



SPECIAL EXCEPTION APPLICATION NO. 4432

ALTERNATIVE COMPLIANCE APPLICATION NO. 01033

Application	General Data
Project Name: Prince George's Correctional Officers' Union Hall Location East Side of Church Road, approximately 2,100 feet south of Jones Bridge Road. Applicant/Address Prince George's Correctional Officers' Association 4676 Pennsylvania Avenue Upper Marlboro, Maryland 20772 Correspondent Gary J Rubino Greenhorn & O'Mara, Inc. 9001 Edmonston Road Greenbelt, Maryland 20770	Date Accepted 8/16/01
	Planning Board Action Limit N/A
	ZHE Hearing Date 4/3/02
	Tax Map & Grid 069 F-3
	Plan Acreage 10.0 acres
	Zone R-A
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 74A
	Council District 6
	Municipality N/A
	200-Scale Base Map 201NE13

Purpose of Application	Notice Dates
<ul style="list-style-type: none"> ■ Private Club 	Adjoining Property Owners (CB-15-1998) 6/19/01
	Previous Parties of Record (CB-13-1997) N/A
	Sign(s) Posted on Site N/A
	Variance(s): Adjoining Property Owners N/A

Staff Recommendation			Staff Reviewer: Elsabett Tesfaye
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION

		X	

February 13, 2002

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Elsabet Tefaye, Senior Planner

SUBJECT: **Special Exception Application No. 4432**
Alternative Compliance Application No. 01033

REQUEST: **Private Club in the R-A Zone**

RECOMMENDATION: **SE-4432: DENIAL**
AC-01033: DENIAL

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.

FINDINGS:

- A. Location and Field Inspection: The property is located on the east side of Church Road, approximately 2,100 feet south of Jones Bridge Road. The site comprises 10 acres of land that is part of a 135-acre parcel known as Parcel 12, Tax Map 69, Grid E-3 (the Mitchell Property). The subject special exception site is located at the southwestern corner of Parcel 12. A subdivision plat is required for development of the special exception.

The subject property is currently unimproved. The majority of Parcel 12 is currently used for agriculture. Some areas of the parcel are wooded. There is a single-family house and several farm-related outbuildings on Parcel 12. The proposed special exception site will have a direct access to Church Road via a 22-foot-wide driveway.

- B. History: The 1991 Sectional Map Amendment for Bowie-Collington-Mitchellville and Vicinity classified the subject property in the R-A Zone.
- C. Master Plan Recommendation: The 1991 Master Plan for Bowie-Collington-Mitchellville and Vicinity recommends the site for residential development as a ■Rural Living Area■ with a maximum density of .5 dwelling per acre.
- D. Request: The applicant proposes to construct a 2-story, 7,634-square-foot building to establish a private club(Union Hall). The proposed building contains a 200-seat restaurant facility and a 680-square-foot office space. The proposal also includes construction of a parking lot for 207 parking spaces, an open play field, and a stormwater management pond.
- E. Neighborhood and Surrounding Uses: The neighborhood is generally defined by the following boundaries:

North: Central Avenue

East: Pennsylvania Rail Road

South: Oak Grove Road

West: Church Road

The northern portion of the neighborhood is developed with single-family houses on large parcels in the R-A Zone. The remaining (southern) portion of the neighborhood is undeveloped and is the subject of Comprehensive Design Plans (CDP-9902 and CDP-9903) for a 923.0-acre residential golf course community, the Oak Creek Club.

The subject site is surrounded by generally undeveloped land. The major portion of the 135-acre, R-A-zoned parcel (of which the special exception site is currently part) is located to the north and east and is currently used for agriculture; it also contains some patches of wooded areas. A Preliminary Plan, 4-011001, is being reviewed for the subdivision of Parcel 12 (excluding the proposed special exception) for a 57-lot, single-family residential development. To the south, across a 10-foot gravel driveway, is a M-NCPPC-owned park with no recreational facility, and beyond that, about 170 feet

south of the subject site is located the proposed residential golf course community in the R-A, L-A-C and R-L Zones.

- F. **Specific Special Exception Requirements:** Pursuant to Section 27-359 (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.**

According to the site plan (revised 12/13/01), the proposed development of the private club includes a construction of 7,634-square-foot, two-story building with a 200-seat restaurant/banquet facility, 650 square feet of office space, a conference room, pantry, kitchen storage area and bathrooms. The proposed development also includes a construction of a parking lot with 207 parking spaces, a large area that is identified as an open play field, an area that is identified as open area, and a 400-square-foot gazebo. The plan does not provide the dimensions of the play field nor does it specify its intended use(s). Specific and detailed information (including dimensions) must be provided regarding the nature of the intended use(s) for the play field.

