

Prince George's County Zoning Map Amendment Application No. A-9946

Applicant: Pumpkin Hill, L.C. Properties

Location: Northwest quadrant of the intersection of South Laurel Drive and Laurel-Bowie Road
(MD 197)

Request: C-O Zone to the C-M Zone

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting on March 22, 2001, considered Zoning Map Amendment Application No. A-9946 pursuant to Article 28, Annotated Code of Maryland, and Section 27-154 of the Zoning Ordinance; and

WHEREAS, the applicant is requesting the rezoning from the C-O Zone to the C-M Zone for 3.31" acres; and

WHEREAS, the Technical Staff Report released February 7, 2001, recommended Denial of said zoning request; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on March 22, 2001, the Prince George's County Planning Board disagreed with the staff recommendation; and

WHEREAS, the Planning Board recommendation is based on the following DETERMINATIONS:

- A. Location and Field Inspection: The subject property is located on the northwest corner of Laurel-Bowie Road (MD 197) and South Laurel Drive. The site is made up of two parcels, and is generally rectangular in shape. It is currently undeveloped.
- B. History: This site has been the subject of two previous special exception applications, both for gas stations. The first, SE-2399 was approved in the early 1970s but never built. The second, SE-39 96, was dismissed in 1990 after the site was placed in the C-O Zone. The subject property was placed in the C-O Zone by the *Sectional Map Amendment (SMA) for Subregion I* which was approved in 1990.
- C. Master Plan Recommendation: The 1990 *Master Plan for Subregion I* recommends a retail-commercial use for the subject property. In the associated SMA, after a reassessment of retail-commercial needs for the area, the site was placed in the C-O Zone.
- D. Request: The applicant requests a reclassification from the C-O Zone to the C-M Zone. If successful in having the property rezoned, the applicant requests to place a food and beverage store on the site, to be built in conjunction with a gas station and car wash, which are permitted

uses in the C-M Zone.

E. Neighborhood and Surrounding Uses: The site is surrounded by the following uses:

- North - Right-of-Way for the Baltimore Washington Parkway/MD 197 interchange and a single-family residence in the C-O Zone.
- East - Across MD 197 are single-family residences in the R-R Zone and a flower shop in the C-A Zone.
- South and West - Garden apartments (The Evergreens, Villages of Montpelier) in the R-18 Zone.

The neighborhood is defined by the following boundaries:

- North - Canadian Way
- East - Patuxent Wildlife Research Center
- South - PEPCO Right-of-Way
- West - Baltimore-Washington Parkway

The surrounding neighborhood is suburban in character and developed with a mixture of single-family residences, townhouses and apartment complexes. Commercial uses, both retail and office are found 1,000" feet to the north at the intersection of MD 197 and Mallard Drive. This existing commercial area includes the Pheasant Run Shopping Center, a 7-Eleven, a small office building and a gas station.

F. Zoning Requirements:

Section 27-157(a) of the Zoning Ordinance provides that no application shall be granted without the applicant proving that either:

- (A) There has been a substantial change in the character of the neighborhood;
or**
- (B) Either**
 - (i) There was a mistake in the original zoning for property which has never been the subject of an adopted Sectional Map Amendment, or**

- (ii) **There was a mistake in the current Sectional Map Amendment and such mistake occurred not more than six years prior to the filing of an application for the proposed zoning map amendment providing, however, that for those properties for which the current Sectional Map Amendment has been adopted prior to 1990 such mistake shall have occurred not more than 10 years prior to the filing of an application for the proposed zoning map amendment.**

G. Applicant's Position: The applicant is precluded from arguing mistake since the 1990 SMA was adopted more than six years ago. Therefore, the applicant argues change in the character of the neighborhood:

Change: The 1990 SMA placed the subject property and 35" acres around it in the C-O Zone, responding to an analysis undertaken as part of the 1990 Master Plan which showed an excess of retail commercial zoning in the area. Since that time, numerous changes have taken place which have substantially changed the character of the neighborhood, including several rezonings and road improvements.

The applicant refers to two rezonings in particular:

A-9885/9886

In 1994, the District Council rezoned a site in the northern section of the neighborhood consisting of two parcels (Coscan-Adler Property) totaling 26" acres from the I-3 (planned industrial park) Zone to the R-55 (suburban residential) Zone, based on a mistake argument. The Coscan-Adler Property had been placed in the I-3 Zone by the 1990 SMA, following the recommendation of the 1990 Master Plan. The Council found, among other things, that the site was improperly placed in an industrial zone due to the fact that trucks could not access the site from the Baltimore-Washington Parkway. The R-55 Zone was found to be the most reasonable residential zone for the site.

A-9906

In 1997, the District Council rezoned 12" acres across MD 197 north of the subject property from the C-O Zone to the R-55 Zone based upon a change in the character of the neighborhood. In this case, the Zoning Hearing Examiner and District Council found that the change had been brought about as a result of the reclassification of the Coscan-Adler Property from a planned industrial park use to a residential subdivision.

The applicant feels that the improvements to the Baltimore-Washington Parkway also reflect a change in the character of the neighborhood. According to the applicant, the 1990 Master Plan and SMA did contemplate these improvements, it showed them to be

farther to the north. The Master Plan contemplated the taking of 3.86" acres for the improvement, but because of the shift to the south, 13.06" acres were taken, further reducing the amount of C-O zoning in the area. In addition, the route to the existing convenience store at Pheasant Run Shopping Center has become extremely circuitous due to changes at the interchange.

H. Analysis:

Change: Once in the last decade, the District Council found a substantial change occurred in the character of the neighborhood sufficient to approve a piecemeal zoning request. Thirty-eight acres of office zoning have been removed. This change has rendered the District Council=s vision of large-scale office development at this location moot. The applicant=s proposal to provide convenience retail in the C-M Zone is warranted to serve the needs of the area.

I. Conformance with the Purposes of the Zone Requested: The purposes of the C-M Zone are contained in Section 27-459 of the Zoning Ordinance:

- (a) **To provide locations for miscellaneous commercial uses which may be disruptive to the harmonious development, compactness, and homogeneity of retail shopping areas;**
- (b) **To provide these locations, where possible, on nonresidential streets; and**
- (c) **To provide for concentrations of these uses which are relatively far apart.**

Finding: Development of the subject property in the C-M Zone would be consistent with purposes of the C-M Zone by providing for service and convenience commercial uses set apart from other retail-commercial uses in the neighborhood. This location, at the intersection of two major roads, is appropriate, particularly since the access road, South Laurel Drive, is built to commercial standards.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to Article 28, of the Annotated Code of Maryland and Section 27-154 of the Zoning Ordinance for Prince George's County, Maryland, recommends to the County Council, sitting as the District Council for the Maryland-Washington Regional District in Prince George's County, Maryland, that Zoning Map Amendment Application No. A-9946 be APPROVED, subject to the following condition:

1. Further development on the remaining 2" acres of the site shall be subject to limited detailed site plan approval in accordance with Part 3, Division 9, to address the potential impacts of the following on adjacent properties and the Baltimore-Washington Parkway, a National Historic Site:

- a. Parking, loading and circulation.
- b. Lighting
- c. Views to and from the site
- d. Green area
- e. Site and streetscape amenities
- f. Service areas
- g. Architecture

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe, and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, March 22, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of April 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk