

The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3530



Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).

**Special Exception  
Variance Request  
Alternative Compliance**

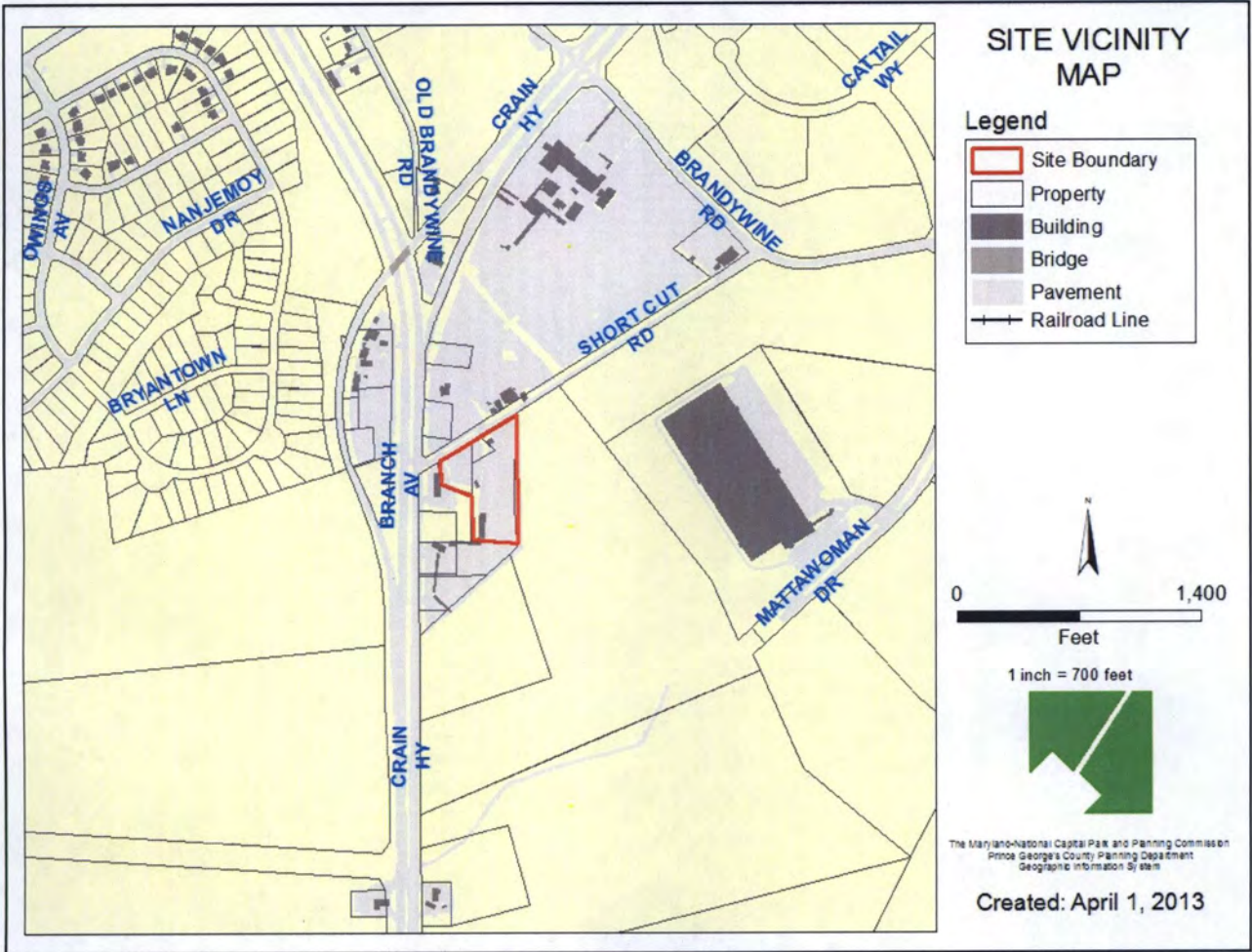
**SE-4637  
VSE-4637  
AC-13005**

| Application  | General Data                 |               |
|--|------------------------------|---------------|
| <p><b>Project Name:</b><br/>Ransom Motors II Vehicle Salvage</p> <p><b>Location:</b><br/>South side of Short Cut Road, approximately 138 feet east of the intersection of Branch Avenue (MD 5) and Robert Crain Highway (US 301).</p> <p><b>Applicant/Address:</b><br/>Walter M. and Henry A. Meinhardt<br/>14145 Brandywine Road<br/>Brandywine, MD 20613</p> <p><b>Property Owner:</b><br/>Walter M. and Henry A. Meinhardt<br/>14145 Brandywine Road<br/>Brandywine, MD 20613</p> <p>M&amp;M Joint Venture<br/>14145 Brandywine Road<br/>Brandywine, MD 20613</p> | Planning Board Hearing Date: | 06/13/13      |
|  | Staff Report Date:           | 05/29/13      |
|  | Date Accepted:               | 12/19/11      |
|  | Planning Board Action Limit: | N/A           |
|  | Plan Acreage:                | 4.86          |
|  | Zone:                        | I-1           |
|  | Gross Floor Area:            | 4,961 sq. ft. |
|  | Lots:                        | 0             |
|  | Parcels:                     | 3             |
|  | Planning Area:               | 85A           |
|  | Tier:                        | Developing    |
|  | Council District:            | 09            |
|  | Election District            | 11            |
| Municipality:  | N/A                          |               |
| 200-Scale Base Map:  | 218SE07                      |               |

| Purpose of Application  | Notice Dates           |          |
|---|------------------------|----------|
| <p><b>SE-4637:</b> To operate a vehicle salvage yard in the I-1 Zone.<br/><b>VSE-4637:</b> Variance from Section 27-417.03(2) for fence material and from Section 27-474 for front and side yard building setbacks.<br/><b>AC-13005:</b> Waiver from Section 4.7 of the 2010 Prince George's County Landscape Manual along the eastern property line.</p> | Informational Mailing  | 01/09/09 |
|   | Acceptance Mailing:    | 11/18/11 |
|   | Sign Posting Deadline: | N/A      |

|                             |                                 |  |                   |
|-----------------------------|---------------------------------|--|-------------------|
| <b>Staff Recommendation</b> |                                 | <p><b>Staff Reviewer:</b> Taslima Alam<br/><b>Phone Number:</b> 301-952-4976<br/><b>E-mail:</b> <a href="mailto:Taslima.Alam@ppd.mncppc.org">Taslima.Alam@ppd.mncppc.org</a></p> |                   |
| <b>APPROVAL</b>             | <b>APPROVAL WITH CONDITIONS</b> | <b>DISAPPROVAL</b>   | <b>DISCUSSION</b> |
|                             | X                               |  |                   |



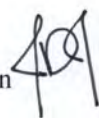



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**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: Taslima Alam, Senior Planner, Zoning Section, Development Review Division 

SUBJECT: **Special Exception Application No. SE-4637**  
**Variance Request Application No. VSE-4637**  
**Alternative Compliance Application No. AC-13005**

REQUEST: **SE-4637:** To operate a vehicle salvage yard in I-1 Zone.

**VSE-4637:** Variance from Section 27-417.03(2) for fence material and from Section 27-474 for front and side yard building setbacks.

**AC-13005:** Waiver from Section 4.7 of the 2010 Prince George's County Landscape Manual along the eastern property line.

RECOMMENDATION: **Approval with conditions**

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NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of June 13, 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 site is located on the south side of Short Cut Road, approximately 138 feet east of the intersection of Branch Avenue (MD 5) and Robert Crain Highway (US 301), more specifically at 7903 Short Cut Road, Brandywine, Maryland. The subject property is irregular in shape and consists of three separate parcels of land (Parcels 84, 110, and 146) which total approximately 4.86 acres in the Light Industrial (I-1) Zone. The site is improved with two structures. The first is a 4,217-square-foot, one-story frame building with three service bays, located in the southwest corner of Parcel 84. This building is being used for dismantling and storing vehicle parts. However, it has not been the subject of any permit or other approval. A building permit will be required for the existing frame building. The other is a 744-square-foot, one-story, concrete block building located at the entrance of the subject property on Short Cut Road on Parcel 146 and is currently being used for storage. The site is largely cleared and is currently being used for storing, parking, and salvaging damaged vehicles and has an access to Short Cut Road for the adjacent nonconforming Ransom Motors property to the south.

The site plan indicates that the entire site is covered with compacted gravel, a dust free surface. During the site visit, it was noted that certain areas of the lot especially in the dismantle area and internal drive aisle barely shows any gravel at all; therefore, these areas are very muddy when it rains, has too many puddles, or may even be too dusty during dry summer months. There is no defined existing parking lot or loading area on the site. An eight-foot-high, light-tight metal fence encloses the entire property boundary from north, east, and part of the west side of the property. There is no fence behind the existing frame building located along the southwestern side of the property. The existing metal fence along the eastern property line and other areas are poorly maintained and needs to be mended. However, only a six-foot-high chain-link fence exists along the southern property line with an internal access gate located between the common boundary line of Parcel 84 and abutting Parcel 255 (existing Ransom Motors I Vehicle Salvage Yard) to separate the two parcels. There are other six-foot-high chain-link fences with internal gates existing within the proposed site that separates the vehicle dismantling area, the large vehicle parking area (i.e. school buses, trucks, and etc.), and the compact car area on the site. In addition, it was noted that the site does not contain any landscaping except a couple of evergreen trees, one of which is located at the north and the other located at the west side of the property. These trees are in poor health.

The site has frontage on Short Cut Road. Access to the site is via two driveway entrances one of which is 25 feet wide, used to access Parcel 110, and the other is 50-feet wide, used to access Parcels 84 and 146. There is also an internal access gate located between the common boundary line of Parcel 84 and the abutting vehicle salvage yard, Parcel 255 (Ransom Motor I) to freely maneuver cars between the two properties. This access is now proposed to be closed with an eight-foot-high, steel, screen wall along the southeastern half of the common boundary line.



**B. Development Data Summary:**

|                    | <b>EXISTING</b>                              | <b>PROPOSED</b>   |
|--------------------|--|---|
| Zone(s)            | I-1  | I-1   |
| Use(s)             | Vehicle Parking, Salvaging, and Storage Yard | Vehicle Salvage and a Storage Yard with Contractors' Office |
| Acreage            | 4.86   | 4.86  |
| Lots               | N/A  | N/A   |
| Parcels            | 3  | 3   |
| Square Footage/GFA | 4,961  | 4,961   |

**C. History:** The property was rezoned from the General Commercial (C-2) Zone to the Light Industrial (I-1) Zone in the September 5, 1978 Sectional Map Amendment (SMA). The property was retained in the I-1 Zone in the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B* (Subregion V Master Plan and SMA). The subject site has been used in conjunction with the adjacent certified nonconforming use known as Ransom Motors I Vehicle Salvage Yard (Parcel 255) for storing, parking, and dismantling damaged vehicles for many years without a legal permit. On March 12, 2007, the Department of Environment Resources (DER) inspected the subject property and issued a citation (Case No. Z-1948-9-07) for alleged violation of Sections 253(a)(1) and 4-118(c) for “use of a building, structure and land without a valid use and occupancy permit” for Parcel 84. Therefore, the applicant is now proposing this special exception approval and close all activities between the two properties as one entity.

**D. Master Plan Recommendation:** The Subregion V Master Plan and SMA retained the subject property in the Light Industrial (I-1) Zone.

**Prince George’s County Approved General Plan:** The 2002 *Prince George’s County Approved General Plan* designates the subject property as a possible future Brandywine community center. A community center designation provides for residential densities and a mix of uses in areas where compact development is recommended. The policy for centers is to: “promote the development of mixed residential and nonresidential uses at moderate to high densities and intensities in context with surrounding neighborhoods and with a strong emphasis on transit-oriented design.”

**E. Request:**

**Special Exception SE- 4637**—The applicant seeks approval of a special exception to operate a vehicle salvage yard on a 4.86-acre property including storing and dismantling parts from damaged vehicles, and to validate the existing storage of damaged vehicles in the I-1 Zone. The proposal includes the use of an existing concrete block building located at the entrance of the subject property as a contractors’ office and an existing frame building located in the southwestern corner of the property for dismantling parts of the damaged vehicles. No new improvements, except for some fencing and construction of a designated parking area, are being proposed on the site. The applicant has submitted companion alternative compliance and variance applications which are discussed in this report in Findings H and I below.

**Variance Request VSE-4637**—The applicant is requesting a variance from Section 27-417.03(a)(2) of the Zoning Ordinance to allow continuous use of the existing eight-foot-high metal fence along the northern, eastern, and western property lines and proposes to provide the



same new fence along southern property line. This variance is necessary because the Zoning Ordinance does not allow the use of “corrugated metal or sheet metal” fence for a vehicle salvage yard. In addition, the applicant is requesting a variance from Section 27-474(a) of the Zoning Ordinance which establishes regulations for development in the I-1 Zone, including building setbacks for fences and walls over six feet high. Since the existing fence is over six feet high, variances of 30 feet for side yard building setbacks for the location of the existing fence and existing frame storage building along the eastern property line and a 15-foot building setback from street for the location of a fence along the northern property line are requested.

**Alternative Compliance AC-13005:** The applicant is also requesting alternative compliance from Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) along the eastern property line to allow a reduction in the width of the required bufferyard and building setback. The application is subject to Section 4.7 because there is a change of use from a lower to a higher intensity use category.

F. **Neighborhood:** The subject property is located on the east side of the intersection of Branch Avenue (MD 5) and Robert Crain Highway (US 3010 within an industrial zoned land area. At this time, the neighborhood is predominantly industrial. Much of the industrial land in the area is owned by and used by the applicant’s other business, Brandywine Auto Parts. Other lands along Short Cut Road, to the east of subject property, is zoned Residential Medium Development (R-M) with limited commercial uses necessary to serve the dominant residential uses. The neighborhood is defined by the following boundaries:

- North— Brandywine Road (MD 381)
- West— Robert Crain Highway (US 301)
- South— Cedarville Road
- East— Timothy Branch Stream Valley

**Surrounding Uses:** The subject property is surrounded by the following land uses:

- North— Bounded by Short Cut Road, and beyond is Brandywine Auto Parts sales office, in the I-1 Zone.
- West— Sunoco gas station and south of that is undeveloped vacant land in the I-1 Zone.
- South— Abuts Ransom Motor I, a nonconforming use vehicle salvage yard, under common ownership in the I-1 Zone.
- East— Vacant land which is to be developed residentially as part of approved Comprehensive Design Plan CDP-0902, Villages at Timothy Branch, in the R-M Zone.



G. **Specific Special Exception Requirements:** Section 27-417.03 of the Zoning Ordinance sets forth specific special exception requirements for a vehicle salvage yard in the I-1 Zone.

(a) **A vehicle salvage yard may be permitted, subject to the following:**

(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 perimeter of the subject site is currently enclosed by an existing eight-foot-high, solid, green, steel, screen wall along all the boundary lines, except the southern property line, adjacent to the common ownership nonconforming vehicle salvage yard. Currently, a six-foot-tall chain-link fence exists along this property line which will be replaced with a solid light-tight fence to conform to this requirement. There is no wall located behind the existing frame building along the southwestern property line because the building is located right on the property line itself and works as screening. However, because the wall exceeds the six-foot height restriction, it must conform to the building setback requirement set by the Zoning Ordinance. Since the existing fence and the frame building are located on the property line, a variance for the building setback requirement is requested for both as part of this application.

(2) **The fence shall not be constructed of corrugated metal or fiber glass, or sheet metal;**

The submitted site plan does not conform to this requirement since the existing screen wall is made of steel panels which are sheet metal, and is not allowed. The applicant has requested a variance from this requirement to allow continued use of the existing fence, which is substantial and effective. The existing wall is a panelized metal which is 29 gauge steel with a corrosive baked on enamel finish, green in color. The current wall is more likely than other types to rust, develop paint chips, or have individual panels become dented or fall down, which would be unattractive and/or result in a lack of screening if not repaired in a timely fashion. Staff recognizes that, while the existing screen wall is considerable and effective, it could be moderately attractive as long as the applicant can maintain and repair the wall as necessary along all property lines. Therefore, a condition is in place that the screen wall be repaired and maintained regularly, in perpetuity. This could be partially accomplished if wheel stops or a curb were required to be placed along all areas where the vehicle salvage use abuts the wall to protect the wall from possible damage from vehicles on-site.

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

The subject site is enclosed by an existing eight-foot-high, steel, screen wall and the terrain is relatively flat; therefore, the outdoor storage area will not be visible from ground level beyond the fence. All walls screen the use from view of the public road and surrounding properties. Moreover, the 13-foot-high frame building along a portion of the southwestern boundary of the site also screens the visibility of the outdoor storage area.

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

The applicant indicated that the proposed use fully complies with this requirement.



H. **Variance Request VSE-4637:** The proposed site plan requires the following variances.

**Section 27-417.03(a)(2) of the Zoning Ordinance** states that the fence shall not be constructed of corrugated metal or fiber glass, or sheet metal. The site has an existing eight-foot-high, solid, light-tight fence along its northern, eastern, and western property lines and an eight-foot-high metal fence is proposed along southern property line, all of which are made of steel panels, which are sheet metal and are not allowed. A variance is requested from this requirement to allow the existing screen wall to be used to satisfy screening requirements.

**Section 27-474 of the Zoning Ordinance** establishes regulations for development in the I-1 Zone including building setbacks, which also apply to fences and walls over six feet high. The site is unable to meet the required setback; therefore, the applicant has requested variances to the required setback along the western and northern property lines.

**Along the Western Property Line**, the adjacent property is zoned I-1 and is developed with an automobile filling station. A side yard setback of 30 feet is required per the Zoning Ordinance for the existing eight-foot-high, steel, screen wall and existing frame store building. A variance of 30 feet is requested for the existing eight-foot-high, steel, screen wall and the existing 13-foot-high frame building.

**Along the Northern Property Line**, adjacent to Short Cut Road, a setback of 25 feet is required from the ultimate right-of-way per the Zoning Ordinance. The submitted site plan shows the ultimate right-of-way line for Short Cut Road and indicates that the existing steel screen wall is to be relocated ten feet outside of the right-of-way to the south to accommodate the required landscape strip, which leaves a 15-foot building setback requirement to be met for the fence location. A variance of 15 feet is requested for the relocated existing eight-foot-high, steel, screen wall.

Section 27-230(a) of the Zoning Ordinance 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 property does not have exceptional narrowness, shallowness, shape, or exceptional topographical conditions. The subject property is located in an industrial area in the Brandywine community. The applicants or their affiliated companies own a substantial amount of land in the area and other areas which are used in conjunction with the Brandywine Auto Parts business. Many of these properties have steel panel screening that has existed on the property for over 42 years. The adjacent vehicle salvage yard immediately south of the subject site (Parcel 255) is also screened by an eight-foot-tall, solid, green, steel, screen wall which is under the common ownership as the subject site. Therefore, it is reasonable for applicant to request to keep the same existing steel panel fence on the subject property. This will not only ensure visual consistency of fence in the area, but will also provide security against vandalism, theft of valuable car parts removed from salvaged vehicles, and reduce maintenance. Thus, requiring the existing fence to be replaced with vinyl or wood does not do substantial justice to either the applicant or other property owners or commuters in the area.

With respect to the issues of setbacks along northern and western property lines, if full setbacks for the existing building and fence were applied to meet the Zoning Ordinance or Landscape Manual requirements, the owner would lose approximately 43,255 square feet or 27 percent of



useable area of land. For this reason, the variance request would do substantial justice to the property owners in that it would allow them to use a larger portion of the land for vehicle storage. In addition, removing the fence to meet the setback requirement per the Zoning Ordinance does not in any way improve the intended function of the wall, and the location of the wall will have no discernible impact on other property owners. In fact, it will create a no man's land between the wall and the adjacent property line which will be less likely to be maintained, and will not benefit the adjoining owners. All of these issues are extraordinary situations the owners have to face if they are to meet the setback requirements per the Zoning Ordinance.

**(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**

The strict application of the setback and specific fence material requirement will create an undue hardship upon the owners of the property. The applicant contends that requiring the existing screen walls to be removed and replaced with non-metal screening, such as wood or vinyl, would jeopardize the security of its operations. The existing panelized metal fence on the property is custom made and is durable and secure. The gauge of the steel prevents vandals from cutting through it. The existing eight-foot-tall metal fence construction provides security and makes it very difficult to climb over. The required wood or vinyl fence is not durable and is too easy to penetrate. This would, at a minimum, require the applicants to install a secondary means of security, such as a chain-link fence with barbed wire or electrified fencing in addition to the screen fencing, to protect valuable precious parts from being stolen. Furthermore, the requirement to remove hundreds of feet of metal screening and replace it with less durable and less secure screening is unnecessarily burdensome to the applicants because it makes the business less secure and exposes the applicants and its employees to the threat of criminal activity. Hence, the strict application of this subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owners of the property.

