



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Special Exception

SE-4672

Application	General Data	
Project Name: Fernwood Mobile Home Park Location: Located approximately 1,510 feet on Fernwood Drive, west of the intersection of Fernwood Drive and Sansbury Road Applicant/Address: Hometown America dba N Tandem Real Estate Holdings, LLC. 901 Lake Elmo Avenue North Lake Elmo, MN 55042 Property Owner: N Tandem Real Estate Holdings, LLC. 150 N. Wacker Drive, Suite 2800 Chicago, IL 60606-1611	Staff Report Date:	10/05/09
	Date Accepted:	08/06/09
	Planning Board Action Limit:	N/A
	Plan Acreage:	45.9
	Zone:	R-M-H/R-R
	Gross Floor Area:	N/A
	Lots:	N/A
	Parcels:	6
	Planning Area:	78
	Tier:	Developing
	Council District:	06
	Election District	15
	Municipality:	N/A
	200-Scale Base Map:	203SE08

Purpose of Application	Notice Dates	
Trailer Camp	Informational Mailing	06/10/09
	Acceptance Mailing:	08/06/09
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Cynthia Fenton	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

October 1, 2009

TECHNICAL STAFF REPORT:

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

VIA: Jimi Jones, Zoning Supervisor

FROM: Cynthia Fenton, Planner Coordinator

SUBJECT: **Special Exception Application No. 4672**

REQUEST: **Trailer Camp**

RECOMMENDATION: **Approval with conditions**

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 subject property is an irregular-shaped lot located on the west side of Sansbury Road, south of Ritchie Marlboro Road, and bisected by Fernwood Drive. The site is currently improved with a 335-unit trailer (mobile home) camp, an accessory playground, and cellular tower. There are two points of access: one is via Fernwood Drive which connects to Sansbury Road at the northern end of the site; the other is a direct connection to Sansbury Road at the southern end of the site.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-M-H and R-R	R-M-H and R-R
Use(s)	Mobile Home Park	Mobile Home Park
Acreage	45.94	45.94
Lots	Pt. 1, 2, 3, & 6 of Parcel 189, Parcel A	Pt. 1, 2, 3, & 6 of Parcel 189, Parcel A

- C. **History:** The property was originally classified in the R-R (Rural Residential) Zone in November, 1949 when the property was included in the Regional District. In 1964, Special Exception 1051 was approved for a 40.5-acre trailer coach park. In 1994, the *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)* placed the majority of the property in the R-M-H (Planned Mobile Home Community) Zone; the remainder was retained in the R-R Zone. As a result of the rezoning, the trailer park became a certified nonconforming use. In 2007, the *Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)* retained the property in the R-M-H/R-R Zones.

The Zoning Ordinance previously allowed the trailer camp use by special exception in the R-R Zone. The lot pattern that was ultimately constructed differed significantly from the configuration that was approved; however, the density is significantly less than what was approved. Additionally, three separate tracts of R-R zoned land have since been added to the site, necessitating a new special exception for an expansion of a nonconforming use.

- D. **Master Plan Recommendation:** The application conforms to the land use recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The sector plan recommends medium-density residential uses in this area, and the application does not propose any changes to the existing medium-density residential development on the site.

The 2002 *Prince George's County Approved General Plan* places this property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The application is consistent with the General Plan Development Pattern policies for the Developing Tier, specifically, the goal of "reinforcing existing suburban residential neighborhoods." (p. 37)

E. **Request:** The applicant is proposing to expand the boundaries of the approved special exception area by 6.32 acres and validate the current configuration of the mobile home trailers pursuant to Section 27-384(a)(2), (4), and (5) below:

- (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.**
- (4) **When not otherwise allowed, a certified nonconforming use may be otherwise altered by the addition or relocation of improvements, such as fencing, landscaping, off-street parking and loading areas, and outdoor trash enclosures, or the relocation of buildings or other improvements within the boundary lines of the lot as it existed as a single lot under single ownership at the time the use became nonconforming.**
- (5) **Any new, or any addition to, or alteration or relocation of an existing building or other improvement (which is either nonconforming or utilized in connection with a certified nonconforming use), shall conform to the building line, setback, yard, and height regulations of the zone in which the certified nonconforming use is located. The District Council may further restrict the location and bulk of the building or structure where the evidence so warrants. If the use is presently permitted by Special Exception in the zone, the new building, improvement, or addition shall conform to all of the physical requirements of the specific Special Exception use.**

