



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

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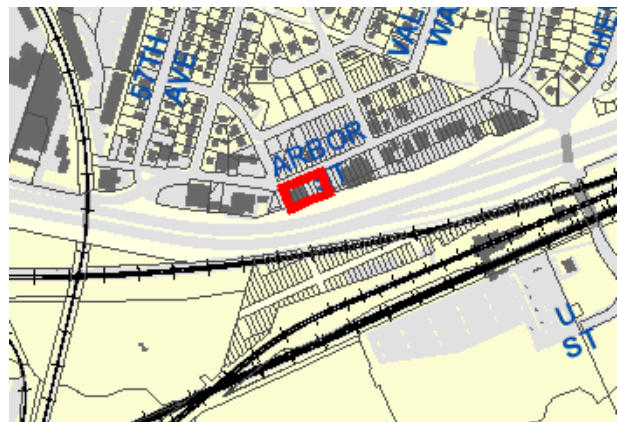
# Detailed Site Plan

## 5801 Arbor Street Property

# DSP-21032

REQUEST	STAFF RECOMMENDATION
<p>This case was continued from the Planning Board hearing date of December 8, 2022 to January 26, 2023.</p> <p>To approve a change in the list of allowed uses to permit wholesaling or distribution of materials used or produced on the premises and contractor's office with outdoor storage uses in the M-U-I/D-D-O Zone.</p>	<ul style="list-style-type: none"><li>• DISAPPROVAL</li></ul>

<b>Location:</b> On the south side of Arbor Street, approximately 250 feet west of its intersection with 59th Avenue.	
Gross Acreage:	0.46
Zone:	LTO-C
Zone Prior:	M-U-I/D-D-O
Reviewed per prior Zoning Ordinance:	Section 27-1903(c)
Dwelling Units:	N/A
Gross Floor Area:	9,053 sq. ft.
Planning Area:	69
Council District:	05
Municipality:	N/A
<b>Applicant/Address:</b> Nabely Family Trust 17707 Central Avenue Upper Marlboro, MD 20774	
<b>Staff Reviewer:</b> Tom Burke <b>Phone Number:</b> 301-952-4534 <b>Email:</b> Thomas.Burke@ppd.mncppc.org	



Planning Board Date:	01/26/2023
Planning Board Action Limit:	01/26/2023
Staff Report Date:	11/21/2022
Date Accepted:	09/29/2022
Informational Mailing:	11/23/2021
Acceptance Mailing:	09/14/2022
Sign Posting Deadline:	11/08/2022

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/).  
Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION  
  
PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT:       Detailed Site Plan DSP-21032  
                  5801 Arbor Street Property

The Urban Design staff has completed its review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of DISAPPROVAL.

**EVALUATION**

This property is located within the Local Transit-Oriented-Core (LTO-C) Zone. However, this application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1903(c) of the Zoning Ordinance, which allows certain development proposals to utilize the prior Zoning Ordinance or Subdivision Regulations. This detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a.       The requirements of the 2018 *Approved Greater Cheverly Sector Plan*;
- b.       The requirements of the prior Prince George's County Zoning Ordinance in the Mixed Use-Infill (M-U-I) Zone and the Development District Overlay (D-D-O) Zone;
- c.       The requirements of the 2010 *Prince George's County Landscape Manual*;
- d.       The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- e.       The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- f.       Referrals.

**FINDINGS**

Based upon the evaluation and analysis of the subject application, the Urban Design staff recommends the following findings:

1.       **Request:** This is a request, pursuant to Section 27-548.26(b)(1)(B) of the prior Prince George's County Zoning Ordinance, that the Prince George's County District Council approve a change in the list of allowed uses in the Development District Overlay (D-D-O) Zone, as modified by the zone's development district standards. When making such a request, an

applicant is required to submit either a detailed site plan (DSP) or a conceptual site plan. The Planning Board is required to make a recommendation to the District Council.

**2. Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	LTO-C	LTO-C (Prior M-U-I/D-D-O)
Total Site Area	0.46	0.46
Use(s)	Wholesale or distribution*	Wholesale or distribution
Total Building Gross Floor Area (GFA)	9,053 sq. ft.	9,053 sq. ft.