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

The variance will not substantially impair the intent, purpose, or integrity of the Subregion V Master Plan and SMA, which retained the subject property in the I-1 Zone for continued industrial use. The use is permitted by special exception in the I-1 Zone. Moreover, because no new construction is proposed with the addition of the vehicle salvage yard use, granting the requested variance will not impair the integrity of the General Plan or master plan in any way and is therefore presumed to be compatible with the surrounding area.

- I. **Parking Regulations:** Section 27-568 (a)(7), Schedule of Parking Spaces, of the Zoning Ordinance requires one parking space for every 1,000 square feet of gross storage area of the first 10,000 square feet, plus one space for each additional 10,000 square feet for a junk yard or an auto salvage yard. For an auto salvage yard of 155,615 square feet, 25 parking spaces are required.

Section 27-568(a)(5)(B) requires one parking space for every 500 square feet of gross floor area (GFA) of office space. For a 744-square-foot contractors' office building, two parking spaces are required. The site plan provided two parking spaces for the site.

The proposed vehicle salvage yard requires a total of 27 parking spaces for the entire use. A total of 27 parking spaces with two spaces being reserved for the physically handicapped are provided.



However, eight of the proposed standard parking spaces located adjacent to Short Cut Road do not appear to scale 9.5 feet by 19 feet. Prior to the Zoning Hearing Examiners hearing, the site plan should be revised to provide correct sized parking spaces in accordance with Part 11, Division 2 of the Zoning Ordinance, or ask for applicable departures as necessary. Moreover, the existing contractors' office building should be handicap accessible in accordance with the requirements of the Americans with Disabilities Act (ADA).

Section 27-582(a), Schedule of Loading Spaces, of the Zoning Ordinance requires one loading space for industry or manufacturing comprising over 2,000 to 25,000 square feet of GFA. For a building with a GFA of 4,961 square feet, one loading space is required. The plan correctly provides one 45-foot by 12-foot loading space.

- J. **Prince George's County Landscape Manual Requirements:** The site 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 there is a change of use from a lower to a higher intensity use category. The submitted site plan indicates compliance with Sections 4.2, 4.3, 4.4, and 4.9, but does not meet the requirements of Section 4.7 of the Landscape Manual. The applicant filed a request for alternative compliance from Section 4.7, Buffering Incompatible Uses, for a reduction in the width of the required bufferyard and building setback along the eastern property line. The following is a summary of that request and recommendation.

A Section 4.7 Type "D" bufferyard, which includes a 50-foot building setback and a 40-foot landscaped yard, is required along the eastern property boundary adjacent to a vacant R-M-zoned property, Parcel 19, within the Developing Tier. The applicant is asking for relief due to the fact that the additional requirements for approval of a special exception vehicle salvage yard, in Section 27-417.03(a) of the Zoning Ordinance, includes very definite requirements for screening. It specifies that the use be enclosed by an at least eight-foot-high, solid, slightly, light-tight wall or fence, not constructed of corrugated metal, fiber glass, or sheet metal. The applicant went on to explain that the adjacent Parcel 19 is part of the Villages of Timothy Branch Preliminary Plan of Subdivision 4-09003, which was approved showing a 35-foot-wide outlot and a Type "D" 40-foot-wide landscaped bufferyard along this common property line. The proposed outlot is intended to serve as half of a future industrial roadway right-of-way to serve the industrially-zoned parcels to the south of the subject site when Crain Highway (US 301) is upgraded to an access-controlled freeway and the properties lose the ability to access it. The applicant argues that not only is the full bufferyard and setback proposed to be provided on the adjacent property, but additionally, if this area is eventually utilized as a roadway, no Section 4.7 bufferyard would be required.

As an alternative, the applicant stated that there is currently an existing eight-foot-high metal panel wall along the eastern property line, which meets the special exception requirements, except for it being made of metal. The applicant proposes to move this wall 20 feet to the west, providing a 20-foot-wide building setback and landscaped yard, with 595 plant units, which is one more than what is required, accounting for the allowed 50 percent fence reduction.

Given the provision of the full required amount of plants, compliance with the specific screening requirements for the special exception use, and the approved plans for the adjacent vacant, residentially-zoned property, 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 2010 *Prince George's County Landscape Manual*.



On April 22, 2013, the Alternative Compliance Committee forwarded their report to the Planning Director for approval. The Planning Director recommended approval, subject to condition, of alternative compliance from Section 4.7 of the Landscape Manual.

- K. **Zoning Standards:** The subject property is in the I-1 Zone. Section 27-461 of the Zoning Ordinance requires special exception approval for a vehicle salvage and storage yard in the I-1 Zone. The site plan, with the approved requests for variances and alternative compliance, along with recommended conditions, will be in conformance with all zoning requirements and regulations.
- L. **Sign Regulations:** No freestanding signs are proposed for the subject use. Any sign that will be placed on the property must meet all area, height, and setback requirements.
- M. **Referral Comments:** No major issues were identified in the referrals that were received for the subject application. Any plan revisions that were requested have either been addressed through the submission of revised plans or through recommended conditions of approval.

The Community Planning Division, in a memo dated May 20, 2013, stated that the site plan should indicate a transit right-of-way alignment for a future transit line between Charles County and the Branch Avenue Metro Station. However, the Transportation Planning Section, in a memo dated January 18, 2012, stated that this alignment has no impact on this site.

- 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. There are no major issues associated with this application that would conflict with the general purposes of this subtitle. The property is located in a light industrial area, where the surrounding properties to the north, south, and west are all zoned industrial except the adjacent property to the east, which was rezoned to R-M. The proposed use will allow the applicant additional space for salvage operations that is currently ongoing at the adjacent property. The applicant currently has other similar uses that have long existed in the immediate vicinity of the subject property for over 42 years. Utilizing the subject property as proposed will allow these uses to be located in close proximity to one another which will promote public health and safety. For instance, the applicant can transport vehicles and auto parts salvaged on the subject property to other commonly-owned parcels with minimal traffic impact to the surrounding area. Developing similar uses in the area will not only promote public health and safety, but will keep the development in harmony with adjoining use.

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

The proposed use is not in compliance with the Landscape Manual requirements or the specific requirements for this special exception use. However, with approval of the additional applications for Alternative Compliance (AC-13005) and Variance Request (VSE-4637), the proposed use and accompanying site plan will be in conformance with 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;**

This application is subject to the Subregion V Master Plan and SMA, which recommends a light industrial land use for the subject property. The subject property is located within the I-1 Zone, which allows the proposed use subject to the grant of a special exception. Hence, the proposed use will be consistent with the character of the surrounding industrial uses and it 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;**

The owners of this property own an adjacent salvage yard as well as an automobile parts and installation business in the immediately vicinity of the subject property. Adding another salvage use will not have any effect on the health, safety, or welfare of residents or workers in the area as this business will operate in conjunction with the existing Ransom Motor I operation to the south, for the disposal of any fluids drained from the vehicles. A monitoring study will be conducted each year to ensure that the business operates in compliance with applicable environmental standards. For these reasons, the use of subject property 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**

As noted, the subject site is located within a light industrial zone. The adjacent properties to the subject site include a gas station, an existing vehicle salvage yard, Brandywine Auto Parts sales office, and the undeveloped residential development approved in Preliminary Plan of Subdivision 4-09003 for the Villages of Timothy Branch development in the R-M Zone. Compatibility between the requested industrial uses with the adjacent residential development is a near concern. The Community Planning Division, in a memorandum dated May 20, 2013, stated that screening and landscaping along the property line abutting future residential development is critical to ensuring the highest degree of land use compatibility. This concern is addressed through the proposed alternative compliance request as discussed in Finding J above. The existing screening and proposed landscaping will provide sufficient buffering and adequate transition between the proposed industrial use and future residential development. As a result, the proposed use will not be detrimental to the adjacent properties or the general neighborhood.

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

The Environmental Planning Section, in a memorandum dated May 20, 2013, stated that the site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because, while the site is over 40,000 square feet in area, it contains less than 10,000 square feet of woodlands on-site and, therefore, is not subject to the provision of tree conservation plan approval. The site has no previous tree conservation plan approvals.



- (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

Based on the preceding analysis and findings, it is recommended that Special Exception Application No. SE-4637, Variance Request Application No. VSE-4637, and Alternative Compliance Application No. AC-13005, for Ransom Motors II Vehicle Salvage be APPROVED subject to the following conditions:

1. Prior to the Zoning Hearing Examiner's hearing, the site plan shall be revised to provide the correct sized parking spaces in accordance to Part 11, Division 2 of the Zoning Ordinance, or ask for applicable departures as necessary.
2. The existing contractors' office building shall be handicap accessible in accordance with the requirements of the Americans with Disabilities Act (ADA).
3. Prior to the certification of the special exception site plan, the plans shall be revised as follows:
  - a. Revise the site and landscape plans to provide wheel stops or a curb along all areas where the vehicle salvage use abuts the wall, and planting area to protect the existing wall and proposed plants from possible damage from vehicles on-site.
  - b. Screen walls shall be repaired and maintained regularly, in perpetuity.
  - c. Revise the Section 4.7 schedule along Parcel 19 to list the required Type "D" bufferyard, with a minimum required 50-foot building setback, a minimum required 40-foot landscaped yard, and a minimum provided building setback and landscaped yard of 20 feet.
4. The applicant shall acquire a building permit for the existing frame building located along the southwestern side of the property.



ITEM:

5

CASE: SE-4637, VSE-4637, AC-13005

## RANSOM MOTORS II

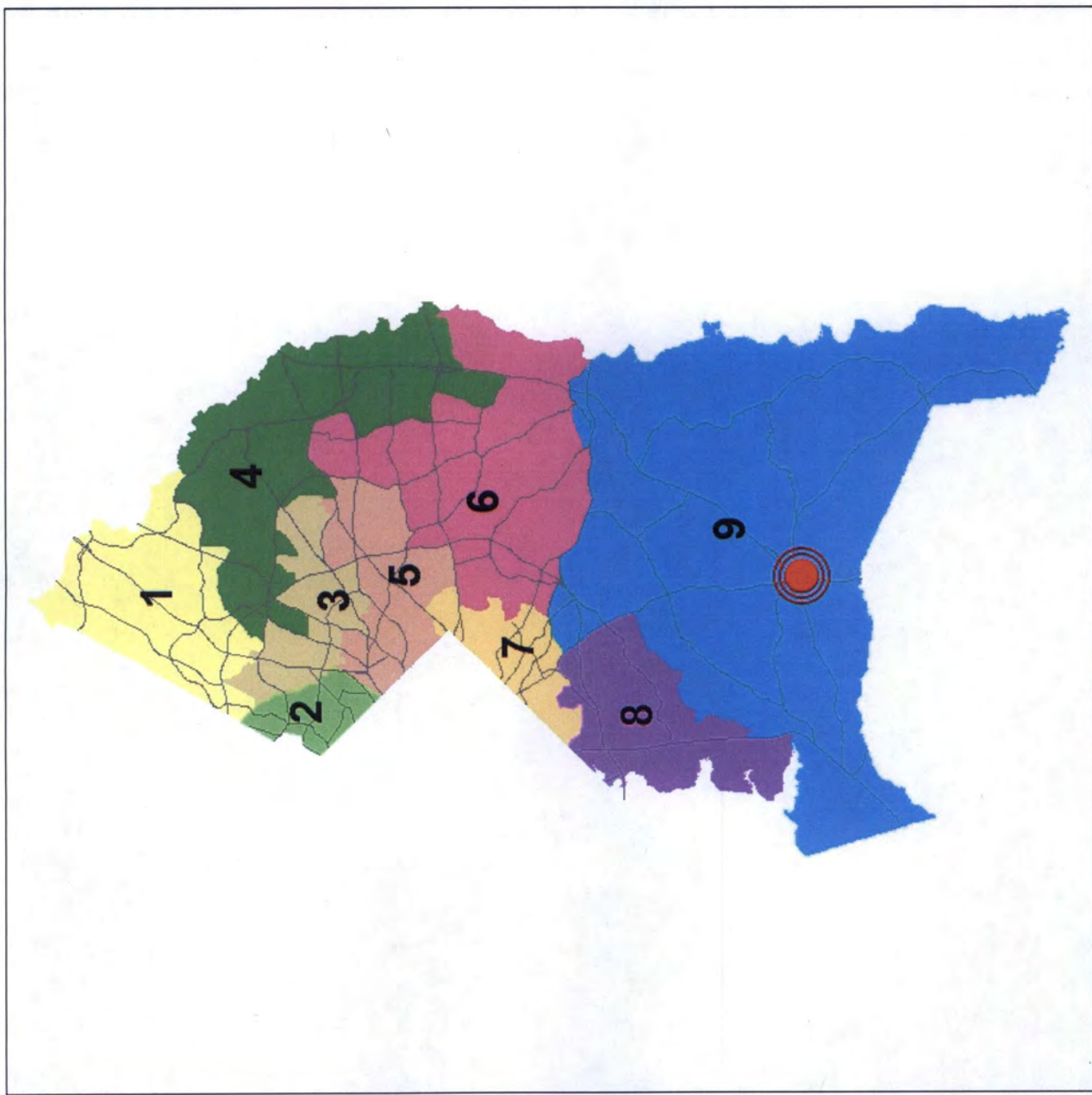
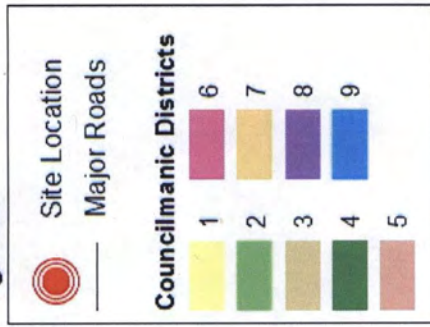
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT





# GENERAL LOCATION MAP

## Legend



0 60,000

Feet

1 inch = 30,000 feet




The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Geographic Information System

Created: April 1, 2013



# SITE VICINITY MAP

## Legend

|   |               |
|---|---------------|
|  | Site Boundary |
|  | Property      |
|  | Building      |
|  | Bridge        |
|  | Pavement      |
|  | Railroad Line |



1,400

Feet

1 inch = 700 feet



The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Geographic Information System








Created: April 1, 2013





# ZONING MAP

## Legend

|   |               |
|---|---------------|
|  | Site Boundary |
|  | C-M           |
|  | E-I-A         |
|  | I-1           |
|  | I-3           |
|  | R-M           |
|  | R-R           |



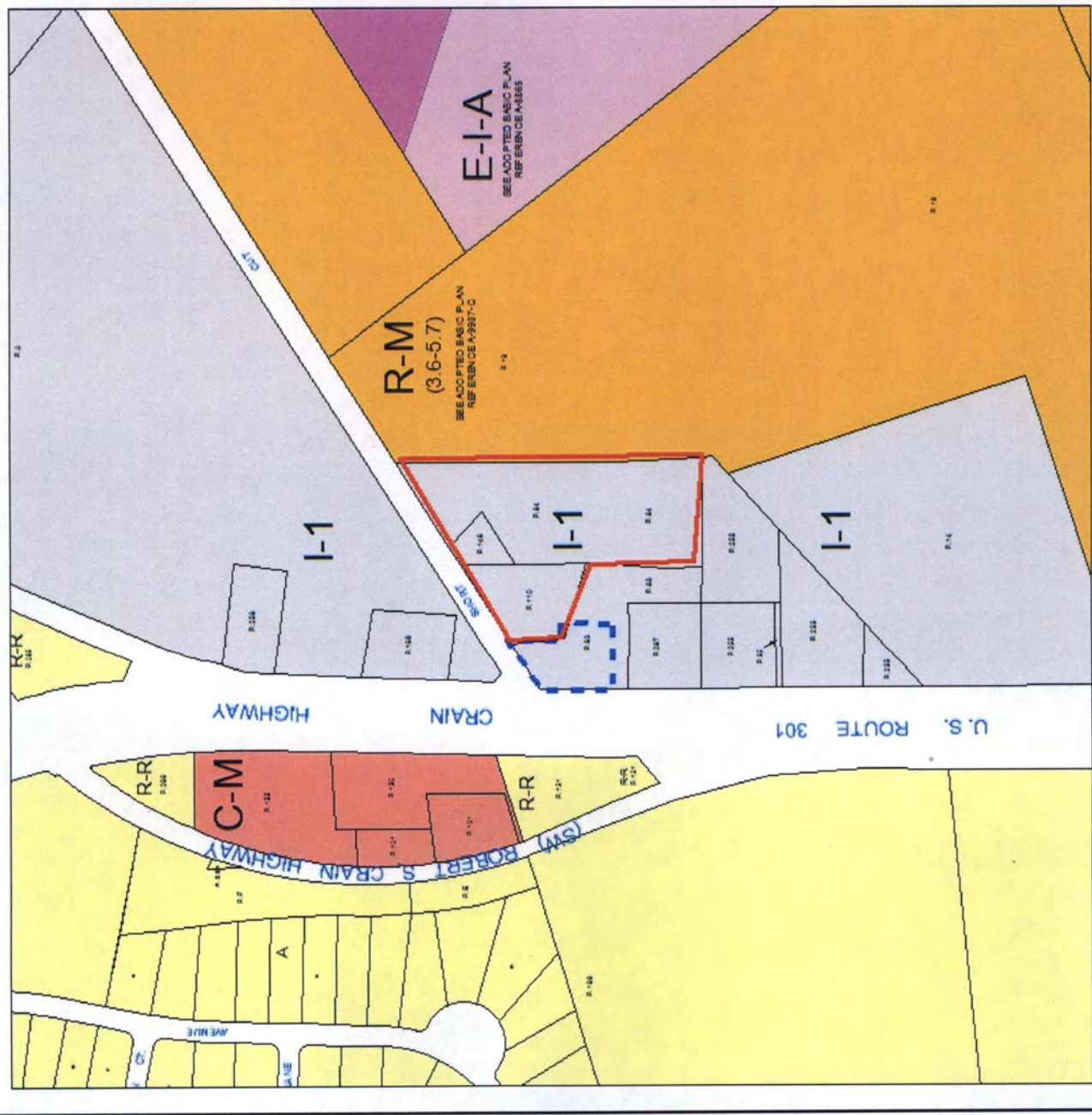
Feet

1 inch = 350 feet



The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Geographic Information System

Created: April 1, 2013





# AERIAL MAP

## Legend

-  Site Boundary
  -  Property
- IMAGERY FROM  
SPRING 2011



0



Feet

1 inch = 350 feet



The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Geographic Information System










Created: April 1, 2013





# SITE MAP

Legend

|   |                 |
|---|-----------------|
|  | Site Boundary   |
|  | Building        |
|  | Bridge          |
|  | Pavement        |
|  | Water           |
|  | Vegetation      |
|  | Property        |
|  | Contour Line    |
|  | Depression Line |
|  | Railroad Line   |

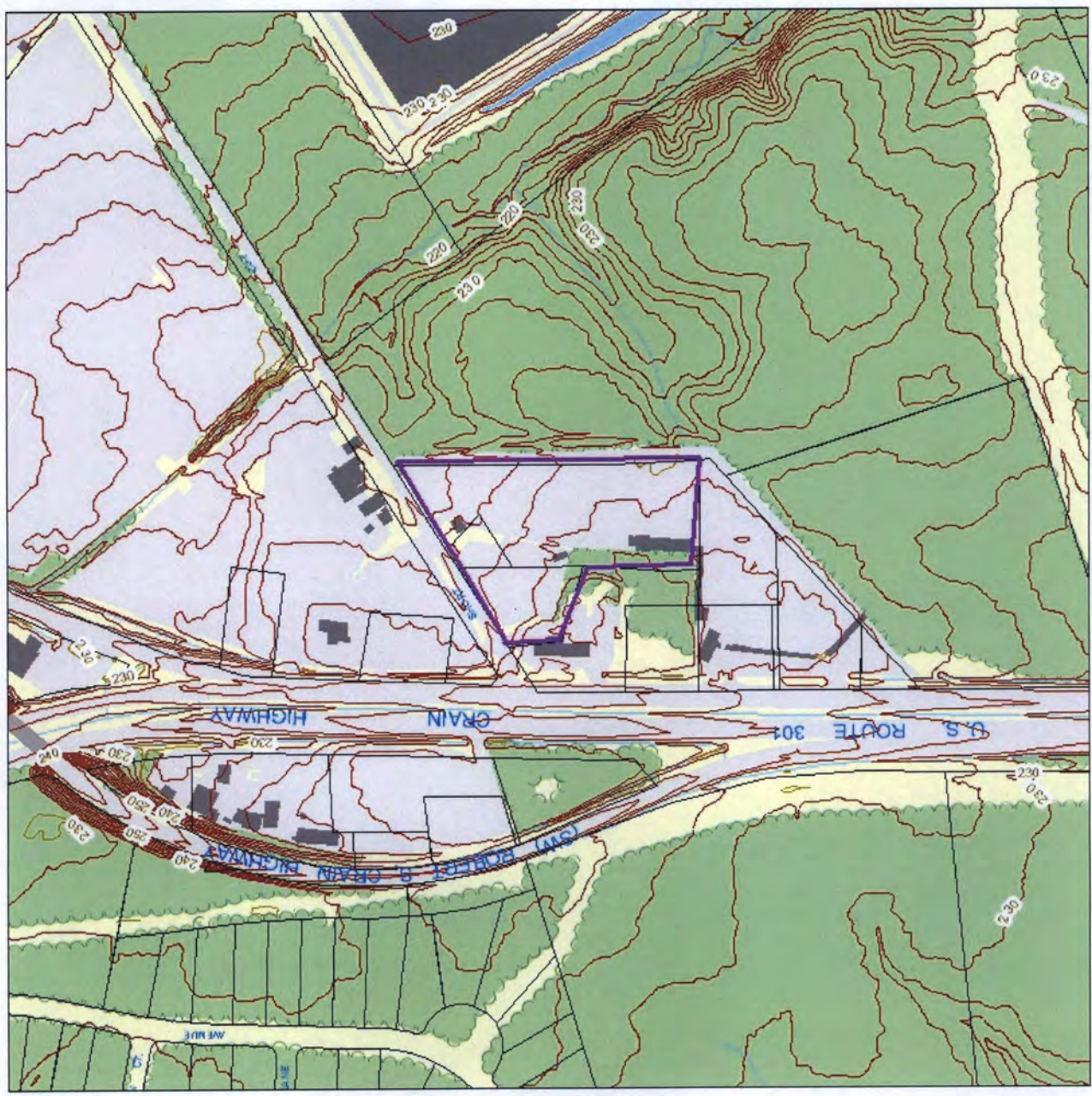


1 inch = 350 feet



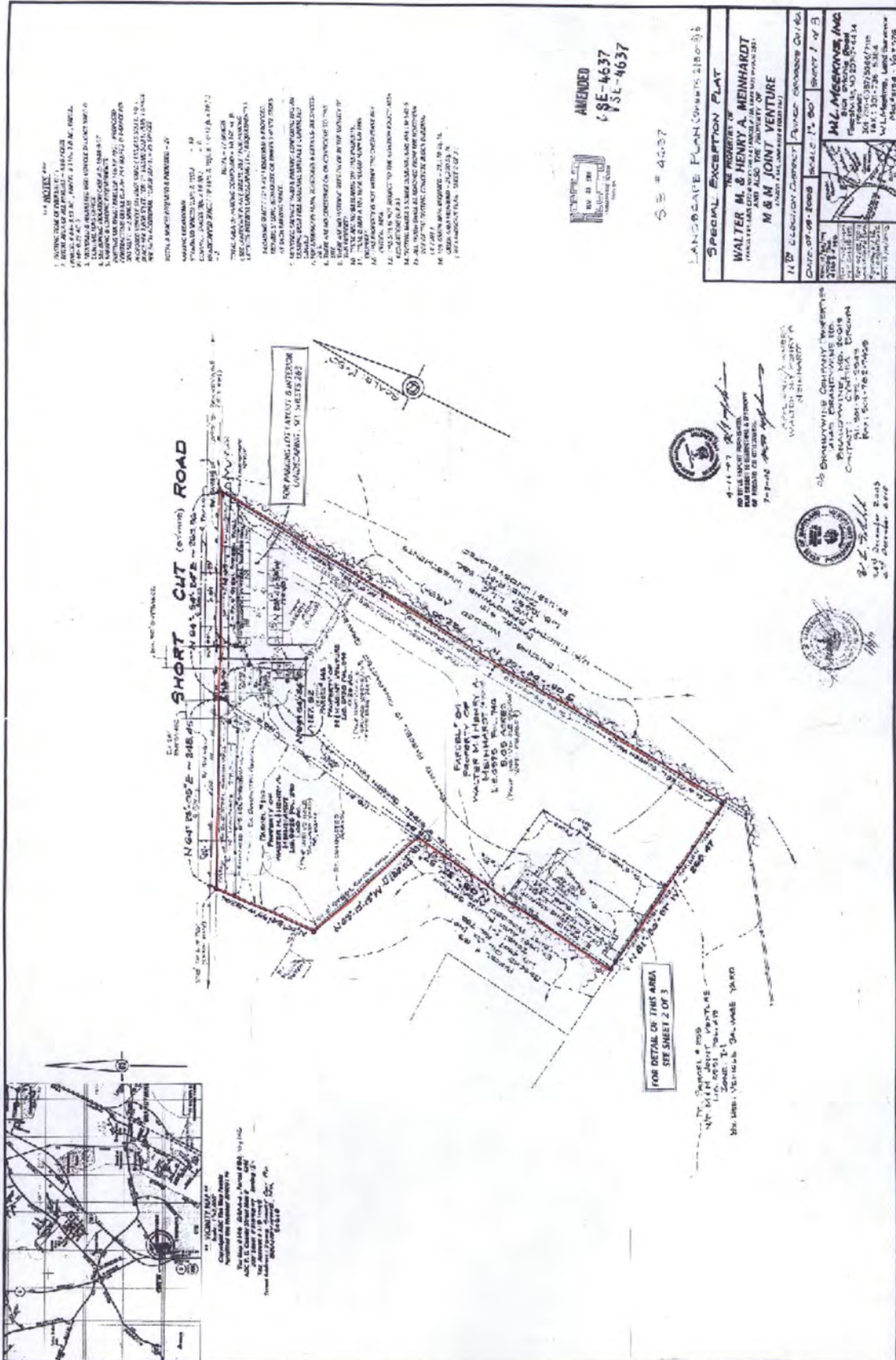
The Virginia-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Geographic Information System

Created: April 1, 2013





# SITE PLAN



**NOTES**

1. EXISTING UTILITIES SHOWN AS DASHED LINES.
2. ALL DIMENSIONS ARE IN FEET AND INCHES.
3. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
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19. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
20. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

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SE-4637

SE = 4637

LANDSCAPE PLAN (SHEET 2 OF 3)  
SPECIAL EXCEPTION PLAN

WALTER M. & HENRY A. MENHARDT  
PLANNERS AND ARCHITECTS  
1000 N. 10TH ST., SUITE 100  
DENVER, CO 80202  
TEL: 303-733-1100  
WWW.MENHARDT.COM

M & H JOINT VENTURE  
ALSO SEE SHEET 1 OF 3

DATE: 08-08-2013 SCALE: 1" = 50' SHEET 2 OF 3

ALL MEASUREMENTS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.



4-11-13  
DO NOT SCALE DIMENSIONS  
ON THIS DRAWING & STRIKE  
TYPED DIMENSIONS

WALTER M. MENHARDT  
HENRY A. MENHARDT

2013 Denver County - Western  
Professional Engineer License  
Contract No. CE-10000  
Exp. 12/31/2015

8/2/13  
Walter M. Menhardt  
Henry A. Menhardt









# DRIVEWAY ENTRANCES FROM SHORT CUT ROAD





# DRIVEWAY TO LARGE VEHICLE AREA





# EXISTING FENCE ALONG SHORT CUT ROAD









# VEHICLE DISMANTLING AREA





# EXISTING FRAME BUILDING











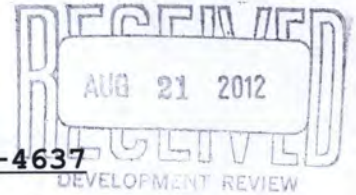






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**AMENDED STATEMENT OF JUSTIFICATION**  
**IN SUPPORT OF VARIANCES IN CONJUNCTION WITH SE-4637**

The applicants in this case, Walter M. and Henry A. Meinhardt, are seeking a special exception to operate a vehicle salvage yard on property located at 7903 Short Cut Road, Brandywine Maryland. The property which is the subject of the special exception consists of 4.86 acres (the "Subject Property"). The Subject Property is located on the south side of Short Cut Road approximately 136 feet east of its intersection with MD 5/301. The Subject Property is bounded on the north by Short Cut Road, on the south by land in the I-1 zoned under common ownership and used as a vehicle salvage yard, on the west by a Sunoco gas station and undeveloped land in the I-1 zone and on the east by undeveloped land in the R-M zone. Across Short Cut Road to the north is the Brandywine Auto Sales, also under common ownership as the Subject Property.

The Subject Property consists of three separate parcels of land. The first parcel is referenced as Parcel 84 on Tax Map 145, and contains 3.63 acres. Parcel 84 is owned by Walter M. and Henry A. Meinhardt and bears a street address of 7903 Short Cut Road. The second parcel is referenced as Parcel 110 on Tax Map 145, and contains 1 acre. Parcel 110 is also owned by Walter M. and Henry A. Meinhardt. The third parcel is referenced as Parcel 146 on Tax Map 145, and contains .23 acres. Parcel 146 is owned by M & M Joint Venture, LLP, and bears a street address of 7901 Short Cut Road.

The Subject Property is located on the east side of MD 5/301 at the point of merger between the two roads. A substantial area



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of industrial zoning occupies this area. The industrially zoned area extends for a distance of approximately one mile along the east side of MD 5/301. The entire industrial area is zoned I-1. The property immediately to the east of the Subject Property was zoned E-I-A, but was unable to develop in that zoning category. The property was rezoned to the R-M zone, but has not yet developed.

**NATURE OF THE REQUEST AND DESCRIPTION OF REQUIRED VARIANCES**

As indicated above, the Subject Property generally conforms with all of the applicable requirements of Subtitle 27 of the Prince George's County Code. In this case, however, there is a requirement set forth in Section 27-417.03 which the Subject Property does not comply with. Section 27-417.03(a)(1) requires that a vehicle salvage yard be screened by a solid, slightly, light tight wall or fence at least eight feet high, and Section 27-417.03(a)(2) provides that such screen wall not be constructed of corrugated metal or fiberglass, or sheet metal. The applicants intend to comply with this requirement, but in a manner which does not strictly conform to the methods prescribed by the Zoning Ordinance.

Currently, the site is screened along three of its four boundary lines with an 8' tall slightly, light tight wall. The existing wall is a panelized metal wall system applied to a 2" X 4" frame with 4" X 4" support posts. The panelized metal is a 29 gauge steel with a non-corrosive baked on enamel finish, green in color. This is the same type of screening recently approved for use to screen Private Automobile and other Motor Vehicle Auctions pursuant



to Section 27-474.06.06(d)(1)(B). However, because the generic term "sheet metal" is used in this criterion, a term which would presumably include the type of wall which currently exists, the applicant is requesting a variance to a wall of the same construction type and material as currently exists in lieu of replacing it with a wall of less substantial construction materials.

In addition, the existing wall is generally located on the property line. The wall is substantial and very attractive. The green color of the wall blends well with the woodlands located along Short Cut Road. However, because the wall exceeds six feet in height (as required by the zoning ordinance), it is required to meet the setback requirements for a building. The applicants seek a variance to allow the screen wall to not meet the setback requirements for a building.

Based upon the above description, the following variances are requested:

1) Pursuant to Section 27-474, a side yard setback of 20 feet is required adjacent to land in a residential zone. However, the Landscape Manual also establishes a setback requirement. In this case, the vehicle salvage yard is a high intensity use. Since the adjoining property is zoned R-M, a "D" bufferyard is required. A "D" bufferyard requires a building setback of 50 feet and a bufferyard 40 feet wide. A variance of the 50' setback is requested.

2) Pursuant to Section 27-474, a side yard setback of 30 feet is required adjacent to non-residentially zoned land, however, this setback can be met in one or two side yards. The property to the west is zoned I-1 and is developed with an automobile filling station. The Landscape Manual categorizes automobile filling stations as high intensity uses. Thus, no bufferyard or setback are required pursuant to the Landscape Manual. The existing screen wall and an existing frame storage



building are located on the property line. A setback of 30 feet is requested.

3) Pursuant to Section 27-474, a front yard setback of 25 feet is required. The site plan proposes to move the existing wall its current location on the property line to a point 10 feet behind the ultimate right of way line for Short Cut Road in order to allow for a landscape strip. A variance of 15 feet is requested.

4) Section 27-417.03(a)(2) states that screen walls may not be made of "sheet metal". The existing fence is made of steel panels. A variance to allow the existing screen wall to be used to satisfy the screening requirement is requested.

#### Description of Existing Site Conditions

Attached hereto as Exhibit "A" is a photograph of the entrance to the Subject Property from Short Cut Road. The green screen wall can be seen to the left of the gate entering the site. Currently, this screen wall is located on the property line. The applicant proposes to move this screen wall 10 feet behind the right of way line to allow for the required landscape strip. The site plan also indicates that the same 8' high screen wall is located along the eastern and western boundaries of the Subject Property. The applicant proposes to retain this screen wall in its current location. The screen wall does not currently exist along the southern boundary where the Subject Property abuts Ransom Motors, but is proposed to be added.

#### CONFORMANCE WITH VARIANCE CRITERIA

The criteria for approving a variance in this case are set forth in Section 27-230(a) of the Prince George's County Zoning Ordinance. Section 27-230(a) provides as follows:



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(a) *A variance may only be granted when the Board of Appeals finds that:*

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

**COMMENT:** The applicant is requesting two variances, one to allow a screen wall to be constructed of a material that a strict interpretation of the statutory language would prohibit, and the other to allow the screen wall to be located closer to the property line than allowed by the ordinance. The Subject Property exhibits several extraordinary situations or conditions which relate directly to the requested variances. First, the Subject Property is in an area of similar uses (another vehicle salvage yard and a vehicle parts use) under common ownership as the Subject Property which are already screened by similar walls. The same screen walls exist along Brandywine Road and Short Cut Road. Utilizing the same material will ensure consistency. Second, the screen walls utilizing these materials already exists on the Subject Property. Third, the height of the screen wall is mandated by statute intended to screen the proposed use from view from the outside-it is not a request to install a wall taller than normally allowed by statute. The existing walls on site are already 8' high and most are not proposed to be relocated. Fourth, the Subject Property is in an industrial area. It is surrounded on the north, west and south by industrially zoned and industrially utilized properties. Fifth, the property to the east is currently being transitioned from a partially developed industrial park in the E-I-A zone to a



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residential development in the R-M zone. This is the result of the property being rezoned at the request of the property owner in 2008. While this had the effect of increasing the required setbacks between the rezoned property and the Subject Property, it also required the rezoned property to plan for the location of residential uses next to industrially zoned and utilized land. The adjacent R-M zoned land was the subject of a recent Preliminary Plan of Subdivision. The subdivision was required to not only provide the full buffer (40 foot wide landscape strip) and 50 foot building setback required by the Landscape Manual, it also was required to create a 35' wide strip for conveyance to the HOA for a future possible right of way. Finally, the topography of the Subject Property, in relation to the adjoining properties, is flat. In some cases, the topography of a property can impact the location at which a screen wall is most effective. In this case, due to the flat terrain, the screen walls required by the Zoning Ordinance are equally effective regardless of their location on the Subject Property. All of the above factors have created extraordinary situations or conditions which are unique to the Subject Property and support consideration of the requests to maintain the same material, and locate the walls in the same location as currently exist. The variances requested are intended to allow existing fencing/screening which are in conformance with the spirit of the Zoning Ordinance to remain.



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- (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***

**COMMENT:** The second criterion is that the strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property. The type of variance requested in this case is an area variance. The appellate courts of Maryland have made clear distinctions between the criteria applicable to a use variance, which changes the character of the zone district and an area variance which does not. *See, for example, Roeser v. Anne Arundel County*, 368 Md. 295, 793 A.2d 545 (2002), which quotes E.C. Yokley, *Zoning Law and Practice* Section 21-6, 321, Vol. 3, 4<sup>th</sup> Edition, Michie (for the difference between "use" and "area" variances as "a use variance is one that permits a use other than that prescribed by the Zoning Ordinance in a particular district. An area variance has no relationship to a change of use. It is primarily a grant to erect, alter, or use a structure for a permitted use in a manner other than that prescribed by the restrictions of a Zoning Ordinance.") The applicant is proposing to construct a permitted use in a manner other than that prescribed by the Ordinance. In *Anderson v. Board of Appeals, Town of Chesapeake Beach, MD et al.*, 28 Md. App. 28, 322 A.2d 220 (1974), the Court of Special Appeals states that, "Use variances are customarily concerned with 'hardship' cases where the land cannot yield a reasonable return if used only in accordance with the use restrictions of the Ordinance and a variance must be permitted to avoid confiscatory operation of



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the Ordinance, while area variances are customarily concerned with 'practical difficulty'." (Anderson, at 38). In the case of Section 24-130, the standard of practical difficulty applies." In Anderson, the Court of Appeals went on to state:

Where the standard of "practical difficulty" applies, the applicant is relieved of the burden of showing a taking in a constitutional sense, as is required under the "undue hardship" standard. In order to justify the grant of an area variance, the applicant need show only that:

1. Whether compliance with the strict letter of the restrictions governing areas, setback, frontages, height, bulk density would unreasonably prevent the owner from using the property for a permitted use or would render conforming with such restrictions unnecessarily burdensome.
2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved would be more consistent with justice to other property owners.
3. Whether relief can be granted in such fashion that the spirit of the Ordinance will be observed and public safety and welfare secured. McClain v. Soley, 270 Md. 208, 214-215, 310 A.2d 783, 787 (1973), quoting 2 Rathkopf, The Law of Zoning and Planning, 45-28-29 (3d Ed., 1972).

The application of the three criteria for determining practical difficulty will be addressed for each requested variance separately. In this particular case, the applicant submits that the test of practical difficulty is satisfied as to all of the variances requested.



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Eastern side yard setback. Along the eastern property line, compliance with the strict letter of the ordinance would unreasonably prevent the owner from using its property and compliance would be unnecessarily burdensome. While the Zoning Ordinance would only require a 20 foot setback, the Landscape Manual would require a 50 foot building setback (except as addressed below). The eastern property line is 762 feet long. If the existing screen wall was set back 50 feet from the eastern property line, the use of 38,100 square feet of land would be lost, or almost 18% of the site area. Conforming with such a requirement would be unnecessarily burdensome due to the loss of use of this much land.

The granting of the requested variances would do substantial justice to the applicant as well as other property owners. The purpose of the screening requirement is for those outside the property to have their view into the site of a vehicle salvage yard attractively screened, and the code mandates that this be accomplished through the use of an 8 foot high sight tight wall. The existing screening accomplishes the purpose of the ordinance. The lack of providing a bufferyard on the Subject Property is not an issue in this case. In fact, the applicant contends that no bufferyard (or the 50 foot building setback) is required because these have already been provided by the adjacent property. As indicated above, the adjoining property is zoned R-M. The property was subdivided in 2010. The subdivision is known as the Villages of Timothy Branch and it is referenced as preliminary plan 4-09003. It was approved pursuant to Planning Board Resolution PGCPB No. 10-



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117. The proposed lot layout was reviewed for conformance with the Landscape Manual. Due to the existing use of the Subject Property, a 40 foot wide landscape buffer was provided on the R-M zoned property. Thus, the full bufferyard and setback is provided on an adjacent property. In addition, a strip of land 35' wide was also required to be created and conveyed to the HOA to provide for a future vehicular connection to parcels to the south (see the Statement of Justification for the special exception for a full description of this vehicular connection). Currently, this area is heavily wooded and likely will remain so until the land is utilized as a roadway. At that time, the Landscape Manual requirement will go from a 40 foot buffer to a 10' landscape strip. A copy of a portion of the preliminary plan of subdivision depicting the bufferyard is attached hereto as Exhibit "B". Since the full bufferyard is provided on the adjacent residential property, no bufferyard is required on the Subject Property. The existing screen wall will provide adequate screening of the proposed vehicle salvage yard. Since buffering in accordance with the Landscape Manual is provided, and since the wall provides screening required by the code, substantial justice is done by allowing the existing wall to remain in its present location.

In addition to the above, the applicant is proposing to establish a twenty foot wide landscape strip along the eastern property line. The property must comply with both a 10% green area requirement and a 10% tree canopy coverage requirement. It was felt by the applicant to establishing a treed landscape strip along the eastern property line further enhanced the buffer provided on



the adjacent property. The applicant is requesting that this landscape strip be on the inside of the wall, rather than moving the wall into the property for two reasons. First, the wall already exists and relocating it constitutes an unnecessary expense. Second, the landscape strip will be better protected and maintained if it is within the property rather than established as an isolated strip outside the wall. The combination of the wall and the tree canopy will continue to screen the Subject Property, as intended by the statute.

The granting of the variance to allow the existing screen wall to remain along the eastern property line ensures that the spirit of the Ordinance will be observed and public safety and welfare secured. The Ordinance contains two requirements. First, vehicle salvage yards are to be screened with an 8' tall wall or fence. Second, the Landscape Manual requires a 40 foot bufferyard. In this case, both requirements are satisfied. Thus, public safety and welfare is secured and the spirit of the Ordinance is observed without requiring that the owner remove from use almost 18% of its property.

**Western side yard setback.** The western property line is 622 feet long. The adjoining use along the western property line is a gas station. Although no setback is required by the Landscape Manual, the Zoning Ordinance would require a setback of 30 feet. While this setback can be provided on one or both side yards, if the variance is granted along the eastern property line, the full 30 feet would be required along the western side yard. As in the case of the eastern property line, if the setback were strictly



applied, the owner would be required to relocate the wall, resulting in the loss of an additional 18,660 square feet of useable area. The loss of useable space renders conformance with the requirements unnecessarily burdensome.

The granting of the requested variances would do substantial justice to the applicant as well as other property owners. The purpose of the screening requirement is for those outside the property to have their view into the site of a vehicle salvage yard attractively screened. The existing screening accomplishes the purpose of the ordinance. Driving through the area, most of the screening walls are made of the same green material. From a vehicle, the composition of the screen is not discernable. The green color blends well with the woods and landscaping. Along the western property line, the wall is either only visible from a distance or disappears into an existing wooded area behind the existing gas station. Also, the two feet of additional height is not noticeable driving through the area. Thus, the additional setback which would be required is not of benefit to the owner or other property owners. Finally, setting the wall back will leave an area of the property less likely to be maintained and will provide no benefit to the adjoining owner.

The requested variance along the western property line can be granted in such fashion that the spirit of the Ordinance will be observed and public safety and welfare secured. The goal of the Ordinance to attractively screen the vehicle salvage yard is observed by the existing wall. The existing wall does just that. Due to the compatibility of the zoning and the land uses, the



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adjoining property is not entitled to any setback along the common boundary line. As a result, the existing condition is consistent with the ordinance while providing the benefits of screening intended by the Ordinance.

**Northern property line (Short Cut Road).** The Subject Property has 511 feet of frontage on Short Cut Road. The existing building closest to Short Cut Road is set back 42 feet from the right of way, complying with the ordinance. The wall is required to satisfy the screening requirements. The owner is proposing to move the existing wall back 10 feet behind the right of way line to provide landscaping. Requiring the wall to be relocated an additional 15 feet back to satisfy the same setback requirement as a building would cause the owner to lose an additional 7,665 square feet of useable area. The landscaping will provide a visual improvement of the area and further enhance the wall. Moving the wall back an additional 15 feet will not enhance the streetscape, but will only cause the owner to lose additional property. As a result, strict conformance would be unnecessarily burdensome on the owner.

The granting of the requested variances would do substantial justice to the applicant as well as other property owners. The purpose of the screening requirement is for those outside the property to have their view into the site of a vehicle salvage yard attractively screened. The existing screening accomplishes the purpose of the ordinance. Driving through the area, most of the screening walls are made of the same green material. From a vehicle, the composition of the screen is not discernable. The green color blends well with the woods and landscaping. A six foot



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high wall could be installed in the same location, however, the Ordinance requires an 8 foot tall wall to provide additional screening. The extra two feet is not discernable to vehicles passing by, and is consistent with all of the other screening in the area. As a result, since the height of the wall is mandated by code, and it is in the same location as the normally allowed six foot fence, substantial justice is done to the applicant as well as other property owners.

The requested variance along Short Cut Road can be granted in such a fashion that the spirit of the Ordinance will be observed and public safety and welfare secured. In fact, the Ordinance specifically requires a wall of the height proposed. The location of the wall behind the landscape strip does not in any way compromise public safety and welfare. It satisfies the goal of the Ordinance to attractively screen the vehicle salvage yard.

In conclusion, strict conformance with the zoning ordinance would require the applicant to surrender 64,425 square feet of useable area of the site. This equates to over 30% of the total site area. Such an extreme loss of land area would be unnecessarily burdensome on the applicant. Approval of the variance would do substantial justice to the property owner in that it would allow him to use a larger portion of the land. Approval of the variance would also do substantial justice to other property owners because the wall will adequately screen the proposed use from view. There is no discernable difference between the wall being located as proposed rather than strictly complying with the zoning ordinance. In fact, requiring the wall to be set back only



creates a no mans land between the wall and the property line less likely to be maintained, which will not benefit adjoining owners. Finally, the spirit of the ordinance is observed and public safety and welfare secured with the approval of the variance. The purpose of the requirement is to screen the use on the property. The existing screen wall effectively and attractively does just that. Locating the wall closer to the property line will not improve or enhance the effectiveness of the wall to screen the use.

**Screening Material.** The Zoning Ordinance prohibits the use of corrugated metal or sheet metal to screen vehicle salvage yards. The prohibition of corrugated metal or sheet metal conjures up images of unattractive fencing which have long been associated with vehicle salvage yards. Attached as Exhibit "C" is a photograph of the type of unattractive screening the Ordinance in question is trying to prohibit.

The type of screening material proposed by the applicant does not violate the spirit or intent of the Zoning Ordinance in any way. Indeed, it is in complete accord with the spirit and intent of the Ordinance. The screen wall is a panelized metal wall system applied to a minimum 2 X 4 frame with 4 X 4 support posts. The panelized metal is 29 gauge steel with a baked on enamel finish that does not chip or peel, and is green in color to blend into the wooded areas and landscaping. This exact type of screen wall was recently approved by the County Council as a means of screening vehicle auction uses (see Section 27-474.06.06(d)(1)(B)). While the applicant understands that the proposed use is not identical to a vehicle auction use, it should be noted that the initial draft of



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the legislation contained the exact same language as applies to vehicle salvage yards. The applicant owns two properties in Prince George's County which are used as vehicle auction uses which use the same screening as exists at the Subject Property. The prohibition against corrugated or sheet metal screening would have required the applicant to replace the screening at these two vehicle auction locations. The applicant provided photographs and a description of the panelized wall system during consideration of the vehicle auction legislation, which the staff and the Council deemed to satisfy the spirit and intent of the Ordinance. As a result the legislation was revised to include the specifications for the panelized wall system as an allowed form of screening. The fact that the use is different is not relevant. The purpose of screening is to hide from view whatever is located on the property. What will be seen is the screening, not the use. The understanding of this history is relevant in consideration of this variance because it indicates that, in fact, the screen wall system used on the Subject Property is not the type of screening the County is trying to prohibit and is an acceptable alternate screening option.

The applicant in this case has substantial experience in the automobile parts industry. This screen wall is custom made for the applicant and was developed after years of experience. The screening is durable and it is secure. The gauge of the steel prevents vandals from cutting through it. The height and construction make it very difficult to climb over. The baked enamel finish prevents rust and maintains its attractiveness. The applicants or their affiliated companies own a substantial amount



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of acreage in the Brandywine area and other areas which are used in conjunction with the Brandywine Auto Parts business. Many of these properties have the same screening. In fact, many of the existing screen walls in the neighborhood have existed for over 40 years with no decrease in attractiveness. The reason for the attention to the detail of this screen wall is that the parts removed from salvaged vehicles are valuable, often for their metal content. The County requires 8' tall screening to prevent the vehicles from being seen. The owner requires 8' tall screening for security. The Zoning Ordinance would allow the screening to be board on board wood fencing or vinyl fencing. This is unacceptable for the security needs of the applicant.

With the above as background, the applicant contends that the require the existing screen walls to be removed and replaced with non-metal screening would be unnecessarily burdensome to the applicant because it would compromise the security of its operations. Wood or vinyl fencing is too easy to penetrate. This would, at a minimum require the applicant to install a secondary means of security, such as chain link with barbed wire or electrified fencing in addition to the screen fencing. But this burden is not just borne by the applicant. A less secure screen wall will encourage attempts to enter the facility to steal vehicle parts. Such attempts will divert police resources, which does not occur with the current wall. In conclusion, the requirement to remove hundreds of feet of attractive, secure screening and replace it with less durable, less secure screening is unnecessarily burdensome to the applicant because it makes the business less



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secure and exposes the applicant and its employees to the threat of criminal activity.

The granting of the requested variances would do substantial justice to the applicant as well as other property owners. As indicated above, Brandywine Auto has been in existence for 90 years and occupies many properties in the Brandywine area. The same screen wall has been used to screen and secure the properties associated with Brandywine Auto along both Brandywine Road and Short Cut Road. Thus there is a visual consistency with screening. Requiring that the screening along Short Cut Road for this single property be replaced with a lesser quality product does not do substantial justice to either the applicant or other property owners or commuters in the area. The use will be screened, the screening will be 8' high, and the screening material should match what has been used in the area for decades.

The requested variance along the southern property line can be granted in such fashion that the spirit of the Ordinance will be observed and public safety and welfare secured. The existing screening material does exactly what the Ordinance prescribes. While the screening technically meets the definition of "metal", it is clearly not the type of corrugated metal fencing the Ordinance intends to prohibit. The screening is custom made, is of high quality, is attractive, does not deteriorate with age and provides security. Allowing the applicant to utilize this material encourages the use of innovative, higher quality projects while ensuring that the spirit of the Ordinance is observed.



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

**COMMENT:** Approval of the two variances requested will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan for several reasons. The property is zoned I-1, consistent with the recommendations fo the Master Plan. The Zoning Ordinance requires that this particular use be screened with an 8' wall. The applicant proposes to do exactly that. While strict conformance with the Zoning Ordinance would require the screen wall to be set back as a building, the wall is not a building. It is intended to screen the property, not to reduce the useable area of the property. As noted above, strict conformance with the ordinance does not in any way improve the intended function of the wall and the location of the wall will have no discernable impact on other property owners. The same is true of the material. The proposed material is of higher quality than that allowed by the Zoning Ordinance. The screen wall was custom designed to be both attractive and secure. It fulfills the intent of the ordinance and should be permitted because it is an improvement over the minimum standards allowed. The integrity of the Master Plan is preserved because the spirit of the ordinance is fulfilled—the Subject Property is screened with a high quality, 8 foot tall, attractive wall.



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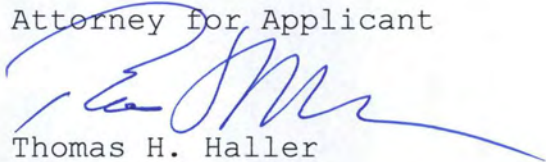
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CONCLUSION

In conclusion, the applicant submits that the criteria for granting a variance in this case are satisfied. The Subject Property displays extraordinary situations or conditions related to variances requested, strict conformance with the Zoning Ordinance requirements in this case would result in peculiar and unusual practical difficulties on the owner and the granting of the variance will not substantially impair the integrity of the General Plan or Master Plan. For these reasons, the applicant requests that the requested variances be approved.

Attorney for Applicant

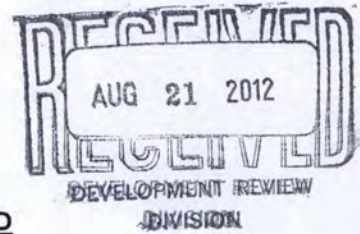


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**REVISED STATEMENT OF JUSTIFICATION**  
**SE-4637 RANSOM MOTORS II VEHICLE SALVAGE YARD**

Pursuant to comments received during the review of SE-4637, revisions to the special exception Site Plan have been made. In conjunction with the filing of the revised Site Plan, corresponding revisions to the Statement of Justification have been made, as set forth below.

The applicants in this case, Walter M. and Henry A. Meinhardt, are seeking a special exception to operate a vehicle salvage yard on property located at 7903 Short Cut Road, Brandywine Maryland. The property which is the subject of the special exception consists of 4.86 acres (the "Subject Property"). The Subject Property is located on the south side of Short Cut Road approximately 136 feet east of its intersection with MD 5/301. The Subject Property is bounded on the north by Short Cut Road, on the south by land in the I-1 zoned under common ownership and used as a vehicle salvage yard, on the west by a Sunoco gas station and undeveloped land in the I-1 zone and on the east by undeveloped land in the R-M zone. Across Short Cut Road to the north is the Brandywine Auto Sales, also under common ownership as the Subject Property.

The Subject Property consists of three separate parcels of land. The first parcel is referenced as Parcel 84 on Tax Map 145, and contains 3.63 acres. Parcel 84 is owned by Walter M. and Henry A. Meinhardt and bears a street address of 7903 Short Cut Road. The second parcel is referenced as Parcel 110 on Tax Map 145, and contains 1 acre. Parcel 110 is also owned by Walter M. and Henry



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A. Meinhardt. The third parcel is referenced as Parcel 146 on Tax Map 145, and contains .23 acres. Parcel 146 is owned by M & M Joint Venture, LLP, and bears a street address of 7901 Short Cut Road.

The Subject Property is located on the east side of MD 5/301 at the point of merger between the two roads. A substantial area of industrial zoning occupies this area. The industrially zoned area extends for a distance of approximate one mile along the east side of MD 5/301. The entire industrial area is zoned I-1. The property immediately to the east of the subject property was zoned E-I-A, but was unable to develop in that zoning category. The property was rezoned to the R-M zone, but has not yet developed.

The Meinhardt family has an extensive history as a property and business owner in the Brandywine area. They founded Brandywine Auto almost 90 years ago and the family still operates much of the businesses in the Brandywine industrial area today. Included in the Meinhardt ownership is an existing vehicle salvage yard known as Ransom Motors. Ransom Motors is located at 14504 SE Crain Highway (MD 5/301). The Ransom Motors property consists of approximately 3.9 acres. The southern boundary of the Subject Property abuts the northern boundary of the Ransom Motors property. Ransom Motors is a non-conforming vehicle salvage yard. Originally, the sole access to the Ransom Motors property was from the northbound lanes of MD 5/301, which carries a high volume of traffic. Over the years, the Meinhardts utilized the subject property to access Short Cut Road, a local road carrying much less



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traffic and providing safer ingress and egress, and eventually began storing vehicles on the subject property. While the parking and storage of vehicles on the subject property is a legal use, the parking of damaged vehicles and the removal of parts from those vehicles requires that the subject property also be approved as a vehicle salvage yard. The applicants have therefore filed this special exception to permit the use of the subject property as a vehicle salvage yard and to validate the existing storage of damaged vehicles.

Nature of Request

The Subject Property is currently improved with two existing structures. On Parcel 84 is an existing frame building with 4,217 square feet. On Parcel 146 is an existing concrete block building with 744 square feet. The applicant proposes to utilize the existing concrete block building located at the entrance of the Subject Property on Short Cut Road as an office. The existing frame building is to be used for the dismantling of vehicles. Neither building will be used for storage. The remainder of the Subject Property is compacted gravel, a dust free surface. The perimeter of the property along all property lines (except the Ransom Motors vehicle salvage yard) is currently screened by an existing 8 foot high wall, which connects into a similar wall surrounding the Ransom Motors property. A chain link fence exists between the subject property and the Ransom Motors site. The fence has a gate which allows for the passage of vehicles. No new structures are proposed to be constructed on the subject property.

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The removal of parts occurs in the frame building located on the property. Initially the applicant sought to retain the gate between the Ransom Motors vehicle salvage yard and the salvage yard proposed for the Subject Property in order to facilitate the movement of vehicles between the two parcels and avoid the need for vehicles to be forced to utilize US 301 to access the existing Ransom Motors property. Staff indicated that in order to do this, the existing Ransom Motors property would have to be incorporated into the subject Special Exception. Rather than do this, the applicant is now showing an 8' high screen wall on the common boundary line between the two properties. The screen wall is identical to the screen walls existing along the other property lines. While a variance will be required to allow the wall to be constructed of steel, the previously requested variance from the screening requirement will not longer be necessary. Further, since there will no longer be any physical connection between the two parcels, the site plan for the Subject Property has been revised to demonstrate that all zoning ordinance requirements related to parking have been satisfied on site.

Neighborhood

As noted above, the special exception is located on the east side of MD 5/301 within an industrial area consisting of approximately 80 acres. All of the land within this industrial area is zoned I-1. Much of the land is owned by and used by the applicant's other business, Brandywine Auto Parts. For planning purposes, the neighborhood may be described as being bounded on the



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south by Cedarville Road, on the north by Brandywine Road (MD 381), on the west by the Conrail Railroad line and on the east by MD 5/301. Until fairly recently, this entire area was dominated by industrial zoning, which included property in the I-1, I-2 and E-I-A Zones. While some of the properties within this large area had developed with industrial uses, absorption has historically been low. Within the past few years, zoning applications have been approved to change the zoning of property fronting on MD 5/301 to the C-S-C zone (A-9990-C) and the area has been developed with a commercial shopping center. Property east of the Subject Property was rezoned from the E-I-A zone to the R-M zone (A-9987), although it has not yet developed. This property, known as the Villages of Timothy Branch, was the subject of a recently approved preliminary plan of subdivision (4-09003) and comprehensive design plan (CDP-0902). The neighborhood remains predominantly industrial, and the recently adopted Subregion 5 Master Plan and Sectional Map Amendment retained the industrial zoning which remains in the neighborhood.

Criteria for Approval

A special exception for a Vehicle Salvage Yard may be approved subject to compliance with Sections 27-317 and 27-417.03 of the Zoning Ordinance.

Vehicle salvage yards are required to comply with the specific provisions of Section 27-417.03. In relevant part, Section 27-417.03 provides:

- (a) **A vehicle salvage yard may be permitted, subject to the following:**



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- (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.**

**COMMENT:** The existing property is enclosed by an eight (8) foot tall solid, sightly, light tight wall eight feet high. Currently, this wall exists along all property lines except for the southern property line, where the wall will be added to conform to this requirement. A photographs of the wall at the entrance along Short Cut Road is attached as Exhibit "A". The wall is green in color. The wall screens the use from view of the public road and all surrounding properties. The applicant submits that such enclosure satisfies the intent of this requirement and is satisfactory. Therefore, the applicants comply with this requirement. However, because the wall exceeds 6' in height, strict conformance with the Zoning Ordinance would require that the wall meet the setback requirement for a building. The existing wall is generally located on the property line. A variance from the setback requirement is requested. A separate variance application and Statement of Justification have been submitted with this application, referenced as VSE-4637.

- (2) **The fence shall not be constructed of corrugated metal or fiber glass, or sheet metal;**

**COMMENT:** The existing wall is a panelized metal wall system applied to a 2" X 4" frame with 4" X 4" support posts. The panelized metal is a 29 gauge steel with a corrosive baked on enamel finish, green in color. This is the same type of screening



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recently approved for use to screen Private Automobile and other Motor Vehicle Auctions pursuant to Section 27-474.06.06(d) (1) (B). The green color of the wall is attractive and blends into the wooded areas along Short Cut Road. However, because the generic term "sheet metal" is used in this criterion, a term which would presumably include the type of wall which currently exists, the applicant is requesting a variance to allow the existing wall to remain. As indicated above, a separate variance application and Statement of Justification have been submitted with this application, referenced as VSE-4637.

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

**COMMENT:** The existing wall effectively screens all storage of vehicles from the ground level beyond the fence. The land adjacent to this property is level with the subject property, so there are no views into the property from adjacent land. Further, vehicles are not stacked or otherwise stored in such a way as to be visible above the fence. Therefore, this criterion is satisfied.

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

**COMMENT:** None of the two existing buildings are proposed to be used for storage. The 744 square foot concrete block building will be used as an office and the existing frame building will be used during the dismantling of automobiles. Given the other auto parts



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uses operated by the applicant in the nearby area, it is unnecessary to construct an additional building for storage at this time. Any future proposal to add a building solely for storage will require a future revision to the special exception.

In addition to the use specific requirements, this request must satisfy the requirements of **Section 27-317**, sets forth the general requirements applicable to all special exceptions. This section provides as follows:

**(a) A Special Exception may be approved if:**

**The proposed use and site plan are in harmony with the purpose of this Subtitle;**

**COMMENT:** The proposed vehicle salvage yard is in harmony with the purposes of the Zoning Ordinance (Section 27-102(a) of Subtitle 27), and the purposes of the I-1 Zone (Section 27-426(a) of the Zoning Ordinance), as described below.

**Section 27-102(a). Purpose**

**(a) The purposes of the Zoning Ordinance are:**

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

**COMMENT:** The proposed special exception to utilize the Subject Property as a vehicle salvage yard will allow the applicant additional space for salvage operations currently ongoing at the adjacent property. The applicant currently has other existing, supportive vehicle related uses in the immediate vicinity of the Subject Property. Utilizing the Subject Property as proposed will



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allow these uses to be located in close proximity to one another, which will promote public health and safety. For example, the applicant can transport vehicles and auto parts salvaged on the Subject Property to other commonly owned parcels with minimal impact on the abutting road network.