The trailer camp was constructed in a lot pattern that diverged from what was approved on the 1964 site plan. The applicant is seeking to validate the existing 335 trailer sites and set this number as the maximum allowed. Originally, 514 sites were approved. A playground, which is shown on the site plan, was added to the R-R portion of the site at some point between 1993 and 1998. In addition, sheds, decks, and porches have been added to trailers, all of which appear to be accurately reflected on the site plan. The trailer camp use is no longer a permitted special exception use in the R-R Zone; it is noted that the mobile homes are located exclusively on the R-M-H-zoned portion of the property. The applicant does not propose to increase the existing density of the use in either zone, or change any of the existing land uses within the special exception area.

F. **Neighborhood and Surrounding Uses:** The neighborhood is defined by the following boundaries:

North—	Richie Marlboro Road
South—	D’Arcy Road
East—	Sansbury Road
West—	Capital Beltway (I-95/495)

The neighborhood is primarily characterized by low-density residential development. Scattered single-family detached dwellings in the R-R Zone border the subject property to the east, west, and south. To the north is undeveloped land in the R-R Zone and further north, undeveloped land in the M-X-T (Mixed Use-Transportation Oriented) Zone. Across Sansbury Road to the southeast is the former Cherry Hill Sand and Gravel mine, which is now a tree bank site.

G. **Additional Requirements for Trailer Camps:** Section 27-250, Mobile homes and trailer camps (mobile home parks), of the Zoning Ordinance states that:

- (a) **In order for a nonconforming mobile home dwelling or trailer camp (mobile home park) to continue, the requirements of this Section shall be met (in addition to any other applicable requirements of this Division).**
- (c) **Trailer camps (mobile home parks).**
 - (1) **A trailer camp (mobile home park) legally in existence on November 24, 1975, shall be considered a nonconforming use.**
 - (2) **A trailer camp shall be deemed a certified nonconforming use if a Special Exception for the camp was approved by the District Council prior to November 24, 1975.**
 - (3) **In the case of a trailer camp identified in paragraph (2), above, building permits may be issued for all structures shown on the site plan. In addition, building permits for buildings to be used for storage of maintenance equipment and supplies not shown on the site plan may be issued without the approval of a Special Exception to alter, enlarge, or extend a nonconforming use. These storage buildings shall be subject to the requirements applicable to main buildings in the zone in which the camp is located.**

Comment: The application meets these requirements.

H. **Landscape Manual Requirements:** A memorandum from the Urban Design Section dated September 22, 2009 (Lindsay to Fenton) indicates that the site is exempt from *Prince George's County Landscape Manual* requirements pursuant to Section 27-328.02 of the Zoning Ordinance, as no construction, enlargement, or extension of a building is proposed.

I. **Zone Standards:** The play area, which is accessory to the trailer camp, is subject to the requirements of the R-R Zone as it was not included in the original special exception or nonconforming use designation. The six-foot-high fence surrounding the play area meets the height requirements for the zone; there are no setback requirements for a six-foot-high fence. It is further noted that the cell tower is an independent use, not accessory to the trailer camp, and therefore is not subject to the special exception process. The cell tower is a permitted use in the R-R Zone, and it appears to have been properly permitted at the time it was constructed (Permit Number 10116-1996-CS).

J. **Sign Regulations:** No signage is indicated on the site plan; however, a field visit revealed that a sign is located at the entrance to the development. The location of the sign must be shown on the site plan. In addition, area and height details must be provided to ensure conformance with Part 12 of the Prince George's County Zoning Ordinance.

K. **Parking and Loading Requirements:** At the time the special exception was originally approved, the Zoning Ordinance did not have parking requirements for a trailer camp use. Any additional trailers proposed on the site in the future will be subject to Zoning Ordinance parking requirements in effect at the time. Under current provisions, each mobile home would require two

off-street parking spaces. At present, the majority of vehicles park along the private streets, although a small number of sites have driveways that can accommodate one or two vehicles. Because the applicant is not proposing any additional units or otherwise making improvements to the site, the internal road network was not specifically addressed in the Transportation Section memo; however, the Urban Design Section recommends that the site plan clarify that parallel parking be allowed only along one side of Fernwood Drive, Grovewood Drive, and Elmwood Park Drive, in order to provide adequate travel lanes for two-way traffic along those streets.

