

May 10, 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: Tom Lockard, Senior Planner

SUBJECT: **Zoning Application No. A-9941**
Special Exception Application No. 4367

REQUEST: **A-9941: R-R Zone to the C-M Zone**
SE-4367: Consolidated Storage in the C-M Zone

RECOMMENDATION: **A-9941: Denial**
SE-4367: Denial

NOTE:

These applications are 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 applications, they 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 these applications. 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:

- A. Location and Field Inspection: The subject property is located on the west side of US 301, 350 $\sqrt{}$ feet north of its intersection with Mitchellville Road. The property is undeveloped, but has been partially cleared for agriculture and for a baseball field (Mills Field, used for sandlot baseball, long an element in the African-American history of Prince George's County). It surrounds a restaurant/bar/sports memorabilia store on three sides.
- B. History: The November 1991 *Bowie-Collington Sectional Map Amendment* (SMA) retained the site in the R-R Zone.
- C. Master Plan Recommendation: The April 1991 *Master Plan for Bowie-Collington* recommends low-suburban development of the subject property at a density of 1.6-2.6 dwellings per acre.
- D. Request: The applicant requests a rezoning from the R-R (Rural Residential) Zone to the C-M (Commercial-Miscellaneous) Zone for 20.11 acres. The applicant is requesting permission to establish 194,575 sq. ft. of consolidated storage on 11.6 acres of the larger property.
- E. Neighborhood and Surrounding Uses: The property is surrounded by the following uses:
 - North - A car dealership (Walker Pontiac) in the C-M Zone and the Amber Meadows Subdivision in the R-R Zone.
 - East - A restaurant/bar in the C-M Zone. Beyond that is the median of US 301 in the R-R Zone and undeveloped land in the R-A Zone.
 - South - Single-family residence in the R-R Zone.
 - West - The Amber Meadows Subdivision in the R-R Zone.

The neighborhood is defined by the following boundaries:

- North - Mount Oak Road
- East - US 301, including uses in the median and fronting on the northbound lanes
- South - Central Avenue
- West - Pennsylvania Railroad tracks

The neighborhood is made up of two distinct characters: Along US 301 is a mix of scattered commercial uses and residential uses. Major commercial areas include the Walker Pontiac dealership and associated auto-related uses to the north of the subject property, as well as the Pointer Ridge shopping area further to the south. The interior of the neighborhood is a mixture of residential uses, primarily single-family detached.

The applicant has extended their definition of the neighborhood further north to US 50 (John Hanson Highway). Staff disagrees with such a large neighborhood because the land uses along US 301 north of Mount Oak Road are not reflective of the residential/commercial mix found to the south. The commercial properties to the north are much larger, mixed-use sites containing large shopping centers and ■big-box• retailers.

F. **Zoning Map Amendment Application No. 9941:**

Change/Mistaking Findings: [27-157(a)]

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 points to three changes which have occurred since the 1991 SMA which, in their opinion, have resulted in a change in the character of the neighborhood which now makes placing the subject property in the C-M Zone rational:

1. Construction and completion of the Prince George's Stadium without the Stadium being proposed or considered in the 1991 Master Plan;
2. Rezoning, construction and completion of the WalMart, as well as two adjoining restaurants, none of which was proposed in the Master Plan; and
3. Construction and completion of apartments (Governor's Green) at the southeastern quadrant of the intersection of US 50 and US 301 without said apartments being proposed in the Master Plan.

H. Staff's Analysis: Discounting for the moment that these three ■changes• are far beyond the boundaries of what the staff considers the correct neighborhood in this case, we must disagree with the applicant's assertions.

1. The Prince George's Stadium is a public use exempt from zoning regulations. It is permitted in the zone in which it is located (R-R). The construction of a permitted,

public use does not constitute substantial change in the character of the neighborhood.

2. The 1991 Master Plan specifically recommended commercial uses for the WalMart/restaurant site:

■The 20½ acre Mill Branch Property, south of Collington Plaza, is recognized for retail commercial development which could include a restaurant complex with ancillary commercial uses. (1991 Master Plan, p.120)

Again, the construction of a permitted use on a properly zoned site does not constitute substantial change in the character of the neighborhood.

3. ■Governor's Green was placed in the M-X-T Zone by the 1991 SMA to implement the 1991 Master Plan's recommendation for a ■Conditional Employment Area. (1991 Master Plan, p. 230). Apartments are a permitted use in this zone. Once again, the construction of a permitted use on a properly zoned site does not constitute substantial change in the character of the neighborhood.