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

**COMMENT:** The Subject Property is located within the Developing Tier as defined in the 2002 General Plan. In addition, the General Plan included the Subject Property in the Brandywine Center and within the boundaries of the MD 5 Corridor. The Subregion 5 Master Plan and Sectional Map Amendment, approved on September 9, 2009, modified the General Plan recommendations. The size and center of the Brandywine Center was modified. The core of the Brandywine Center is now south of the intersection of MD 5/301, and the Subject Property is just beyond the northern Corridor Edge. The Future Land Use Map, Map IV-1, maintains the industrial area on the east side of MD 5/301. The Villages of Timothy Branch, the adjacent property which was rezoned to the R-M and L-A-C zones, is recognized as being within the Brandywine Center. Since the Master Plan continues to recommend industrial use of the property, the proposed light industrial use will implement the recommendations of this plan and the General Plan.



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

**COMMENT:** The owners, which operate a sizeable existing used vehicle parts business require additional land area to salvage vehicles. The Subject Property is perfectly located to accommodate the additional space needed as it is in close proximity to the existing operation and can be established with the leased impact to the surrounding area. No new buildings or other structures are proposed which will require the extension of other public facilities.

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

**COMMENT:** The Master Plan recommended continued industrial use in this area, recognizing the existing business and industry which has occupied this land for many years. The proposed use is consistent with this purpose.

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

**COMMENT:** Adequate light, air and privacy will be provided. The Subject Property is currently enclosed with an attractive wall which provides security and privacy for the existing and proposed



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use. Adequate lighting will be provided to conduct the proposed business operation.

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

**COMMENT:** Approving the use of the Subject Property in proximity to the applicants other operations will promote the most beneficial use of land. The Master Plan has designated this area for light industrial use and the Subject Property will be adequately screened to protect adjacent landowners from the impacts of the use.

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

**COMMENT:** The proposed use will not result in any activity that will adversely impact the County due to fire, flood or other dangers.

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

**COMMENT:** The proposed use does not propose the development of housing.

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



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**COMMENT:** The subject proposal will facilitate the continued operation of a family run business that has been located in Prince George's County for over 90 years and employ several hundred people. This proposal will encourage the expansion of the tax base and provide desirable employment.

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

**COMMENT:** The proposed use will not result in the overcrowding of land. No new structures are proposed to be built. The applicant is seeking to obtain this special exception because it has outgrown adjacent land and requires additional space. Approval of this application is preferable to overcrowding the land at the existing operation.

***(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;***

**COMMENT:** The proposed use will allow for additional vehicle salvage operations to be conducted on a parcel in close proximity to the applicant's other related operations. As such, it will facilitate movement of vehicles between the properties, reduce the number of trips on the area roadways and specifically lessen the danger and congestion of traffic on the streets as there will be



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less distance traveled than if the use were located on property further away.

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

**COMMENT:** The Approved Master Plan recognized the need to continue the existing industrial area on the east side of MD 5/301. The area has been in productive use for decades and has contributed to the economic stability of the County.

**(13) To protect against undue noise, 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;**

**COMMENT:** The Subject Property does not contain any sensitive environmental features. Continued use of the property in its current condition will not contribute to noise, air or water pollution.

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

**COMMENT:** The Subject Property is located within a designated industrial area adjacent to a major transportation corridor. There are no scenic or natural features within the Subject Property. However, continued use of the Subject Property for industrial uses



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consistent with the Master Plan will allow such uses to remain in designated industrial areas and lessen the pressure to expand into other area of the County.

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

**COMMENT:** The proposed use will not detrimentally impact agricultural industry or natural resources as the property has been zoned and used for industrial uses for many years.

**Section 27-469(a). Purposes**

**(1) The purposes of the I-1 zone are:**

**(A) To attract a variety of labor-intensive light industrial uses;**

**COMMENT:** The Meinhardt family has operated vehicle parts and vehicle salvage businesses in the vicinity of the subject property for many years. There is a need for additional space to provide salvage services. The use of this property in such a manner is consistent with this purpose of the I-1 zone.

**(B) To apply site development standards which will result in an attractive, conventional light industrial environment;**

**COMMENT:** The specific special exception requirements applicable to vehicle salvage yards, and the special exception process itself ensure that an attractive, conventional light



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industrial environment will be achieved.

**(C) To create a distinct light industrial character, setting it apart from both the more intense Industrial Zones and the high-traffic-generating Commercial Zones;**

**COMMENT:** The special exception process is required for vehicle salvage yards to ensure that such facilities can be appropriately integrated into light industrial areas, and the proposed use will be compatible with other industrial uses in this specific industrial area.

**(D) To provide for a land use mix which is designed to sustain a light industrial character.**

**COMMENT:** The area within which the Subject Property is located provides a mix of automotive related industrial uses which are all consistent in character and intensity, in accordance with this purpose.

**Section 27-317(a) continued:**

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

**COMMENT:** Except as discussed below, the subject property generally conforms with all of the applicable requirements and regulations of Subtitle 27 of the Prince George's County Code. The Site Plan has been revised to address issues raised during the



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review process. First, the Site Plan now depicts two entrances on Short Cut Road. One entrance is 30 feet wide and provides access to a fenced parking area containing a total of 27 parking spaces. A gate also leads into the vehicle storage area. The second entrance is 25 feet wide, will provide access directly into the vehicle storage area without having to go through the parking area. The vehicle storage area contains a total of 155,615 square feet. A total of 25 parking spaces are required for a storage area of this size. An additional two spaces are also required to serve the 744 square foot office on site. Thus, a total of 27 parking spaces are required and provided on site, two of which are handicap spaces. In the I-1 zone, properties are required to provide a minimum of 10% green area. In this case, the property is 4.86 acres and requires 21,170 square feet of green area. The Site Plan depicts a 20 foot wide landscape yard along the entire eastern property line and a 10 foot landscape strip along Short Cut Road. These two landscape strips provide 21,300 square feet of green area. Finally, the entire vehicle salvage storage yard is comprised of compacted gravel, resulting in a dust free surface.

In this case, there is a requirement set forth in Section 27-417.03 which the Subject Property does not comply with. Section 27-417.03(a)(1) requires that a vehicle salvage yard be screened by a solid, sightly, light tight wall or fence at least eight feet high, and Section 27-417.03(a)(2) provides that such screen wall not be constructed of corrugated metal or fiberglass, or sheet



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metal. The existing wall which screens the subject property is made of 8 foot tall, 29 gauge steel panels. Generally, the wall is located on the property line. Much of the land in this vicinity which is owned by the Meinhardt family is screened with the same wall, creating consistent screening. This screening is substantial and very attractive. Green in color, it blends well with the woodlands located along Short Cut Road. Much of the existing screening in the area has existed for 30 years, demonstrating the durability of the materials used. For the subject property, because the wall exceeds six feet in height, it is required to meet the setback requirements for a building. Further, because the wall is made of steel, it is presumed to be considered a "sheet metal". A variance has been requested to allow this wall to be retained in its currently location and with the existing material.

**(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;**

**COMMENT:** As set forth in the discussion of the conformance of the proposed application to the purposes of the Zoning Ordinance, the Subject Property is located within an area designated on the approved Master Plan for industrial uses, continuing the industrial character of the area which has existed for decades. The proposed use will be consistent with the character of the surrounding industrial uses.

One additional issue which should be addressed relates to the



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transportation planning recommendations of the Master Plan. The Master Plan depicts a new industrial road, I-503, just to the east of the subject property. This road was originally shown on the 1993 Master Plan when the land to the east of the subject property was also zoned industrial. During the processing of the applications for the Villages of Timothy Branch, the need for and function of this roadway were addressed. It was determined that I-503 was originally established when all of the land in the area was zoned industrial. As the result of the elimination of industrial zoning, I-503 as initially envisioned and aligned was determined to be no longer necessary. The reason for this is that all of the industrially zoned land on the east side of MD 5/301 is now under three ownerships, Besche Oil Co, the Meinhardt family, and James Schraff. The Besche Oil Company property has frontage on Short Cut Road as well as MD 5/301. The Meinhardt property, as already discussed herein, also has frontage on Short Cut Road as well as MD 5/301. Only the Schraf property's access is limited to MD 301, and it is unimproved. Thus, with the rezoning of the Villages at Timothy Branch, I-503 would only serve one property if MD 5/301 is upgraded to freeway status and access is denied to the properties that front it. The Master Plan suggests that upon the upgrading of MD 5/301, a service road may be constructed on the east side. Thus, I-503 may not be needed at all. It was determined that an industrial cul-de-sac is all that is needed to potentially serve the industrial properties in this area. Thus, in the Villages at



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Timothy Branch, provisions were made to create enough land area to provide a future road to serve the Schraf property, or the Meinhardt properties should it be deemed necessary. An extensive finding explaining this rationale is contained in the CDP for the Villages at Timothy Branch (CDP-0902). The finding of the Planning Board in PGCPB Resolution No. 10-110 regarding this matter is as follows:

The master plan includes I-503, a planned facility that was originally included in the 1993 Master Plan and intended to connect industrial land uses between the A-63 facility and Short Cut Road, along with the Schraf, Meinhardt, and M&M Joint Venture properties, to Short Cut Road and to the Mattawoman Drive facility in the future. If collector-distributor lanes are not constructed along MD 5/301 when it is upgraded to an access-controlled freeway, the named properties may lose the ability to access US 301/MD 5 in the future. I-503 was initially planned when all properties in the area had industrial zoning, however, this has changed with the subject site being rezoned to R-M. Hence, the uses proposed for the subject property are different, and it is appropriate to route industrial traffic away from proposed residential areas. Therefore, I-503 as initially envisioned and aligned is no longer necessary. However, some means to allow the named properties that front on MD 5/301 to potentially gain access to Short Cut Road may be needed. Accordingly, an alternative to I-503 has been addressed by this plan by showing an area of land within which an industrial cul-de-sac south from Short Cut Road to the Schraf property could be constructed. This cul-de-sac could be located half on the subject property and half on the properties being served by it. The portion of the subject property should be placed in a separate parcel or outlot at the time of subdivision to facilitate the future acquisition by either the State or a property owner to be served by it. With the provision of this parcel, I-503 is no longer needed and the CDP should be revised prior to signature approval to remove the depiction of the "Alternative Alignment of I-503" and to show a separate parcel to accommodate the future industrial connection.

The applicant in this case is not proposing to add any structures to the subject property which would in any way hinder or frustrate



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SE-4637

VSE-4637

the ability to establish the industrial cul-de-sac, should it ever be needed. In the event the applicant seeks to construct new structures in the future, a revision to this special exception will be required, as will a preliminary plan of subdivision. This insures that no structures will be constructed which will interfere with or impede any of the Master Plan recommendations. Approval of the proposed special exception will allow the current property owners to utilize this area for storage and not deny them use of the area at a time where it is not know if the road will ever be needed. Therefore, approval of the special exception will not not substantially impair the integrity of the Master Plan, and the applicant will not be denied reasonable use of its property.

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

**COMMENT:** The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. The owners of this property own an adjacent salvage yard as well as an automobile parts and installation business. These businesses all operate in the immediate vicinity. These businesses operate in conjunction with one another, in that parts salvaged from vehicle on the subject property can be sold from the adjacent automobile parts business. The experience in operating these businesses over many years have developed consistent business practices which ensure that the business will not create an adverse impact. For



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V SE-4637

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example, procedures already exist, in conjunction with the existing Ransom Motors operation, for the disposal of any fluids drained from the vehicles. A monitoring study is undertaken each year to ensure that the business operates in compliance with applicable environmental standards. A similar study will be conducted for the subject property. In addition, the Subject Property will be used for the storage of vehicles awaiting salvage. For these reasons, the use of the Subject Property in conjunction with the applicants adjacent related businesses will not adversely affect the health, safety or welfare of residents or workers in the area.

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

**COMMENT:** The proposed use will be consistent with the industrial use of other industrially zoned properties within the northern portion of the general neighborhood. Its use in conjunction with the adjacent vehicle salvage yard will benefit vehicular circulation. The proposed use will provide additional land area to support the Brandywine Auto Parts broader operations. The adjacent properties to the Subject Property include a gas station, the existing vehicle salvage yard owned by the applicant, and the undeveloped northernmost portion of the Villages of Timothy Branch development in the R-M zone. As indicated above, the CDP and Preliminary Plan required provision of a parcel of land 35 feet wide to be owned by the homeowners association as a possible future



**AMENDED**

VSE-4637 SE-4637

public road. The existing screening and proposed landscaping will provide sufficient buffering, given the nature of the use proposed. As a result, the proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

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

**COMMENT:** The Subject Property is exempt from the Woodland conservation ordinance because there are no woodlands on the property and no new buildings are proposed to be constructed. An equivalency letter has been obtained and has been submitted with the application.

**(6) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

Comment: There are no regulated environmental features on the subject property. Therefore, this requirement is satisfied in the instant application.

**CONCLUSION**

Based upon the above analysis, the granting of the Special Exception requested by the applicant to utilize the Subject Property as a vehicle salvage yard will conform with the

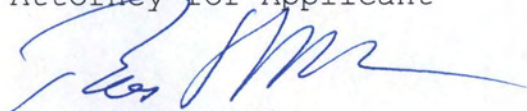


AMENDED

V SE-4637 SE-4637

requirements of the Zoning Ordinance. As a result, we respectfully request approval of the application for the reasons set forth herein.

Attorney for Applicant



Thomas H. Haller  
GIBBS and HALLER  
1300 Caraway Court, Suite 102  
Largo, Maryland 20774  
301-306-0033



AMENDED

SE-4637

VSE-4637

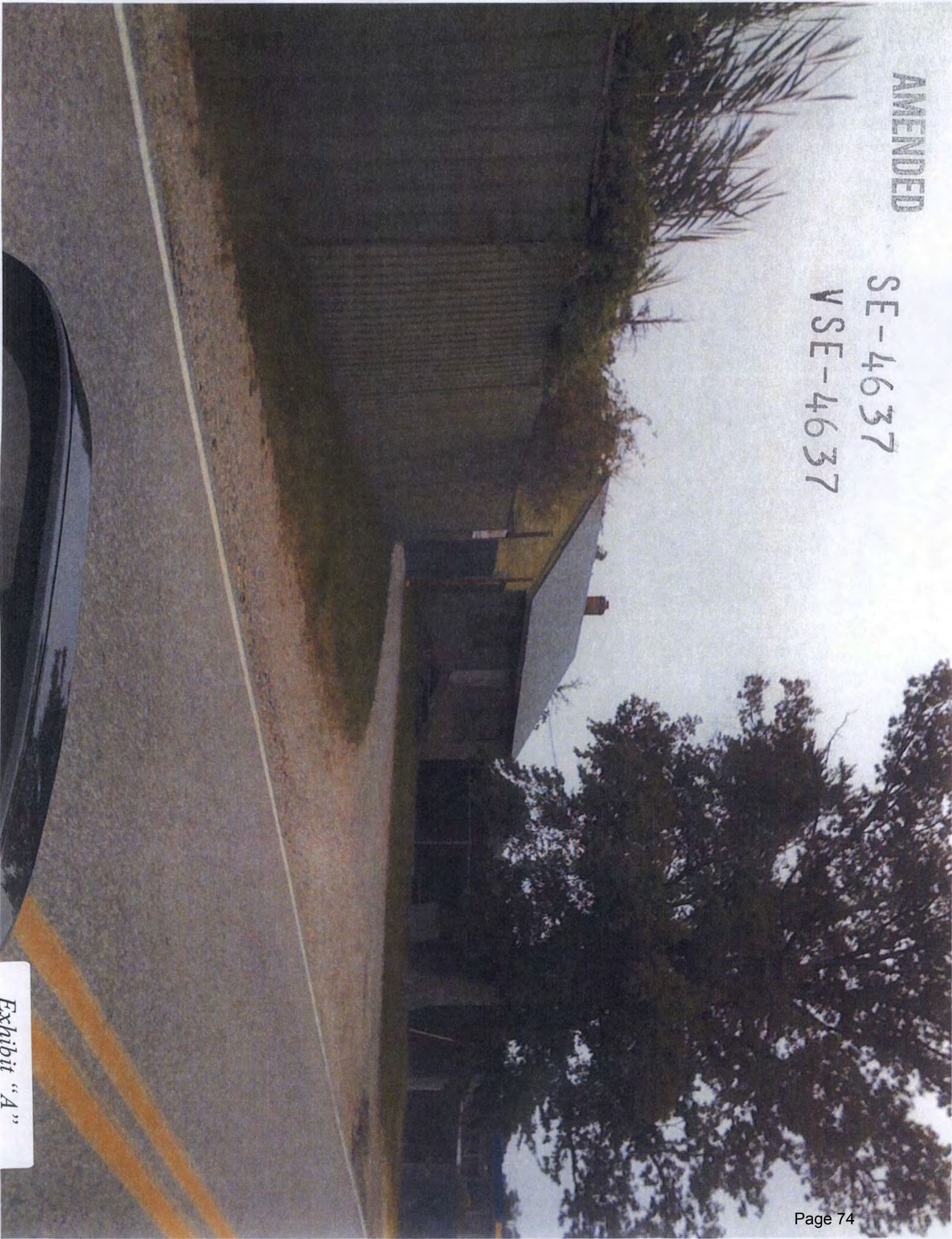


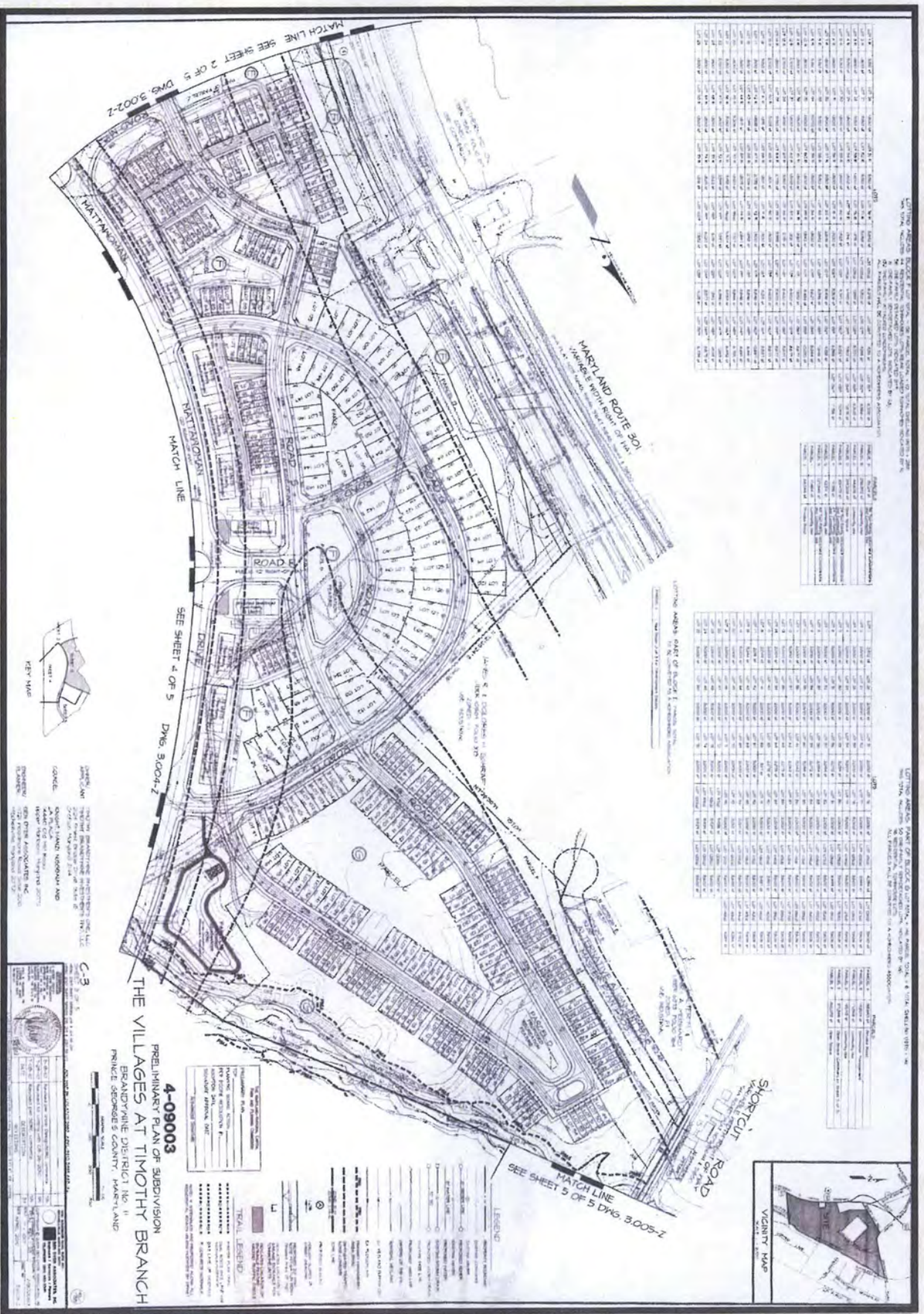
Exhibit "A"



# PRELIMINARY PLAN

| NO. | DESCRIPTION | AREA | PERCENTAGE | REMARKS |
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| NO. | DESCRIPTION | AREA | PERCENTAGE | REMARKS |
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**4-09003**  
 PRELIMINARY PLAN OF SUBDIVISION  
 THE VILLAGES AT TIMOTHY BRANCH  
 BRANDYwine DISTRICT NO. 11  
 PRINCE GEORGE'S COUNTY, MARYLAND

**LEGEND**

|     |                       |
|-----|-----------------------|
| --- | Proposed Road         |
| --- | Proposed Drive        |
| --- | Proposed Alley        |
| --- | Proposed Easement     |
| --- | Proposed Right-of-Way |
| --- | Proposed Utility      |
| --- | Proposed Fencing      |
| --- | Proposed Landscaping  |
| --- | Proposed Other        |

**NOTES**

1. THIS PLAN IS SUBJECT TO THE APPROVAL OF THE PRINCE GEORGE'S COUNTY BOARD OF PUBLIC WORKS AND THE MARYLAND DEPARTMENT OF TRANSPORTATION.
2. THE PROPOSED SUBDIVISION IS SUBJECT TO THE APPROVAL OF THE PRINCE GEORGE'S COUNTY BOARD OF PUBLIC WORKS AND THE MARYLAND DEPARTMENT OF TRANSPORTATION.
3. THE PROPOSED SUBDIVISION IS SUBJECT TO THE APPROVAL OF THE PRINCE GEORGE'S COUNTY BOARD OF PUBLIC WORKS AND THE MARYLAND DEPARTMENT OF TRANSPORTATION.



