

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

**SPECIAL EXCEPTION
4698
DECISION**

Application:	Vehicle Salvage Yard and Variances
Applicant:	W&C Property Management, LLC/A-1 Vehicle Salvage Yards
Opposition:	William Hwang, et.al.
Hearing Date:	March 20, 2013
Hearing Examiner:	Maurene Epps Webb
Disposition:	Approval with Conditions

NATURE OF REQUEST

(1) Special Exception 4698 is a request to use 1.7583 acres¹ of I-1 (Light Industrial) zoned land for a Vehicle Salvage Yard, defined in the Zoning Ordinance as “a facility for the reclamation or storage of wrecked or abandoned vehicles or parts from vehicles, ‘Trailers’ or ‘Mobile Homes’, which may include the sale of the parts”. (Prince George’s County Code, Section 27-107.01(a)(252)) The subject property is located on the north and south sides of Kilmer Place, approximately 280 feet east of its intersection with 52nd Avenue, and identified as 5225 Kilmer Place and 3409 52nd Avenue, Hyattsville, Maryland. Variances were initially requested from the requirement that the site have 10% green area, the requirement of building setbacks of 25 feet from the street and the requirement of 30 feet for both side yards. The variances were no longer necessary once Applicant decided not to have an outdoor storage area for the vehicles brought to the site.

(2) The Technical Staff recommended that the Special Exception Application be approved with conditions, but recommended denial of one of the accompanying variance request. (Exhibit 21) The Planning Board chose not to schedule a public hearing on the request and adopted Staff’s recommendation as its own. (Exhibit 27)

(3) The Town of Cheverly was initially opposed to the request. (T. 66) However, it ultimately offered conditional support of the application. (Exhibit 50; T. 67) Some of the neighboring businesses also expressed support. William Hwang and Mehdi Mokhtari appeared in opposition to the instant request.

(4) At the close of the hearing the record was left open for additional items, the last which received on June 6, 2013. The record was closed at that time.

¹ Applicant amended its request at the hearing held by this Examiner from 1.98 acres to 1.7583 acres, by deleting Lot 4 and Parcel 134 .

FINDINGS OF FACT

Subject Property

(1) The subject property (as amended) consists of one lot on the north side of Kilmer Place (Lot 3) and one lot on the south side (Lot 2). (Exhibit 44 and 45) All of the property lies within the Parkway Overlook Industrial Subdivision. The lot to the north is currently vacant, improved with a partially surfaced area and surrounded by fencing. Staff noted that illegal dumping occurs therein. The lot to the south is improved with a 35,404 gross square-foot building that has been used as a warehouse.

(2) The building was constructed pursuant to prior iterations of the Zoning Ordinance – it “extends across the entire depth of the lot line, and along the rear line from one side line all the way to the other.” (Exhibit 54, p. 3) It also has two small paved yards to its east and west.

(3) The property has approximately three existing access points onto Kilmer Place to the north, and two access points to the south. The access points to the north fall short of the requisite 22 feet in width. However, by providing one-way circulation, Applicant need not satisfy this requirement, as discussed *infra*.

(4) The Environmental Planning Section reviewed the signed Natural Resource Inventory and noted that no regulated environmental features are shown therein and no streams, wetlands or associated 100-year floodplain are found to occur on the property. (Exhibit 21, pp. 58-59) The subject property is exempt from the requirements of the Woodland and Wildlife Habitat Preservation Ordinance because it contains less than 10,000 square feet of woodland and has no prior Tree Conservation Plan approval. (Exhibit 9) It is also exempt from most of the requirements of the Landscape Manual because it does not involve the construction, enlargement or extension of a building. (Exhibit 21, p. 7) The property is exempt from the requirement to obtain stormwater management concept approval since less than 5,000 square feet will be disturbed. (Exhibit 8)

Surrounding Property/Neighborhood

(5) The subject property is surrounded by the following uses, all within the I-1 Zone:

- To the north, by a moving company and the warehouses;
- To the south, Warehouses and outdoor storage;
- To the east, warehouses, outdoor storage, and a bakery; and
- To the west, a warehouse and distribution business.

(6) The neighborhood has the following boundaries:

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

Master Plan/Sectional Map Amendment

(7) The subject property lies within the 2009 Port Towns Sector Plan Planning Area. The Sector Plan recommends industrial/employment uses for the site. The 2009 Sectional Map Amendment retained the property within the I-1 Zone.

(8) The property lies within the Developed Tier, discussed in the 2002 General Plan. Page 31 of the General Plan notes that “[t]he vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.”

