

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF ZONING HEARING EXAMINER**

**REVISION OF SITE PLAN
SPECIAL EXCEPTION
4464/02**

DECISION

Application:	Contractor's Office with Outdoor Storage
Applicant:	E & R Services, Inc.
Opposition:	None
Hearing Examiner:	Joyce B. Nichols
Hearing Date:	January 14, 2015
Recommendation:	Approval with Conditions

NATURE OF PROCEEDINGS

- (1) ROSP/S.E. 4464/02 is a request for a second revision to an approved Site Plan 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. The Applicant adopts the record of S.E. 4464, and its revisions, into the record in the instant Application.
- (2) 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. (Exhibit 28) 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, thus expanding the approved building area to 3,116 square feet of gross floor area. (Exhibit 30)
- (3) 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.
- (4) 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.
- (5) The Planning Board (Exhibit 17) and the Technical Staff (Exhibit 14) recommended approval of ROSP/S.E. 4464/02 and AC-14006, with conditions.

(6) At the conclusion of the evidentiary hearing the record was kept open for additional documents, upon receipt of which the record was closed August 17, 2015.

FINDINGS OF FACT

Subject Property

(1) The subject property is located on the west side of 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 being used for storage, and the other one 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 wooden fence with 22-foot-wide gate in the south side of the building which is used to separate the front yard from the back.

(2) 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-link fence with screen slats on the south and east side of the property boundary. Along the north property line, adjacent to the railroad, is a six-foot-high chain-link 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 previously 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 (One-Family Detached Residential) Zoned property as required. During the site visit by the Technical Staff, 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 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 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.

Neighborhood and Surrounding Uses

(3) The neighborhood is defined by the following boundaries.

North - Amtrak/Conrail railroad right-of-way, with commercial uses in the C-M (Miscellaneous Commercial) 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 (Commercial Shopping Center) 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.

History

(4) 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 February 2004, S.E. 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 from the northern property line. 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. The total square footage of the previously approved building is 3,116 square feet of gross floor area (GFA). At that time, the subject property 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.

Master Plan and Sectional Map Amendment

(5) 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 C-A Zone. The proposed use is in conformance with the zoning for the area.

Applicants Proposal

(6) 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 side 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 George's County

Landscape Manual for Section 4.7, Buffering Incompatible Uses, along the western property line.

LAW APPLICABLE

(1) A Special Exception for a Contractor's Office with Outdoor Storage is permitted pursuant to §27-461(b), footnote 25, of the Zoning Ordinance. All Special Exceptions must be found to comply with the general criterion of §27-317.

(2) Section 27-317 states:

(a) A Special Exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purpose of this Subtitle;
- (2) The proposed use is in conformance with all 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;
- (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;
- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
- (6) The proposed site plan is in conformance with an approved Type II Tree Conservation Plan; and
- (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).

(3) Section 27-461(b), footnote 25, states:

Provided the property abuts property in a commercial zone, a residential zone in common ownership with the subject property, or a transportation facility right-of-way.

CONCLUSIONS OF LAW

(1) The subject property abuts property in a Commercial Zone, a Residential Zone (owned by the Applicant) and a transportation facility right-of-way.

(2) Section 27-317(a)(1) requires that the proposed Use and Site Plan be in harmony with the general Purposes of the Zoning Ordinance (§27-102(a)), the general Purposes of the Commercial Zone (§27-446(a)), and the specific Purposes of the C-A Zone (§27-451(a)(1)).

(3) The general purposes of the Zoning Ordinance are set forth in §27-102(a). The instant Application is in harmony with the Purposes of the Zoning Ordinance as follows:

- (1) *To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;*

The occupancy of the subject site, immediately adjacent to Amtrak's High-Speed Penn Line Railroad, by a Contractor's Office with Outdoor Storage will protect and promote the health, safety, welfare, morals, comfort, convenience and welfare of the present and future inhabitants of the County by providing for a use that is compatible with the noise, vibration and disruption of high-speed rail traffic and of the collection of service-commercial uses to the east, which will help to buffer the single-family development existing to the south of the site.

