



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

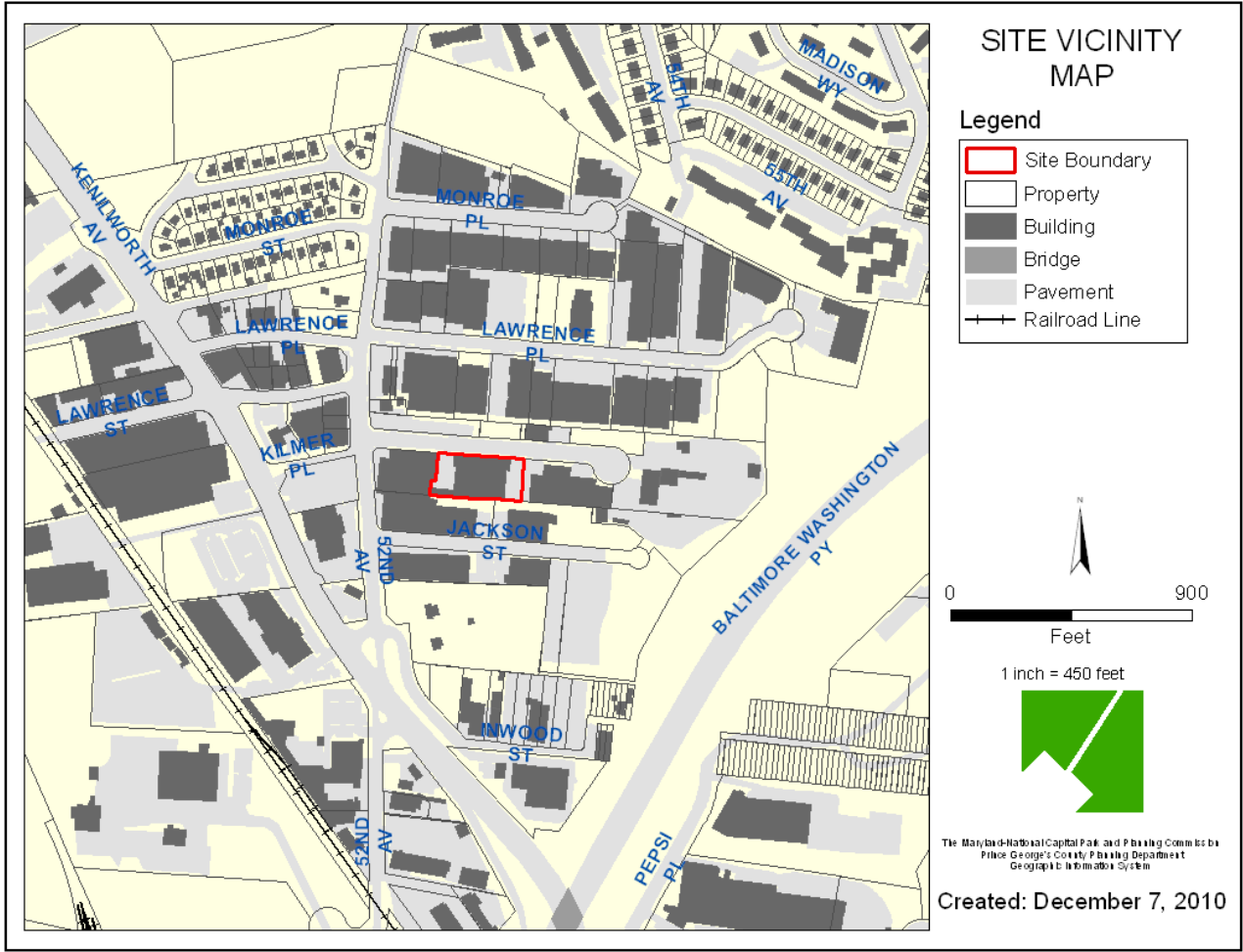
Special Exception

SE-4698

Application	General Data	
Project Name: A-1 Vehicle Salvage Yard Location: North and south side of Kilmer Place, approximately 280 feet east of its intersection with 52nd Avenue. Applicant/Address: W & C Property Management, LLC. 3100 Hunt Farm Court Burtonsville, MD 20866 Property Owner: Same as above	Planning Board Hearing Date:	02/07/13
	Staff Report Date:	01/24/13
	Date Accepted:	07/26/12
	Planning Board Action Limit:	N/A
	Plan Acreage:	1.98 acres
	Zone:	I-1
	Gross Floor Area:	35,404 sq. ft.
	Lots:	3
	Parcels:	1
	Planning Area:	69
	Tier:	Developed
	Council District:	05
	Election District	02
Municipality:	N/A	
200-Scale Base Map:	204NE04	

