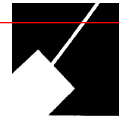


Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530



Comment [COMMENT1]: WHEN INSERTING  
 INFORMATION AT THE @ SIGN  
 REMEMBER TO USE INDENT FOR SECOND  
 LINE - NOT TAB. ALSO, IT WILL LOOK  
 LIKE THE TEXT IS GOING WACKO, BUT  
 DON'T WORRY - IT IS FINE.

## ZONING MAP AMENDMENT APPLICATION NO. A-9947

Application	General Data
Project Name: Master Automotive Rezoning  Location: South side of Oxon Hill Road, 1,250 <sup>v</sup> feet east of Livingston Road  Applicant/Address: Public Storage, Inc. 701 Western Avenue Glendale, CA 91021	Date Accepted 11/02/00
	Planning Board Action Limit N/A
	ZHE Hearing Date N/A
	Plan Acreage 3.33 <sup>v</sup> acres
	Zone C-S-C and C-2
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 76B
	Council District 08
	Municipality N/A
	200-Scale Base Map 208SE02

Purpose of Application	Notice Dates
Rezoning from the C-S-C and C-2 Zone to the I-1 Zone	Adjoining Property Owners 11/06/00 (CB-15-1998)
	Previous Parties of Record (CB-13-1997)
	Sign(s) Posted on Site N/A
	Variance(s): Adjoining Property Owners N/A
Staff Recommendation	Staff Reviewer
APPROVAL	Tom Lockard
APPROVAL WITH CONDITIONS	
DISAPPROVAL	
	X
DISCUSSION	

February 21, 2001

**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 Map Amendment Application No. A-9947**

REQUEST: **Rezoning from C-S-C and C-2 to I-1**

RECOMMENDATION: **Denial**

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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 301-952-3530.

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## FINDINGS:

- A. Location and Field Inspection: The subject property is located on the south side of Oxon Hill Road, approximately 1,250 feet east of Livingston Road. The site is made up of two parcels, and is L-shaped, with the narrower panhandle extending to the road frontage. It is developed with two, one-story warehouse buildings used for an auto parts business and a contractors storage yard.
- B. History: In the late 1960s, two warehouses were built on the site, which was then in the R-R Zone. The District Council permitted their completion, subject to rezoning of the site. In an attempt to validate the long-existing uses, Zoning Map Amendment Application No. A-8110-C classified the rear part of the subject property (where the warehouses were located) from the R-R Zone to the C-2 Zone with conditions on October 21, 1970:
1. That there be no additional buildings constructed on the property at all.
  2. That there be no entrance to Bock Road from the property.
  3. That there be a screen planting (mixture of deciduous and evergreen) with a minimum height of eight feet at the time of planting to be placed and maintained on the side of the property abutting the library, a plan for which will be submitted to the District Council for approval.

The subject property was proposed to be placed in the C-S-C Zone by the *Sectional Map Amendment (SMA) for Subregion VII* which was approved in 1984. However, due to neighborhood concerns that the conditions attached to the C-2 Zoning would be negated, the District Council chose to retain the C-2 Zone for the rear section of the property, rezoning the front to the C-S-C Zone.

- C. Master Plan Recommendation: The 1981 *Master Plan for Subregion VII* recommends Commercial-Office for the subject property and surrounding area. The associated SMA (1984), after a reevaluation of the need for additional commercial-office in the area, placed the site in the C-S-C and C-2 Zones to allow the possibility of both office and retail-commercial uses.
- D. Request: The applicant requests a reclassification from the C-S-C and C-2 Zones to the I-1 Zone.
- E. Neighborhood and Surrounding Uses: The site is surrounded by the following uses:

<u>North</u> -	Across Oxon Hill Road is the Rivertowne Commons Shopping Center in the C-S-C Zone.
<u>East</u> -	The Oxon Hill Library in the C-O Zone
<u>South</u> -	Undeveloped land in the R-18c Zone and a small office complex in the C-O Zone
<u>West</u> -	Strip-commercial uses fronting on Oxon Hill Road in the C-S-C Zone.

The neighborhood is defined by the following boundaries:

North - Oxon Hill Road (MD 414)

East  
and South - St. Barnabas Road

West - Livingston Road

The surrounding neighborhood is known as the Oxon Hill Triangle. It is made up of two easily distinguishable land use types: (1) strip commercial (both office and retail) uses oriented along Oxon Hill Road and the intersection of Oxon Hill Road and Livingston Road; and (2) single-family residences within the triangle of land bounded by Bock Road, Livingston Road and St. Barnabas Road. On the north side of Bock Road and St. Barnabas Road are several large, undeveloped parcels zoned for multifamily dwellings.