Applicant’s Request

(9) The Applicant wishes to operate a Vehicle Salvage Yard “in one of the oldest industrial parks in Prince George’s County.” (Exhibit 19, p. 2) It intends to purchase inoperable cars and process the parts that are still salvageable for eventual sale. (T. 32) The warehouse building is approximately 35,000 square feet and it occupies almost all of Lot 2 from the north to the south with two small paved areas to its east and west. (Exhibits 54 and 43(a)) The whole ground floor is an open area. (T. 58) The building is primarily vacant, although a business operates in the rear.²

(10) Access to the site is from Kenilworth Avenue and one of many streets that intersect Kenilworth Avenue. It was originally Applicant’s intent to use Lots 3 and 4 and Parcel 134 as a vehicle staging area, wherein vehicles will be towed and held on a temporary basis. (Exhibit 49(f); T. 4-5, 38) However, Applicant amended its request to remove all outdoor storage and Lot 3 will be used as an employee parking area. There will be a six-foot-tall, chain link fence around Lot 3 to protect the employees’ vehicles since Applicant has been advised that there is a high crime rate in the area. (T. 63) Applicant will also install security cameras on the building to reduce criminal activity. (T. 65) Dismantling of vehicles will now occur within the existing building on Lot 2. The building on Lot 2 is constructed to the street line from the north to the south. The remaining yards on the east and west will be enclosed by a six-foot high chain link fence. (T. 90-91)

(11) There will be no more than twenty vehicles stored in the building on any given day. Applicant will remove the “remains” of the salvaged vehicles via tractor trailer. Applicant has advised the neighboring businesses that it will inform them of the truck’s

² This business will vacate if the instant request is approved. (T. 69)

arrival at least one day in advance since many utilize the streets for parking. Applicant's manager did not think the tractor trailer will hinder the on street parking since the overhead doors at the warehouse facilitate the loading/unloading of tractor trailers that back in to the facility. (T. 49-50) The witness explained the process for removal of vehicular fluids. The motor oil, transmission fluid, brake fluid and power steering fluids will be removed with telescoping catch basin, placed in two 250-gallon watertight tanks until subsequent removal by a business, licensed by the State of Maryland, that runs a pumping operation. (T. 51-53) A similar process will be utilized to remove any freon, and the removal contractor is one that is licensed by the State of Maryland to do so. (T. 54) Gasoline removed from the vehicles will be stored outdoors along the west wall of the building in a watertight tank protected by concrete "to prevent any kind of vehicle from hitting this gas tank in any kind of way." (Exhibit 43(a); T. 55) The gasoline will be recycled – placed back into Applicant's vehicles. (T. 56) Any mercury encountered (used in older vehicles) will be recovered prior to undergoing the scrap process and deposited and removed in a State-approved environmentally safe manner.

(12) Applicant intends to have a primarily wholesale operation where businesses request parts and Applicant's drivers deliver said parts. (T. 59) There will be several employees if the request is approved – a manager, two salesmen, two dismantlers, a bookkeeper/inventory person, and two delivery drivers. (T. 60-61) The hours of operation will be Monday –Saturday from 7:00 a.m. to 7:00 p.m. (at the latest). (T.64-65)

(13) A question arose as to whether the existing building is fireproof. Applicant's counsel proffered a condition of approval that evidence thereof would be submitted prior to the issuance of any permits. (T.87)

(14) Applicant's expert transportation planner prepared a traffic statement for the Applicant, in which he agreed with Staff's finding that the impact of the use on the area would be de minimis (adding no more than 8 A.M. and 10 P.M. peak hour vehicular trips. (Exhibit 52) Thirteen (13) parking spaces and two (2) loading spaces are required – sixteen (16) parking spaces and two (2) loading spaces are provided. (Exhibit 43(a))

(15) Applicant's witness, accepted as an expert in the area of land use planning, pointed out that the neighborhood of the subject property consists primarily of industrial uses occupying buildings that were erected in the 1950s-1960s. Many of the buildings were unoccupied at the time of his review. (Exhibit 54)

(16) The witness explained that Applicant will be adding 8,040 square feet (10.5%) of green area to Lot 3, at the Town of Cheverly's request. (Exhibits 42 and 54) It also will not require the erection of an 8-foot-tall fence around Lot 3, since that area will not be used as a staging area for salvaged vehicles. As a result Applicant will no longer require a variance to Section 27-469 (b)(1) and 474(b) of the Zoning Ordinance.

(17) The witness opined that the request supports the provisions of the General Plan and all applicable Master Plans, reasoning as follows:

The relevant plans which apply to this site are the 2002 General Plan (as amended), the 2009 Port Towns Sector Plan and Sectional Map Amendment, and a number of Functional Master Plans....

[T]he General Plan classified the subject site in the Developed Tier, and further includes as a goal, “enhance industrial employment areas”.... By allowing for the reuse of an existing medium-density industrial site that will include the addition of landscaping in conformance to modern standards which will enhance the existing industrial area, this proposal is in conformance with the relevant goal of the General Plan for the Developed Tier.

The currently applicable area Master Plan is the October 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment*. The 2009 Sector Plan was principally concerned with rezoning and the creation of special development standards for six particular focus areas, which did not include the neighborhood of the subject site. As such, the Sector Plan did not contain any discussion of or make any specific recommendations for the subject site’s neighborhood area. It did retain an “industrial” land use classification from the prior plan (the 1994 Master Plan had specified “Light Industrial”) , and the SMA retained the previous I-1 zoning.

The “Environmental Infrastructure” component of the Sector Plan did contain a Policy to “restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.”... Another policy is to, “preserve and enhance the existing urban tree canopy.”... By removing existing paved areas and planting new trees and shrubs to (1) conform to modern Landscape Manual requirements; and (2) conform to new Tree Canopy Coverage requirements; and (3) create a new planted area at the intersection of Kilmer Plane with 52nd Avenue, the subject application would help to implement these policies of the Sector Plan.

The “Economic Development” component of the Sector Plan also contained a Policy to, “maintain the Port Towns’ industrial and manufacturing base to provide a stable employment foundation and to contribute to the area’s economic viability.”... One of the Strategies in the Plan to implement that Policy was to “encourage the clustering of auto-related services in the industrial areas.”... The subject application would help to implement this policy by activating a vacant building with a new use that will contribute to the employment in the Port Towns region and contribute to the area’s economic viability – not only from taxes and fees, but also from the local spending of the business and its employees. The subject use is auto-related, and will add to the existing inventory of auto-related uses in the neighboring industrial area.

Other Applicable Functional Master Plans

The application conforms to the Green Infrastructure Plan as there are no Regulated Areas (or even Evaluation Areas) of the County’s Green Infrastructure Network which will be affected by the subject project.

While the Evergreen Cemetery historic resource is located just beyond the edge of the defined neighborhood of the project, approximately 1,000 feet north of the subject site, it is not in visual contact with or otherwise in the vicinity of the subject project.

The September, 2010 Water Resources Functional Master Plan addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the subject application.

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

The Countywide Master Plan of Transportation classifies 52nd Avenue as a collector roadway, with a right-of-way of 80'. The existing right-of-way of 52nd Avenue adjacent to the northern portion of the site was dedicated to that planned width in 1968 when the subject site was platted.

(Exhibit 54, pp. 5-6)

Opposition's Concerns

(18) William Hwang testified that he is an adjacent neighbor (Lot 1 to the west) yet Applicant never talked to him about the request. (T.93) Mr. Hwang operates a food warehousing business. (T. 96) He stated that the area is hilly and the subject property is higher up. He therefore believes that any environmental pollutants released by Applicant could flow downhill and negatively impact a residential area and the Anacostia River ("creek") in that area. Mr. Hwang also believed that permitting a vehicle salvage yard to locate in an area already experiencing criminal activity would invite more crime to the area. (T. 95)

(19) Upon cross-examination the witness admitted that his business was not required to add landscaping, and has not done so. In fact "basically, everything is paved." (T. 97) He also agreed that Applicant's land on Kilmer Place is flat, and there's less an opportunity for runoff now that all "salvaging" will take place within the enclosed building. (T. 106-107)

(20) Mehdi Mokhtari testified that he owns nearby property on Jackson Street and he believes the instant request will devalue his property. (T. 111) He "has spent ... hundreds of thousands of dollars just to make [his] building beautiful...." He purchased the building as an investment property. (T. 113-114)

Agency and Town Comment

(21) The Technical Staff reviewed the Application and recommended approval with six (6) conditions. (Exhibit 21) The Countywide Planning Section opined that the request "will have no impact on existing public facilities." (Exhibit 21, p. 61)

