

PGCPB No. 2025-090

File No. MJD-2024-005

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Departure (Major) Application No. MJD-2024-005, Joe's Movement Emporium, requesting a 2-foot departure from the design standards contained in the 2010 *Approved City of Mount Rainier Mixed-Use Town Center Zone Development Plan* (development plan), to allow a 6-foot-high fence, in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Mixed-Use Town Center Zone (LMUTC); and

WHEREAS, after consideration of the evidence presented at the public hearing on September 25, 2025, the Prince George's County Planning Board finds:

1. **Request:** The applicant requests a 2-foot departure from the design standards contained in the 2010 *Approved City of Mount Rainier Mixed-Use Town Center Zone Development Plan* (development plan), to allow a 6-foot-high fence. The subject property is in the Legacy Mixed-Use Town Center (LMUTC) Zone.
2. **Location:** The subject site consists of Lots 15, 16, and 17 and part of Lot 18, Block 7, recorded in Plat Book 1 Plat No. 48, dated 1907. The property is located on the south side of Bunker Hill Road, between 33rd and 34th Streets, approximately 550 feet north of Rhode Island Avenue.
3. **Property Description and Surrounding Uses:** The property is improved with a commercial building in existence since at least 1965. A 6-foot-high fence also exists along the western property line of the site, and along the southern property line (along Lots 15 and 16). The property is located at the periphery of the Legacy Mixed-Use Town Center (LMUTC) Zone where it abuts single family residential properties along its western and southern boundary, which are outside of the LMUTC Zone. The immediate properties surrounding the subject property and their current respective zoning designations are as follows:

North— Bunker Hill Road and residential and commercial uses in the Residential, Single-Family-65 (RSF-65) and LMUTC Zones beyond.

East— Commercial, single-family and multifamily uses in the LMUTC Zone.

South— Single-family detached dwellings in the RSF-65 and LMUTC Zones.

West— Single-family detached dwelling in the RSF-65 and 33rd Street with residential uses beyond in the RSF-65 Zone.

4. **Previous Approvals:** The following approvals are associated with the subject property:

On January 16, 2013, the Prince George's County Department of Environmental Resources and Permits issued a Certificate of Occupancy to World Arts Focus under Case No. 7687-2012-02. The issuance permitted an Art school, including dance, photography, filmmaking, music, writing, painting, sculpting, printmaking, or glassmaking, which is permitted in the 2004 *Approved Sector Plan for the Prince George's County Gateway Arts District* (sector plan). The Mount Rainer Town Center development plan refers to the sector plan to set the permitted uses for the property.

On May 18, 2022, the Mixed-Use Town Center Local Design Review Committee recommended approval of a request for green roof installation, parking lot regrading, and fence installation with one condition. The approval restricted the fence to no more than 4 feet in height, resulting in the submission of an application for a major departure from the design standards contained in the development plan.

5. **Prince George's County Zoning Ordinance:** This major departure requests a 2-foot departure from the fence height requirements, listed in the development plan. An analysis of the requested departure and its associated findings, pursuant to Section 27-3614(f) of the Zoning Ordinance, are detailed below.

The applicant proposes the construction of a 6-foot-high, board-on-board wood fence constructed of cedar wood planks. The fence will extend from the north front street line at Bunker Hill Road south along the west lot line of Lot 15, where it abuts a residentially zoned lot with a single-family detached dwelling. The fence continues along the development's rear lot lines of Lot 15 and Lot 16, which abut a residentially zoned lot with a single-family detached dwelling.

Per Site Design Standard 1: Walls, Fences, and Screening (page 84) of the development plan, the materials meet the standard, which states that wood is an acceptable material for fencing. The development plan contains development and design standards for fences. Public Space Standard 6: Parking (page 73) and Site Design Standard 1: Walls, Fences, and Screening (page 84) each state that walls and fences shall be a minimum of 3 feet, to a maximum of 4 feet in height.

An existing 6-foot-high fence is present on the subject property, which is proposed for replacement with this major departure. The Planning Board was unable to locate evidence of prior permitting for the existing fence, which may have been constructed prior to the current regulation. It is also unclear if the fence was originally constructed by the subject property or the abutting residential properties prior to the current regulation. It is also unclear if the fence was originally constructed by the subject property or the abutting residential properties.

6. **Required Findings for Departure:** The Planning Director or Planning Board, as appropriate, may approve a departure (minor or major) upon a finding that the applicant demonstrates that the departure complies with the following:

1. **The departure falls within the thresholds provided in Subsections 27-3614(b)(1), Minor Departures or 27-3614(b)(2), Major Departures, above, for the applicable type of departure;**

The subject property is in the LMUTC Zone. Table 27-3614(b)(2) states that standards or guidelines specified in any Mixed-Use Town Center Development Plan (LMUTC Zone Only) are permitted a maximum 100 percent deviation from the applicable standard. The applicant requests a 2-foot departure from the design standards contained in development plan to allow a 6-foot-high fence.

The requested departure falls within the threshold provided in Section 27-3614(b)(2).

2. The departure is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;

The departure, to permit a 6-foot-high fence, is consistent with the existing character of development and is compatible with uses on the surrounding land. The fence runs along the west and south lot lines, which contain single-family detached dwellings and provides a buffer between the on-site commercial parking lot area and neighboring residential uses.

The surrounding residential neighborhood includes 6-foot-high wood fences that are prevalent along the rear and side yards of residential lots. In addition, the subject property abuts single-family dwellings in the RSF-65 Zone. Per Section 27-6603 of the current Zoning Ordinance, these properties would be permitted to erect a 6-foot-high fence in their side yards abutting the subject property, provided the fencing forward of the building line does not exceed 4 feet in height. These abutting properties are not subject to the 4-foot height restriction of the development plan and are outside of the LMUTC Zone. Therefore, the same fencing proposed herein could be achieved if erected by the abutting landowners, with the exception of the approximate 17 feet of fence between the house and the right-of-way (ROW) at Bunker Hill Road.

The Planning Board finds that the requested departure is consistent with the character of development on surrounding land, and is compatible with surrounding land uses, because it has been an existing feature without negative impacts, and is compatible with requirements applicable to abutting properties.

3. The departure:

A. Compensates for some unusual aspect of the site or the proposed development that is not shared by landowners in general, and

The requested departure is justified because it compensates for an unusual aspect of the site that landowners in general do not share. What makes the subject property distinctive is that it is developed with a commercial use with a parking lot abutting single-family residential

properties on two sides. This site's location introduces a sensitive land use transition.

The property's location and long-standing development, in context to surrounding uses at a zoning boundary, is a unique condition that justifies the requested departure. Further, it is noted that the abutting residential properties would be permitted to construct a 6-foot-high fence along the same property lines in the RSF-65 Zone, while the commercial property in the LMUTC Zone would not allow construction of a fence of this height. This creates an unusual circumstance for the subject property.

The Planning Board concluded that the requested departure meets this standard because of the property's uncommon circumstances, as described above, which are not shared by landowners in general.

B. Supports an objective or goal from the purpose and intent statements of the zone where it is located, or

The subject property was rezoned from the Mixed-Use Town Center (M-U-TC) Zone to the LMUTC Zone through the 2022 *Countywide Map Amendment* (CMA). The purpose of the LMUTC Zone is to recognize M-U-TC Zones established prior to April 1, 2022.

One objective of the M-U-TC Zone was to provide for a mix of commercial and limited residential uses which establish a safe, vibrant, 24-hour environment. The proposal maintains this objective by placement of fencing at the boundaries of the site with property not in the LMUTC Zone and, therefore, maintains the vision within the LMUTC area.

The subject property abuts residentially zoned properties along the western and southern lot lines. The installation of a 6-foot-high fence, which provides a clear separation and privacy barrier between these distinct uses, directly contributes to a stable and safe environment for both the impacted commercial and residential properties. This separation helps to mitigate potential land use conflicts. The fence will reduce light and noise pollution from parking onto the single-family lot, while allowing commercial and residential uses to be next to each other. In addition, the abutting residential lot is in the RSF-65 Zone that allows 6-foot-high fences in the side and rear yards, which would allow most of the fence to be constructed if on the residential property. The proposal maintains the objective of the LMUTC Zone by placement of fencing at the boundaries of the site with property not in the LMUTC Zone, and not along boundaries of other properties that are within the LMUTC area.

The parking lot at Joe's Movement Emporium is considered appropriate development by the development plan, which states in the "M-U-TC Building and Property Inventory, 3303 Bunker Hill Road" that the "Parking for recently rehabilitated/constructed arts venue (should remain)," (page 190).

The Planning Board finds that the departure supports the intent of the LMUTC Zone to provide for a mix of commercial and limited residential uses which establish a safe environment. The intent of the LMUTC Zone is also to promote reinvestment in, and the appropriate redevelopment of, older commercial areas, to create attractive and distinctive community centers for shopping, socializing, entertaining, living, and to promote economic vitality. The plan's recommendation to retain the parking lot with no short-term recommendations demonstrates the development supports the LMUTC Zone's intent.

C. Saves healthy existing trees.

Provisions A and B are met, and C is not required to be met; however, the applicant shall consider engaging a certified arborist to guide measures to minimize any impact on the existing trees' root systems during the installation of new concrete footers.