AMENDED  
 SE-4637  
 VSE-4637

ITEM  
 5  
 4-09003  
 Exhibit "B"



SE-4637  
VSE-4637

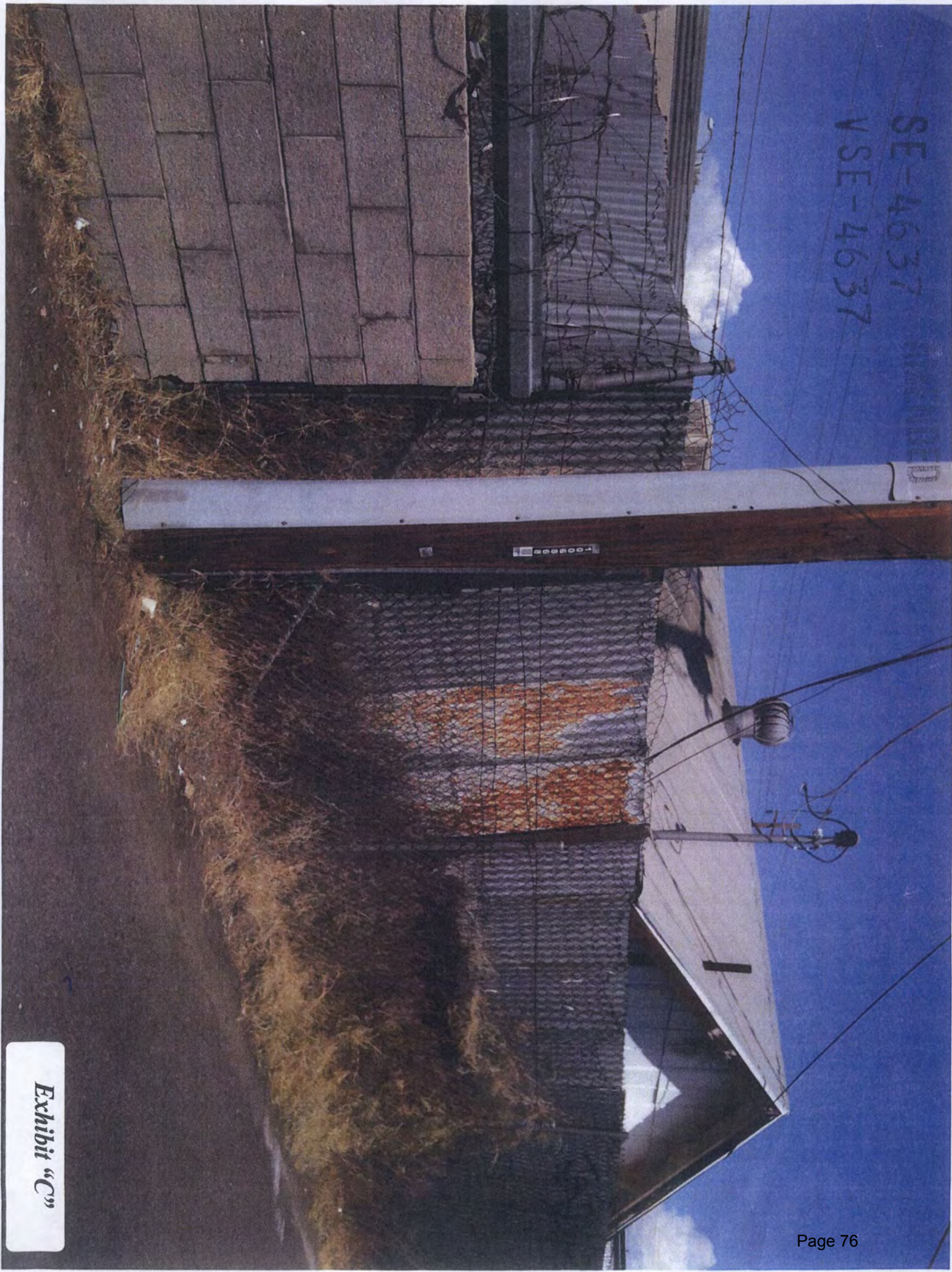


Exhibit "C"





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
 14741 Governor Oden Bowie Drive  
 Upper Marlboro, Maryland 20772

DATE: April 22, 2013  
 TO: Fern V. Piret, Planning Director  
 FROM: Jill Kosack, Alternative Compliance Committee  
 PROJECT NAME: Ransom Motors, Parcels 84, 110, and 146  
 PROJECT NUMBER: Alternative Compliance AC-13005  
 COMPANION CASE: Special Exception SE-4637

**ALTERNATIVE COMPLIANCE COMMITTEE REVIEW**

Recommendation:  Approval  Denial

Justification: SEE ATTACHED

Jill Kosack

*Jill Kosack*  
 Reviewer's Signature

**PLANNING DIRECTOR'S REVIEW**

Final Decision  Approval  Denial  
 Recommendation  Approval  Denial

To Planning Board  
 To District Council  
 To Zoning Hearing Examiner

Planning Director's Signature *Fern Piret*

**APPEAL OF PLANNING DIRECTOR'S DECISION**

Appeal Filed:

Planning Board Hearing Date:

Planning Board Decision:  Approval  Denial

Resolution Number:



Alternative Compliance: AC-13005  
Name of Project: Ransom Motors, Parcels 84, 110, and 146  
Underlying Case: Special Exception SE-4637  
Date: April 22, 2013

Alternative Compliance is requested from the requirements of the 2010 *Prince George's County Landscape Manual* for Section 4.7, Buffering Incompatible Uses, along the eastern property line.

**Location:**

The subject site is located at 7903 Short Cut Road, in Brandywine, Maryland, within the Developing Tier.

**Background:**

The subject site is zoned Light Industrial (I-1), consists of Parcels 84, 110, and 146, and totals approximately 4.86 acres. The applicant has submitted an application for a Special Exception, SE-4637, to store and remove parts from damaged vehicles, specifically to operate a vehicle salvage yard, on the subject property. The site is improved with two structures, a 4,217-square-foot, one-story, frame storage building in the southwest corner and a 744-square-foot, one-story, concrete-block storage building in the central northern portion of the site.

The subject property is located on the south side of Short Cut Road, approximately 136 feet east of its intersection with Branch Avenue/Robert Crain Highway (MD 5/US 301). It is bounded to the north by Short Cut Road, with Brandywine Auto Sales beyond; to the south by land in the I-1 Zone under common ownership and in use as Ransom Motors, a nonconforming vehicle salvage yard; to the west by a Sunoco gas station and undeveloped land in the I-1 Zone; and to the east by land in the R-M (Residential Medium Development) Zone, which is to be developed residentially as part of approved Comprehensive Design Plan CDP-0902, the Villages at Timothy Branch.

The site is subject to Sections 4.2, Requirements for Landscaped Strips along Streets; 4.3, Parking Lot Requirements; 4.4, Screening Requirements; 4.7, Buffering Incompatible Uses; and 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because there is a change of use from a lower to a higher-intensity use category. The applicant has filed this request for Alternative Compliance from Section 4.7, Buffering Incompatible Uses, for a reduction in the width of the required bufferyard and building setback.

REQUIRED: 4.7 Buffering Incompatible Uses, along the eastern property line, adjacent to vacant, residentially-zoned Parcel 19.

|                                |          |
|--------------------------------|----------|
| Length of bufferyard           | 742 feet |
| Minimum building setback       | 50 feet  |
| Landscape yard                 | 40 feet  |
| Fence or wall                  | Yes      |
| Plant Units (160 per 100 l.f.) | 594*     |

\*50 percent reduction in plant material requirement given due to the provision of a privacy fence



PROVIDED: 4.7 Buffering Incompatible Uses, along the eastern property line, adjacent to vacant, residentially-zoned Parcel 19.

|                          |                  |
|--------------------------|------------------|
| Length of bufferyard     | 742 feet         |
| Minimum building setback | 20 feet*         |
| Landscape yard           | 20 feet          |
| Fence or wall            | Yes, 8-foot-high |
| Plant units              | 595              |

*\*Setback to eight-foot-high fence, which must adhere to building setbacks per Section 27-465.*

**Justification of Recommendation:**

The underlying special exception application proposes the conversion of Parcels 84, 110, and 146 into a vehicle salvage yard, with no new improvements except for some fencing and construction of a designated parking area. 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 eastern property boundary adjacent to a vacant R-M-zoned property, Parcel 19, within the Developing Tier. The applicant is asking for relief due to the fact that the additional requirements for approval of a special exception vehicle salvage yard, in Section 27-417.03(a) of the Zoning Ordinance, include very definite requirements for screening. It specifies that the use be enclosed by an at least eight-foot-high, solid, slightly, light-tight wall or fence, not constructed of corrugated metal, fiber glass, or sheet metal. The applicant then goes on to explain that adjacent Parcel 19 is part of the Villages of Timothy Branch, Preliminary Plan of Subdivision 4-09003, which was approved showing a 35-foot-wide outlot and a Type "D" 40-foot-wide landscaped bufferyard along this common property line. The proposed outlot is intended to serve as half of a future industrial roadway right-of-way to serve the industrially-zoned parcels to the south of the subject site when Crain Highway (US 301) is upgraded to an access-controlled freeway and the properties lose the ability to access it. The applicant argues that not only is the full bufferyard and setback proposed to be provided on the adjacent property, but additionally, if this area is eventually utilized as a roadway, no Section 4.7 bufferyard would be required.

As an alternative, the applicant states that there is currently an existing eight-foot-high metal panel wall along the eastern property line, which meets the special exception requirements, except for it being made of metal. The applicant proposes to move this wall 20 feet to the west, providing a 20-foot-wide building setback and landscaped yard, with 595 plant units, which is one more than what is required, accounting for the allowed 50 percent fence reduction.

Given the provision of the full required amount of plants, compliance with the specific screening requirements for the special exception use, and the approved plans for the adjacent vacant, residentially-zoned property, 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.



**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 eastern property line for Ransom Motors, Parcels 84, 110, and 146 subject to the following condition:

1. Prior to certification of the special exception, the following revision shall be made:
  - a. Revise the Section 4.7 schedule, along Parcel 19, to list the required Type "D" bufferyard, with a minimum required 50-foot building setback, a minimum required 40-foot landscaped yard, and a minimum provided building setback and landscaped yard of 20 feet.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

October 22, 2012

MEMORANDUM

TO: Taslima Alam, Senior Planner, Zoning Review Section

VIA: Ruth Grover, Planner Coordinator, Urban Design Section

FROM: Jill Kosack, Senior Planner, Urban Design Section *JK*

SUBJECT: Ransom Motors II Vehicle Salvage - Special Exception SE-4637 and Variance VSE-4637

The Urban Design Section originally reviewed Special Exception SE-4637 and Variance VSE-4637, which request approval to operate a vehicle salvage yard in the I-1 Zone, in February 2012. Revised information and plans were submitted by the applicant in September 2012 and reviewed by the Urban Design Section. None of the previous referral comments were addressed in the new submission; however, it raised several new issues as discussed below. This referral supplements and amends, but does not replace, the previous referral dated February 22, 2012.

ZONING ORDINANCE

Section 27-474 (a) of the Zoning Ordinance establishes the regulations of development for the I-1 Zone, including building setbacks, which also apply to fences and walls greater than six feet in height. Therefore, the applicant has requested variances to the required setbacks along the eastern, western and northern property lines.

**Eastern Property Line:** Adjacent property is zoned R-M, therefore, a side yard setback of 20 feet is required per the Zoning Ordinance. A variance of 50 feet is requested for the existing eight-foot-high steel screen wall.

✓ **Comment:** The submitted variance request of 50 feet is incorrect, because this distance derives from the requirements of Section 4.7 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), and the relief from that requirement is through the Alternative Compliance (AC) process. The variance relief process applies only to the Zoning Ordinance setback requirement, which is 20 feet.

LANDSCAPE MANUAL

Section 4.3 - Parking Lot Requirements



**Comment:** The project is subject to the requirements of Section 4.3 of the Landscape Manual, Parking Lot Requirements because it proposes to construct a new parking lot area that is more than 7,000 square feet. The appropriate schedule showing the requirements being met has been provided on the plan, except it incorrectly states that a curb or wheelstop is provided for all parking spaces abutting a planting area, which is not the case along the southern row of parking spaces.

## URBAN DESIGN RECOMMENDATIONS

The recommendations from the February 22, 2012 referral are revised to read as follows:

1. The site plan should be revised to provide the following:
  - ✓ a. Show the existing steel screen wall running along the entire southwest property line behind the existing frame building.
  - b. Add a note that all trash shall be removed from the northern side of the existing concrete block building.
  - c. If a variance is approved to allow the existing steel panel screen wall to remain, the SE should require that the screen wall be repaired and maintained, in perpetuity. This could be more easily accomplished if wheelstops, or a curb, were required to be placed to protect the wall along all areas where it abuts the vehicle salvage use.
  - ✓ d. Provide industry standard landscape specifications on the SE for planting site preparation and planting procedures.
  - ✓ e. Revise the landscape plan and Section 4.7 schedule for that area along the adjacent Parcel 19 to reflect the required Type "D" bufferyard, with a minimum 50-foot building setback and a minimum 40-foot landscaped yard. If this requirement cannot be met, the applicant will have to obtain approval of an Alternative Compliance or a departure.
  - ✓ f. Revise the SE to show the existing steel screen wall as being relocated to the interior, or western, side of the Section 4.7 bufferyard being provided along the eastern property line.
  - ✓ g. For the Section 4.7 bufferyard along Parcel 19, the provided plants should be changed to a mix of at least three different native species of shade trees, with very few ornamental or evergreen trees.
  - ? h. Revise the landscape plan to locate all proposed trees and shrubs within landscaped yards, strips or islands, with a sufficient planting area for each tree that is protected from the intrusion of vehicles, including salvage yard vehicles, through the use of wheelstops, curbs and/or fences.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

February 22, 2012

**MEMORANDUM**

TO: Taslima Alam, Senior Planner, Zoning Review Section

VIA: Ruth Grover, Planner Coordinator, Urban Design Section

FROM: Jill Kosack, Senior Planner, Urban Design Section *JK*

SUBJECT: Ransom Motors II Vehicle Salvage - Special Exception SE-4637 and Variance VSE-4637

The Urban Design Section has reviewed the information provided in support of the Special Exception SE-4637 and Variance VSE-4637 that request approval to operate a vehicle salvage yard in the I-1 Zone. VSE-4637 requests five variances to various sections of the Zoning Ordinance that will be discussed separately below.

The subject property is located on the south side of Short Cut Road, approximately 136 feet east of its intersection with MD Route 5/301, specifically at 7903 Short Cut Road, Brandywine, Maryland. It is bounded to the north by Short Cut Road, with Brandywine Auto Sales beyond; to the south by land in the I-1 Zone under common ownership and in use as Ransom Motors, a non-conforming vehicle salvage yard; to the west by a Sunoco gas station and undeveloped land in the I-1 Zone; and on the east by land in the R-M Zone, which is to be developed residentially as part of the approved CDP-0902, the Villages at Timothy Branch.

The subject site is zoned Light Industrial (I-1), consists of Parcels 84, 110 and 146, and totals approximately 4.86 acres. The site is largely cleared and is used for storing vehicles and as an access to Short Cut Road for the adjacent Ransom Motors property. The applicant now requests a required SE approval to store and remove parts from damaged vehicles on the subject property. The site is also improved with two structures, a 4,217-square-foot, one-story, frame storage building in the southwest corner and a 744-square-foot, one-story, concrete block storage building in the central northern portion of the site.

**ZONING ORDINANCE**

Section 27-417.03 (a) of the Zoning Ordinance includes the following urban design-related required findings for the subject special exception:



- (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;**

**Comment:** The subject site is enclosed by an existing eight-foot-high, solid, green, steel, screen wall, except along the southern property line adjacent to the common ownership non-conforming vehicle salvage yard, where there is a six-foot-high chain link fence with a gate. However, the submitted plan is not clear that the steel screen wall is located along the entire southwest property line of the site, specifically behind the existing frame building. Therefore, the plan should be revised to clarify the precise location of the steel screen wall.

*Is the screen wall*

As for the existing wall, it is solid and light-tight per the requirements and, while it is not optimally attractive, it is not unsightly, as long as it is maintained and repaired as necessary along all property lines. Regarding the southern property line, the applicant has requested a variance for not providing a solid, light-tight fence along this edge. This is not an unreasonable request since the adjacent property is the same use and is under the same ownership, so such a strict screening requirement might be excessive.

- (2) **The fence shall not be constructed of corrugated metal or fiber glass, or sheet metal;**

**Comment:** As discussed above, the submitted site plan does not meet this requirement since the existing screen wall is made of steel panels, which are a sheet metal, and not allowed. The applicant has requested a variance from this requirement to allow continued use of the existing fence, which is substantial and effective. Urban Design staff recognizes that the existing screen wall is substantial and effective and moderately attractive, as long as the applicant can maintain and repair the wall as necessary. The current wall is more likely than other types to rust, develop paint chips, or have individual panels become dented or fall down, which would be unattractive and/or result in a lack of screening if not repaired in a timely fashion. Therefore, if a variance is approved to this requirement, a condition should be put in place that the screen wall be repaired and maintained regularly, in perpetuity. This could be partially accomplished if wheelstops or a curb were required to be placed along all areas where the vehicle salvage use abuts the wall, to protect the wall from possible damage from vehicles on-site.

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

**Comment:** Since the subject site is enclosed by the existing eight-foot-high steel screen wall and the terrain is relatively flat, outdoor storage would not be visible from ground level beyond the fence, except along the southern property line where the fence is chain link.

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

**Comment:** The applicant submits that this requirement is being met as both existing buildings on-site are fireproof.

Section 27-474 (a) of the Zoning Ordinance establishes the regulations of development for the I-1 Zone, including building setbacks, which also apply to fences and walls over six feet high. Therefore, the



applicant has requested variances to the required setbacks along the eastern, western and northern property lines.

**Eastern Property Line:** Adjacent property is zoned R-M, therefore, a side yard setback of 20 feet is required per the Zoning Ordinance. A variance of 20 feet is requested for the existing eight-foot-high steel screen wall.

**Comment:** The submitted variance request of 20 feet is incorrect, because the requirement for the side yard setback more correctly derives from Section 4.7 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), which has a greater building setback requirement of 50 feet. See discussion below within the Landscape Manual section regarding this requirement.

**Western Property Line:** Adjacent property is zoned I-1, therefore, a side yard setback of 30 feet is required per the Zoning Ordinance. A variance of 30 feet is requested for the existing eight-foot-high steel screen wall and the existing 13-foot-high frame building.

**Comment:** The applicant is correct in the degree of the requested variance. This property line abuts an existing gas station and some wooded area which do not necessarily elicit special consideration for screening. However, having an eight-foot-high metal wall immediately adjacent to this property line, which can be seen from US 301 at some points, with no intervening landscaping, does not create a friendly, attractive view of the property.