(2) *To implement the General Plan, Area Master Plans, and Functional Master Plans;*

The relevant Plans which apply to this site are the 2013 General Plan, the 2010 Approved Glenn Dale–Seabrook–Lanham Sector Plan and Sectional Map Amendment, and a number of Functional Master Plans, including the Green Infrastructure Plan, the County Master Plan of Transportation, the Public Safety Facilities Master Plan, The Historic Sites and Districts Plan, and the Water Resources Functional Master Plan.

General Plan

The General Plan classified the subject site in its Growth Policy Map¹ in the Local Centers category, and the Generalized Future Land Use Map² designated it for Mixed Use land use.

“Mixed Use” land use is described by the General Plan as, “Areas of various residential, commercial, employment and institutional uses. Residential uses may include a range of unit types. Mixed-use areas may vary with respect to their dominant land uses i.e. commercial uses may dominate in one mixed-use area, whereas residential uses may dominate in another.”³

“Local Centers” are described by the General Plan as “focal points of concentrated residential development and limited commercial activity serving our Established Communities.”⁴

The approval of the requested revision will allow this site to continue to serve as a part of the node of existing employment and service commercial uses on the south side of the Amtrak railroad tracks that serve as a focal point of commercial activity serving the surrounding Established Communities areas.

As the approval of the subject revision will not constitute a new land use, require the expansion of existing water and sewer systems, or involve a change in zoning, none of the

¹ M-NCPPC, *Plan Prince George's 2035 – Adopted General Plan* (May, 2014), as amended by Prince George's County Planning Board Resolution 14-10, Attachment B, Page 15 (not affected by Revisions in CR-26-2014).

² *General Plan*, as amended by Prince George's County Planning Board Resolution 14-10, Attachment B, Page 9 (not affected by Revisions in CR-26-2014).

³ *General Plan*, as amended by Prince George's County Planning Board Resolution 14-10, Attachment B, Page 8 (not affected by any Revisions in CR-26-2014).

⁴ *General Plan*, as amended by Prince George's County Planning Board Resolution 14-10, Attachment B, Page 14 (not affected by any Revisions in CR-26-2014).

thirteen enumerated Policies of the General Plan's Land Use Element are directly applicable to this application. Policy 9, however, which is to, "limit the expansion of new commercial zoning outside of the Regional Transit Districts and Local Centers to encourage reinvestment and growth in designated centers and in existing commercial areas"⁵ will be furthered by the approval of this revision as it represents reinvestment in an existing commercial area (which also happens to be a part of a Local Center).

Master Plan

The March, 2010 Glenn Dale–Seabrook–Lanham Approved Sector Plan and Sectional Map Amendment contains goals and objectives which address development in the Commercial and Employment Areas of the Sector Plan Area.

The Sector Plan discusses the area surrounding the subject site as the Seabrook MARC Station Area. The Plan identified a number of issues and opportunities for the area, though most address the portion of the Seabrook MARC Station Area north of the railroad tracks, along Lanham-Severn Road (MD Route 564). Issues which could be applicable to the neighborhood of the subject site, in the area south of the railroad tracks, principally included, "reduce[ing] the number of auto-dependent uses." While the Plan text expressed concern about the concentration of auto-dependent uses along Lanham-Severn Road, there is a concentration on the south side as well; as the subject use is not an auto-dependent use, its approval will help to fulfill the Sector Plan's intent.

The Sector Plan also contains a discussion of the Seabrook MARC Station Area in its Future Land Use element. The Plan notes that the Seabrook MARC Station Area is a "Future Community Center" under the old General Plan hierarchy that was applicable at the time of the adoption of the Sector Plan. The Plan repeats the Commercial and Employment Areas Element's discussion of the issues confronting future redevelopment of the Seabrook MARC Station Area. As the requested revision represents a minor expansion of an existing use, its approval will not impair the vision for redevelopment laid out by the Sector Plan.