According to the applicant's statement of justification, the private club will serve as headquarters for the Prince George's Correctional Officers' Association as well as a Union Hall, and it will operate during regular hours, five days a week. Furthermore, the Union Hall will serve as a social gathering place where members meet for different types of activities such as bull roasts, silent auctions, private parties or other similar social functions. In addition, the Union Hall will serve as a recreational area for members. Based on the above, it appears that the applicant is requesting approval for an unlimited array of loosely defined social/recreational activities. In order to accurately assess the potential impact of the proposed private club and to ensure its compatibility with surrounding properties, the applicant should provide a detailed description of the nature and scope of the proposed operations, including the following:

1. List of all specific uses for both inside and outside facilities.
2. Square footage, seating capacity and/or proposed maximum attendance for each use.
3. Days and hours of operation, including specific time spans for each use.
4. Description of all proposed concurrent operations and the number of proposed major events, such as bull roasts, crab feasts, organized athletic competitions, general membership meetings, and private parties to be held throughout the year.

The justification statement also indicates that it is the applicant's intention to expand the proposed facility from 7,634 square feet to 15,000 square feet of gross floor area at some time in the future. However, the contemplated expansion is not illustrated on the site plan; and therefore, it is not eligible for consideration as part of the present application.

- G. **Parking Regulations:** Pursuant to Section 27-568 of the Zoning Ordinance, the total number of required parking spaces for a private club use is determined by uses comprising the club (such as eating or drinking establishment, office, auditorium, recreational area).

The proposed facility includes 680 square feet of office area (1 space per 250 square feet = 3 spaces) and a banquet hall with 200 seats (1 space per 3 seats = 67 spaces). A total of 70 spaces are required for the uses illustrated on the site plan. The site plan provides for 207 parking spaces including seven handicap spaces. The number of parking spaces provided grossly exceeds the requirement.

According to the statement of justification, the extra 137 parking spaces are provided in anticipation of future building expansion. However, instead, the excess parking spaces should be deleted and retained as green area. In addition, the parking schedule on the site plan should be revised accordingly.

Furthermore, the applicant has not described the intended use of the outdoor playfield. If this area is intended for any specific use other than incidental recreation, such as organized athletic competition, additional parking may be needed.

- H. Loading Requirements: There is no loading requirement for the proposed use and the site plan does not provide any.
- I. Landscape Manual Requirements: The applicant's proposal is subject to the requirements of Sections 4.2, 4.3, and 4.7 of the *Landscape Manual*. The proposal meets the requirements of Section 4.3 and 4.2. However Section 4.2 (Commercial Landscape Strip) is incorporated in Bufferyard 1 and 7 on the landscape plan. A separate schedule must be provided for Section 4.2

The applicant has requested Alternative Compliance for the requirements of Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual*. On December 29, 2000, the Planning Director recommended APPROVAL for AC-01033 with the following conditions (also refer to attachment).

1. Prior to signature approval of a Preliminary Plat of Subdivision for the Union Hall, a 30-foot-wide landscaped easement shall be recorded on the Mitchell Property adjacent to Bufferyards 2 and 3 along the northern property line. The recorded easement shall stipulate that the owner, his heirs, successors, and/or assignees shall be responsible for the installation of the easement in accordance with the requirements of Section 4.7 of the *Landscape Manual*, if any dwelling unit is sited within 200 feet of the property line of Prince George's Correctional Officers' Association Union Hall.
2. Prior to signature approval of a Preliminary Plat of Subdivision for the Union Hall, a 30-foot-wide landscaped easement shall be recorded on the Mitchell Property adjacent to Bufferyard 4 along the eastern property line. The recorded easement shall stipulate that the owner, his heirs, successors, and/or assigns shall be responsible for the installation of the easement in accordance with the requirements of Section 4.7 of the *Landscape Manual*, if any dwelling unit is sited within 500 feet of the property line of Prince George's Correctional Officers' Association Union Hall.
3. The special exception plan shall be revised to clearly identify the aforementioned 30-foot-wide landscaped easements along Bufferyards 2, 3, and 4 on the Mitchell Property. The 200-foot and 500-foot building setbacks shall also be demarcated, in addition to the off-site landscape easements, on the Mitchell Property.

In light of the recent Preliminary Subdivision application (4-01100-Woodmore at Oak Creek) for subdivision of the remaining portion of the Mitchell property into 52 lots, and due to the fact that both the proposed Union Hall property and the larger Mitchell property are required to go through the subdivision process, it is not certain that the above alternative compliance conditions are enforceable.

In addition, the alternative compliance recommendation raises an interesting issue for the Hearing Examiner: If the landscaped buffer is required for the special exception use, can the buffer be provided on the adjoining property or must it be provided within the special exception boundary?

The Urban Design Review Section has offered the following comments:

The landscape plan needs to be revised to provide the correct length for Bufferyards 1 and 2 per the Alternative Compliance recommendation. Similar notes on the landscape easements of Bufferyard 4 should be provided for bufferyards 2 and 3, respectively.

- J. Sign Regulations: The site plan indicates the location of a freestanding sign at the proposed entrance to the property, 40 feet from the right-of-way of Church Road. This location meets the requirements of Section 27-617. Other details such as height and area have not been provided. These details will be reviewed for conformance with the regulations in conjunction with a future sign permit application.
- K. Zone Standards: The site plan conforms to all other development standards of the R-A Zone.
- L. Other Issues: The Subdivision Section has indicated that a Subdivision Plat is required for the subject property prior to the issuance of a building permit.
- 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.