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 1984 SMA was adopted prior to 1990, and more than 10 years have elapsed. Therefore, the applicant argues change in the character of the neighborhood:

**Change:** The 1984 SMA placed part of the subject property and much of the area to the west of it in the C-S-C Zone under Changes O2-9, O2-10 and O2-15 (the remainder of the site was retained in the C-2 [General Commercial-Existing] Zone in order to keep the conditions set in place by A-8810-C). The accompanying discussion in the SMA states that:

■The Master Plan recommends office commercial land use and encourages demolition and redevelopment of the existing small buildings and nonconforming uses with larger, new projects. This will require coordination with a number of small property owners and amortization of existing improvement costs. Since there are numerous other areas recommended for similar office development with more favorable characteristics on larger, vacant parcels farther east along both sides of Oxon Hill Road, it is less likely that the hoped for development of these properties would occur if limited to office use. The properties west of the library along this side of Oxon Hill Road are generally committed to retail and light service commercial uses. It is felt that the redevelopment goals of the Master Plan have a better chance of being achieved for this area if the land use proposal is expanded to include both office and retail development. More practically, the library becomes a boundary between an emphasis on retail uses to the west and offices to the east. The C-S-C Zone is proposed as most appropriate to accommodate both office and retail development at this location. (Change No. O2-15, p.209)

The applicant refers to two rezonings in particular as changing the character of the neighborhood. One of the rezonings cited by the applicant, A-9624, was a residential rezoning at some distance from this neighborhood. We believe the applicant meant to refer to the two most recent cases within the neighborhood:

**A-9737**

In 1988, the District Council rezoned a 0.6 $\frac{1}{2}$  acre parcel located 1,800 $\frac{1}{2}$  east of the site on the north side of Oxon Hill Road from the C-O Zone to the C-S-C Zone. At the same time, the District Council approved Special Exception Application No. 3852 for a Vehicle Lubrication Facility.

**A-9930**

In 1997, the District Council rezoned 2.8 $\frac{1}{2}$  acres located 200 $\frac{1}{2}$  southwest of the subject property from the C-O Zone to the C-S-C Zone based upon a change in the character of the neighborhood.

According to the applicant, these rezonings have transformed the subject neighborhood from the a commercial-office and retail area to a highway commercial/warehouse area. The subject property, which is developed with older warehouses, can only be redeveloped with a use such as a consolidated storage facility in the I-1 (Light Industrial) Zone.

H. **Staff's Analysis:**

**Change:** Twice in the last decade, the District Council found a substantial change occurred in the character of the neighborhood sufficient to approve piecemeal zoning requests. Unfortunately for the applicant, this change has been from commercial-office uses to commercial-retail uses. Why the applicant feels that placing the subject property in the I-1 Zone would be appropriate given this trend is beyond our comprehension. Of the two cases

cited, only A-9737 has developed, as a vehicle lubrication facility. This use is permitted in the C-S-C Zone pursuant to a grant of a special exception. The only warehouse area in this strip is the subject property and those warehouses were built without proper permits on what was then residentially-zoned land. The applicant needs the I-1 Zone for one reason only: It is the zone that will allow them to develop the site with consolidated storage uses.

I. Conformance with the Purposes of the Zone Requested: The purposes of the I-1 Zone are contained in Section 27-469 of the Zoning Ordinance:

1. To attract a variety of labor-intensive light industrial uses;
2. To apply site development standards which will result in an attractive, conventional light industrial environment;
3. To create a distinct light industrial character, setting it apart from both the more intense Industrial Zones and the high-traffic-generating Commercial Zones; and
4. To provide for a land use mix which is designed to sustain a light industrial character.

Finding: Development of the subject property in the I-1 Zone would not be consistent with the District Council's vision (as stated in the SMA text, p. 209) of consolidation of small parcels for redevelopment as either office or retail commercial. The I-1 Zone permits uses that would be disruptive to the adjoining commercial uses. This would be in direct contradiction of Purpose C above, which calls for a separation of industrial and commercial uses.

**CONCLUSION:**

The applicant has not met their burden of proof in this application. While there has been substantial change in the character of the neighborhood since the adoption of the 1984 SMA, that change does not support placing the subject property in the I-1 Zone.

In addition, staff finds:

1. The requested zone is not in accordance with the Comprehensive Plan.
2. The requested zone is for a single, small parcel surrounded by commercial zoning, in direct conflict with one of the purposes of the I-1 Zone to create a distinct light industrial character, setting it apart from both the more intense Industrial Zones and the high-traffic-generating Commercial Zones.

3. Approval of the requested zone would benefit the applicant without there being a corresponding benefit to the neighborhood in general.

There is no zoning category that would be more appropriate for the site. Based on the changes which have taken place in the neighborhood, the property is already in the correct zoning categories (retail-commercial, with the possibility of office-commercial). Therefore, staff recommends DENIAL of ZMA A-9947.

On a practical level, the subject property is essentially a second tier commercial tract with little frontage or visibility from surrounding roadways. It was originally developed as a warehouses, and had been a non-conforming use for some time before the last comprehensive rezoning. It is an anomaly in this neighborhood. The applicant's assertion that it could be successfully redeveloped for consolidated storage may well be accurate, but the county has recently chosen to prohibit this type of land use in commercial areas such as this neighborhood. Consolidated storage is now only permitted in the industrial zoning categories, along with a variety of other industrial uses, which are not appropriate for this neighborhood.

The master plan and the SMA encourage redevelopment of small buildings and nonconforming uses (such as the subject property) with larger, new projects. However, the zoning condition imposed on the subject property by A-8110-C to prohibits further development of buildings on the site, contrary to the goals of both the master plan and the SMA. There may be an argument that it was a mistake to retain this restrictive zoning condition. However, the mistake criteria for rezoning is precluded for this part of the county since the SMA was completed more than 10 years ago. Ordinarily, an applicant in this situation could pursue their zoning request in the next comprehensive zoning, but none is scheduled for this area in the foreseeable future.

As an alternative, the applicant could request removal of this restrictive condition by the procedures described in Section 27-135(c)(1) of the Ordinance. This would allow the applicant to more easily redevelop and perhaps even consolidate this property with the redevelopment of neighboring lots as if reclassified in the C-S-C Zone.