By permitting the expansion of a modestly-scaled Contractor's Office in a neighborhood of compatible uses, the approval of the subject application would promote the intent of the Sector Plan and be in harmony with this Purpose of the Ordinance.

Other Applicable Functional Master Plans

The Application conforms to the Green Infrastructure Plan as there are no Regulated Areas or Evaluation Areas of the County's Green Infrastructure Network which will be affected by the subject project.

⁵ *General Plan*, as amended by Prince George's County Planning Board Resolution 14-10, Attachment B, Page 22 (not affected by any Revisions in CR-26-2014).

While a number of Historic Sites and a Resource are located within the defined neighborhood of the project, no Historic Sites are in significant visual contact with the subject project.

The Water Resources Functional Master Plan addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the subject application.

No proposed sites for Public Safety facilities are in the area affected by the subject application.

The Countywide Master Plan of Transportation does not affect the subject site.

In conclusion, because the proposed Contractor's Office with Outdoor Storage expansion is not in conflict with the General Plan, the Master Plan or the applicable Functional Master Plans, approval of the subject Application will be in harmony with the Ordinance's purpose of implementing those Plans.

- (3) ***To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;***

The subject revision will not entail subdivision because of the small scale of the proposed addition. While the Special Exception review does not provide for a test for the adequacy of public facilities, the modest scope of the proposed expansion revision would create only three additional trips during either peak hour, which would constitute a *de minimis* impact were a test for the adequacy of public facilities to be applied. The capacity of the schools would not be affected by the subject proposal.

- (4) ***To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;***

Approval of the subject Application would recognize the needs of the County's residents by allowing for the modest expansion of a land use of moderate scale and moderate impact in an existing structure in an existing neighborhood, and so would abet the orderly growth and development of the County, making the subject Application in harmony with this Purpose of the Ordinance.

- (5) ***To provide adequate light, air, and privacy;***

The subject revision to expand the existing Contractor's Office with Outdoor Storage would be in harmony with this Purpose because it would be in conformance with the various regulations in the Zoning Ordinance to ensure the provision of adequate light, air and privacy, both for the occupants of the subject site and for its neighbors. These principles include the provision of sufficient distance between the proposed use and neighboring uses, and conformance with height limitations in order to allow for access to light and air.

- (6) *To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;*

The subject Contractor's Office with Outdoor Storage would be in harmony with this Purpose because it will be developed in accordance with the various principles that have been codified in the Zoning Ordinance to promote the beneficial relationships between land and buildings, including conformance with the Tables of Permitted Uses for the various zones as laid out in the Ordinance, and with the approval of the proffered Alternative Compliance, the provisions of the Landscape Manual for buffering of incompatible uses.

- (7) *To protect the County from fire, flood, panic, and other dangers;*

The subject revision to expand the existing Contractor's Office with Outdoor Storage would be in harmony with this Purpose because it is in conformance with regulations established in the body of the Zoning Ordinance, as well as other County Ordinances, which are intended to protect from fire, flood, panic and other dangers, namely: the floodplain regulations, the fire prevention code, the building code, and the tables of permitted uses for the various zones.

- (8) *To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;*

Because the subject use is commercial/employment in nature, this Purpose is not directly applicable to this Application; it is to be noted however that the use which is the subject of this Application, by virtue of its location along a high-speed railway line, serves to buffer the nearby residential areas from the unsuitable and unhealthy effects of visual blight, noise and vibration which are associated with railway lines.

- (9) *To encourage economic development activities that provide desirable employment and a broad, protected tax base;*

The approval of the subject revision to expand the existing Contractor's Office with Outdoor Storage would be in harmony with this Purpose because it would protect the tax base of the County by maintaining an existing use which provides employment.