Purpose of Application	Notice Dates	
A vehicle salvage yard in the I-1 Zone, including variances to the ten percent green space requirement for the I-1 Zone and the building setback requirement of Sections 27-469(b)(1) and 27-474(a)(1)(b) of the Zoning Ordinance, respectively.	Informational Mailing	12/13/10
	Acceptance Mailing:	07/17/12
	Sign Posting Deadline:	N/A

Staff Recommendation			Staff Reviewer: Tom Lockard Phone Number: 301-952-3410 E-mail: Thomas.Lockard@ppd.mncppc.org
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



January 24, 2013

TECHNICAL STAFF REPORT

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

VIA: Jimi Jones, Zoning Supervisor, Development Review Division

FROM: Tom Lockard, Planner Coordinator, Zoning Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4698**

REQUEST: **A vehicle salvage yard in the I-1 Zone, including a variance to the ten percent green space requirement for the I-1 Zone and the building setback requirement of Sections 27-469(b)(1) and 27-474(a)(1)(b) of the Zoning Ordinance, respectively.**

RECOMMENDATION: **APPROVAL, subject to conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of February 7, 2013. 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 property is located on the north and south sides of Kilmer Place, approximately 280 feet east of its intersection with 52nd Avenue. The special exception site is made up of two lots and one parcel on the north side of Kilmer Place (Lots 3 and 4 and Parcel 134) and one lot on the south side (Lot 2), all within the Parkway Overlook Industrial Subdivision. The lots to the north encompass a narrow, partially-surfaced strip surrounded by a variety of fencing used for outdoor storage and parking. They are generally level, but do fall off precipitously in the northeastern corner. Illegal dumping is painfully evident. The lot to the south is developed with a large masonry warehouse structure with parking spaces and loading docks on each end. The building comprises approximately 35,404 square feet of gross floor area and has been used for several different construction and distribution companies in the past. The submitted site plan shows the single vehicle salvage use for the site. There are numerous large street trees within the right-of-way of Kilmer Place abutting the subject property, but little landscaping other than scrub along the northern property line. There are three existing access points onto Kilmer Place to the north and two to the south. The access points to the north are substandard in width. They must be widened to 22 feet if they are to serve two-way traffic.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Warehouse Outdoor Storage	Vehicle Salvage Yard
Acreage	1.98	1.98
Lots	3	3
Parcels	1	1
Square Footage/GFA	35,404	35,404

C. **History:** The property was retained in the Light Industrial (I-1) Zone in the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* (Port Towns Sector Plan and SMA). There have been no previous zoning applications on these properties.

D. **Master Plan Recommendation:** The Port Towns Sector Plan and SMA recommends industrial/employment uses for the property. The 2002 *Prince George's County Approved General Plan* places the site in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

E. **Request:** The applicant proposes to establish a vehicle salvage yard on the site. The properties on the north side of Kilmer Place would be used for employee/customer parking and as a staging area for cars to be dismantled. The actual dismantling of the vehicles would take place inside the existing warehouse building on the south side of Kilmer Place, which would also be used to store the salvaged auto parts. Tires and fluids will be sent to recycling centers. Any unusable metal will be recycled as scrap. The applicant estimates that a maximum of two vehicles will be salvaged per day.

F. **Neighborhood and Surrounding Uses:** The neighborhood comprises a large triangular-shaped industrial area which primarily consists of warehouse and manufacturing type uses that are situated in the I-1 and I-2 (Heavy Industrial) Zones. The industrial area is centered along

52nd Avenue and is east of Kenilworth Avenue (MD 201), between the Bladensburg municipal boundary to the north and the Baltimore-Washington Parkway (MD 295) to the east and the southeast.

Staff would submit that the neighborhood boundaries are as follows:

- North— The Bladensburg municipal boundary line.
- East— The Baltimore-Washington Parkway (MD 295).
- South— The Kenilworth Avenue (MD 201) and Baltimore-Washington Parkway (MD 295) interchange.
- West— Kenilworth Avenue (MD 201).

