

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed ROSP-SE-4033/01 requesting a minor change to the approved Special Exception site plan in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on July 12, 2001, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The subject site is located on the west side of Oxon Hill Road, approximately 275 feet north of its intersection with Pates Drive. It has approximately 291 feet of frontage on Oxon Hill Road. The site consists of approximately 8.02 acres of land and is currently being used as a nursery and garden center. The special exception site (8.02 acres) is residentially zoned (R-R). The remaining portion of the property (1.77 acres) is industrially zoned (I-1) and is not the subject of this application. The nursery and garden center utilizes the entire 9.79- acre property.
2. History: The property was placed in the R-R Zone by adoption of the 1957 Comprehensive Zoning Map for the area. The property was retained in the R-R Zone by adoption of the Subregion VII Sectional Map Amendment in 1984. Special Exception 4033 was approved in 1991 permitting a nursery and garden center use on the site.
- C. Master Plan Recommendation: The Subregion VII Master Plan recommends the site for Low Suburban Residential use at a density of 1.6 to 2.6 dwellings per acre.
- D. Request: The applicant requests Planning Board to delete several buildings, most of the parking, and to expand the growing areas for nursery stock. These elements have already been relocated to the adjoining industrially zoned portion of the property where the use is permitted by right. The applicant is also seeking approval of Alternative Compliance Application No. 01012.
- E. Neighborhood and Surrounding Uses: The subject property is bounded by four single-family residences (north) in the R-R Zone, a single-family residence (northeast) in the R-R Zone, Oxon Hill Road (east) undeveloped property (west) in the R-R Zone, and the applicant's existing nursery and garden center (south) in the I-1 Zone. The neighborhood is generally defined by the following boundaries:

North, South and West:

Fort Foot Road

East: Oxon Hill Road

F. Minor Change Provision: Section 27-325(c)(1) permits changes of site plans for property of greater than five (5) acres, provided that either of the following two situations exists:

(A) Situation No. 1

(i) There is a proposed increase in gross floor area of a building or in land area covered by a structure other than a building (over that approved on the original site plan) which is not greater than fifteen percent (15%) of the gross floor area or covered land area; or

(ii) There is proposed relocation (in any direction) of any improvement (approved on the original plan) which is not greater than fifteen percent (15%) of the distance to the boundary line of the Special Exception property or (20) feet, whichever is less.

(B) Situation No. 2

(i) There is a proposed change in the design of a parking lot or loading area.

(ii) There is a proposed change in a landscape plan.

This proposal results in a significant reduction of gross floor area by removing several buildings. In addition, the parking area and landscape plan are redesigned.

G. Specific Requirements: Pursuant to Section 27-385(a) of the Zoning Ordinance, nursery and garden centers may be permitted, subject to the following:

(1) The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall involve not more than twenty-five percent (25%) of the total gross display and sales area on the subject property;

The portion of the nursery garden center that is the subject of this application does not contain display and sales area. They are located on the adjoining industrially zoned site.

(2) The display, sale, or repair of motorized nursery or garden equipment shall not be permitted;

The subject use does not include the display, sale, or repair of motorized nursery or garden equipment.

(3) The subject property shall contain at least one (1) acre; and

The subject property consists of approximately 8.02 acres of land.

- (4) **All sales and loading areas shall be located at least twenty-five (25) feet from any abutting street right-of-way.**

There is no sales or loading area proposed on that portion of the property that is the subject of this application.

- H. **Parking Regulations: Section 27-568 of the Zoning Ordinance requires one parking space for every 150 square feet of Gross Floor Area (GFA), plus one parking space for every 1000 square feet of outdoor display area. It also requires one parking space for every 250 square feet of GFA for the first 2,000 square feet, plus one parking space for every 400 square feet of GFA above the first 2000 square feet for offices.**

The applicant's proposal deletes 64 of the 69 parking spaces delineated on the approved special exception plan. According to the parking schedule on the proposed plan, a total of 57 parking spaces, including three spaces for the physically handicapped, are provided for the proposed facility. All but five of the parking spaces are located on the I-1-zoned portion of the property. The site plan provides a parking schedule. However, staff is unable to verify the accuracy of the parking calculations as presented since neither the buildings nor the display area are labeled with square footage. Moreover, the parking layout differs slightly from the approved parking lot Permit No 6896-96-CGU for the I-1- zoned property. The Permit Section has offered the following comments regarding parking for the center:

- Although the I-1 portion of this property is not part of this referral, it does support this use. The parking and loading schedule and the parking compound should be consistent with approved Permit No. 6896-96-CGU, which constructed the parking compound. Loading spaces were required and provided for the building permit.
- The five parking spaces on the subject property are only shown as nine feet wide. These parking spaces must be dimensioned at 9.5 feet wide.
- The square footage of all buildings must be labeled on the site plan.

Section 27-573 of the Zoning Ordinance permits off-site parking, provided that the entire parking lot is within 500 feet of the nearest boundary of the record lot on which the use is located.

- I. **Loading Requirements: Section 27-582 of the Zoning Ordinance requires one loading space for an office building containing between 10,000 to 100,000 square feet of GFA.**

The site plan shows two buildings that are identified as existing offices located on the I-1-zoned portion of the property. Although the square footage of the two buildings is not labeled on the site plan, it is not likely that the buildings would have more than 10,000 square feet of total gross area. However, the approved permit plan shows one loading space that is not reflected on the proposed site plan. Unless the applicant intends to revise the approved parking lot plan, the loading space should be added as represented by Permit No. 6896-96 CGU.

J. Landscape Manual Requirements: Section 27.328.02(a) of the Zoning Ordinance specifies:

Except for uses which do not require the construction, enlargement or extension of a building, all land uses requiring the approval of a special exception shall comply with the landscaping, buffering and screening requirements set forth in the *Landscape Manual* through the approval of a landscape plan.

The applicant's proposal is subject to the requirements of Sections 4.2, 4.3 and 4.7 of the *Landscape Manual*.

Alternative Compliance was recommended per Memorandum dated April 27, 2001 from the Urban Design Review Section. In response to the Urban Design Review Section comments, the applicant had applied for Alternative Compliance. On June 29, 2001, the Planning Director has recommended APPROVAL for AC-01012.

K. Zone Standards: The proposal meets all other requirements of the R-R Zone.

L. Sign Regulations: The existing freestanding sign located in the front yard of the property was approved in Special Exception 4033. There is no change proposed with regard to the design and location of the existing sign.

M. Subdivision: In a Memorandum dated February 9, 2001, the Subdivision Section voiced a concern regarding conflicting information concerning parcels 60, 61, 90, 96 and 97 and requested the applicant to provide documentation to clarify the issue. Subsequently, the applicant provided documents that clarified the conflicting information to the satisfaction of the Subdivision Section.

The Subdivision Section has also indicated that the Zoning Notes provided on the site plan, specifically Note No. 8, does not correlate to the structures delineated on the site plan. For example the note indicates that Building # 1 was constructed in 1950 but Building #1 is not labeled. The site plan needs to be revised to correct this inconsistency.

N. Required Findings: Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.

The fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety and welfare of the public and promote compatible relationships between the various types of land uses. As noted, the applicant is proposing to delete, from the approved special exception site plan, several buildings, a display area and 64 of the 69 parking spaces. The applicant now uses the subject site primarily as growing area for plant materials sold and utilized in the nursery's operation. Consequently, intensity of development and activities on the subject site are substantially reduced. With the recommended conditions, the proposed site plan revisions are truly minor in nature, and

they do not alter the Council's previous finding of conformance with the purposes of the Ordinance.

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

With approval of Alternative Compliance, and with the recommended conditions to revise the site plan, the proposed use conforms with all requirements of the Zoning Ordinance.