- (10) *To prevent the overcrowding of land;*

The subject revision would be in harmony with this Purpose because it would be developed in accordance with various principles that have been codified in the Ordinance to ensure the prevention of overcrowding, including the provisions of the Table of Uses that provides for the compatibility of uses in the same zoning district, and provisions in the Landscape Manual which provide for buffering of incompatible uses.

- (11) *To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;***

As noted above, the traffic from the proposed expansion would constitute a *de minimis* impact; as such, the subject revision would be in harmony with this Purpose.

- (12) *To insure the social and economic stability of all parts of the County;***

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, conformance with the requirements and regulations of the Zoning Ordinance is prima facie evidence of the Application's harmony with this Purpose.

Beyond that, however, the approval of the subject Application would promote the economic and social stability of the County by providing the Applicant the ability to expand his operation to better serve the surrounding community, and by virtue of its location in a collection of compatible uses.

- (13) *To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;***

Because the subject Contractor's Office is located on a developed site, it will have no impact on the natural features in the County. The use is in compliance with the County's Woodland Conservation policies in that its expansion will not result in the loss of any woodland. By conformance to these principles and regulations, the approval of this revision to the Contractor's Office with Outdoor Storage expansion would be in harmony with this Purpose.

The final two Purposes,

- (14) *To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and***

- (15) *To protect and conserve the agricultural industry and natural resources.***

are not directly applicable to the approval of this revision, except that approval of an expanded use at an existing, developed location will minimize the pressure to expand other development onto new greenfield sites which consume the natural features and agricultural lands that form a great part of the scenic beauty of the County. §27-317(a)(1)

(4) The instant Application is also in harmony with the general Purposes of the Commercial Zone, §27-446(a):

(1) To implement the general purposes of this Subtitle;

The harmony of the proposed use with the Purposes of the Zoning Ordinance generally has been discussed above.

(2) To provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;

The proposed use is located in an area which has long been planned for Commercial land uses and thus fulfills the Purpose of the provision of sufficient space in an appropriate location.

(3) To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;

While the subject use is service-commercial in nature rather than retail-commercial, the proposed expansion of the building at a Contractor's Office with Outdoor Storage is in harmony with this purpose because it is located in an area with a concentration of compatible service-commercial uses.

(4) To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;

As described above, the proposed use is in harmony with this Purpose as this Purpose echoes the general Purposes (5), (6), (11) and (13), above.

(5) To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;

This Purpose echoes general Purpose (11), above.

(6) To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;

By virtue of the site's location in an area of commercial uses, and by its character as a buffer use allowing for greater separation of residential land from the adjacent high-speed railway line, it promotes the efficient and desirable use of land and is thus in harmony with this Purpose.

(7) To increase the stability of commercial areas;

By virtue of its location in a concentration of compatible service-commercial uses, the subject revision to allow an expansion of the existing Contractor's Office with Outdoor Storage will help to reinforce the activity in that area and thus be in harmony with this Purpose by increasing the stability of the existing commercial district.

(8) To protect the character of desirable development in each area;

By virtue of its location at the periphery of an existing commercial area, the proposed use will be in harmony with this Purpose by complementing the existing uses and avoiding conflicts with incompatible uses.

(9) To conserve the aggregate value of land and improvements in the County; and

By allowing for the expansion of an existing use, and simultaneously the preservation of a buffer use allowing for greater separation of residential land from the adjacent high-speed railway line, allowing for the continued productive use of this site will maintain the value of the land and improvements in the County.

(10) To enhance the economic base of the County.

By allowing for the continued productive use of this site, approval of the proposed revision will be in harmony with this Purpose. §27-317(a)(1)

(5) The instant Application is also in harmony with the specific Purposes of the C-A Zone, §27-452(a)(1):

(A) To provide locations for retail and service commercial uses which are strictly related and subordinate to the convenience of the immediately surrounding neighborhood;

The subject Contractor's Office is a service commercial use. It is related and subordinate to the character of the immediately-surrounding neighborhood which comprises the adjacent high-speed railroad tracks, and other service-commercial uses. As such, it is in conformance with this Purpose of the C-A Zone.