Although the applicant is precluded from making a mistake argument, staff finds the 1991 Master Plan abundantly clear as to its vision for the site and surrounding environs. In fact, the Master Plan specifically addresses the site and other property between Mitchellville Road and Walker Pontiac. It clearly states that it should be placed in the R-R Zone ■...to preclude further strip commercial development and to remain compatible with the single-family detached character of the adjoining Amber Ridge subdivision. (1991 Master Plan pp. 79-80)

- I. Conformance with the Purposes of the Zone Requested: Even if the applicant had proven substantial change in the character of the neighborhood, the C-M Zone seems an odd choice given the ■changes enumerated. Staff cannot make the necessary link between developments in the R-R, M-X-T and C-S-C Zones to the instant request for C-M Zoning. The C-M Zone would be a poor choice for an area abutting residences on three sides, particularly in light of the recommendations of the 1991 Master Plan and the following purposes of the C-M Zone:

1. To provide locations for miscellaneous commercial uses which may be disruptive to the harmonious development, compactness and homogeneity of retail shopping areas.
2. To provide these locations, where possible, on nonresidential streets.
3. To provide concentrations of these uses which are relatively far apart.

CONCLUSION:

Based on the preceding analysis, staff finds that the applicants have not met their burden of showing a substantial change in the character of the neighborhood since the 1991 SMA. Consequently, staff recommends DENIAL of ZMA A-9941.

J. **Special Exception Application No. 4367**

Specific Special Exception Requirements (Sec. 27-344.01 Consolidated Storage):

(1) The application shall be accompanied by:

(A) An impact statement explaining:

(i) The nature and scope of the operation; and

(ii) The type and amount of traffic expected to be generated.

The applicant proposes to build 12 one and two-story storage buildings (1,630 units), totaling 194,575 sq. ft. Two residential units for caretakers are proposed, as is an 800 sq. ft. office. The neighboring residences will be buffered by a ranging from 50 to 100 feet wide. The applicant proposes to build the facility over a multi-year period, depending on the market.

The applicant has provided a traffic analysis which shows the proposed use to generate 29 AM and 51 PM peak-hour trips. This amount, while slightly more than if the site were developed residentially, is far less than other permitted retail-commercial uses if the site were reclassified to the C-M Zone (294 AM and 294 PM peak trips).

(B) A description (graphic and narrative) of the proposed architectural facade of the building.

The applicant has provided architectural renderings of the proposed development. They show three buildings along US 301. The first two buildings will flank the gate. They are architecturally similar (Colonial Revival), with ■Building A• being a two-story residence/office building, and ■Building B• a one-story shell ■accessory building•. ■Building C• is a long one-story storage building which backs onto US 301, giving it the appearance of a wall. The building material appears to be brick, although the applicant does not elaborate. The interior storage buildings will be constructed of painted metal. All buildings shown in the rendering are of a neutral ■buff• color.

(2) The subject property shall have frontage on, and direct vehicular access to, an existing street with sufficient capacity to accommodate the type and amount of traffic expected to be generated by the use;

The property fronts on and would have direct access to US 301, a major divided highway. Sufficient highway capacity does not exist to accommodate the proposed development. The Transportation Section in their memorandum of November 30, 1999, notes that one of the nearby intersections (US 301/Mitchellville Road/Queen Anne Bridge Road) will operate at an unacceptable Level-of-Service ■E• when considering existing plus approved development.

- (3) The use shall be appropriate, given the nature of development in the neighborhood; and**

The use is not appropriate. The proposed development adjoins single-family residences to the north, west and south. The nearest strip-commercial uses are more than 1,000 feet to the north, barely visible from the site. Therefore, that part of the surrounding neighborhood most significantly impacted is a residential subdivision. The applicant suggests that the use proposed is a ■quiet• use which will act as a buffer between the houses and US 301. While this may be a less intensive use than many others permitted in the C-M Zone, it is not an appropriate use to place in such close proximity to residences. The proposed use will, because of its nature, involve the loading and unloading of materials. It would introduce commercial (if not industrial) architecture in the storage buildings. It is exactly the kind of ■spot-commercial• zoning and use that the 1991 Master Plan recommended to eliminate because of its incompatibility with residential development close to US 301.

- (4) The District Council shall find that:**

- (A) There is a need for the public in the surrounding area;**

The applicant has submitted a proof of need analysis for the proposed use. It concludes that there is a need for additional storage in the market area. Staff from the Information Center (M-NCPPC) agree with this conclusion, but note that there is another pending special exception request (SE-4372) less than one mile south of the site, also for consolidated storage. With both the applicant's proposal and SE-4372, the market would contain 448,979 sq. ft. of self-storage space, 80,000 sq. ft. more than the supportable amount. Staff concludes that there is sufficient market support for either of these two requests, but not both.

- (5) The exterior and architectural facade of the building shall be compatible with the prevailing architecture and appearance of other development in the surrounding neighborhood;**

While the Colonial Revival buildings fronting on US 301 would be compatible with the single-family residences in the neighborhood, staff cannot find the large metal storage buildings (some of which are to be two-story) compatible with the single-family residences that abut the site. These buildings would intrude into the surrounding neighborhood with a commercial/industrial architecture that would not only be inappropriate, but would severely undermine the recommendations of the 1991 Master Plan.