(22) Applicant explained why Staff's recommended conditions 1, 2, 4 and 5 (concerning the stacking of vehicles, the Section 4.2 landscape strip, and the fencing of

the outdoor storage yard) became moot once it removed the outdoor staging area. (T. 22-25) Applicant believes that Staff's recommended condition 3 is inaccurate – now that employee parking is being provided a Section 4.3 (Parking Lot Landscaping) schedule is required, and has been added to the Landscape Plan. (Exhibit 43(a); T. 22-24) Finally, the sixth condition became moot because Applicant has revised the parking area to make circulation one-way; accordingly its access points do not need to be widened to 22 feet. (T. 25) Staff had an opportunity to review the revised Site Plan and agreed that it addressed all recommended conditions of approval. (Exhibit 57(a)-(e))

(23) The Department of Public Works & Transportation has approved a Stormwater Management Concept Plan for the property. (Exhibit 36) The Health Department noted that “any automotive degreasing equipment/operation associated with the proposed facility must be permitted/registered with the Maryland Department of the Environment, Air & Radiation Management Administration.” (Exhibit 37)

(24) The subject property does not lie within the municipal boundaries of the Town of Cheverly. The Town of Cheverly chose to conditionally support the request, for the following reasons:

- The primary operation of the junk yard will occur in-doors and away from public view and should not be a detriment to the environment.
- The owner of the business has worked with the community, in an effort to improve the outside conditions of his operation and potentially improve environmental conditions.
- The owner has worked closely with the community to identify improvements that can be made, and has agreed to an on-going community dialogue with the community to discuss conditions at the site.

(Exhibit 42)

(25) The Applicant and the Town agreed to the following conditions if the request is approved:

- All operations and storage of the business will be performed inside the building.
- The portion [of] lot 3 located at the northeast quadrant of the intersection of 52nd Ave and Kilmer Place running easterly from 52nd Avenue for a distance of 75 feet shall be planted with “low-growing shrubs and/or oaks, preferably species native to our area.”
- Fencing on the lots should be consistent to others in the area for consistency.
- Additional Landscaping will be added to the Landscape Plan above and beyond that required in the Landscape Manual along the street frontage.
- The owner agrees to quarterly meetings with the Towns of Bladensburg and Cheverly for the purposes of reviewing these conditions and ensuring an on-going dialogue regarding operations.

(Exhibit 42)

(26) At the hearing Applicant requested that the second condition be amended slightly, due to the curvature of Lot 3 along its front boundary. (T. 149)

APPLICABLE LAW

(1) A Vehicle Salvage Yard is permitted in the I-1 Zone upon grant of a Special Exception. In order to receive special exception approval, the Applicant must satisfy the provisions of Sections 27-317 and 27-417.03 of the Prince George's County Zoning Ordinance.

(2) Section 27-317 provides as follows:

(a) A Special Exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purpose of this Subtitle;
- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;
- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;
- (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;
- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
- (6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and
- (7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

(b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:

- (1) where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or
- (2) where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.
- (3) Section 27-417.03(a) provides as follows:

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

- (1) The use shall be enclosed by a solid, slightly, light-tight wall or fence at least eight (8) feet high, and found to be satisfactory by the District Council;
- (2) The fence shall not be constructed of corrugated metal or fiber glass, or sheet metal;
- (3) Outdoor storage shall not be visible from the ground level beyond the fence; and
- (4) Interior storage shall be located within a fireproof building.

(3) The use must not conflict with the following applicable provisions of I-1 Zone found in Section 27- 469 of the Zoning Ordinance:

(a) **Purposes.**

- (1) The purposes of the I-1 Zone are:
 - (A) To attract a variety of labor-intensive light industrial uses;
 - (B) To apply site development standards which will result in an attractive, conventional light industrial environment;
 - (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; and
 - (D) To provide for a land use mix which is designed to sustain a light industrial character.

(b) **Landscaping, screening, and buffering** of development in the I-1 Zone shall be provided in accordance with the provisions of the Landscape Manual. In addition, the following applies:

- (1) At least ten percent (10%) of the net lot area shall be maintained as green area.
- (2) 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.
- (3) A vehicle towing station permitted in the I-1 Zone shall be screened by a wall or fence at least six (6) feet high, or by an evergreen screen, unless the adjoining property is used for a vehicle towing station or a vehicle salvage yard.

(c) **Outdoor storage.**

- (1) Outdoor storage shall not be visible from a street.

Variances

(4) Variances are no longer required since the Application was amended to delete the outdoor storage of vehicles, and since Applicant reduced the size of its request.

Special Exceptions

(5) The Court of Appeals provided the standard to be applied in the review of a special exception application in Schultz v. Pritts, 291 Md 1, 432 A2d 1319, 1325 (1981):

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the [administrative body] that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. . . . But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal.