**Parking and Loading Data**

<b>Parking Requirements</b>	<b>REQUIRED</b>	<b>PROVIDED</b>
3 spaces for first 1,500 sq. ft. GFA	3	3
1 space for each additional 1,500 sq. ft. GFA	5	6
<b>Total Parking Spaces</b>	<b>8</b>	<b>9</b>

**Other Development Data:**

<b>Loading Spaces</b>	<b>REQUIREMENT</b>	<b>REQUIRED</b>	<b>PROVIDED</b>
Wholesale or warehouse	1 per 1,500 to 10,000 sq. ft. GFA	1	0
<b>Total Loading Spaces</b>		<b>1</b>	<b>0*</b>

**Notes:** \*The existing use as a wholesaling or distribution of materials used or produced on the premises with a contractor's office and outdoor storage is operating without approvals or authorization.

\*\*The *Approved Greater Cheverly Sector Plan* does not contain specific requirements for the number of loading spaces; therefore, Section 27-582(a) of the prior Zoning Ordinance serves as the requirement.

- 3. Location:** This property is located on the south side of Arbor Street, approximately 250 feet west of its intersection with 59th Avenue in Council District 5, and Planning Area 69. The address is 5801 Arbor Road, Hyattsville, south of the corporate limits for the Town of Cheverly, and is shown as Lots 1-8, Block 6, of the Tuxedo Subdivision shown in Plat Book A, Plat No. 71, filed among the land records of Prince George's County.
- 4. Surrounding Uses:** This property is surrounded by light industrial/commercial uses in the Local Transit-Oriented-Core (LTO-C) Zone to the west, to the east, and to the north across Arbor Street. US 50 (John Hanson Highway) is located to the south, with the Cheverly Metro Station in the LTO-C Zone beyond.

5. **Previous Approvals:** Lots 36-42, Block 7, Tuxedo Subdivision, were rezoned from the One-Family Detached Residential (R-55) Zone to the Commercial Miscellaneous (C-M) Zone on April 18, 1977, by Zoning Map Amendment 9112-C, subject to site plan approval by the Planning Board.

Detailed Site Plan DSP-05103 was approved by the Planning Board on July 20, 2006. This application was reviewed in accordance with C-M Zone requirements, not the M-U-I Zone, because it involved uses that were legally existing at the time of sector plan adoption and determined to be exempt from the requirements of the D-D-O Zone because there was no new construction proposed on the site.

Currently, the site is operating as warehouse and a contractor's office with outdoor storage. The applicant pursued approval of building permits for these operations on the site with Permit 1670-2018 for the warehousing use and Permit 7827-2020 for the contractor's office with outdoor storage use. These permits were not approved due to noncompliance with the applicable D-D-O Zone standards.

## **COMPLIANCE WITH EVALUATION CRITERIA**

6. **2018 Approved Greater Cheverly Sector Plan and the Development District Overlay (D-D-O) Zone:** This property is located within the Cheverly Metro Local Transit Center boundary of the Greater Cheverly Sector Plan, and Section 3 (Land Use Element) provides policies and strategies that apply to this area, including the following:

### **Policy LU 2**

**Define the Local Transit Center (LTC) boundary to focus redevelopment at the Cheverly Metro Station and along the MD 459 (Arbor Street and Tuxedo Road) corridor east of the CSX Railroad tracks, and to limit development in the floodplain.**  
(page 43)

### **Strategies**

**LU 2.1 Promote redevelopment from east of the CSX railroad tracks along MD 459 (Tuxedo Road and Arbor Street to Cheverly Avenue to allow a mix of residential, retail and office uses.** (page 43)

**LU 2.2 Facilitate parcel assembly from east of CSX Railroad tracks along MD 459 (Tuxedo Road and Arbor Street) to encourage redevelopment in the Local Transit Center and implement the vision of a walkable main street.**  
(page 43)

7. **Prince George's County Zoning Ordinance:** The subject site plan has been reviewed for conformance with the requirements of the M-U-I and D-D-O Zones. Uses in the M-U-I Zone are governed by Section 27-546.17(a) of the prior Zoning Ordinance, which states:

- (a) **All uses permitted by right or by Special Exception in the C-S-C Zone, as provided in Section 27-461(b), are permitted by right in the M-U-I Zone, except as follows:**

- (1) For the uses in Section 27-461(b)(3), Miscellaneous, and 27-461(b)(6) Residential/Lodging, the uses allowed are those permitted in Section 27-441(b)(4), Miscellaneous, and (7), Residential/Lodging, for the R-18 Zone, except that hotel and motel uses are permitted as in the C-S-C Zone.**

The proposed wholesaling or distribution of materials used or produced on the premises with a contractor's office and outdoor storage is not listed as a permitted use in the Commercial Shopping Center (C-S-C) Zone. Section 27-461(a)(7) of the prior Zoning Ordinance provides that all uses not listed are prohibited. Pursuant to Section 27-548.26(b) of the prior Zoning Ordinance, the applicant can request that the Prince George's County District Council change the list of allowed uses for the subject property, to allow a desired use. In so doing, they must find that the proposed development conforms with the purposes and recommendations for the development district, as stated in the master plan, master plan amendment, or sector plan; meets applicable site plan requirements; and does not otherwise substantially impair the implementation of any comprehensive plan applicable to the subject development proposal.

Staff opposes the applicant's request to allow the wholesaling and distribution of materials used or produced on the premises on this property, as it will not be consistent with the permitted uses of the C-S-C Zone or the intent of the D-D-O Zone, and will substantially impair implementation of the sector plan by eliminating the opportunity to develop the subject property, as recommended by the sector plan. In addition, staff believes disapproval of a proposed use is appropriate, when the applicant is currently operating that same use without a permit.

The District Council, the Prince George's County Planning Board, and the community invested a significant amount of time creating the D-D-O Zone for the Greater Cheverly Sector Plan. To ignore the strategies and permitted uses, fails to adhere to the communities' wishes and the land use vision for the area.

The planning processes, which lead to approval of all sector plans, involves public process and substantial resources. The public process is to guarantee that the clear vision and reasonable expectations are considered and, most importantly, an implementable plan is approved. The approved sector plan provides decision-makers with clear and concise direction regarding desired uses and building standards necessary to implement the plan's vision.

In an effort to assure the validity of approved plans, to maximize opportunities to implement the plan, and to maintain the community's trust in the planning processes, staff cannot support uses that are contrary to the plan's vision. The applicant's request to add the wholesaling or distribution of materials used or produced on the premises with a contractor's office and outdoor storage, as a permitted use on the property, eliminates the opportunity to attract mixed-use residential development to the subject property, as recommended by the sector plan and reinforced by the

sectional map amendment, which reclassified the subject property from the C-M Zone to the M-U-I Zone and imposed the D-D-O Zone. In addition, the District Council did not approve zoning for the subject site that would allow the proposed use; therefore, there is no presumption that the subject site could be used, as desired.

Therefore, staff finds that the Planning Board should recommend to the District Council that the wholesaling or distribution of materials used or produced on the premises with a contractor's office and outdoor storage use be disapproved.

8. **2010 Prince George's County Landscape Manual:** The application is exempt from the requirements of the Landscape Manual, per Section 1.1(d), because change in use will not result in a change from a lower-intensity to a higher-intensity use category, as defined in the Landscape Manual. Any future development applications for this site may be subject to the requirements of the 2010 or the 2022 Landscape Manual.
9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance, as stated in a letter of exemption issued by the Environmental Planning Section on October 10, 2013 for the site. The reason given for issuing the letter of exemption was because the property contains less than 10,000 square feet of woodland and has no previous tree conservation plan approvals.
10. **Prince George's County Tree Canopy Coverage Ordinance:** This project is not subject to the requirements of the Tree Canopy Coverage Ordinance because the disturbance on the site will not exceed 5,000 square feet.
11. **Referral Comments:** This application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and are incorporated herein by reference:
  - a. **Community Planning**—In a memorandum dated October 26, 2022 (White to Burke), the Community Planning Division offered an evaluation of the application's conformance with the D-D-O Zone, that has been incorporated into Findings 7 and 8 above.
  - b. **Transportation Planning**—In a memorandum dated November 9, 2022 (Yang to Burke), the Transportation Planning Section provided comments incorporated herein.
  - c. **Subdivision Review**—In a memorandum dated November 4, 2022 (Gupta to Burke), the Subdivision Review Section provided a background and detail incorporated herein.
12. The DSP does not propose any new development on the property. Because staff is recommending the Planning Board oppose the use request, it follows that, pursuant to Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP does not represent a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and

without detracting substantially from the utility of the proposed development for its intended use.

13. Section 27-285(b)(4) of the prior Zoning Ordinance requires that regulated environmental features be preserved and/or restored in a natural state, to the fullest extent possible. This application is to allow a use, and will not impact the conditions of the site.

## **RECOMMENDATION**

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and recommend to the Prince George's County District Council DISAPPROVAL of the applicant's request to permit wholesaling or distribution of materials used or produced on the premises with a contractor's office and outdoor storage on this site.