



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**14741 Governor Oden Bowie Drive**  
**Upper Marlboro, Maryland 20772**

## **PLANNING DIRECTOR DECISION**

### **Limited Departures and Revisions to Approved Plans**

**Application No:** ROSP SE-3062/02

**Project Name:** American Legion Disney Bell Post 66 (American Legion)

**Reviewer's Name:** Kendra C. Wright, Senior Planner, Zoning Section

- A. **Nature of the Applicant's Request:** The applicant requests approval of a revision of site plan to add a 2,257-square-foot outdoor pavilion and validate changes to the site plan for an existing private club.

The original site plan for SE-3062 permitted an expansion of the existing building (Building A) in two stages (identified as Building B and Building C). The total approved square footage for buildings was 10,538 square feet and 61,725 square feet of area covered by a structure other than a building. The combined total is 72,263 square feet. The only two structures on the property were the L-shaped Building A and a shed, which were estimated at 4,038 square feet and 384 square feet, respectively.

The site plan for ROSP SE-3062/01 permitted a 576-square-foot kitchen addition to meet Prince George's County Health Department standards. However, the site plan was not scaled and therefore had several discrepancies. The kitchen addition was shown larger than approved and out of proportion to the building. There was also an additional shed shown on this plan that was removed as a condition of approval.

The current site plan shows Building A, the shed, an additional garage structure, and the proposed pavilion. The areas of the structures are 4,647 square feet, 384 square feet, 288 square feet, and 2,257 square feet, respectively. The applicant has done an as-built survey to accurately create the current site plan. In particular, Building A is shown with greater detail. The additional gross floor area is 321 square feet, which brings the total increase in gross floor area to 8.5 percent of the approved building area. The total revision will amount to 2,578 square feet, which is a four percent increase in gross floor area and land covered by a structure other than a building.

- B. **Required Findings:**

**Section 27-325(a)** generally authorizes the Planning Board and Planning Director to approve certain minor changes to approved special exception site plans. **Section 27-325(c)** provides the following specific criterion for approval:

**(c) Limited minor changes, Planning Director.**

- (1) The Planning Director is authorized to approve minor changes administratively, without public hearing, in cases listed in (b), but only if the proposed minor changes are limited in scope and nature, including an increase in gross floor area or land covered by a structure other than a building up to ten percent (10%). The Director shall deny any administrative approval request proposing site plan changes which will have a significant impact on adjacent property.**
- (2) Before approving a minor change, the Director shall make all findings the Planning Board would be required to make, if it reviewed the application.**
- (3) The Director is not authorized to waive requirements in this Subtitle, grant variances, or modify conditions, considerations, or other requirements imposed by the Planning Board or District Council in any case.**
- (4) The applicant's property shall be posted within ten (10) days of the Director's acceptance of filing of the application. Posting shall be in accordance with Part 3, Division 1. On and after the first day of posting, the application may not be amended.**
- (5) The Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.**
- (6) If posting is waived or a written request for public hearing is not submitted within the posted time period, then the Director may act on the application. The Director's approval concludes all proceedings.**
- (7) If the Director denies the application or a timely hearing request is submitted, then the application shall be treated as re-filed on the date of that event. The applicant, Director, and Technical Staff shall then follow the procedures for Planning Board review in (a) above.**

The proposed revisions will increase the total lot coverage by four percent and is, therefore, eligible for review by the Planning Director.

**Section 27-359** provides the following criteria for approval of a golf course, private club, and/or nonprofit recreational uses:

- (a) A golf course, private club, community building, or other nonprofit recreational use may be permitted, when it is not publicly owned or operated. Concessions for serving food and refreshments to, and entertainment for, club members and guests, may also be permitted. This special exception does not apply to community swimming pools, golf driving ranges, or miniature golf courses.**
- (b) A golf course may be permitted in the V-L and V-M Zones, provided the District Council finds that the proposed use:**

- (1) **Preserves the open space, scenic vistas, and environmental features of the area;**
- (2) **Complements the natural characteristic of the area; and**
- (3) **Provides enjoyment or recreational activities, including passive recreational activities, for the residents of the Zone.**

The proposed revision does not alter or impair the club's ability to meet the specific requirements for approval. The area is not within any property in the V-L or V-M Zone and does not include any golf driving ranges, miniature golf courses, or swimming pools.

**Section 27-317** provides the following criterion for approval:

- (1) **The proposed use and site plan are in harmony with the purpose of this Subtitle;**
- (2) **The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**
- (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 Master Plan, the General Plan;**
- (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; and**
- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

**C. Determinations:**

1. **Location and Field Inspection:** The subject property is located on the east side of Old Laurel-Bowie Road, approximately one mile north of the MD 564 intersection, known as 9605 Old Laurel-Bowie Road, Bowie, Maryland. It is zoned R-O-S and is approximately 6.72 acres in size. It is improved with a 4,647-square-foot building, a 384-square-foot cinder block storage building, and a 288-square-foot metal shed/garage. The site also contains 51 marked parking spaces and a few picnic tables. Private club members use the facility during the day and evening, with various weeknight membership meetings and periodic weeknight/weekend gatherings.
2. **Neighborhood and Surrounding Uses:** It is surrounded by the following uses:
 

