

February 2, 2000

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Jimi Jones, Planning Coordinator

SUBJECT: Zoning Application No. A-9847-C

REQUEST: Amendment of Zoning Application A-9847-C to delete Conditions 4 and 10

RECOMMENDATION: Approval, with a condition

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. 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 sent to the Office of the Zoning Hearing Examiner at the address indicated above. 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 301-952-3280.

FINDINGS:

1. Location and Field Inspection: East of Old Alexandria Ferry Road, north of Bellefonte Lane and south of Andrews Air Force Base.
 2. History: The property was rezoned from the R-R to the I-1 Zone under zoning map amendment application A-9847-C which was approved by District Council in February 1992. The 1993 Sectional Map Amendment for Subregion V retained the I-1 zoning for the property.
 - C. Master Plan Recommendation: The 1993 Master Plan for Subregion V recommends industrial use for the subject property.
 - D. Request: Deletion of Conditions 4 and 10.
 - E. Neighborhood and Surrounding Uses: The property is surrounded by the following uses:
 - North - Undeveloped land in the I-1 Zone. The Andrews Air Force Base (I-1 Zone) is farther north of the property.
 - East - Undeveloped land and single-family homes along Bellefonte Place in the I-4 Zone.
 - South - A single-family home in the I-4 Zone abuts the property to the south. Farther south across Bellefonte Lane is vacant land and single-family homes in the I-4 Zone.
 - West - Light industrial and commercial uses in the I-1 Zone.
- The neighborhood is defined by the following boundaries:
- North - Andrews Air Force Base
 - East - Piscataway Creek
 - South - Woodyard Road
 - West - Old Alexandria Ferry Road
- F. Zoning Requirements:

In accordance with Section 27-135(c)(1) of the Zoning Ordinance, the District Council may (for good cause) amend any condition imposed or site plan approved (excluding Comprehensive Design Zone Basic Plans or R-P-C Zone Official Plans) upon the request of the applicant without requiring a new application to be filed, if the amendment does not constitute an enlargement or extension.

In the case of an amendment of a condition (imposed as part of the approval of the zoning case), the request shall be directed, in writing, to the District Council, and shall state the reasons therefore. Before the Council amends a condition, the Zoning Hearing Examiner shall hold a public hearing on the request, in accordance with Section 27-129, and shall notify all parties of record (including all parties of record on the original application and any amendments thereto) in the same manner as required for an original application. The Planning Board shall post a sign on the subject property, setting forth the date, time, and place of the hearing, in the same manner as required for an original application. After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council. All persons of record shall be given at least ten (10) days written notice by the Clerk of the Council of the date and time of the District Council's consideration of the matter. Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's decision with the District Council. If appealed, all persons of record may testify before the District Council. Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.

- G. Applicant's Position: The applicant states that the underlying reasons for the imposition of conditions 4 and 10 no longer exist.

Condition 4: There will be no direct vehicular access from this property onto Bellefonte Lane.

Condition 4 which restricts access from the site onto Bellefonte Lane was designed to keep industrial traffic off this street. When the original rezoning request was being considered by District Council, this street was completely

residential. Subsequent to the rezoning, the subject property, its access onto Bellefonte Lane and the adjacent properties that front on Bellefonte Lane were rezoned through the 1993 Sectional Map Amendment to either the I-1 or the I-4 Zones. The Master Plan and the Sectional Map Amendment for the area recommends Industrial use for the subject and surrounding properties. With the exception of the subject property, all of the surrounding properties now zoned either I-1 or I-4 have direct access onto Bellefonte Lane (see Exhibit A). Condition 4 denies this industrially-zoned property the right to access Bellefonte Lane across property owned by the applicant which is now zoned industrially; while other similarly situated industrially-zoned properties are allowed access onto Bellefonte Lane.

Condition 10: The 80 foot strip from the property to Bellefonte Lane shall only be used for utility installation/maintenance, installation/maintenance of landscaping and fencing. Otherwise it shall not be utilized in conjunction with the subject property until it and the properties on both sides of it (right-of-way) are zoned industrially or commercially. This strip shall be planted in grass and cut regularly.

All of the properties, including the strip, on both sides of Bellefonte Lane are now zoned I-4 (see Exhibit A). As such, this condition is no longer applicable and should be removed.

H. Staff's Analysis:

The Community Planning Division has reviewed the applicant's request and provides the following comments:

■ This property is located in Employment Area "B" in the Clinton Community, underneath the flight path for Andrews Air Force Base, which is specifically addressed in the Master Plan text on pages 74 to 77. This employment area is developed with a mix of residential and industrial land uses, as well as vacant properties. In the long term, all land uses should be converted to low-intensity industrial uses due to the proximity to AAFB runways and flight patterns, and for reasons stated in the Plan text. In the short term, however, the Plan *emphasizes protection of established residential neighborhoods, preservation of land use rights and reasonable use opportunities for land owner in the area. The undeveloped and underdeveloped properties in the southwestern half of the affected area are recommended for industrial (or other nonresidential) land use in the immediate future. These areas can be oriented to either Old Alexandria Ferry Road or Woodyard Road and will not conflict with the concentrations of residential land use that exist.* (Plan text, p.76) This is where the applicant's 80 foot strip of land subject to the contested zoning conditions is located - see Map 12 - and is why properties at the west end of Bellefonte Lane were rezoned from residential to industrial.

The critical mass of existing residential neighborhoods along Bellefonte Lane, Colonial Lane and streets farther east is identified as an area to be protected from industrial encroachment for the immediate future. A firm boundary and buffer is established between residential and industrial areas. New circulation patterns are recommended to minimize or eliminate residential and industrial traffic conflicts..... (Plan text, p.76)

Recommendation:

■ Since this property is in the area recommended for industrial land use in the short term, and has been rezoned accordingly, the applicant's request to delete

conditions #4 and #10 is not in conflict with the Master Plan. However, based on the stated goals of the Master Plan to protect the character of the established residential community at the eastern end of Bellefonte Lane (so long as it exists), a **new condition prohibiting business traffic from utilizing the east part of Bellefonte Lane or Colonial Lane is recommended. •**

The District Council approved this rezoning application in 1992 subject to 14 conditions of approval (see attached Notice of Final Decision of the District Council). The Council held that in order to protect adjacent properties which were residentially zoned at that time, certain conditions were necessary to that approval. As noted by the applicant, the adjacent properties and the surrounding neighborhood are no longer residentially zoned. This residential community is slowly evolving into an industrial area in accordance with the Master Plan's recommendation. Staff notes that the industrial zoning ends near the Bellefonte Lane / Sarakal Road intersection. The applicant has shown good cause as to why the requested amendment should be granted. The other 12 conditions will continue to protect the residential neighborhood. Fortunately, the subject property lies near the entrance to the residential community. With a new condition prohibiting industrial traffic from using Bellefonte Lane as a through street, staff believes the intent of the Master Plan to protect the residential neighborhood will still be realized.

Staff recommends that the applicant's request to remove Condition Nos. 4 and 10 for A-9847-C be granted. A new condition (No. 13) should be provided as follows:

13. The Department of Public Works and Transportation shall place a sign at the intersection of Bellefonte Lane and Sarakal Road that prohibits through truck traffic along Bellefonte Lane.