- (3) **The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

The proposed revisions will not result in substantial impairment of the 1981 Subregion VII Master Plan that recommends the subject property for residential development at low-suburban density. The Community Planning Division has offered the following comment regarding the proposal's compliance with the Master Plan:

The proposal to use this property as a growing area for the nursery is a less intensive utilization of this site than the previously approved offices, storage and parking which have been moved to the industrially zoned property adjoining to the south. The proposed revision should be equally or more compatible with neighboring properties and will not impair the recommendations of the master plan for this area.

- (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.**

With the recommended conditions, the proposed use will not adversely affect the health, safety or welfare of residents or workers in the area, and there is no indication that it would be detrimental to the use or development of adjacent properties or the general neighborhood.

The proposed modifications result in relocation of storage buildings, office buildings, and parking spaces. The I-1 zoned site has been upgraded and renovated to accommodate the buildings and services. The I-1 zoned site is more suited for the relocated uses and services that tend to be more intensive by their nature, and more compatible with the I-1 zoned portion of the property than the R-R zoned portion.

The proposed modification will considerably lessen intensity of development on the subject site and also enables the site to be visually compatible with the adjacent residential uses. Moreover, to ensure that potential noise and traffic impacts are minimized, the applicant will continue to comply with the condition of SE-4033 relative to hours of operation. That condition specifies that the hours of operation will be limited to 7.00 a.m. to 8.00 p.m. Monday through Saturday, and 8.00 a.m. to 6.00 p.m. on Sundays.

With regard to traffic and transportation issues, due to the nature of the use, it is unlikely that the proposed modification would result in a level of traffic that would raise concern for congestion on the streets. However, the Transportation Planning Section has indicated that the existing right-of-way on the property's Oxon Hill frontage falls 7.5 feet short of the ultimate right-of-way. Oxon Hill Road at this location is a proposed 80-foot right-of-way (40 feet from centerline). Construction of buildings within the ultimate right-of-way is not allowed. Although the proposed modification does not involve new buildings, the plan should show the correct distance of the ultimate right-of-way.

The diminishing intensity of development on the subject site, combined with the proposed conservation area and the required 30-foot bufferyards, ensures compatibility of the subject site and use with the surrounding residential properties. Moreover, the additional landscaping attained through Alternative Compliance further enhances the property's appearance in relation to the adjoining residential neighborhood.

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

The subject site has an approved Type I Tree Conservation Plan (TCP I/5/91) which will remain valid with this application because the proposed revision does not result in any disturbance of the woodland previously proposed for preservation. The Environmental Planning Section has indicated that a Type II Tree Conservation plan is required, prior to the issuance of any permits. The Type II tree Conservation Plan shall show limits of disturbance in conformance with the revised special exception plan (ROSP SE 4033/01) and the previously approved Type I Tree Conservation Plan.

The Environmental Planning Section further indicated that the proposed revision does not appear to be in conflict with any of the previous approvals and no other significant environmental impacts have been identified.

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, subject to the following conditions:

1. Prior to the issuance of permits, the site/landscape plan shall be revised to reflect:
 1. The parking and loading schedule shall be revised to demonstrate conformance with parking and loading space requirements, and the parking and loading compound shall be consistent with approved Permit No. 6896-96-CGU.
 2. The five parking spaces on the subject property shall be dimensioned at 9.5 feet wide.

3. The square footage of all buildings shall be indicated.
 4. Note No. 8 under the Zoning Notes shall correspond with the structures delineated.
 5. The ultimate right-of-way for Oxon Hill Road shall be at 80 feet (40 feet from centerline).
2. The hours of operation shall be limited from 7.00 a.m. to 8.00 p.m., Monday through Saturday, and 8.00 a.m. to 6.00 p.m. on Sundays.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council 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 Brown, seconded by Commissioner Eley, with Commissioners Brown, Eley, Scott, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 12, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of September, 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator