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## Special Exception Application No. 4319

Application	General Data
<b>Project Name:</b> Amish Inc.  <b>Location:</b> West side of US 301 approximately 515 feet south of Swanson Road, known as 2901 Southwest Crain Highway.  <b>Applicant/Address:</b> Amish, Inc. 2901 Southwest Crain Highway Upper Marlboro, Maryland 20772	Date Accepted: 2/23/98
	Planning Board Action Limit: N/A
	Plan Acreage: 5.52
	Zone: R-S
	Dwelling Units: N/A
	Square Footage: 17,115
	Planning Area: 79
	Tier: Developing
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 204SE14

Purpose of Application	Notice Dates
Nonconforming buildings, structures, and uses; alteration, enlargement, extension, or reconstruction.	Adjoining Property Owners Previous Parties of Record Registered Associations (CB-12-2003) <div>9/30/04</div>
	Sign(s) Posted on Site: <div>N/A</div>

Staff Recommendation		Staff Reviewer: Jimi Jones	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

**TECHNICAL STAFF REPORT:**

TO: The Prince Georges County Planning Board  
The Prince Georges County District Council

FROM: Jimi Jones, Acting Supervisor, Zoning Section

SUBJECT: **Special Exception Application No. 4319**

REQUEST: **Enlargement of a Certified Nonconforming Motel in the R-S Zone in accordance with Sections 27-384 and 27-317 of the Zoning Ordinance.**

RECOMMENDATION: **Approval, subject to conditions.**

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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 301-952-3280.

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## FINDINGS:

- A. Location and Field Inspection:** The subject property is generally rectangular in shape and is developed with a 13-room motel made up of a central building, parallel to US 301, and a detached wing to the south. Both buildings were built in 1953. A wide lawn separates the motel from the southbound lanes of US 301, upon which the site fronts.

**B. Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-S (1.6-2.6)	R-S (1.6-2.6)
Use(s)	Motel	Motel
Acreage	5.5 ac.	5.5 ac
Lots	1	1
Parcels	1	1
Square Footage/GFA	17,115	17,115
Dwelling Units:	None	None

- C. History:** The application was originally reviewed by the Planning Board in May 1998. The subject property has twice been certified as a legal nonconforming use, first in 1976 via Permit No. 146-76-U and again in 1997 via Permit No. 55-97-U. The Zoning Hearing Examiner granted (July 1998) a request from the applicant to remand this case de novo to allow further revision to the plan.
- D. Master Plan Recommendation:** The 1993 Master Plan for Subregion VI recommends an Estate Residential use for the subject property. The subsequent SMA retained the site in the R-S Zone, as part of the larger (1,000+ acre) Beech Tree project.
- E. Request:** The applicant seeks permission to add an additional 54 rooms to the existing motel, for a total of 61. The new rooms would be located in two new wings with 27 rooms each on the north and south ends of the property. The existing motel has 13 rooms, of which six would be eliminated.
- F. Neighborhood and Surrounding Uses:** The site is surrounded by the following uses:

North and West— Undeveloped land, part of the proposed Beech Tree development in the R-S Zone.

East— Across US 301 is undeveloped land and a church in the O-S Zone

South— Undeveloped land in the R-A Zone

The subject property is located within a neighborhood with the following boundaries:

North— Leeland Road

East— US 301

South— MD 725

West— Popes Creek Railroad Line

The neighborhood contains several large agricultural areas that have been approved for various residential and office/employment uses but have not yet developed. The character of the area is rural, with some strip-commercial uses located near the intersection of US 301 and MD 725.

**G. Specific Special Exception Requirements:**

**Sec. 27-384. Nonconforming buildings, structures, and uses; alteration, enlargement, extension, or reconstruction.**

(a) **The alteration, enlargement, extension, or reconstruction of any nonconforming building or structure, or certified nonconforming use (except those certified nonconforming uses not involving buildings, those within the Chesapeake Bay Critical Area Overlay Zones as specified in paragraph 7, below, unless otherwise provided, and except for outdoor advertising signs), may be permitted subject to the following (In pertinent part):**

(1) **A nonconforming building or structure, or a building or structure utilized in connection with a certified nonconforming use, may be enlarged in height or bulk, provided that the requirements of Part 11 are met with respect to the area of the enlargement.**

The addition of 54 rooms necessitates an additional 54 parking spaces. When added to the existing six rooms, a total of 61 parking spaces would be required; 66 are provided. The proposed motel will have more than 10,000 square feet of gross floor area (17,115 square feet); one loading space is provided as required.

(2) **A certified nonconforming use may be extended throughout a building in which the use lawfully exists, or to the lot lines of the lot on which it is located, provided that:**

(A) **The lot is as it existed as a single lot under single ownership at the time the use became nonconforming; and**

(B) **The requirements of Part 11 are met with regard to the extended area.**

The subject property remains a single lot under single ownership. As previously noted, all required parking and loading spaces have been provided.

**H. Parking Regulations:** The Zoning Ordinance requires one off-street parking space per room for a motel. With 61 proposed rooms, 61 parking spaces are required. The site plan indicates that 66 parking spaces will be provided. One off-street loading space is required if the motel exceeds 10,000 square feet of gross floor area (GFA). The proposed use will consist of 17,115 square feet of GFA. The site plan correctly shows one loading space.

**I. Landscape Manual Requirements:** The subject property is governed by the basic plan approved for the Beech Tree development (A-9763-C) and is therefore exempt from the requirements of Sections 4.2 and 4.7 of the *Landscape Manual*. The proposed parking areas are, however, subject to the interior parking requirements of Section 4.3c and 4.4 (Screening Requirements) of the manual. The Urban Design Section in a memo dated September 22, 2004, raised concerns about

landscaping along US 301 as it relates to the street right-of-way. The applicant has revised the site plan to address Sections 4.3c and 4.4 of the *Landscape Manual* and locate landscaping behind the US 301 right-of-way line.

- J. Zone Standards:** The property meets the general requirements of the R-S Zone. No variances are required.
- K. Sign Regulations:** The site plan shows a freestanding sign that is in the ultimate right-of-way for US 301. The plan also shows that the sign will be moved to a location that is at least 10 feet behind the street right-of-way.
- L. Other Issues:** The Transportation Planning Division reviewed the information provided in support of the special exception application and submitted comments in a memo dated September 17, 2004. A smaller proposal for this site was reviewed in 1998. As the scope of the proposal has changed, the comments completely supercede any findings made in 1998.

#### **“Review Comments**

“The subject property currently contains an existing motel with 13 units. Rates provided in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* indicate that the subject property would generate a total of 8 AM (4 in, 4 out) and 10 PM (5 in, 3 out) peak-hour vehicle trips.

“The applicant proposes a net 48-unit expansion of the motel use. Under the proposal, the site would generate a total of 40 AM (21 in, 19 out) and 49 PM (27 in, 23 out) peak-hour vehicle trips. Therefore, as a result of the special exception, the site would generate an additional 32 AM and 39 PM peak-hour vehicle trips according to the trip rates used.

“The majority of vehicle trips generated by the subject property utilize the link of US 301 between MD 725 and MD 214. According to recent analyses that have been reviewed by the transportation staff in connection with applications for Beech Tree and the Buck Property, this highway link and each intersection along this link would operate unacceptably when considering future traffic, including that generated by other approved developments in the area.

“There is a project in the current county CIP to improve US 301 between MD 214 and MD 725. This project would involve adding an additional through lane northbound and southbound along US 301. It would also involve considerable improvements to the intersections along the highway. These improvements to US 301 are fully funded for construction in the current CIP. However, the CIP also notes that “Other” funding will come from developer contributions and the State of Maryland, and “Other” funding makes up 100 percent of construction costs. More precisely, the project description in the CIP states that state funding and developer contributions would be the source of funding. Of the \$24,000,000 cost of the project (2nd quarter 1989 costs), the Department of Public Works and Transportation (DPW&T) estimates that developers will be required to provide \$2,500,000 toward the final cost, with the state to fund the remainder.

“Understanding that the adequacy of transportation facilities is not a required finding for a special exception; it was determined during a previous review of this case that payment of approximately \$452 (1989 dollars) per net hotel room added would be a fair contribution toward the future improvements in the area. On a per-trip basis, this is similar to the amounts required of other developers in the US 301 corridor between MD 725 and MD 214.

