

# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 14-97

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File No. ROSP-4464-02

## RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Revision of Site Plan Application ROSP-4464-02, E&R Services, Inc., requesting a revision to ROSP-4464-01 to validate a second story and 12-foot lateral expansion of the storage building to increase the gross floor area by 2,808 square feet in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on September 11, 2014, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located on the west side Seabrook Road, at its intersection with Smith Avenue, south of and immediately adjacent to the Amtrak/Conrail railroad right-of-way. The site is currently improved with two buildings, one of which is a being used for storage, and the other of which is being used as a contractor's office. The entire back yard is covered with dust free compacted gravel paving and is being used for storage purposes and an employee parking lot with no marked parking spaces. The whole front yard is paved with an asphalt parking lot and a 25-foot compact gravel driveway that leads to the back of the storage area. In addition, there is an existing wooded fence with a 22-foot-wide gate in the south side of the building which is used to separate the front yard from the back.

The property has approximately 90 linear feet of street frontage and a 25-foot-wide gravel driveway access from Seabrook Road. It is screened with an existing six-foot-tall chain-linked fence with screen slats in the south and east sides of the property boundary. Along the north property line, adjacent to the railroad, is a six-foot-high chain-linked fence. The west side of the property abuts the adjacent vacant residential property (parcel 165) which does not have any screening at this time. According to the prior approved site plan ROSP-4464-01 dated April 27, 2006, a six-foot-high board-on-board fence is supposed to be placed along this entire property line to the west, which sets the limit of the special exception boundary and separates the subject use from the residential R-80 Zoned property as required. During the site visit, it was noted that the wooden fence was removed and the adjacent vacant residentially zoned parcel 165 is being used as part of a storage area in conjunction with the subject site without proper permit. At the time of the site visit, the owner, Mr. Rodrigez, was informed by the staff to not to use the contiguous vacant residential lot for the storage purposes. However, according to the revised site plan, a six-foot-tall replacement fence is being proposed along the west property line. This fence should be erected prior to the issuance of the any permit. The site also has a trash dumpster set in the front yard without any screening. This should be placed in the designated area in the back yard as shown on the proposed site plan.

**B. Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-A	Unchanged
Use(s)	Contactors office with outdoor storage	Unchanged
Acreage	0.49	Unchanged
Lots	N/A	N/A
Parcels	2	2
Square Footage/GFA	3,116 per ROSP-4464-01	5,924
Dwelling Units:	N/A	N/A

- C. History:** The existing one-story building was originally constructed in 1950 and has been utilized as service commercial since the mid 1960's and as a Contractor's Office with Outdoor Storage since 1988 in the C-A Zone. In January 2004, Special Exception SE-4464 and VSE 4464 were approved to validate the existing 2,876-square-foot building and its existing use for a contractor's office with outdoor storage of materials. The variance was granted 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. In 2006, a minor revision to Special Exception SE-4464-01 was approved to consolidate three separate sheds, and a trailer to a single 1,680-square-foot building. The total square footage of the previously approved building is 3,116 square feet of gross floor area (GFA).

At that time, the site was exempt from the 2010 *Prince George's County Landscape Manual* because there was no increase in the gross floor area (GFA) per Section 27-328.02 of the Zoning Ordinance.

- D. Master Plan Recommendation:** This application is consistent with the *Plan Prince George's 2035 Approved General Plan* which designates this area adjacent to the Seabrook/MARC a Mixed-use Neighborhood Center. This application is also in conformance with the land use recommendation of the 2010 *Approved Sector Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70)* which retained the subject property in the C-A zone. The proposed use is in conformance with the zoning for the area.
- E. Request:** The applicant is requesting to validate the 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 building for a total of 5, 924-square feet. The applicant is also requesting alternative compliance approval from the requirements of the 2010 *Prince Georges County Landscape Manual* for Section 4.7, Buffering Incompatible Uses, along the western property line.
- F. Neighborhood and Surrounding Uses:** The neighborhood is defined by the following boundaries.

- North—** Amtrak/Conrail railroad right-of-way, with commercial uses in the Miscellaneous Commercial (C-M) Zone beyond.
- East—** Right-of-way of Seabrook Road. Across Seabrook Road is a MARC rail station and parking lot to the northeast on Smith Avenue and vehicle service uses on south side of Smith Avenue in the C-M Zone. South of the vehicle service uses are single-family detached homes in the R-80 Zone.
- South—** Immediately adjacent to the subject site is a Contractor's Office in the C-A zone and south of that is a warehouse in the C-S-C Zone. Beyond that is single-family detached development in the R-80 Zone.
- West—** Vacant residential land, Parcel 165, owned by the applicant in the R-80 Zone.

- G. **Parking Regulations: Section 27-568(a)(5)(B)** of the Zoning Ordinance requires one parking space for every 500 square feet of GFA for contractor services. The applicant is required to provide a total of 12 parking spaces for the 5,924 square feet of GFA for the contractor's office. The applicant is providing 12 parking spaces with one handicap van parking space. However, the proposed plan shows some parking spaces located behind the existing 22-foot-wide wooden gate, within the previously approved outdoor storage area. Since some of the required parking spaces are located behind the required six-foot-tall wooden fence, a note must be placed on the site plan that the 22-foot gate on the south side of the building will remain open during business hours for parking purposes.

- H. **Prince Georges County Landscape Manual Requirements and Alternative Compliance Request:** The ROSP application is subject to Section 4.2, Requirements for Landscaped Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because it involves an increase in the gross floor area of the existing building. The applicant has filed this request for Alternative Compliance from Section 4.7, Buffering Incompatible Uses, along the western property line in order to provide the entire required bufferyard and plantings on the adjacent residentially-zoned property, Parcel 165.

REQUIRED: 4.7 Buffering Incompatible Uses, along the western property line, adjacent to a vacant, residentially-zoned property.

Length of bufferyard	113 feet
Minimum building setback	50 feet
Landscaped yard	40 feet
Bufferyard occupied by ex. trees	0 percent
Fence or wall	Yes
Plant Units (160 per 100 l. f.)	91

PROVIDED: 4.7 Buffering Incompatible Uses, along the western property line, adjacent to a vacant, residentially-zoned property.

Length of bufferyard	113 feet
Minimum building setback	50+ feet*
Landscaped yard	40 feet*
Bufferyard occupied by ex. trees	0 percent
Fence or wall	Yes, six-foot-high, sight-tight fence*
Plant units	91*

\*Note: The proposed contractor's office building on Parcels 161 and 162 is set back more than 50 feet from the shared property line with Parcel 165. The proposed fence is located along the shared property line, but the entire 40-foot-wide landscaped yard and plantings are located on Parcel 165, which is also owned by the applicant.

**Justification of Recommendation:**

The underlying ROSP application for Parcels 161 and 162 requests validation of the constructed building, which was built 2,808 square feet larger than was previously approved. The applicant is requesting Alternative Compliance from Section 4.7, Buffering Incompatible Uses, of the Landscape Manual. A Section 4.7, Type 'D' bufferyard, which includes a 50-foot building setback and a 40-foot landscaped yard, is required along the western property boundary adjacent to a vacant residentially-zoned property, Parcel 165, which is under common ownership. The applicant is proposing to provide the full building setback on Parcels 161 and 162, with a six-foot-high sight-tight fence along the shared property line between Parcels 161 and 165, and the full landscaped yard width and plant materials on Parcel 165. The applicant is asking for relief due to the fact that the contractor's office use has been in existence on the subject property since 1988, prior to any landscaping requirements, and has been exempt from the Landscape Manual since that point. Additionally, Parcel 165 is a triangular, landlocked, residentially-zoned property owned by the applicant that is subject to an approved Type II Tree Conservation Plan, TCPH-268-91. This TCPH shows forest conservation area over the majority of Parcel 165, except where the proposed landscaped yard is located. The applicant contends that, because of these encumbrances and because the property is land locked, Parcel 165 is not suitable for development with a single-family detached home, which is the most likely use of the property in the R-80 Zone.

As an alternative to the normal requirements of Section 4.7, the applicant states that they are providing the full requirements off-site, on the adjacent property that they own. The Alternative Compliance Committee agrees that the adjacent residentially-zoned property, Parcel 165, will most likely never develop given the encumbrances of tree preservation and landlocked conditions, and that the landscape plan, including that property, approved with the alternative compliance request will provide a sufficient guarantee of the bufferyard's preservation in the future. Given the

provision of the full required amount of plants and landscaped yard width on the adjacent property as shown on the approved landscape plan, the Alternative Compliance Committee finds the applicant's proposed alternative compliance measures to be equally effective as normal compliance with Section 4.7 of the Landscape Manual. Some minor technical revisions relating to other conformance issues, as conditioned below, are required prior to approval of the landscape plan.

**Recommendation:**

The Alternative Compliance Committee recommends APPROVAL of Alternative Compliance for Section 4.7 of the 2010 *Prince George's County Landscape Manual*, along the western property line for E & R Services, Parcels 161, 162, and 165, subject to the following conditions:

1. Prior to certification of the plans, the following revisions shall be made:
  - a. 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.
  - b. 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*.
- I. **Tree Canopy Coverage:** The subject ROSP is not subject to the requirements of the Tree Canopy Coverage (TCC) Ordinance because it does not involve more than 5,000 square feet of new gross floor area or site disturbance.
- J. **Sign Regulations:** No freestanding signs are proposed with this application. Any sign that will be placed on the property must meet all area, height, and setback requirements.
- K. **Zone Standards:** The subject property is in the C-A Zone. The site plan, along with recommended conditions, will be in conformance with all zoning requirements and regulations.
- L. **Further Planning Board Findings and Comments from Other Entities:**
  1. **Subdivision Review**—Pursuant to Section 24-107(c)(7)(B) of the Subdivision Regulations, the site would be exempt from the requirement of filing a preliminary plan of subdivision if the total proposed development constructed after 1991 does not exceed 5,000 square feet pursuant to validly issued building permits. The site plan should note the date of original building construction and the cumulative total gross floor area of development after 1991 with permit numbers. If the total gross floor area of development on-site is more than 5,000 square feet after 1991 then a preliminary plan of subdivision is required.