The subject property is bounded by the following uses:

- North— A moving company and the rear of warehouses in the I-1 Zone.
- East— Warehouses, outdoor storage, and a bakery in the I-1 Zone.
- South— Warehouses and outdoor storage in the I-1 Zone.
- West— A warehouse and distribution business in the I-1 Zone.

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 requirements:

- (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;**

The application proposes an eight-foot-tall, estate-style fence around the vehicle salvage yard proposed on Lots 3 and 4 and Parcel 134; however, the proposed fence is not sight-tight, as required by the above provision. The proposed fence will not provide an opaque screen for the salvage yard. The applicant should provide a detail for an attractive, durable, non-wood, non-white fence that would provide an opaque screen for the vehicle salvage yard.

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

The proposal, as conditioned above, conforms to this requirement. The fence is to be made of a non-wood, non-white material.

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

The topography of the site is level and the site is to be surrounded by a fence, therefore, the outdoor storage will not be visible at ground level from beyond the fence. Stacking of cars within the staging area shall not be permitted, since doing so could raise the vehicles above the fence.

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

Although the existing building is not presently fireproof, the applicant indicates their intention to fully comply with this requirement.

- H. **Variance to the ten percent green space requirement for the I-1 Zone and the building setback requirement of Sections 27-469(b)(1) and 27-474(a)(1)(b) of the Zoning Ordinance, respectively:** Section 27-469(b)(1) of the Zoning Ordinance prescribes a ten percent green space requirement for development in the I-1 Zone. Eight percent is being provided. The applicant seeks a two percent variance. Section 27-474(a)(1)(b) requires building setbacks of 25 feet from the street and a total of 30 feet for both side yards. The Ordinance requires an eight-foot-high fence along the periphery of the storage area, which must meet the setback pursuant to Section 27-465. The fence is set back 12 feet from Kilmer Place. The applicant is requesting a variance of 13 feet.

Section 27-230(a) provides the following findings for approval of a variance:

(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

The subject property is unusual in that it comprises properties on both sides of Kilmer Place. In addition, the lots on the north side of the street are extremely long and narrow, having more than 550 feet of frontage, but only 60 feet in depth. Also, this section of the property is constrained by topographic conditions as well; Lot 4 and Parcel 134 drop off precipitously to the north and east. The combination of these conditions makes it difficult to meet the building setback along the street.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

Existing setback requirements do not recognize the long existing nature of this industrial area, most of which was constructed prior to their enactment. Requiring the applicant to move the fence to meet the setback would make the lots to the north of Kilmer Place even narrower, perhaps to the point that they become useless. There are some site constraints on Lot 2, which limit the applicant's ability to provide green area. Lot 2 is fully developed with a 35,404-square-foot warehouse building and existing parking and loading. Lots 3 and 4 and Parcel 134, however, are currently vacant and appear only partially paved. The fence along the north side of Kilmer Place is set back 12 feet, but no landscaping is proposed within the 12-foot-wide strip. Staff would suggest that the applicant add landscaping in this area in order to demonstrate conformance with the ten percent requirement.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

The variance for the fence setback will not substantially impair the intent, purpose, or integrity of the Port Towns Sector Plan and SMA, which recommends industrial/employment uses for the property. The variance for green area would not impair the plan, but is viewed by staff as unnecessary since it can be accomplished. The use is permitted by special exception in the I-1 Zone and is therefore presumed to be compatible with the surrounding area. This criterion is met.

Conclusion

The variance for the setback along the street being sought by the applicant is caused by unique circumstances, and strict application of the requirement would result in practical difficulties to the applicant. Because the applicant has met the criteria for a variance, the variance should be approved. However, staff considers the green area variance to be unnecessary since it can be addressed through the provision of additional landscaping within the 12-foot-wide strip along the north side of Kilmer Place.

- I. **Parking Regulations:** Section 27-568 of the Zoning Ordinance requires one parking space for 1,000 square feet of gross storage area of 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 35,404 square feet of gross storage area (the GFA of the building on Lot 2), for which three parking spaces would be required. However, this does not take into account the outdoor storage area across Kilmer Place used for vehicle staging. That area must be accounted for, as well. A total of 13 parking spaces are provided, which should still be far more than required once the outdoor storage area is accounted for.

- J. **Loading Requirements:** Section 27-582 of the Zoning Ordinance requires one loading space for the first 10,000 square feet of gross storage area, plus one loading space for each additional 40,000 square feet.

Two loading spaces are required for the proposed use. Two spaces dimensioned 45 feet by 15 feet are provided.

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

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 most of 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, it is subject to some requirements. Staff has assessed the applicability as follows:

Section 4.2: For all nonresidential uses in any zone and for all parking lots, a landscape strip, as described in Section 4.2(c)(3)–(5) of the Landscape Manual, shall be provided on the property abutting all public and private streets. Staff suggests that the applicant be required to revise his plans to indicate a Section 4.2 landscape strip along the street frontage of Lots 3 and 4 and Parcel 134 to provide a more attractive appearance of the salvage yard from the street and provide additional vegetation in this older industrial area in the county, which is predominantly paved and lacks greenery. There are no proposed modifications to the existing warehouse on Lot 2;

therefore, the application is exempt from providing a landscape strip along this portion of the frontage.

Section 4.3: The proposed ten-space parking lot is less than 7,000 square feet, which makes it exempt from the requirements of Section 4.3, Parking Lot Requirements. The Section 4.3 schedule should be removed from the site plan.

Section 4.7: The site is not adjacent to any incompatible uses; therefore, no bufferyards in accordance with Section 4.7, Buffering Incompatible Uses, are required.

Section 4.9: The Section 4.9, Sustainable Landscaping Requirements, schedule should be updated to reflect all additional plant material prior to final certification of the plans.

- L. **Zone Standards:** The applicant is seeking a variance from the ten percent green area requirement and the setback for the eight-foot-high fence location. As discussed previously, staff is supporting the former, but not the latter. Otherwise, the proposal conforms to the standards of the I-1 Zone.
- M. **Sign Regulations:** No sign 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.
- N. **Required Findings:** 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 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 property is located in an exclusively industrial area, well removed from residential properties. The operations on the site are screened from the surrounding properties. A staff visit to the site showed the area to have little traffic.

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

With the proposed conditions in place, the proposed use meets the specific criteria for a vehicle salvage yard. Staff is supporting one of the variances being sought by the applicant, but has proposed conditions which we believe will make the second unnecessary. As conditioned, the site is in compliance with the applicable requirements of the Landscape Manual.

(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.

The Port Towns Sector Plan and SMA recommends an industrial/employment use for the property. The subsequent sectional map retained the property in the I-1 Zone. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier and is in general conformance with the employment land use recommendation of the sector plan. The proposed use is not visible nor does it use the internal streets of the residential section of the

neighborhood. All of these facts point to the conclusion that it would not substantially impair the integrity of the sector plan or the General Plan.

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

The proposed vehicle salvage yard use at the site will not detract from the established character of this industrial neighborhood. While it, like any special exception use could have an impact on the health, safety, or welfare of residents or workers in the area, is not more perceptible in this particular case nor would it exacerbate the admittedly, somewhat depressed condition of the area. The applicant will be adding landscaping and fencing to the site and the dismantling activity takes place within a building.

The Transportation Planning Section has indicated that, from the standpoint of transportation, this special exception raises no health, safety, or welfare issues. Kilmer Place is a cul-de-sac which sees relatively little traffic.

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

As noted, the subject property is within one of the oldest industrial areas in the county. It is located within a light-industrial enclave with no residential development in the vicinity. Existing uses in the immediate area in which the site is located include warehouse, distribution, and food processing facilities. Thus, the location and operation of the subject vehicle salvage yard in the area is consistent 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.

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.

(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.

There are no regulated environmental features on the site.

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 27-413.03) 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.

The applicant has met their burden of proof in this case. Therefore, staff recommends APPROVAL of Special Exception Application No. SE-4698, subject to the following conditions:

1. The applicant shall provide a detail for an attractive, durable, non-wood, non-white fence that would provide an opaque screen for the vehicle salvage yard.
2. A Section 4.2 (Landscape Strips along Streets) landscape strip shall be provided along the site frontage of Lots 3 and 4 and Parcel 134.
3. The Section 4.3. (Parking Lot Landscaping) schedule shall be removed from the landscape plan and a note of exemption from Section 4.3 shall be provided.
4. Stacking of vehicles within the vehicle staging area shall not be permitted.
5. The parking schedule shall be revised to include the gross square footage of the vehicle staging area.
6. All driveways from Kilmer Place serving two-way traffic shall be 22 feet in width.

Staff recommends APPROVAL of the requested variance to Section 27-474(a)(1)(b).

Staff recommends DISAPPROVAL of the requested variance to Section 27-469(b)(1).