in conjunction with the auto repair business.

Comment: A parking schedule for Lots 11–14 has been added to the site plan.

- c. The date of construction of the auto repair use on Lots 11–14 must be provided on the site plan. The building was built in 1954 pursuant to Special Exception 161, which was required for the auto repair use in the C-2 Zone at that time.

Comment: The construction date of the auto repair use on Lots 11–14 has been provided on the site plan.

- d. There are sheds shown within the storage yard on Lots 33–42. If these “sheds” are used for the storage of automotive parts, they must be included in the parking schedule for the auto repair business and calculated at one parking space for every 500 square feet of gross floor area. The gross floor area and dimensions of all sheds must be dimensioned on the site plan.

Comment: The applicant proposes to remove the sheds from the site plan.

- e. Zoning Map Amendment 9112-C, which rezoned Lots 36–42 from the R-55 Zone to the C-M Zone on April 18, 1977, was approved with the condition that particular emphasis was to be placed on the view of the site from US 50. Does the proposed site plan comply with this requirement? A chain link fence is proposed which does not provide screening and the proposed landscape strip is shade trees and shrubs.

Comment: The applicant revised the site plan to provide a six-foot-high, board-on-board fence along the western property line. Staff recommends a six-foot-high, board-on-board fence along the eastern property line as well to provide sufficient screening from US 50. Also, staff recommends providing evergreen trees instead of the proposed shade trees in addition to the proposed number of shrubs in the landscape strip along US 50 to enhance the view.

- f. Are the fences that are shown off site and within the right-of-way of US 50 owned by the applicant? If so they must be removed from the right-of-way.

Comment: A note was added to the site plan indicating the existing chain-link fence within the right-of-way of US 50 is to be removed by the owner.

Environmental Planning: The Environmental Planning Section in a memorandum dated April 5, 2006, recommended approval of Detailed Site Plan DSP-05103 with no environmental conditions.

Department of Environmental Resources (DER): In a memorandum dated April 25, 2006, DER stated no objection to this project.

Fire/EMS Department: In a memorandum dated April 12, 2006, the Fire/EMS Department had no objection to the proposed site.

Department of Public Works & Transportation (DPW&T): In a memorandum dated April 17, 2006, DPW&T offered the following:

The property is located on the south side of Arbor Street, approximately 500 west of Columbia Park Road. The site also has frontage on John Hanson Highway (US 50). Both of the frontage roads are under the jurisdiction of the Maryland State Highway Administration (SHA); therefore, SHA will establish frontage improvements and right-of-way dedication requirements

Maryland State Highway Administration (SHA): The State Highway Administration (SHA) in a memorandum dated April 27, 2006, stated that SHA has no objection to the approval of Detailed Site Plan DSP-05103.

Town of Cheverly: In a letter dated April May 26, 2006, the town administrator offered the following:

“Parking of all vehicles on the shoulder of Arbor Street should be prohibited.”

Comment: The parking requirements along Arbor Street are under the jurisdiction of DPW&T or the State Highway Administration. The Planning Board does not have the authority to prohibit parking in the public right-of-way..

“A site tight fence around the entire perimeter of the property should be required.”

Comment: A six-foot-high, board-on-board fence is proposed along the southern property line. Staff recommends continuation of the board-on-board fence along the eastern property line in addition to providing evergreen trees and shrubs along the 10-foot landscape buffer yard.

“Untagged and unregistered vehicles should be prohibited from the property. This will serve to eliminate the junkyard or salvage-yard possibility and violating the C-S-C zoning.”

Comment: In a letter dated May 16, 2006, the applicant states all the vehicles not being repaired and abandoned will be removed from the site within two weeks. The two storage sheds have been removed and the remaining sheds will be removed from the site. In an email dated May 16, 2006, the contact person states: “the owner of E&J will have ‘Work order tickets’ on the cars to be repaired, all cars that do not have tickets will be removed.”

“A right-of-way should be dedicated and construction of a pedestrian sidewalk required along the property abutting Arbor Street per the newly adopted Sectional Map Amendment for the area.”

Comment: Dedication of a right-of-way cannot be required by the Planning Board at the time of detailed site plan. The trails coordinator indicated that requiring sidewalk construction in accordance with the sector plan did not appear to be required at this time since no new construction is proposed on the site, nor did it seem appropriate since there would be no sidewalks to connect to.

“The effect of the newly adopted Sectional Map Amendment in the Tuxedo Area in relation to this request should be fully considered.”

Comment: The effect of the newly adopted sectional map amendment in the Tuxedo area in relation to the above request has been reviewed by the Community Planning Section. In a memorandum dated June 19, 2006, the community planner stated that the site plan requirements of the sector plan are not applicable, given that existing uses were legal at the time of plan adoption and the applicant is not proposing redevelopment of the site.

“Preserve and maintain the existing trees between Lots 38-42 and Lots 16-20.”

Comment: The applicant proposes to maintain any existing trees on the subject site.

Town of Fairmont Heights: At the time of writing of this staff’s report, no comment was received from the Town of Fairmont Heights.

Town of Colmar Manor: At the time of writing of this staff’s report, no comment was received from the Town of Colmar Manor.

12. As required by Section 27-285(b), the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s

County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-05103, subject to the following condition:

Prior to certificate approval of this detailed site plan, the applicant shall:

- a. Add the map legend to the site plan.
- b. Remove the existing sheds on Lot 11, Lot 33 and Lot 37.
- c. Provide a six-foot-high fence along the east and south property lines. Any fence employed for screening shall be attractive, durable, and low-maintenance, and shall not be constructed of wood.
- d. Provide a site plan note to indicate, "All untagged or unregistered vehicles shall be prohibited from the property."
- e. Revise the detailed site plan and the landscape plan to be consistent with each other.
- f. Provide evergreen trees planted nine feet on center in the landscape strip along US 50.
- g. Preserve and maintain the existing trees between Lots 38-42.
- h. Provide a site plan note to indicate that operation of this facility is limited to hours between 7:00 a.m. to 6:00 p.m., and no freestanding sign will be installed on this site.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Eley, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, July 20, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of September 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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