



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Special Exception Assembly Classic Center

SE-4842

REQUEST	STAFF RECOMMENDATION
A recreation or entertainment establishment of a commercial nature abutting residential property or land residentially zoned.	APPROVAL with conditions

Location: On the south side of MD 450 (Old Annapolis Road), approximately 726 feet west of Church Road.	
Gross Acreage:	0.09
Zone:	C-S-C
Dwelling Units:	N/A
Gross Floor Area:	3,920 sq. ft.
Parcels:	1
Outparcels:	0
Planning Area:	71B
Council District:	04
Election District:	07
Municipality:	City of Bowie
200-Scale Base Map:	208NE12
Applicant/Address: Euphemia Agwe 11205 Little Fox Lane Germantown, MD 20876	
Staff Reviewer: Tom Sievers Phone Number: 301-952-3994 Email: Thomas.Sievers@ppd.mncppc.org	



Planning Board Date:	12/16/2021
Planning Board Action Limit:	N/A
Staff Report Date:	12/02/2021
Date Accepted:	10/08/2021
Informational Mailing:	01/19/2021 04/20/2021
Acceptance Mailing:	09/26/2021
Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

Table of Contents

FINDINGS	3
1. Location and Site Description.....	4
2. History and Previous Approvals.....	4
3. Neighborhood and Surrounding Uses	4
4. Request	5
5. Development Data Summary	5
6. Required Findings	5
7. Parking Regulations.....	8
8. 2010 Prince George’s County Landscape Manual Requirements	8
9. Tree Canopy Coverage	8
10. Signage	8
11. City of Bowie.....	8
12. Referral Comments	9
RECOMMENDATION	9

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

FROM: Thomas Sievers, Senior Planner, Zoning Section
Development Review Division

VIA: Jeremy Hurlbutt, Supervisor, Zoning Section
Development Review Division

SUBJECT: Special Exception SE-4842
Assembly Classic Center

REQUEST: A recreation or entertainment establishment of a commercial nature abutting
residential property or land residentially zoned.

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of December 16, 2021.

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:

1. **Location and Site Description:** The subject property is located on the south side of MD 450 (Old Annapolis Road), approximately 726 feet west of Church Road. The property is located in Tax Map 46 in Grid C1 and is a tax parcel described in a deed recorded in the Prince George's County Land Records as Liber 6293 at folio 510. The property is also known as Parcel A, Colonial Village Shoppes, recorded in a condominium plat, NLP 140 pages 14-15, and dated July 1988. The total area of property is approximately 0.09 acres and is located in the Commercial Shopping Center (C-S-C) Zone. The property is currently developed with a commercial shopping center. Special Exception SE-4842 proposes to replace the existing 3,920-square-foot church use from Condominium Unit No. 7 and replace it with a banquet hall, which is classified as a recreation or entertainment establishment of a commercial nature abutting residential property or land residentially zoned, in the table of uses. There are currently seven condominium units within the shopping center. The special exception applies to Condominium Unit No. 7 only and no other units. Old Annapolis Road, abutting and serving the site, is designated a historic roadway in the 2006 *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity*.
2. **History and Previous Approvals:** The property considered in this special exception is not the subject of a previously approved preliminary plan of subdivision (PPS). This proposal is exempt from filing a PPS, in accordance with Section 24-107(c)(7)(C) of the Prince George's County Subdivision Regulations. The development has been in existence prior to January 1, 1990 and does not exceed 5,000 square feet of gross floor area. No additional square feet of development are proposed. The bearings and distances of Parcel A shown on SE-4842 are consistent with the condominium plat and the legal description of the property.
3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded on the north by Old Annapolis Road, on the east by MD 197 (Collington Road), on the south by US 50 (John Hanson Highway), and on the west by MD 193 (Enterprise Road). The Fairwood neighborhood contains a wide variety of uses. The northern and eastern portions of the neighborhood contain single-family detached housing and commercial and institutional uses with some open space interspersed. More single-family detached and multifamily housing is located to the southern and western parts of the neighborhood with some open space interspersed. The immediate uses surrounding the subject property are as follows:

North—	A small international food market in the C-S-C Zone with vacant land beyond in the Open Space Zone.
East—	Retail uses in the C-S-C Zone.
South—	Vacant land in the Rural Residential (R-R) Zone and single-family residences in the R-R Zone beyond.
West—	Vacant land in the R-R Zone used for the Potomac Electric Power Company (PEPCO) transmission lines with single-family residences in the R-R Zone beyond.