**Northern Property Line:** Adjacent to Short Cut Road, a setback of 25 feet is required from the ultimate right-of-way, per the Zoning Ordinance. A variance of 15 feet is requested for the relocated existing eight-foot-high steel screen wall.

**Comment:** The submitted site plan shows the ultimate right-of-way line for Short Cut Road and indicates that the existing steel screen wall is to be relocated 10 feet outside, to the south, of this to accommodate the required landscape strip, which leaves a variance request of 15 feet. While locating the eight-foot-high metal screen wall close to the ultimate right-of-way creates an unfriendly view of the property, the proposed landscaping will help to soften this effect and make the overall look more attractive.

## ARCHITECTURAL REVIEW

No new buildings are proposed on-site with this special exception; therefore no architecture was reviewed.

## LANDSCAPE MANUAL

The application for a new vehicle salvage yard involves a change of use from a lower- to a higher-intensity use category as defined in Section 4.7 of the Landscape Manual and is subject to the requirements of the Landscape Manual. Given the current use and condition of the property, Urban Design staff would recommend that the soil in any areas to be used for proposed plantings be prepared in accordance with industry standard landscape specifications.



#### **Section 4.2 - Requirements for Landscaped Strips along Streets**

**Comment:** The proposal is subject to Section 4.2, Commercial and Industrial Landscaped Strip Requirements, along the frontage of Short Cut Road to the north. The submitted site plan provides the appropriate schedules and plant materials to meet these requirements, including moving the existing eight-foot-high, steel, screen wall to the south side of the proposed landscape strip, which will create a more aesthetic view from Short Cut Road. Additionally though, the existing concrete block building in the northern portion of the site sits along Short Cut Road, behind the proposed landscape strip, and, based on photographs, appears to have some trash and debris in the front yard. This should be removed to improve the appearance of this commercial site from the road.

#### **Section 4.3 - Parking Lot Requirements**

**Comment:** The project is not subject to the requirements of Section 4.3 of the Landscape Manual, Parking Lot Requirements because it proposes to construct a new parking lot area that is less than 7,000 square feet.

#### **Section 4.4 - Screening Requirements**

**Comment:** Vehicle-related uses are required to be screened from land in any residential zone, which is provided for the subject property by the existing eight-foot-high, steel, screen wall that surrounds the majority of the property.

#### **Section 4.7 - Buffering Incompatible Uses**

**Comment:** The site is subject to the requirements of Section 4.7 as a high-intensity use, although buffering is only required against the adjacent R-M zoned, vacant Parcel 19, as all other adjacent properties are also high-intensity uses, as defined in the Landscape Manual, and deemed compatible. The appropriate schedules are provided on the plan; however, the schedule for the property line along the adjacent Parcel 19 is incorrect. It labels the required bufferyard as a Type "B" with a 30-foot building setback and a 20-foot landscaped yard; however, a high-intensity use adjacent to any type of residential development requires a Type "D" bufferyard, which requires a 50-foot building setback and a 40-foot landscaped yard. Additionally, per Section 4.7(c)(5)(B), for nonresidential uses adjacent to vacant residentially-zoned property in the Developing Tier, no reduction in the bufferyard width is allowed. Despite the width discrepancy, the plant unit requirement in the schedule has been calculated correctly, including the allowed fifty percent reduction for the existing eight-foot-high steel screen wall, and the correct number of plants has been provided on the plan. Therefore, Urban Design staff would recommend a revision to the schedule and the plan for the required and provided building setback and landscaped yard widths.

The Urban Design staff is concerned about the location of this required landscaped yard adjacent to Parcel 19, in that no physical separation is provided between the vehicle storage areas on-site and the landscaped yard and because parking vehicles too close to the proposed trees could threaten their viability by compacting the soil or damaging the trunks and roots. Additionally, if the eight-foot-high steel screen wall, which is required for the use, remains where it is on the far side of the required 40-foot-wide landscaped yard, it is likely to fall into disrepair, as it will not be visible or easily accessible from the remainder of the property. Staff would recommend that the existing screen wall be moved



to the interior, west side, of the proposed landscaped yard to both provide a physical separation between the use and the landscaping and to enable closer attention to the maintenance of the screen wall. If the wall is relocated, a variance of 10 feet would still be required for the building setback along the eastern property line as the fence would not be setback the 50 feet required for the Type "D" bufferyard. This reduced request would be more acceptable, from an Urban Design point of view, given that 40 feet of landscaping would be located between the fence and the property line, providing a more attractive, durable screening for the future residential uses on the adjacent property. However, since this landscaping area will be located on the outside of the fence and will probably get little maintenance, Urban Design staff would recommend that the provided plant types be changed to a mix of at least three different native species of shade trees, with very few ornamental or evergreen trees, so as to allow for an almost natural reforestation scenario, which will serve as a better long-term screen for the future residential uses.

#### **Section 4.9 - Sustainable Landscaping Requirements**

**Comment:** The site is subject to the requirements of Section 4.9 and the appropriate schedule showing the requirements being met has been provided on the plan.

#### **TREE CANOPY COVERAGE**

The application to use the property as a vehicle salvage yard will require a permit that proposes 1,500 square feet or greater disturbance and, therefore, is subject to the requirements of the Tree Canopy Coverage Ordinance (TCC). The special exception area of 4.86 acres is zoned I-1 and is required to provide 10 percent tree canopy coverage, or 21,170 square feet. A tree canopy coverage worksheet has been provided on the landscape plan specifying that this requirement is being met through the proposed tree plantings on-site. However, multiple proposed trees that are used in the TCC calculation are to be located scattered throughout the property in the middle of proposed vehicle storage areas. Urban Design staff is concerned about the long-term viability of these plants if the applicant will be parking vehicles adjacent to them, which could compact the soil or damage the trunks and roots. Therefore, Urban Design staff would recommend that these proposed trees either be located within a landscaped yard area or placed in curbed islands, with a sufficient planting area for each tree.

#### **URBAN DESIGN RECOMMENDATIONS**

Based on the above analyses, the Urban Design Section recommends that:

1. The site plan should be revised to provide the following:
  - a. Revise the plan to show the existing steel screen wall running along the entire southwest property line behind the existing frame building.
  - b. Add a note that all trash shall be removed from the northern side of the existing concrete block building.
  - c. If a variance is approved to allow the existing steel panel screen wall to remain, the SE should require that the screen wall be repaired and maintained, in perpetuity. This could



be more easily accomplished if wheelstops, or a curb, were required to be placed to protect the wall along all areas where it abuts the vehicle salvage use.

- d. Provide industry standard landscape specifications on the SE for planting site preparation and planting procedures.
- e. Revise the landscape plan and Section 4.7 schedule for that area along the adjacent Parcel 19 to reflect the required Type "D" bufferyard, with a minimum 50-foot building setback and a minimum 40-foot landscaped yard.
- f. Revise the SE to show the existing steel screen wall as being relocated to the interior, or western, side of the 40-foot-wide Section 4.7 bufferyard to be provided along the eastern property line.
- g. For the Section 4.7 bufferyard along Parcel 19, the provided plants shall be changed to a mix of at least three different native species of shade trees, with very few ornamental or evergreen trees.
- h. Revise the landscape plan to locate all proposed trees and shrubs within landscaped yards, strips or curbed islands with a sufficient planting area for each tree.





# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

Countywide Planning Division  
Environmental Planning Section  
301-952-3650

May 20, 2013

## MEMORANDUM

**TO:** Taslima Alam, Planner Coordinator, Zoning Section

**VIA:** Katina Shoulars, Supervisor, Environmental Planning Section

**FROM:** Kim Finch, Planner Coordinator, Environmental Planning Section

**SUBJECT:** SE-4637 and VSE-4637 Ransom Motors II Vehicle Salvage

The Environmental Planning Section has reviewed the above referenced Special Exception Plan and Variance Request for Ransom Motors II Vehicle Salvage, stamped as received by the Environmental Planning Section on September 13, 2012. The Environmental Planning Section provides the following information and comments for your consideration.

### Background

This site was reviewed and issued a Numbered Letter of Exemption (E-009-10-01) by the Environmental Planning Section on February 26, 2010 for continuation of the current use as a vehicle storage yard. The use did not propose the clearing of any existing woodland and the exemption was for this purpose only. A Natural Resource Inventory Equivalency Letter (NRI-057-12) was issued for the site on January 13, 2012.

The current application is a special exception and variance request to operate a vehicle salvage yard on a 4.86 acre property in the I-1 zone.

### Site Description

This 4.86 - acre site consists of two parcels, Parcel 110 and 146, located on the south side of Short Cut Road, east of US 301 and west of Brandywine Road. The property is in the I-1 zone and is located just to the north of the Brandywine Community Center edge. The 2011 aerial photography indicates that the site contains existing woodland. The site does not contain any streams, wetlands or 100-year floodplain. The site is located in the Mattawoman Creek watershed in the Potomac River Basin. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. US 301 is an adjacent source of traffic-generated noise. The proposal is not expected to be a noise generator. According to the Prince George's County Soil Survey the principal soils on the site are in the Beltsville and Croom series. No areas of Marlboro clay or Christiana soils have been identified on this site. The



site is in the Developing Tier according to the General Plan. The site does not contain any Regulated Areas, Evaluation Areas or Network Gaps within the network of the Countywide Green Infrastructure Plan.

### Environmental Review

1. Effective September 1, 2010, a Natural Resource Inventory is required for the submission of special exception applications. A Natural Resources Inventory Equivalency Letter, NRI-057-12, was submitted with the application. The site does contain any regulated environmental features. The elements of the signed NRI are correctly reflected on the Detailed Site Plan.

**Comment:** No further information regarding the Natural Resource Inventory is required at this time.

2. A Numbered Letter of Exemption E-009-00 was previously issued for an overall site consisting of Parcel 83, 84, 110 & 146, Tax Map 145, totaling 6.58 acres, on February 18, 2000, and was reissued on February 26, 2010, and expired on February 26, 2012.

The limits of the special exception are limited to Parcels 84, 110 and 146, Tax Map 145 with a total site area of 4.86 acres. This reduced site area is exemption from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because while the site is over 40,000 in area, it contains less than 10,000 square feet of woodlands as determined from the review of 2011 aerial photography, and can be issued a Standard Letter of Exemption.

Section 25-119(b)(5)(A) of the Woodland and Wildlife Conservation Ordinance indicates that a Numbered Letter of Exemption shall not be issued for properties that are required to submit applications as part of the land development process for the activity processed. Sites requiring a development application that are not eligible for a standard letter of exemption must submit a Type 2 tree conservation plan.

The current site configuration was issued a standard letter of exemption, S-090-13, on May 20, 2013 consistent with the review of the site at time of Natural Resource Inventory, NRI-057-12.

**Comment:** No further comments are provided with regard to woodland conservation.

3. According to the Prince George's County Soil Survey the principal soils on the site are in the Beltsville and Croom series. Beltsville soils are highly erodible and may have areas with perched water tables and impeded drainage. Croom soils are only problematic when associated with extensive areas of steep slopes. Because the site is relatively flat, these soils do not pose any specific problems for use or development.

**Discussion:** This information is provided for the applicant's benefit.

4. An approved Stormwater Management Concept letter and plan (50400-2006-00) were submitted with the subject application. The concept approval number is correctly noted on the Special Exception Plan.

**Comment:** No further action regarding stormwater management is required as it relates to the review of the current application.



5. Sec. 27-317 of the Zoning Code states that a Special Exception may be approved subject to specific findings being made, which include the following:

- (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).**

Section 3 of CB-28-2010 provides that a development project for which all required development applications have been approved by the Planning Board, Zoning Hearing Examiner, or District Council, and appeal periods have not expired as of September 1, 2010, is grandfathered; or a development project that has an approved preliminary plan of subdivision, but has not completed subsequent processes such as final plat or site plan as of September 1, 2010, is grandfathered for that portion of the project covered by the preliminary plan.

Section 3 of CB-34-2011 provides that a development project for which all required development applications have been approved by the Planning Board, Zoning Hearing Examiner, or District Council, notwithstanding any appeal period, is grandfathered regarding the provisions of CB-28-2010 that became effective on September 1, 2010, or any subsequent revisions in conformance with the grandfathered approval; or a development project that has an approved preliminary plan of subdivision, notwithstanding any further development review requirements including record plats is grandfathered regarding the provisions of CB-28-2010 that became effective on September 1, 2010, or any subsequent revisions in conformance with the grandfathered approval for that portion of the project covered by the preliminary plan.

**Comment:** The current application is not grandfathered from this required finding because no previous development application has been approved for the subject property. But because there are no regulated environmental features located on the property, a finding that the site plan demonstrates the preservation and/or restoration of the regulated environmental features to the fullest extent possible is moot.

## SUMMARY

The Environmental Planning Section recommends approval of Special Exception SE-4637 subject to no conditions.

If you have any questions concerning these comments, please contact me at 301-952-3506 or by e-mail at [kim.finch@ppd.mncppc.org](mailto:kim.finch@ppd.mncppc.org).

KIF: kif

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LETTER OF EXEMPTION  
STANDARD EXEMPTION FOR THE SITE  
PRINCE GEORGE'S COUNTY WOODLAND CONSERVATION ORDINANCE

|   |   |
|---|---|
| Property Identification: 218SE07<br>Vehicle Salvage Yard<br>Parcels 84, 110 & 146, Tax Map 145-A4<br>7901 & 7903 Short Cut Road<br>Brandywine, MD 20613 | Receipt #: <b>waived per NRI-057-12</b> |
|   | Date Issued: <b>May 20, 2013</b>        |
|   | Expiration Date: <b>May 20, 2015</b>    |

TO: Henry A. & Walter M. Meinhardt  
14145 Brandywine Road  
Brandywine, MD 20613

VIA: Kim I. Finch, Planner Coordinator, Environmental Planning Section *KIF*

FROM: Ernest J. Fields Jr., Senior Planning Technician, Environmental Planning Section *EF*

Your request for a standard letter of exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) is hereby **approved**. The property is identified as 7901 & 7903 Short Cut Road, Brandywine, Maryland. The property is further identified as Parcels 84, 110 & 146. The property is zoned I-1 and totals 4.86 acres. There are no previously approved tree conservation plans (TCPs) associated with this property.

This Letter of Exemption is issued because the property contains less than 10,000 square feet of woodland on-site, and has no previous TCP approvals. The information was obtained from a 2011 aerial photography, and the PGAtlas.com environmental layer. Also used in the determination of the site's woodland status was a Site Plan prepared by W.L. Meekins, Inc, dated July 3, 2008. The proposed development activity is a special exception for a vehicle salvage yard. This Letter of Exemption is issued solely for that purpose.

**A copy of this letter must be submitted at time of development activity or permit application.**


EF:acs



September 25, 2012

**MEMORANDUM**

TO: Taslima Alam, Senior Planner, Zoning Section

FROM: Michelle Hughes, Permit Review Section, Development Review Division 

SUBJECT: Referral Comments for Ransom Motors II Vehicle Salvage (SE-4637 & VSE-4637)

1. The eight parking spaces adjacent to Short Cut Road do not appear to scale 9.5ft x 19ft.
2. The width of the gate entering the parking lot must be demonstrated on the site plan.
3. The 4,217 square feet frame building requires 1 loading space demonstrated at 12ft x 45ft.
4. Any landscaped strip adjacent to a public right-of-way required pursuant to the provisions of the Landscape Manual shall not be considered part of the required green area.
5. Interior green calculations must be demonstrated on the site plan.
6. Label the area for interior green on the landscape plan.



January 13, 2011

MEMORANDUM

TO: Taslima Alam, Zoning Section  
VIA: Whitney Chellis, Subdivision Section *WC*  
FROM: Quynn Nguyen, Subdivision Section *QN*  
SUBJECT: Referral for Ransom Motors II Vehicle Salvage, SE-4637 & VSE-4637

The property is known as Parcels 84, 110 and 146, and located on Tax Map 145 in Grid A-4. The site is in the I-1 Zone and is 4.86 acres. The parcels are acreage parcels and have never been the subject of a record plat and are legal parcels. The site is improved with 4,961 square feet of warehouse buildings which is 2% of the total land area of the site. The applicant has submitted a special exception to permit the use of the site as a vehicle salvage yard and to validate the existing storage of damaged vehicles. No new buildings or additional gross floor area being proposed.

Pursuant to Section 24-107(c)(7)(B) of the Subdivision Regulations, the site is exempt from the requirement of filing a preliminary plan of subdivision because parcel were created by deed prior to January 1, 1982 and the total gross floor area of development does not exceed 5,000 square feet. There are no other subdivision issues at this time.





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

**Prince George's County Planning Department  
Countywide Planning Division**

**(301) 952-3680  
www.mncppc.org**

January 03, 2012

**MEMORANDUM**

TO: Taslima Alam, Senior Planner, Zoning Section, Development Review Division

VIA: Christine Osei, Planner Coordinator, Special Projects Section, Countywide  
Planning Division *CO*

FROM: Jay Mangalvedhe, Senior Planner, Special Projects Section, Countywide Planning  
Division *JM*

SUBJECT: SE-4637 & VSE-4637; Ransom Motors II Vehicle Salvage

Ransom Motors II Vehicle Salvage property is located south side of Short Cut Road approximately 138 feet east of intersection with MD 5/301. Special Projects Section, Countywide Planning Division has reviewed the proposed Special Exception and Variance to a Special Exception application for Public Facility adequacy. The request for special exception vehicle salvage yard in the I-1 zone will have no impact on existing public facilities.

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December 23, 2011

Issues Comments for Referral **Request** for SE-4637 Ransom Motors II Vehicle Salvage.

The Historic Preservation Section review of SE-4637; Ransom Motors II Vehicle Salvage located at 7901 & 7903 Short Cut Road (Parcels 84, 110, and 140) found the proposed Special Exception for a vehicle salvage yard will have no effect on identified Historic Sites, Resources, or Districts.

Cecelia Garcia Moore  
Principal Planning Technician  
Historic Preservation Section  
301-952-3756





Prince George's County Planning Department  
Community Planning South Division

301-952-3972  
www.mncppc.org

May 20, 2013

MEMORANDUM

TO: Taslima Alam, Zoning Section, Development Review Division  
VIA: Cynthia Fenton, Acting Supervisor, Community Planning Division *af*  
FROM: Wendy Irminger, Planner Coordinator, Community Planning Division *WJ*  
SUBJECT: SE-4637 and VSE-4637 (Ransom Motors)

This application was originally evaluated in a referral dated February 10, 2012 (Irminger to Alam) pursuant to the land use recommendations in the 2009 Subregion 5 Master Plan and Sectional Map Amendment (SMA). A court order was issued by the Circuit Court for Prince George's County, Maryland on October 26, 2012 that voided the District Council's approval of this master plan and SMA. Therefore, the land use policies and recommendations of the 1993 Approved Master Plan for Subregion V should be used for review purposes. It is anticipated that the new master plan and SMA will be approved in fall, 2013.

**DETERMINATIONS**

- Screening and landscaping along the property line abutting future residential development is critical to ensuring the highest degree of land use compatibility.
- The site plan should indicate a transit right-of-way alignment.

**BACKGROUND**

**Location:** South of Short Cut Road, east of US 301, south of the intersection of US 301 with Short Cut Road in Brandywine

**Size:** 4.86 acres

**Existing Uses:** A non-conforming vehicle storage yard

**Proposal:** A vehicle storage and salvage yard

**GENERAL PLAN, MASTER PLAN AND SMA**

**2002 General Plan:** The 2002 General Plan designates the subject property as a possible future Brandywine Community Center. A community center designation provides for residential densities and a mix of uses in areas where compact development is



recommended. The policy for Centers is to: "promote the development of mixed residential and nonresidential uses at moderate to high densities and intensities in context with surrounding neighborhoods and with a strong emphasis on transit-oriented design.

**Master Plan:** 1993 *Subregion V Approved Master Plan*

- Planning Area/  
Community: PA 85A / Brandywine
- Land Use: Employment/Light Industrial
- Environmental: See the Environmental Planning Section referral for comments based on the 2005 *Approved Countywide Green Infrastructure Plan*
- Historic Resources: None identified
- Transportation: See referral comments from Transportation Planning Section in regard to the following two items:
  - I-503 is a planned industrial road that is intended to connect industrial uses, including the subject property, to Short Cut Road and Mattawoman Drive or planned A-63.
  - The Maryland Transit Administration (MTA) preferred alignment for a future transit line between Charles County and the Branch Avenue Metro Station. (See also, comments under Planning Issues.)
- Public Facilities: A library and a middle school are identified on the Future Land Use Plan in the vicinity of this application. Public facilities are suitable components of a transit-oriented community.
- Parks & Trails: No parks or trails are identified at this location.
- Aviation: This application is located within the Joint Base Andrews (JBA) Interim Land Use Control Area. The property is within Imaginary Surface C, establishing a height limit of 500 feet above the runway surface. The property is outside of the 65 dBA and above noise contours, so noise attenuation is not required. The property is not in an Accident Potential Zone, so no control on use or density is required. These categories will not impact the proposed development.