North:	Undeveloped portion of the Patuxent Wildlife Research Center (PWRC) in the R-O-S Zone
East:	Single-family home and undeveloped land in the R-A Zone
South:	Undeveloped land in the R-A Zone

West: Single-family subdivision in the R-A Zone and the Sandyhill Landfill in the R-O-S Zone

3. **History:** Special Exception 3062 was approved on December 12, 1977. The first revision to this special exception, ROSP SE-3062/01, was approved on November 21, 1996. This revision allowed a 576-square-foot kitchen addition onto the main building to enlarge and renovate the existing kitchen. The approved site plan also contains appropriate landscape planting schedules related to Alternative Compliance No. 97020, which was approved on April 28, 1997.
4. **Master Plan Recommendation:** The site is located in Planning Area 71A and is controlled by the February 2006 *Approved Master Plan and Sectional Map Amendment for Bowie & Vicinity*. The master plan shows the property with a “public, institutional, and quasi-public” use designation. The SMA rezoned the property from the Residential Agricultural (R-A) Zone to the R-O-S Zone.
5. **Parking Regulations:** The site contains 51 marked parking spaces; 7 of these are handicapped accessible. Pursuant to Section 27-566, three spaces must be reserved for the physically handicapped. The addition of the picnic tables at the pavilion requires 4 additional spaces, for a total of 51 spaces. The proposed site plan meets the current parking requirements. However, it also contains a future phase parking area that is not numbered. Revisions to the site plan are addressed in the recommended conditions of approval.
6. **Landscape Manual Requirements:** Alternative Compliance to the requirements of the Landscape Manual was approved by the Planning Director on April 28, 1997, (AC-97020). The proposed site plan shows additional plantings due to the addition of gross floor area. However, because the additional area is less than ten percent of the existing structure, the site is not subject to the Landscape Manual.
7. **Sign Regulations:** The site plan shows three signs in the right of way. According to a site visit, only two signs are existing. No signage is approved as a part of this application. Any existing sign must be permitted. Any proposed sign in the right of way must be approved by the District Council.
8. **Required Findings:**
  - a. **Minor Change Findings:** The proposed revision involves a four percent (3.4%) expansion of the total lot coverage and is, therefore, eligible for review by the Planning Director. The proposed changes are minor in scope and nature as the pavilion will only be used seasonally. The application does not require any waiver of requirements, variances, modification of conditions, or other.

It should be noted that the applicant no longer needs District Council approval to build in the master plan right-of-way, as required by Condition of PGCPB Resolution No. 96-329, because the right-of-way for arterial highway A-44, shown on the previous master plan, has been deleted from the 2006 master plan map.
  - b. **Special Exception Findings:** The proposed revision will be the development of an outdoor pavilion and the validation of a garage and minor area adjustments.

- (1) The proposed revision will not alter the previous findings with regard to the purposes of this subtitle. The subject property has been utilized as a private club for over 28 years. The use will not change. The proposed site plan will retain the same general appearance. The site plan shows a six-foot wood privacy fence from west to east. The fence is not approved as a part of this application. There is also an unidentified 184-square-foot structure that must be removed. The area of the metal garage is also incorrect. With the recommended conditions of approval, the site plan will be in compliance with the Zoning Ordinance.
- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle. The proposed use is permitted by special exception and has been in operation for several years.
- (3) The revision will not impair the integrity of the General Plan. The approved 2006 Bowie and vicinity master plan recommends a continued public/quasi-public use for this property.
- (4) Because of the natural screening, slopes, and general rural character of the area, the proposed expansion will not affect adversely the health and safety of residents in the area.
- (5) The proposed expansion will not alter the existing use and will not be detrimental to the use and/or development of adjacent properties or the neighborhood.
- (6) The subject application qualifies for a “numbered” exemption from the requirements of the Tree Conservation Ordinance as no significant amount of vegetation will be disturbed. This exemption must be obtained prior to construction of the pavilion.

9. **Conclusion:** The structure will be located to comply with the building and setback requirements. The changes are very minor and will not impair the findings made by the Planning Board or District Council in approving the special exceptions.

C. **Recommendation:** Based on the above findings, it is recommended that ROSP-SE-3062/02 be APPROVED, subject to the following conditions:

1. The site plan shall be revised as follows:
  - a. Remove the six-foot wood privacy fence, the unidentified 184-square-foot structure, and any nonpermitted signs.
  - b. The area of the garage shall be corrected from 281 square feet to 288 square feet.
  - c. Label the future parking area and show the number of spaces.
  - d. Label and provide the area for Buildings B and C.

- e. The height of Building A shall not exceed 20 feet. This shall be corrected and noted on the plan.
- 2. The signage on the property shall be corrected as follows:
  - a. All signs in the right-of-way, existing and proposed, shall be approved by the District Council.
  - b. Permits must be submitted for existing signs. If no permits exist, the signs shall be removed prior to signature approval.
- 3. The applicant shall obtain an exemption from the requirements of the Tree Conservation Ordinance prior to signature of approval.

**APPROVED BY AUTHORITY OF:  
Fern V. Piret, Planning Director**

**Date:**\_\_\_\_\_

**By:**\_\_\_\_\_  
**Jimi Jones, Acting Zoning Supervisor**