(B) To provide locations for retail and service commercial uses which supply necessities in frequent demand with a minimum of consumer travel; and

As the subject Contractor's Office is not consumer-oriented, this Purpose is not strictly applicable to the subject Application.

(C) To provide for a limited range of uses which would not interfere with their local function.

With the grant of Special Exception allowing Outdoor Storage, the subject Contractor's Office is in conformance with the Table of Uses through which the Zoning Ordinance fulfills this Purpose.

(D) To provide locations for all such uses on property which should have a maximum size of three (3) contiguous acres.

The area of the contiguous C-A zoning is slightly less than one acre. §27-317(a)(1)

(6) Special Exception commercial uses such as Contractor's Offices with Outdoor Storage are presumed compatible with other Commercial uses provided the established setbacks, lot coverage, landscaping, minimum acreage, and traffic and parking improvements and all other regulations can be met. With the approval of the Alternative Compliance request the instant Application is in compliance with the regulations and requirements of the Zoning Ordinance. §27-317(a)(2)

(7) 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/MAC 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 land use recommendations of the Plans and surrounding uses. §27-317(a)(3)

(8) The subject Contractor's Office with Outdoor Storage is constructed in accordance with the many regulations designed to protect the public health, safety and welfare. The use itself is primarily quiet and generates minimal traffic on a road which is not taxed by high levels of traffic during peak hours. There is no evidence that the existing use has had (or will have) any adverse impacts on adjacent properties or the general neighborhood. The use has been operating in this location for the 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 adversely affect the health, safety, or welfare of residents or workers in the area. §27-317(a)(4)

(9) The neighborhood is fully developed and the subject property has been developed and utilized by service commercial uses since the mid 1960's. The use of the subject property is compatible with the service commercial uses which characterize the general neighborhood. Nothing in the record suggests that the existing service commercial use has had a detrimental impact on the neighborhood and it is reasonable to conclude that the continued use of the subject property as a Contractor's Office with Outdoor Storage will not be detrimental to the use or development of adjacent properties. §27-317(a)(5)

(10) The subject property is less than 40,000 square feet in area and is therefore exempt from the requirements of the Woodland Conservation Ordinance. §27-317(a)(6)

(11) The subject property does not contain any regulated environmental features. §27-317(a)(7)

Parking Regulations

(12) 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 van handicap parking space. However, the proposed Site Plan shows some parking spaces are 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.

Landscape Manual and Request for Alternative Compliance

(13) 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 Georges County Landscape Manual (Landscape Manual) because it involves an increase in the gross floor area of the existing building. The Applicant has requested 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.

(14) 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 in 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 in ex.	0 percent
Fence or wall	Yes, six-foot high, sight-tight fence*
Plant units	91*

*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.

(15) The 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 material 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. Additionally, Parcel 165 is triangular, landlocked, residentially-zoned property owned by the Applicant that is subject to an approved Type II Tree Conservation Plan, TCPII-268-91. This TCPII 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 landlocked, 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.

(16) As an alternative to the normal requirements of Section 4.7, the Applicant is 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 will provide 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.

Tree Canopy Coverage

(17) The instant Application is not subject to the requirements of the Tree Canopy Coverage Ordinance as it does not involve more than 5,000 square feet of new gross floor area or site disturbance.

Signage

(18) No freestanding signs are proposed by this Application. Any sign that will be placed on the property must meet all area, height, and setback requirements of the Zoning Ordinance.

Zone Standards

(19) With the approval of the requested Alternative Compliance, the proposed Contractor's Office with Outdoor Storage meets all setbacks, height and width requirements for the C-A Zone.

RECOMMENDATION

ROSP/S.E. 4664/02 and AC-14006 are recommended for Approval, 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 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.