2. **Urban Design**—Comments are addressed with a condition at the end of the report.
3. **Community Planning**—The site is in conformance with the recommendation of the 2010 *Approved Sector Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity*.
4. **Information and Permit Review**—The site plan shows a six-foot chain-link fence with slats which have never been permitted or shown on previously approved special exception plans.

The site plan labels an existing six-foot-high, chain-link fence with slats across the entire property frontage on Seabrook Road. Generally, chain-link fences with slats are not permitted in the county due to the flimsy nature of the slats and their tendency to deteriorate, break and become unattractive over time. This fence was shown as just chain link on the previous plan approvals, and is not required to be sight-tight, as no features that require screening are located along the eastern end of the property. Therefore, the Planning Board would recommend that either the slats be removed from the chain-link fence along the entire road frontage or the fence be completely removed. It should be noted that the same type of fence is existing along the property's southern edge, perpendicular to the public right-of-way and bordering the adjacent property, which is developed with another contractor's service use with outdoor storage. However, the adjacent property has an existing six-foot-high, wooden, board-on-board fence along the shared edge, which runs immediately contiguous to the chain-link fence with slats. Thereby, the board-on-board fence screens the slatted chain-link fence from the adjacent property and neutralizes its negative qualities. Therefore, the Planning Board has no specific recommendation with respect to the chain-link fence with slats along the southern property line.

5. **Environmental Planning Section, Historic Preservation Section, Countywide Planning Division (Special Project Section)**—There are no significant comments for the review of this departure submitted by these sections.

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 the Zoning Ordinance listed in Section 27-102(a) are to promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the county. The proposed use is located next to the Amtrak/Conrail railroad tracks as previously approved by the District Council, which continue to provide a service that is beneficial and convenient to the surrounding residents. The existing contractor's business will continuously serve as a buffer between the railroad right-of-way to the north and the commercial and residential development to the south. The larger building sought to be validated will increase the buffer between other commercial and residential development. Granting the requested revision supports

the health, safety and welfare of the present and future inhabitants of the county because the business will continue to operate and positively affect the economy without negatively impacting the neighborhood.

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

The subject property is located in the C-A Zone which permits the proposed contractors office with outdoor storage of materials as a special exception. With the recommended conditions below, the proposed use will conform to all of the 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 Master Plan, the General Plan;**

The application is in conformance with the land use recommendation of the 2010 *Approved Sector Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70)* and with the *Plan Prince George's 2035 Approved General Plan*. The *Plan Prince George's 2035 Approved General Plan* designates this area adjacent to the Seabrook/MARC station as a Mixed-use Neighborhood Center, which is one of its four Local and Suburban Centers. The Mixed Use Neighborhood Center primarily consists of residential areas that are lower in density (avg. 15-100 DU/acre), have some transit connection, and offer neighborhood-serving commercial uses. The proposed expansion of the existing building is compatible with the land use recommendations of the plans and surrounding uses.

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

None of the responses from any referring agencies received by the Planning Board indicate that the proposed expansion will adversely affect the health, safety, or welfare of residents or workers in the area. The instant request does not propose any new uses. It only modifies the size of the building, which will in fact help the business to operate more efficiently with little, if any, impact upon the residents or works in the area.

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

The proposed new expansion would not be detrimental to the use or development of adjacent properties or the general neighborhood. The use has been operating in this location for last 25 years. Nothing in the record suggests that these uses have had detrimental impacts on the neighborhood. Therefore, it is reasonable to conclude that the enlargement of the building would not be detrimental to the use or development of adjacent properties.

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

The subject property is less than 40,000 square feet in area and is therefore exempt from the Woodland Conservation Ordinance.

- (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.

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 recommends to the District Council for Prince George's County, Maryland that Revision of Site Plan Application ROSP-4464-02 be APPROVED, and further APPROVE Alternative Compliance AC-14006, subject to the following conditions:

1. Prior to certification of the site plan, 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 applicable permit numbers. 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. Note on the site plan that the 22-foot gate on the south side of the building will remain open during business hours for parking purposes.
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 to Parcel 165 of the subject property.



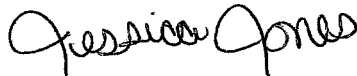
- b. Applicant shall remove slats from the chain-link fence along the entire Seabrook Road frontage, or the fence shall be completely removed.

\* \* \* \* \*

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 Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, September 11, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of October 2014.

Patricia Colihan Barney  
Executive Director



By Jessica Jones  
Planning Board Administrator

PCB:JJ:TA:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 9/18/14