4. The departure will not pose a danger to the public health or safety;

The departure does not pose a danger to public health or safety. The property's location, approximately 188 feet west of the intersection of Bunker Hill Road and 34th Street, is set back far enough that the fence does not obstruct traffic sight lines or impede pedestrian access.

The placement of the fence, along the western lot line and perpendicular to the ROW, means it does not conceal activities from public view or impede emergency access. No known hazard has resulted from the established fence and, therefore, the project maintains the current level of safety and does not introduce any new danger to public health or safety. The departure will not pose a danger to public health or safety.

5. Any adverse impacts are mitigated, to the maximum extent practicable;

The development plan is silent regarding why fences are limited to 4 feet in height by the standards. Further, the plan does not address how transitions and/or abutting uses between the M-U-TC and abutting residential zones should be treated. However, the project mitigates adverse impacts to the maximum extent practicable. The principal potential impacts of a fence exceeding the 4-foot height limit include visual character, access, and concealment.

The taller fence is an established feature of the property, and the project maintains the existing visual character of the neighborhood without introducing a new, unmitigated adverse impact.

The location of the fence does not obstruct critical sight lines or impede emergency access. Its placement along the lot line abutting a residentially zoned lot containing a residential dwelling unit provides a desired buffer, which helps mitigate potential land use conflicts and enhances the sense of privacy and safety for both properties.

The fence does not impede public access along the ROW. The project maintains the current level of access for pedestrians.

By replacing an existing fence and maintaining the current conditions, the project effectively mitigates any potential adverse impacts.

6. **The site is not subject to a series of multiple, incremental departures that result in a reduction in each development standard by the maximum allowed over the previous twenty (20) years. (Relevant development standards cannot be reduced beyond the maximum thresholds allowed in this Subsection, through more than one departure, over the previous twenty (20) years); and**

The site has not been subject to a series of multiple, incremental departures over the prior 20 years. This is the first departure for the property. The departure complies with this requirement.

7. **For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.**

The site is not the subject of a departure from standards contained in the 2018 *Prince George's County Landscape Manual* (Landscape Manual). The subject departure complies with this requirement.

7. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned sections and divisions. The referral comments are summarized as follows, and are incorporated herein by reference:
- a. **Community Planning**—The Planning Board accepts that the fence installation meets the decision standards for a major departure.
 - b. **Environmental Planning**—The site was issued a standard exemption (S-098-2022) from the 2010 Woodland and Wildlife Habitat Conservation Ordinance, because the site is less

than 40,000 square feet in size and has no previous tree conservation plan (TCP) approval. This exemption expired on May 4, 2024, but the site still qualifies for a standard exemption. A new exemption from the current 2024 Woodland and Wildlife Habitat Conservation Ordinance will be required at time of grading permit. A Natural Resources Inventory (NRI-061-2023) equivalency letter has been issued for the site. The NRI was issued based on the expired standard letter of exemption and that no regulated environmental features will be impacted. No other environmental requirements were identified for this major departure.

- c. **Historic Preservation**—The 2004 *Approved Sector Plan for the Prince George’s County Gateway Arts District* includes goals and policies related to historic preservation (pages 81–84), but these goals and policies are unrelated to the development. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.
 - d. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated September 2, 2025 (De Guzman to Teshome), DPIE identified no issues with the major departure and stated there are no objections.
8. **Community Feedback:** The Prince George’s County Planning Department received one piece of written correspondence from the community expressing support for this major departure. The letter dated July 12, 2022, from Daniel Greene and Anne Greene, who own the abutting property, stated that they prefer to replace the existing fence. It states that they enjoy the separation provided by the fence, because it screens vehicles and activity, creates a safer play area for their child, and maintains their privacy.
9. **Planning Board Hearing:** At the September 25, 2025 Planning Board hearing, staff presented the major departure to the Planning Board. No citizens registered to speak on the major departure during the hearing. The applicant and the applicant’s architect briefly stated that they did not have any comment on the project. The Planning Board approved the major departure, unanimously, as recommended by staff.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the above-noted application.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the Circuit Court for Prince George’s County, Maryland within thirty (30) days of the final notice of the Planning Board’s decision.

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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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, and Barnes voting in favor of the motion at its regular meeting held on Thursday, September 25, 2025, in Largo, Maryland.

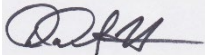
Adopted by the Prince George's County Planning Board this 16th day of October 2025.

Darryl Barnes
Chairman

By 
Jessica Jones
Planning Board Administrator

DB:JJ:CT:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: October 14, 2025