**SMA/Zoning:** The subject property was retained in the I-1 Zone in the 1993 Approved Subregion V Master Plan and Sectional Map Amendment.

## PLANNING ISSUES

Compatibility between the requested industrial use with the adjacent residential development approved in Preliminary Plan of Subdivision 4-09003 for Villages at Timothy Branch is a near-term concern. Although it is anticipated that the planned industrial road (I-503) will be constructed between the future dwelling units in the Villages at Timothy Branch and the proposed vehicle salvage operation, the design

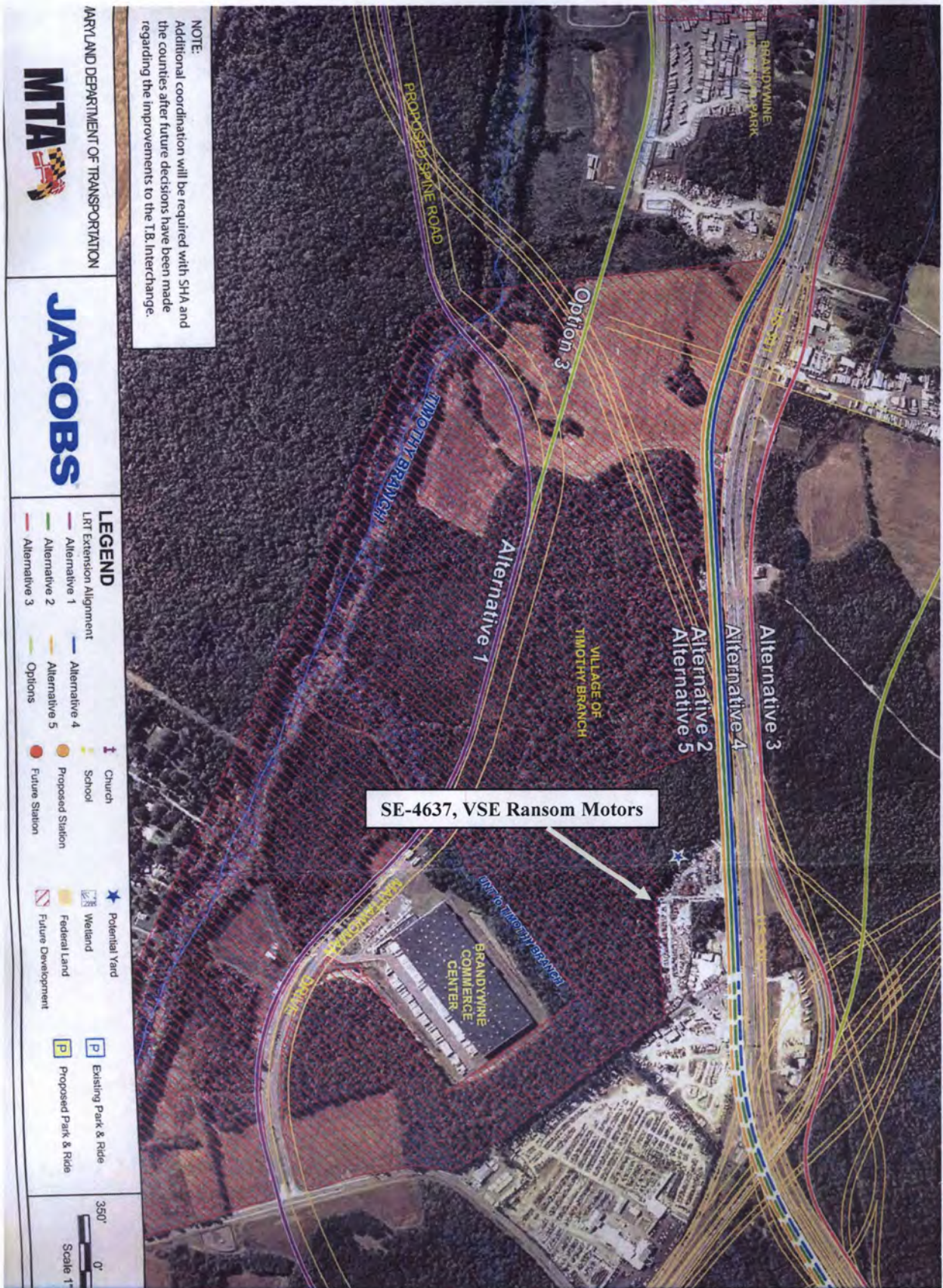


of the bufferyard area, (screening and landscaping) along the subject property line is critical to creating an adequate transition between the proposed industrial use and future residential development.

A Maryland Transit Administration (MTA) transit line is recommended along the MD 5/US 301 corridor, between La Plata (Charles County) and the Branch Avenue Metro Station. A transit station is identified approximately 3,500 feet (.66 mile) south of the subject property along with a potential transit maintenance yard abutting the subject property. The preferred alternative transit alignment should be shown on the site plan. Attached is a partial scan of the alignment alternatives relative to the subject property on page 3-6 of the MTA report. The preferred alternative alignment (#4,) is shown in blue. For additional information on this planned transit alignment, see the *Southern Maryland Transit Corridor Preservation Study*, Final Report, MTA, August 2010.

c: Ivy A. Lewis, Chief, Community Planning South Division  
Long-range Agenda









Rushern L. Baker, III  
County Executive

# PRINCE GEORGE'S COUNTY GOVERNMENT



Department of Public Works and Transportation  
Office of Engineering  
MEMORANDUM



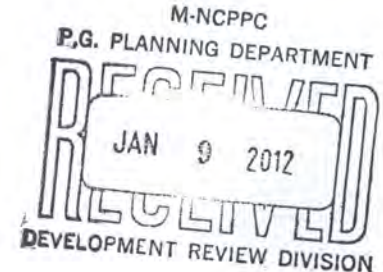
January 4, 2012

**TO:** Taslima Alam, Senior Planner  
Zoning Review Section, M-NCPPC

**FROM:** *for* Dawit Abraham, P.E., Associate Director  
Office of Engineering, DPW&T

**RE:** Ransom Motors II Vehicle Salvage  
Special Exception No. 4637  
Variance Special Exception No. 4637

**CR:** Short Cut Road, 4-5690



In response to the Special Exception No. 4637 and Variance Special Exception No. 4637 referrals, the Department of Public Works and Transportation (DPW&T) offers the following:

- The property is located in the south side of Short Cut Road, approximately 138 feet east of intersection with MD 5/301.
- All improvements within the public rights-of-way, as dedicated for public use to the County, are to be in accordance with the County's Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act.
- Full-width, 2-inch mill and overlay for all County roadway frontage is required.
- Any proposed and/or existing Master Plan roadways that lie within the property limits must be addressed through coordination between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and DPW&T and may involve rights-of-way reservation, dedication and/or construction in accordance with DPW&T's Specifications and Standards.
- *☆* The proposed salvage yard activities constitute a stormwater hotspot; an approved Stormwater Management Concept detailing the implementation of a stormwater pollution prevention plan is needed.
- All existing fencing is to be located outside the right-of-way.



Taslima Alam  
January 3, 2012  
Page 2

- DPW&T have no objection to the proposed special exemption.

If you have any questions or need additional information, please contact Mr. Mansukh Senjalia, P.E., District Engineer for the area, at (301) 883-5710.

DA:NF:ml

cc: Mansukh Senjalia, P.E., District Engineer, EISD, OE, DPW&T  
Nanji Formukong, Engineer, EISD, OE, DPW&T  
Brian Winterwerp, Engineering Technician, EISD, OE, DPW&T  
Meinhardt, Walter M. and Henry A., 14145 Brandywine Road,  
Brandywine, MD 20613  
Gibbs and Haller, 1300 Caraway Court, Suite 102,  
Upper Marlboro, Maryland 20774






**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

January 18, 2012

**MEMORANDUM**

TO: Taslima Alam, Zoning Section, Development Review Division  
FROM:  Tom Masog, Transportation Planning Section, Countywide Planning Division  
SUBJECT: SE-4637, Ransom Motors II Vehicle Salvage

The Transportation Planning Section has reviewed the special exception application referenced above. The subject property consists of 4.86 acres of land in the I-1 zone. The property is located on the southeast side of Short Cut Road, approximately 150 feet east of its intersection with US 301/MD 5. The site is currently utilized for the parking and storage of vehicles, and contains storage buildings totaling 4,961 square feet. The applicant seeks to bring the site into conformance for the use of the property as a vehicle salvage yard.

***Review Comments***

A special exception is required for the vehicle salvage yard use. The special exception is reviewed for compliance with general special exception requirements, including the determination that the use will not be detrimental to the health, safety, and welfare of residents and workers in the area. Also, Section 27-417.03 includes specific requirements for vehicle salvage yards regarding the fencing of the property, the visibility of any outdoor storage, and the locating of any indoor storage within a fireproof building. There are no transportation-related findings required beyond the general special exception finding.

The site is adjacent to another property under the same ownership that qualifies as a nonconforming use. While the subject site has been used for vehicle storage for many years and some vehicle salvage has occurred during that time, the vehicle salvage use needs to be validated, thereby prompting this request.

The site is located on an unrecorded parcel; therefore, there are no caps on development that would restrict either the use or an expansion of the use. Because no construction is proposed with the addition of the vehicle salvage yard use, there will be no preliminary plan. The site has frontage on Short Cut Road, which is undesignated on the master plan. The existing right-of-way is 25 feet from centerline; the plan recognizes an additional 10 feet of right-of-way for an ultimate industrial roadway. This is acceptable.

A couple of other right-of-way issues require further discussion:

- The master plan includes I-503, a planned facility that was originally included in the 1993 *Approved Subregion V Master Plan and Sectional Map Amendment* and intended to connect industrial land uses between the A-63 facility and Short Cut Road, along with the Schraf, Meinhardt, and M&M Joint Venture properties to Short Cut Road in the future. Preliminary Plan of Subdivision 4-09003 for Villages of Timothy Branch made provision for this connection by creating a cul-de-sac parcel for one-half of the needed right-of-way adjacent to the subject property. The subject plan is consistent with that concept with the placement of the driveway on the site adjacent to that future parcel. At such future time that the I-503 facility becomes



necessary, needed land for the street connection can be deeded or purchased. However, there is no to show anything on the subject plan, and this recommendation shall not prevent the needed fence associated with the proposed use from being constructed or improved.

- The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* reflects a future transit facility between Charles County and the Branch Avenue Metrorail station. The facility has a typical section requiring 70 feet from the edge of roadway, as noted in the August 2010 report for the Southern Maryland Transit Corridor Preservation Study (Maryland Transit Administration). This right-of-way is adjacent to and parallel to US 301/MD 5 in the vicinity of this site; however, this facility has no impact on this site.

The application proposes no additional construction. The site is assumed to contain vehicle storage as a legal use. However, vehicle salvage implies that there is an active salvage activity on the site, while vehicle storage is a more passive activity. Neither the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" nor *Trip Generation* (Institute of Transportation Engineers) contain trip rates for either use. The City of San Diego uses a daily rate of 50 trips per acre for vehicle salvage; the same source cites rental storage (which may be similar to vehicle storage) is 30 daily trips per acre. Given these rates, the following table indicates the traffic impact of the special exception:

| <b>Comparison of Estimated Trip Generation, SE-4637</b> |                      |                  |     |       |                  |     |       |             |
|---|----------------------|------------------|-----|-------|------------------|-----|-------|-------------|
| Zoning or Use   | Units or Square Feet | AM Pk. Hr. Trips |     |       | PM Pk. Hr. Trips |     |       | Daily Trips |
|   |                      | In               | Out | Total | In               | Out | Total |             |
| <b>Existing Use</b>                                     |                      |                  |     |       |                  |     |       |             |
| Vehicle Storage   | 4.25 acres           | 4                | 4   | 8     | 6                | 6   | 12    | 128         |
| <b>Proposed Use</b>                                     |                      |                  |     |       |                  |     |       |             |
| Vehicle Salvage   | 4.25 acres           | 6                | 6   | 12    | 10               | 10  | 20    | 213         |
| <b>Difference</b>                                       |                      | +2               | +2  | +4    | +4               | +4  | +8    | +85         |

The change in use would not appear to be sufficient to trigger the need for additional studies of traffic impacts. Outside of special exception cases where studies are required, traffic studies have rarely been deemed necessary, and then only for uses generating over 100 new trips. The impacts are de minimus in the AM peak hour and very minor in the PM peak hour. There are longstanding issues of transportation adequacy in the area, and there are mechanisms in place to collect funds to assist in addressing these inadequacies where new construction is proposed (no construction is proposed here). It is important to remember that adequacy of transportation facilities is not an issue in the review of this use; review is strictly within the required findings of health, safety, and welfare.

The use will be served by two existing driveways that serve the site from Short Cut Road; one driveway traverses the property from north to south and continues onto the adjacent property. Circulation within the site will remain as exists. The access and circulation is acceptable.

**Conclusion**

The Transportation Planning Section finds that the special exception application poses no issue regarding the required special exception finding.







**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

**MEMORANDUM**

February 8, 2012

TO: Taslima Alam, Zoning Review Section, Development Review Division  
VIA:  Tom Masog, Transportation Planning Section, Countywide Planning Division  
FROM:  Dan Janousek, Transportation Planning Section, Countywide Planning Division  
SUBJECT: SE-4637

Type of Master Plan Bikeway or Trail

|                   |       |                           |       |
|-------------------|-------|---------------------------|-------|
| Municipal R.O.W.* | _____ | Public Use Trail Easement | _____ |
| PG Co. R.O.W.*    | _____ | Nature Trails             | _____ |
| SHA R.O.W.*       | _____ | M-NCPPC Parks             | _____ |
| HOA               | _____ | Bicycle Parking           | _____ |
| Sidewalks         | _____ | Trail Access              | _____ |

\*If a Master Plan Trail is within a city, county, or state right-of-way, an additional two to four feet of dedication may be required to accommodate construction of the trail.

**Review Comments**

Staff reviewed this proposal for conformance with Sec. 24-123 of the Zoning Ordinance, the *Approved Countywide Master Plan of Transportation (CMPOT)*.

Per Section 24-123 of the Zoning Ordinance, the Planning Board shall require that plats conform to the following: The rights-of-way of all highways, streets, and transit facilities shown on the General Plan, functional master plans, and area master plans shall be shown on the preliminary plat and, when reserved or dedicated, shown on the final plat.

There are no master planned pedestrian, bikeway or trail facilities that directly affect the subject application.





The Maryland-National Capital Park and Planning Commission  
 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772 301-952-3530  
 Development Review Division – 301-952-3749 (fax)

**\*\* REFERRAL REQUEST \*\***

Date: December 20, 2011  
 To: ~~Abdul Choudhary~~ - Md. State Hwy. Administration Joseph Katzenberger  
 From: Taslima Alam, Senior Planner, Zoning Review Section  
 Subject: SE-4637 & VSE-4637; Ransom Motors II Vehicle Salvage

**IDENTIFICATION OF MAJOR ISSUES DUE DATE\*: 1/3/2012**  
 \*Note: E-mail any major issues/problems to the reviewer by the above date.

**S R C DATE: N/A**

**REFERRAL DUE DATE: 1/18/2012**

|  |   |
|--|---|
| <input type="checkbox"/> Full Review of New Plan   | <input type="checkbox"/> Revision of Previously Approved Plan                                       |
| <input type="checkbox"/> Limited or Special Review | <input type="checkbox"/> Plans/Documents Returned for Second Review Following Revision by Applicant |

NOTE: This case is being reviewed at:  Planning Board level OR  Planning Director level

COMMENTS: Please email comments directly to Taslima Alam at "Taslima.Alam@ppd.mncppc.org"

\_\_\_\_\_  
 \_\_\_\_\_

Related Cases: \_\_\_\_\_

**REFERRAL REPLY COMMENTS:**  
SHA has no comment for the special exception  
IF you have any question please contact Joe Katzenberger  
at 410-545-5590

NOTE: IF YOU HAVE NO COMMENTS, PLEASE INDICATE ABOVE AND FORWARD OR FAX TO THE REVIEWER'S ATTENTION.





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\_\_\_\_\_  
 \_\_\_\_\_

Related Cases: \_\_\_\_\_

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*If you have any question please contact Joe Katzenberger*  
*at 410-545-5590*

NOTE: IF YOU HAVE NO COMMENTS, PLEASE INDICATE ABOVE AND FORWARD OR FAX TO THE REVIEWER'S ATTENTION.



SE-4637

VSE-4637

PRINCE GEORGE'S COUNTY GOVERNMENT  
Department of Environmental Resources

7903  
Short Cut RD

ZONING VIOLATION NOTICE

**Premises in Violation:**

0000 Short Cut Road Par 84  
Brandywine, MD  
ED 11, Acct #1151042, Map 145, Grid A-4  
Liber: 06373, Folio: 746, Parcel 84

Case No: Z-1948-9-07

B.L.  
Date: March 12, 2007  
Rame

If you are not the responsible party return this notice with the name  
And address of the party responsible.

**Responsible Party:**

Walter M. & Henry A. Meinhardt  
12301 Duley Station Road  
Upper Marlboro, MD 20772

An inspection of the above premises revealed violation(s) of the Zoning Ordinance of Prince  
George's County as listed below. Compliance with the provisions of law cited must be  
completed by (date): April 12, 2007.

1-1

**Code Section Cited      Violation/Corrective Action Required**

27-253(a)(1) Use of a building, structure and land without a use and occupancy permit.  
4-118(c)

ACTION: Cease use of the premises and remove all vehicles, equipment,  
materials, and items related to the use until a valid  
use and occupancy permit, including final approval of the permit, is  
granted by the Department of Environmental Resources.

**PLEASE NOTE:** Change of Owner/Tenant requires a new Use and Occupancy permit.

**Permits Information (301) 883-5784.**

Site Plan  
Tax ID #  
30L952-2507

Failure to fully comply with the above cited violation(s) by the stated will result in (1) the issuance of a civil fine of \$50.00 or more each day that  
any violation continues, (2) the county attorney seeking injunctive or other legal relief for which the penalty can be \$500.00 or more for each day  
the violation persist, or/and (3) a court order for the county to remove or abate the violation and assess the cost to you. If future inspection  
determine you are responsible for recurrence of a violation, at this or a different location, a citation subjecting you to payment of a fine may be  
issued without notice with a prescribed graduated increase in the fine assessed for each repeated violation (sec.28.111, P.G. County Code)  
Any appeal of this violation notice or request for and extension of time beyond the deadline granted above must be filed WITHIN  
THIRTY (30) DAYS OF THE ISSUANCE OF THIS NOTICE with the BOARD APPEALS for Prince George's County Administration  
Building, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 952-3220 for information required for you to  
promptly file an appeal.

If you have any questions concerning this notice, contact this office promptly at (301) 883-6157, 1220 Caraway Court, Ste  
1050, Largo, MD 20774.

Signed:

Robert Gentry  
Community Service Inspector

mas

731-  
6091





# THE PRINCE GEORGE'S COUNTY GOVERNMENT

Fire/EMS Department  
Office of the Fire Marshal  
Support Services Command



Date: 1/20/2012

TO: Taslima Alam  
Development Review Division

FROM: Kenny Oladeinde, Project Coordinator *JO*  
Fire Prevention Division

RE: R.O.S.P Special Exception 4637

The following Preliminary Plan Referral has been reviewed by this office according to Departmental Procedures and Operational Guidelines of the Prince George's County Fire/ Emergency Medical Services Department:

Description: Ransom Motors II Vehicle Salvage.

Location 14145 Brandywine Road  
Brandywine, MD.

The proposed site development creates minimal impact to the services of the Prince George's County Fire/EMS Department in the area of fire protection. This plan is adequate to satisfy the requirements of Subtitle 4 of the County Building Code specific to emergency vehicle access.

Please be advised Subtitle 4-186. Section 1015.2 titled Location and Performance of Fire Hydrants states:

“Every building shall be provided with sufficient fire hydrants located such that no exterior portion of the building is located more than five hundred (500) feet from a fire hydrant. The distance shall be measured as a hose line would be laid along paved street, through parking lot entrances, around obstructions, etc., in accordance with the determination of the authority having jurisdiction.”

If I may be of further assistance, please contact me at (301)-583-1830

Copy to: Christine Osei, Fire and Safety Public Facilities planner, Special Projects Section, Countywide Planning Department, Maryland National Capital Park and Planning Commission.

Comment: Salvage yard shall be accessible in the advent of an emergency.