- (6) Beginning June 23, 1988, no entrances to individual consolidated storage units shall be visible from a street or from adjoining land in any Residential or Commercial Zone (or land proposed to be used for residential or commercial**

purposes on an approved Basic Plan for a Comprehensive Design Zone, or any approved Conceptual or Detailed Site Plan);

- (7) Entrances to individual consolidated storage units shall be either oriented toward the interior of the development or completely screened from view by a solid wall, with landscaping along the outside thereof; and**
- (8) Consolidated storage for which special exceptions were approved prior to the date reflected in paragraph 6, above, need not meet the provisions set forth in paragraphs 6 and 7, above.**

- (b) In addition to what is required by Section 27-296(c)(1)(B), the site plan shall show the topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet).**

The site plan shows the proposal to conform to the requirements of (a)(6), (a)(7), (a)(8) and (b) above, with the exception of the topography not being shown on some of the adjoining lots.

- K. Parking Regulations: The Zoning Ordinance requires a total of 34 off-street parking spaces and 19 loading spaces for the proposed development. A total of 35 parking spaces and 19 loading spaces are provided.
- L. Landscape Manual Requirements: All building setbacks, landscaped strips and bufferyards are provided in accordance with the requirements of the *Landscape Manual*.
- M. Zone Standards: The proposed development would comply with the standards for the C-M Zone, if this site were to be rezoned to this category by A-9941.
- N. Sign Regulations: The site plan shows one freestanding sign along US 301. At 71 sq. ft. in area, it is the maximum size permitted (284 ft. of frontage divided by four) by Section 27-614. The location and height of the sign also conforms to the requirements of Section 27-614.
- O. 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.**

Finding: The proposed use and site plan are not in harmony with all the purposes enumerated in Section 27-102 of the Zoning Ordinance, particularly:

- (3) To promote the conservation, creation and expansion of communities that will be developed with adequate public facilities and services;**
- (4) To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry and business; and**

- (6) To promote the most beneficial relationship between the uses of land and buildings to protect landowners from adverse impacts of adjoining development; and**
- (11) To lessen the danger and congestion of traffic on the streets, and to ensure the continued usefulness of all elements of the transportation system for their planned functions.**

The applicant wishes to establish further spot-commercial zoning and uses along a stretch of US 301 that adjoins residential uses on three sides. This type of development is not only incompatible with the surrounding residences, but is in direct conflict with the recommendations of the 1991 Master Plan.

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

The proposed use does not conform to all requirements. The highway capacity is insufficient to accommodate the traffic anticipated to be generated. The use is inappropriate given the general single-family residential character of the surrounding area, and the commercial/industrial architecture is incompatible.

- (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 use may not result in a substantial impairment of the 1991 Master Plan. However, it is in direct conflict with the Plan's low-suburban residential (1.6-2.6 dwellings per acre recommendation for this site and the general surrounding area. Furthermore, it would be in absolute conflict with the guidelines contained in the Master Plan which seeks to limit further spot-commercial zoning and development along US 301, particularly in the neighborhood surrounding the subject property.

- (4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

The proposed use will adversely affect the health, safety and welfare of residents and workers in the area by adding additional traffic trips to a highway system currently operating at unacceptable levels of service.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

Finding: The proposed use will constitute an intrusion to an existing single-family subdivision due to noise and architectural incompatibility. It will also be detrimental to the general neighborhood by adding vehicle trips to a failing highway system.

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

The Tree Conservation Plan, TCP I/15 /00, has been reviewed. The minimum woodland conservation requirement for this site is 3.02 acres (15% of the Net Tract) and an additional .87 acre due to removal of woodland, for a total minimum requirement of 3.89 acres.

The applicant has proposed to meet the requirement with 3.02 acres of on-site preservation and .87 acre of on-site reforestation/afforestation for a total of 3.89 acres. TCP I/15/000 proposes retention of on-site priority woodlands, reforestation area and significant trees in wooded buffers adjacent to residentially-zoned properties, which is appropriate. Staff does not agree with the .30 acre triangular reforestation area placed in the middle of the site, surrounded by commercial zoning on all sides. This is not a priority area for woodlands, preserves no significant woodlands, and it is not contiguous to existing woodlands. Its location, size, and configuration all make it an undesirable woodland conservation area. Prior to approval of the TCP I, this area must be incorporated into a required bufferyard, combined with other reforestation areas the site.

Prior to approval of the TCP I, the applicant must demonstrate that the landscape buffer on the south border of the site meets the planting requirement for both a bufferyard, and a woodland conservation area based on planting equivalency. Specimen trees have been identified on this site, which are in good shape. It appears that the plan proposed to preserve only two of the specimen trees on the site. The TCP should be revised to include the location of all specimen trees and a table should indicate their size, species, condition and disposition. At time of TCP II, the plan should address the preservation of the specimen trees on the site with specific management plans.

CONCLUSION:

The proposed use does not meet the requirements of the Zoning Ordinance, and it is not in harmony with all of its purposes. It will worsen the failing conditions of the existing transportation network. It is inappropriate, given the residential character of the surrounding area. Furthermore, it is detrimental to the use and development of surrounding properties and the general neighborhood. Therefore, SE-4367 is recommended for DENIAL.