



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

Special Exception

SE-4725

Application	General Data	
Project Name: American Legion Post #172 Location: East side of Cipriano Road, approximately 1,000 feet south of its intersection with Greenbelt Road (MD 193). Applicant/Address: Beltway Post #172 American Legion, Inc. 7105 Cipriano Road Lanham, MD 20706 Property Owner: Same as above	Planning Board Hearing Date:	09/06/12
	Staff Report Date:	08/22/12
	Date Accepted:	05/16/12
	Planning Board Action Limit:	N/A
	Plan Acreage:	1.61 acres
	Zone:	R-80
	Gross Floor Area:	3,366 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	70
	Tier:	Developing
	Council District:	04
	Election District	14
Municipality:	N/A	
200-Scale Base Map:	209NE08	

Purpose of Application	Notice Dates	
Approval of a special exception to enclose the existing pavilion and legitimize several changes made to the site including the reconfiguration of the parking lot and the construction of building ramps and an outdoor patio.	Informational Mailing	01/04/12
	Acceptance Mailing:	05/08/12
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Tom Lockard Phone Number: 301-952-3410 E-mail: Thomas.Lockard@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

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

VIA: Jimi Jones, Zoning Supervisor, Development Review Division

FROM: Tom Lockard, Planner Coordinator Zoning Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4725**
American Legion Post #172

REQUEST: **Approval of a special exception to enclose the existing pavilion and legitimize several changes made to the site including the reconfiguration of the parking lot and the construction of building ramps and an outdoor patio.**

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of September 6, 2012. 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 addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. 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 rectangularly-shaped 1.61-acre parcel is located on the east side of Cipriano Road, 468 feet north of Brae Brooke Drive and 1,000 feet south of Greenbelt Road (MD 193). It comprises Parcel 8 on Tax Map 35, Grid C-2. It is improved with several frame buildings with decks and has been the long-time location of American Legion Post #172. A large macadam parking lot with 39 spaces is located in the northern portion of the property and is accessed via a driveway from Cipriano Road. The property has substantial tree coverage in front of the buildings and adjacent to the north and south boundaries.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-80	R-80
Use(s)	Private Club	Private Club
Acreage	1.61	1.61
Lots	None	None
Parcels	1	1
Square Footage/GFA	3,594	3,594

- C. **History:**

The District Council approved Special Exception application No. 2933 (SE-2933) on April 26, 1976, for a private club for the subject property, which was then 3.81 acres. The Special Exception was approved with the following conditions:

1. **The development and use of the property shall be in accordance with the site plan;**
2. **All existing landscaping shall be maintained;**
3. **All proposed landscaping shall be established and maintained; and**
4. **The capacity of the property shall be limited to 96 people (or four times the number of parking spaces provided)."**

In 1992, the District Council approved a second special exception for a private club (SE-4083) which permitted the construction of a 76 by 22-foot pavilion on the site. An Alternative Compliance application (AC-92051) was also granted to permit a reduction in the plantings along Cipriano Road. That same year, the applicant conveyed the eastern 2.2 acres of the original 3.81 acres (largely floodplain) to Prince George's County.

In 2007 the pavilion burned to the ground due to a criminal act of arson. The applicant obtained a building permit to reconstruct the pavilion; however, the resulting structure was ten feet longer than the original. Through the years, the applicant has made additional improvements beyond those shown on the site plan for Special Exception SE-4083 including the reconfiguration of the parking lot and the construction of building ramps and an outdoor patio.

- D. **Master Plan Recommendation:** The 2002 *Prince George's County Approved General Plan* placed the site 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 2010 *Glenn Dale–Seabrook–Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* recommends a residential-low land use for the site. Neither plan specifically addresses private clubs as a land use.

- E. **Request:** The applicant seeks approval of a special exception to enclose the existing pavilion and legitimize several changes made to the site including the reconfiguration of the parking lot and the construction of building ramps and an outdoor patio.

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

North - Greenbelt Road (MD 193);

South & East - Good Luck Road; and

West - Cipriano Road.

The neighborhood is predominantly mixed residential uses, single-family attached and detached and multifamily dwellings. Commercial uses are confined to Greenbelt Road, (i.e., a neighborhood shopping center that adjoins the subject site on the north). The Goddard Space Flight Center is located directly across Greenbelt Road. Institutional uses include churches and a private school on Cipriano Road; public schools in the northeast portion: Catherine T. Reed Elementary, Robert Goddard Middle and DuVal High Schools and the Howard B. Owens Science Center. This is the same neighborhood as was accepted in Special Exception SE-4083.

The property is surrounded by the following uses:

North - Greenbelt Plaza Shopping center in the C-S-C Zone

East - Vacant woodlands and floodplain in the R-80 Zone

South - St. Theodore Greek Orthodox Church parish hall in the R-80 Zone

West - Across Cipriano Road are single-family attached dwellings in the R-T Zone

- G. **Specific Special Exception Requirements:** Section 27-359(a) Golf course; private club; nonprofit recreational uses sets forth the requirements for a private club as follows”

(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.**

Comment: The applicant, Beltway Post #172 American Legion, Inc., is an established nonprofit corporation. Twice before, in 1976 and 1992, the District Council has approved special exceptions for the operation of a private club by the applicant. The existing and proposed use meets Section 27-107.1(49) of the Zoning Ordinance definition of a private club, as “an establishment providing facilities for entertainment or recreation for only bona fide members and guests and not operated for profit.”

- H. **Parking Regulations:** Private club parking is determined by the uses comprising the club. The use as approved in Special Exception SE-2933 was conditioned on a maximum capacity of 96 people or four times the number of parking spaces.

Comment: The property contains a mix of uses (84 seats in the pavilion, 250 square feet of office, and 720 square feet of recreation area in the meeting building) that cumulatively require

38 parking spaces. Thirty-nine parking spaces are provided; including two spaces for the handicapped.

- I. **Prince George's County Landscape Manual:** The proposal is subject to the requirements of the 1990 and 2010 *Prince's George's County Landscape Manual*. The existing conditions on the site, including the recent reconstruction of a razed open-aired pavilion, are subject to the requirements of the 1990 *Prince's George's County Landscape Manual*. The open-aired pavilion was constructed pursuant to Commercial Addition Grading and Use Permit CGU- 41117-2008, which was issued on December 24, 2008, prior to the effective date of the 2010 *Prince's George's County Landscape Manual*. The future enclosure of the open-aired pavilion will subject the site to the requirements of Section 4.2, 4.7, and 4.9 of the 2010 *Prince's George's County Landscape Manual*, as 2,406 square feet of new gross floor area will be created.

Section 4.2—The site is subject to Section 4.2 of the 2010 *Prince's George's County Landscape Manual*. Section 4.2, Requirements for Landscaped Strips along Streets, specifies that for all nonresidential uses in any zone and for all parking lots, a landscape strip shall be provided on the property abutting all public and private streets. A new Section 4.2 schedule should be placed on the landscape plan demonstrating conformance with the requirements of the 2010 *Prince's George's County Landscape Manual*.

Section 4.3—The site is subject to Section 4.3, Parking Lot Requirements, of the 1990 *Prince's George's County Landscape Manual*. The existing parking lot measures 16,210 square feet. Five percent of interior planting area and three shade trees are required. All trees counted to meet the interior planning requirements should be located in an interior planting area, as indicated on page 43 (Figure 4-9) of the 1990 *Prince's George's County Landscape Manual*.

Section 4.7—The site is subject to Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince's George's County Landscape Manual*. Per Section 4.7, the private club is a medium impact use. A Type “B” bufferyard inclusive of a 30-foot building setback and 20-foot-wide landscape yard is required between the private club and the Greenbelt Plaza shopping center, which is a categorized high impact use. A portion of the existing parking lot appears to have been constructed in the required Type “B” bufferyard, however the 20-foot-wide buffer requirement is being met on the shopping center property and need not be duplicated on the subject property.

The adjacent property to the east is vacant, residentially-zoned property. In the Developing Tier, if developing property with a nonresidential use is adjacent to a vacant property zoned residential, then one hundred percent of the bufferyard is required. A Type “C” bufferyard inclusive of a 40-foot building setback and 30-foot-wide landscape yard is required between the private club and the adjacent, vacant, residentially-zoned property. The applicant should provide the required bufferyard on the subject site, or provide evidence that the adjacent property is undevelopable, as is noted on the submitted landscape plan.

Section 4.9—The site is subject to Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince's George's County Landscape Manual*, which contains requirements for native plantings. A 4.9 schedule is provided demonstrating conformance with this requirement.

Tree Canopy Coverage: The Tree Canopy Coverage Ordinance became effective on September 1, 2010. The subject property is located in the R-80 Zone, where 15 percent tree canopy coverage is required. The required tree canopy coverage schedule is provided demonstrating conformance with this requirement. No further information regarding the Tree Canopy Coverage Ordinance is required.

Comment: Conditions have been recommended that require the remaining Landscape Manual conformance issues to be addressed prior to signature approval of the special exception site plan.

- J. **Zone Standards:** The applicant's proposal is in compliance with the standard zoning requirements of the R-80 Zone. No variances have been requested as part of the special exception application.
- K. **Sign Regulations:** The post has an existing freestanding sign on the property along Cipriano Road. In addition, the site plan shows a new two-sided freestanding sign along Cipriano Road. The existing sign must be shown to be removed if the applicant is to erect a new sign, since the applicant is not permitted to have two freestanding signs.
- L. **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;

Comment: The primary purposes of the Zoning Ordinance are to protect public health, safety, and welfare; to promote the most beneficial relationship between the uses of land and buildings; and to protect landowners from adverse impacts of adjoining development. The proposed continued use as a private club is permitted through the special exception process in the R-80 Zone. Therefore, there is a legislative presumption that that the uses can be carried out in harmony with the purposes of this Subtitle with no adverse impacts on health, safety, and welfare. With the recommended conditions, the site plan will meet all applicable design requirements of the Zoning Ordinance.

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

Comment: All required parking is being fully provided within the limits of the property, and the proposed buildings are in compliance with the height and building setback requirements of the R-80 Zone. All required landscape and tree canopy coverage (TCC) will be provided in accordance with the 2010 *Prince's George's County Landscape Manual* and no variances have been requested as part of the special exception application. With the recommended conditions, the proposed uses are in substantial conformance with all of 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;

Comment: The proposed continued use of the site as has been permitted by the District Council for the last 35 years is in general conformance with the residential-low land use recommendations within the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment*. As a result, the uses being proposed through this special exception application will not substantially impair the integrity of any validly approved master plan or functional master 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

Comment: In the past 35 years of existence, the use has not been shown to be deleterious to the surrounding properties or residents in the neighborhood. The applicant is not proposing new

buildings beyond what exists on site, only to enclose the existing pavilion and legitimize an outdoor patio and access ramps. As a result, the proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area. The adjoining properties consist of a shopping center, undeveloped (and largely undevelopable) land and a similar institutional use (a parish hall), thus it seems unlikely the continued use as a private club 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: According to the staff of the Environmental Planning Section, the property is not subject to the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of woodland on-site and currently has no valid TCP approvals. A standard letter of exemption was issued on February 2, 2012, and is valid for two years.

(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

Comment: There are no regulated environmental features within the limits of the special exception boundaries. An approved Natural Resources Inventory, NRI-075-11, was submitted and approved.

CONCLUSION:

Based on the preceding analysis and findings, staff recommends APPROVAL of Special Exception Application No. SE-4725, subject to the following conditions:

1. The following corrections shall be made to the landscape plan prior to final disposition of the case:
 - a. A Section 4.2 schedule shall be provided demonstrating conformance with the requirements of the 2010 *Prince's George's County Landscape Manual*.
 - b. A Section 4.3 schedule shall be provided demonstrating conformance with the requirements of the 1990 *Prince's George's County Landscape Manual*. Five percent of interior planting area and 3 shade trees are required. All trees counted to meet the interior planning requirements shall be located in an interior planting area, as indicated on page 43 (Figure 4-9) of the 1990 *Prince's George's County Landscape Manual*.
 - c. The landscape plan shall be revised to provide a Type "C" bufferyard inclusive of a 40-foot building setback and 30-foot-wide landscape yard between the private club and the adjacent, vacant, residentially-zoned property, and the Section 4.7 schedule shall be revised accordingly; or the applicant must provide evidence that the adjacent property is undevelopable, as is noted on the submitted landscape plan.
2. The existing freestanding sign shall be shown to be removed.
3. A note shall be placed on the site plan under General Notes #2 that states:

" the private club does not include any form of adult entertainment per Section 27-107 (7.1) of the definition section of the Zoning Ordinance."