- L. **Referral Comments:** None of the referral replies received by staff had any objection to the application or noted any adverse impacts associated with the proposed use.
- 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 purpose of this Subtitle;

Comment: The purposes of Subtitle 27, as set forth in Section 27-102 of the Zoning Ordinance, are generally to protect the health, safety and welfare of the public, and promote compatible relationships between various land uses. The applicant is essentially requesting validation of the existing trailer camp configuration which has operated since 1965. The proposed use and accompanying site plan, in conjunction with the recommended conditions, are in harmony with the purposes of this subtitle.

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

Comment: The proposed use is exempt from Landscape Manual requirements. No variances, waivers, or departures are necessary to implement the proposed special exception as no additional structures or improvements are being proposed. The existing playground, which was not part of the original special exception, meets all applicable requirements of the Zoning Ordinance.

(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;

Comment: This application is in conformance with the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* recommendation for medium-density residential uses. The Environmental Planning Section, in their memorandum dated September 29, 2009 (Stasz to Fenton), identified four policies in the Westphalia sector plan that relate to environmental infrastructure. The proposed use is in conformance with all of the applicable policies. The proposal is also consistent with the 2000 General Plan policies for the Developing Tier; specifically, the goal of “reinforcing existing suburban residential neighborhoods.” (p. 37) Based on these findings, 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;

Comment: None of the responses from any of the referring agencies received by staff indicate that the proposed use, which has been in existence on the subject property for 45 years, will

adversely affect the health, safety, or welfare of residents or workers in the area. As previously noted, only 335 of the 514 units originally approved were constructed, significantly reducing the likelihood of potential impacts from what was previously approved.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

Comment: A site visit found the mobile home park to be attractive and well-maintained with most of the trailer homes in good repair. The applicant has voluntarily reduced the density from what was originally approved. No adverse impacts have been identified in any of the referral comments, nor has there been a history of any zoning complaints or violations. Staff therefore concludes that the proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

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

Comment: A tree conservation plan (TCP) was submitted to and reviewed by the Environmental Planning Section. A memorandum dated September 29, 2009 (Stasz to Fenton) indicates that the entire 6.35 acres of existing woodland will be preserved, no clearing is proposed. The woodland conservation threshold for this property is 9.19 acres. Because the existing woodland acreage is below the afforestation threshold, the applicant is required to plant an additional 0.54 acre of woodland. The Environmental Planning Section recommended the following conditions:

1. Prior to signature approval of SE-4672, the Type II tree conservation plan (TCPII) shall be revised to:
 - a. Use only understory trees and shrubs that will grow in a shaded environment in the planting schedule on Sheet 2 of the TCP.
 - b. Add the following note to Sheet 1:

“Prior to the issuance of any permit, including a use and occupancy permit, evidence shall be submitted to M-NCPPC, Environmental Planning Section, that the planting required by this tree conservation plan has been installed.”
 - c. Delete the details for the temporary tree protection fences on Sheet 2.
 - d. Add a detail for woodland planting area signage on Sheet 2.
2. Prior to certification of the special exception, all of the plans shall be revised to reflect the correct acreage of the special exception application, as necessary. If the acreage shown on the TCPII is incorrect (45.94 acres), or if the area of the special exception does not encompass the entire site, the TCPII and all associated documents must be revised to reflect the correct acreage of the application.

Comment: Staff notes that the acreage of the special exception area is accurately shown on the TCP and site plan at 45.94 acres.

CONCLUSION:

Based on the preceding analysis and findings, staff recommends that Special Exception SE-4672 be APPROVED, subject to the following conditions:

1. Prior to final approval, the site plan shall be revised to show the following:
 - a. The location of the entrance sign and its details.
 - b. That parallel parking is allowed only along one side of Fernwood Drive, Grovewood Drive, and Elmwood Park Drive, in order to provide adequate travel lanes for two-way traffic along those streets.
2. Prior to final approval, the TCPII shall be revised to:
 - a. Use only understory trees and shrubs that will grow in a shaded environment in the planting schedule on Sheet 2 of the TCP.
 - b. Add the following note to Sheet 1:

“Prior to the issuance of any permit, including a use and occupancy permit, evidence shall be submitted to M-NCPPC, Environmental Planning Section, that the planting required by this tree conservation plan has been installed.”
 - c. Delete the details for the temporary tree protection fences on Sheet 2.
 - d. Add a detail for woodland planting area signage on Sheet 2.