Finding: The fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety and welfare of the public and promote compatible relationships between the various types of land uses. Review of the applicant's site plan for conformance with the requirements of the Ordinance indicates potential conflicts with the following fundamental purposes:

- (2) To implement the General Plan, Area Master Plans, and Functional Master Plans.**
- (6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development**

The proposal's inconsistency with these purposes is addressed in detail in the discussions under 3, 4 and 5 below.

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

The proposed use is not in conformance with all the applicable requirements and regulations of this Subtitle. Review of the proposal reveals deficiencies in fully detailing the scope of the intended uses of the proposed facility. The site plan and the justification statements are either vague or in some instances actually provide contradictory information. In addition, important information such as specific hours of operation. The frequency, nature, and duration of major activities are not provided.

- (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.**

The proposed use may not result in the substantial improvement of the master plan, but it certainly conflicts with the plan's recommendation for the Church Road corridor. The 1991 Master Plan for Bowie-Collington-Mitchellville and Vicinity recommends the site for residential development as a Rural Living Area with a maximum density of .5 dwelling per acre. The introduction of a private club, which is a quasi-public use, at this location will have a negative impact on the cohesiveness of existing and future residential development. The potential noise and visual impacts and overall inconsistency with the Master Plan's recommendation for low-density residential development raise significant compatibility concerns. The need for alternative compliance further emphasizes compatibility issues. The proposed use of the facility as a private club and the various activities associated with it are out of character with this predominantly low-density residential area.

The Community Planning Division has determined that the special exception development will impair the low-density character intended for the Church Road corridor and the use can adversely affect the development of adjoining properties.

- (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.**

The proposed use will adversely impact the immediate residential neighborhood in terms of noise and traffic, and it will have a substantial detrimental effect on the existing and future residential development in the immediate area. The proposed use will be providing food, refreshments and entertainment as well as various indoor and outdoor group activities. The applicant does not identify hours of operation, but it is very likely that many of these activities will occur late in the evening and on weekends. The noise generated by the activities, and the associated vehicular traffic, will have an adverse impact on the use and enjoyment of the adjoining residential properties. Moreover, a proposed school site is located immediately south of the subject site within a proposed residential development.

Given its location in the middle of a residential area, the proposed use will have a greater impact on this area than if it was located elsewhere in the R-A Zone with different surroundings. If the location of the proposed use was on the periphery of the residential area it would have less noise and visual impact. Under some circumstances, it might even serve as a transition between differing uses.

With regard to traffic impact, the Transportation Planning Section finds that, ■from the standpoint of transportation, the proposed Special Exception would not be detrimental to health, safety or welfare. The plan is consistent with the transportation and circulation recommendations in the *Bowie, Collington, and Vicinity Master Plan*. The transportation staff has noted specific transportation inadequacies at the nearby intersection of MD 214 and Church Road, however, and while the adequacy of transportation facilities is not specifically an issue for Special Exception approval, it will be an issue at a future time [emphasis added].• Refer to Mr. Tom Masog•s memo of October 4, 2001, for details on trip generation and the impact on existing transportation facilities.

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

The site plan does not conform to an approved tree conservation plan (TCP). As noted previously, the subject property is actually part of a much larger property known as Parcel 12. To date, the applicant has incorrectly submitted a forest stand delineation (FSD) that only addresses the special exception site. However, the Woodland Conservation Ordinance requires the FSD to be filed for the entirety of Parcel 12. Therefore, an approved TCP must be obtained prior to a final decision on this application.

The Environmental Planning Section has offered the following comments:

1. Prior to the final approval of SE-4432, a Type I Tree Conservation Plan shall be approved for the property included in this application.
2. If water and sewer category change for this property is not approved for public water and sewer connections prior to final approval of this Special Exception application, the Site Plan shall be revised to show the proposed location of the private septic system and private well.

CONCLUSION

The proposal seriously contradicts the approved Master Plan•s recommendation for large lot development and for alternative low-density development techniques such as a ■Village Overlay• concept to preserve aspects of the low-density rural character. Moreover, the proposed private club at this location will be detrimental to the use and development of adjacent properties and the neighborhood in general.

Staff•s review and recommendation is based on the information contained in the record of this application which includes the applicant•s original submission and subsequent revisions, some addressing issues and concerns raised in referral comments. However, the revisions and supplemental submissions failed to alleviate the concerns regarding master plan issues and adverse impacts to the residential neighborhood.

Moreover, the proposal is not forthcoming with detailed and complete information regarding various activities that will be held at the facility throughout the year.

Due to the applicant's vagueness, staff has not been able to determine that the proposed use conforms with all applicable regulations and requirements of the Ordinance. Furthermore, the site plan does not conform to an approved Tree Conservation Plan. Therefore, staff recommends DENIAL of SE-4432 and AC-01003.