The record in this case reveals “no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan”. It would, therefore, be proper to grant the request, once the conditions addressed below are satisfied.

CONCLUSIONS OF LAW

(1) The general purposes of the Zoning Ordinance are found in Section 27-102. The instant application satisfies the following purposes for the reasons provided:

To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County

The totally indoor salvage use is one that promotes the health, safety and convenience of County residents since it is an environmentally protective means of recycling vehicle parts and disposal of waste materials from old or wrecked vehicles.

To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business

The Application will allow a Vehicle Salvage Yard within an area recommended for industrial use by the Master Plan, thereby satisfying this purpose.

To encourage economic development activities that provide desirable employment and a broad, protected tax base

The use ensures that a certain number of jobs will be provided and that taxes will be paid into the County's coffers.

To prevent the overcrowding of land

This use does not require any variance from bulk regulations and, therefore, will not lead to the overcrowding of the site.

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

The requested use will provide adequate off-street parking and access to the site will be via industrial roads only. Thus, this purpose is met.

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

All activity will occur indoors and Applicant will use environmentally sensitive methods to remove vehicle oil, fluids, etc., to lessen the chance of any pollution.

Accordingly, the provisions of Section 27-317(a)(1) are met.

(2) The use will be in conformance with all applicable provisions of the Zoning Ordinance. (Section 27-317(a)(2))

(3) The Master Plan recommended industrial uses for the site and the Sectional Map Amendment retained the I-1 zoning. This industrial use can be found not to impair the applicable Plan.(Section 27-317 (a)(3))

(4) Once the conditions are satisfied, the Application will not adversely affect the health, safety or welfare of residents or workers in the area since the site will now have much needed landscaping, employee vehicles will be protected by fencing, the green area will be provided, and precautions have been taken to ensure that any tractor trailer used to bring and/or remove vehicles will not affect the use of on-street parking by neighboring businesses. Moreover, Applicant has taken all necessary precautions to ensure that fluids, gases or other materials removed from the salvaged vehicles will be accomplished in an environmentally safe manner. (Section 27-317(a)(4)) For the same reasons, the Application will not be detrimental to the use or development of adjacent properties or the general neighborhood. (Section 27-317(a)(5))

(5) Since the property contains less than 10,000 square feet of woodland, and does not have a previously approved Tree Conservation Plan, it need not satisfy Section 27-317(a)(6) of the Zoning Ordinance.

(6) There are no regulated environmental features on the subject property. (Section 27-317(a)(7))

(7) The property does not lie within the Chesapeake Bay Critical Area. (Section 27-317 (b))

(8) The requested use also satisfies the strictures of Section 27-417.03 of the Zoning Ordinance. The use will be enclosed in an existing building with walls in excess of 8 feet (Section 27-417.03(a)(1)); there will be no outdoor storage (Section 27-417.03(a)(3)); and any interior storage will occur in a brick warehouse that is or will be fireproof. (Section 27-417.03(a)(4))

(9) Finally, the purposes of the I-1 Zone are satisfied since the use has been determined by the District Council to be compatible with light industrial uses; at least 10.5 % of the net lot area will remain green area; and there will be no outdoor storage. (Section 27-469)

DISPOSITION

Special Exception 4698 IS Approved with the following conditions:

1. Prior to the issuance of permits Applicant shall revise the Special Exception Site Plan by outlining the boundaries of the Special Exception in red, as required by the Zoning Ordinance;
2. Prior to the issuance of permits the Landscape Plan shall be revised to plant with low-growing shrubs and/or oaks that portion of Lot 3 located at the northeast quadrant of the intersection of 52nd Avenue and Kilmer Place running easterly from 52nd Avenue for a distance of 75 feet (unless the point of curvature necessitates the planting of a slightly smaller number of feet);

3. Prior to the issuance of permits the Special Exception Site Plan shall be revised to include a note indicating that there will be no outdoor storage of vehicles, and all operations and storage for the business will occur within the building on Lot 2.
4. Prior to the issuance of permits Applicant shall submit evidence from the Building Officer for Prince George's County, or designee, that the building will be fireproofed in an acceptable manner.
5. Prior to the issuance of permits, remove reference to Variance 4698 from the Special Exception Site Plan, or note that it was withdrawn.
6. The revised Plans shall be submitted to the Office of the Zoning Hearing Examiner for review and approval prior to the issuance of permits.

[Note: The Special Exception Site Plan and Landscape Plans are Exhibits 43(a)-(c)]