“The transportation staff has noted that the future A-61 and F-10 facilities are planned within a wide common right-of-way along existing US 301. This right-of-way has been estimated by the State Highway Administration to extend 157 feet from the existing centerline of US 301. While the applicant is planning no buildings within the future right-of-way, the drive aisles needed to serve additional parking on the site do fall within the planned right-of-way. Also, considerable landscaping on the site as well as the existing sign are within the planned right-of-way. Both drive aisles around the south and north additions extend well into the right-of-way, and it appears that the portion of the site around both additions should be refigured. Each addition could possibly be reduced to 24 rooms instead of the 27 rooms shown. However, the need for on-site circulation to extend into the ultimate planned right-of-way, as shown on the plan, is unacceptable and will not contribute to safety of access once the A-61 and F-10 facilities are built.

“Otherwise, site access and on-site circulation are acceptable.

#### **“Findings and Recommendations**

“In consideration of the information provided in support of the application, the Transportation Planning Section finds that the special exception would not adversely affect the health, safety, or welfare of residents or workers in the area. This finding is contingent upon changes to the proposed site plan that will locate the drive aisles serving the facility outside of the master plan right-of-way. This is essential to the approval of this plan.

“As an associated finding of fact, this section finds that the adjacent link of US 301 between MD 725 and MD 214 fails under background and total traffic. The transportation staff finds that this application would add vehicle trips to this link of US 301 by virtue of US 301 being the sole access to the subject property. It is noted that a project to improve capacity along US 301 is funded in part with developer contributions in the county Capital Improvement Program.”

#### **M. 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.**

With the recommended conditions, the proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The primary purpose of the Zoning Ordinance is to protect the public health, safety and welfare. The applicant's proposal to expand this longstanding business poses no obvious threat to the present and future residents of this area.

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

With the recommended conditions, the proposed use will be in conformance with all applicable requirements. The site plan has been redesigned such that on-site traffic circulation does not interfere with the location of the ultimate right-of-way for US 301.

- (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 Master Plan for Subregion VI recommends Estate Residential uses in recognition of this site's inclusion in the Beech Tree development proposal (previously known as The Villages of Belmont). The master plan also discusses the potential impact of road improvements along US 301, which could potentially impact this site. The plan anticipates US 301 being rebuilt as a freeway (F-10) with a four-lane arterial (A-61) running parallel to and utilizing the southbound lanes of existing US 301. This applicant has redesigned the driveways such that they do not interfere with the proposed right-of-way for US 301.

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

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. The site plan has been redesigned to respect the location of the ultimate right-of-way for US 301. The applicant's proposal to expand this longstanding business poses no obvious threat to the present and future residents.

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

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The applicant proposes to expand a business that has served motorists along US 301 for many years. Nothing in the record for this property suggests that the proposed expansion would be detrimental to the neighborhood.

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

The applicant has submitted a revised site plan (dated September 14, 2004) and tree conservation plan (dated July 29, 2004) and that is in conformance with the Woodland Conservation Ordinance. In a memo dated March 30, 2004, the Environmental Planning Section recommends additional conditions regarding the approval of the Type II tree conservation plan.

## **CONCLUSION:**

Based on the comments submitted by the applicant and reviewing agencies. Staff recommends APPROVAL of SE-4319 subject to the following conditions:

1. Prior to issuance of a building permit, the architectural elevations for the project shall be reviewed and approved by the Planning Board or its designee in order to ensure compatibility with the existing building on the property and to provide quality architecture that will enhance the site and make a positive contribution to the appearance of the Route 301 corridor.
2. Prior to signature approval of the Type I Tree Conservation Plan the plan shall be revised as follows:

- a. Add the following note to the TCPI. "The planting schedule for the proposed afforestation will be determined during the review and approval of the Type II Tree Conservation Plan. At that time a combination of large caliper planting stock and seedlings will be required for all afforestation areas."
  - b. The revised TCPI shall be signed and dated by a licensed landscape architect, licensed forester or qualified professional who prepared the revised plan.
3. The following certification shall be placed on all building permits and shall be signed and dated by an engineer with expertise in acoustical engineering: "The construction shown on this building permit will result in interior noise levels of 45 dBA Ldn or less."