4. **Request:** The applicant requests approval of a special exception for a recreation or entertainment establishment of a commercial nature abutting residential property or land residentially zoned in the C-S-C Zone. The applicant does not propose any new construction and only intends to change the use from a place of worship to a banquet hall in order to function as a commercial enterprise. The special exception has been filed for the entirety of the 0.09-acre site of Unit No. 7 within the Colonial Village Shoppes.

5. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Church	Recreational Establishment (Banquet Hall)
Acreage	0.09	0.09
Parcels	1	1
Outparcels	0	0
Gross Floor Area	Church – 3,920 sq. ft.	Recreation or entertainment establishment of a commercial nature abutting residential property or land residentially zoned – 3,920 sq. ft.

6. **Required Findings:** A special exception is subject to the general findings for approval of all special exceptions contained in Section 27-317(a) of the Prince George’s County Zoning Ordinance. The analysis of all the required findings for approval is provided below.

In support of the application, the applicant filed a statement of justification (SOJ) dated March 29, 2021. This case was heard at the Subdivision and Development Review Committee (SDRC) meeting on October 29, 2021. Following this meeting, the applicant submitted a revised SOJ dated November 15, 2021, as requested by staff at the SDRC meeting. This technical staff report is based on a review of these materials and site plan dated January 30, 2019.

General Special Exception Findings—Section 27-317(a) provides the following:

(a) **A Special Exception may be approved if:**

(1) **The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The purposes of Subtitle 27 of the Prince George’s County Code, as set forth in Section 27-102(a)(1) through (15) of the Zoning Ordinance, are generally to protect the health, safety, and welfare of the public; to promote compatible relationships between various land uses; to guide orderly development; and to ensure adequate public facilities and services. Specific to the C-S-C Zone, as set forth in Section 27-454(a) of the Zoning Ordinance, the purposes relate to providing locations for predominately retail commercial shopping facilities; compatible institutional, recreational, and service uses; and excluding uses incompatible with general retail shopping centers and institutions. Staff finds that the use and the site plan, as

proposed, will be in harmony with the purposes of this Subtitle, given the analysis and recommended condition contained herein.

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

As outlined within this technical staff report, this application has demonstrated conformance with the requirements and regulations 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 Map Plan, the General Plan.

This application is in the Established Communities growth policy area of the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035). Plan 2035 describes these areas as most appropriate for context-sensitive infill and low- to medium-density development, and recommends maintaining and enhancing existing public services, facilities, and infrastructures to ensure that the needs of residents are met.

The 2006 *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity* recommends mixed-use activity center land uses on the subject property. This area is intended for mixed-use (residential and commercial) development.

Staff finds that the proposed use does not substantially impair the integrity of any master plan, functional plan, or Plan 2035.

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

The applicant has proposed a change of use from a church to a recreation or entertainment establishment of a commercial nature abutting residential property or land residentially zoned. The site will operate as a for-profit banquet hall. The site provides for acceptable internal circulation of vehicles and pedestrians, as well as safe ingress and egress of vehicles from Old Annapolis Road. A preliminary parking count provided by the applicant shows a total of 124 parking spaces for the entire shopping center. However, a discreet count for each use was not provided. Staff finds that the previous 30 parking spaces allocated to this unit and the excess of 24 parking spaces would allow for 120 patrons and employees of the proposed use. The applicant will need to demonstrate conformance with parking and loading standards prior to signature approval of the special exception site plan. A more complete analysis is provided below in Finding 7 of this technical staff report. This will help to ensure the safety of people working in and around the vehicles.

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

The City of Bowie owns property (Parcel A) that provides approximately an 80-foot wooded buffer between the southern property line of the subject site and two single-family residences south of the site. Parcel A is also encumbered by a platted floodplain easement known as Stewart's Landing. There are also several residential dwellings located west of the subject site, separated by property owned by PEPCO (Parcel 142). Parcel 142 is approximately 250 feet wide and is not wooded.

Staff finds that the proposed development will not detrimentally impact the use or development of adjacent properties, or the surrounding neighborhood. The proposed uses will complement the other uses in the immediate area by providing a convenient service to patrons of nearby places of worship and community.

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

During review of the application, staff determined that a letter of exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) is not needed for a change of use. The site contains no woodlands and has no woodland conservation requirement.

(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 in accordance with the requirement of Subtitle 24-130(b)(5).

This special exception site plan does not contain any regulated environmental features and therefore, conforms to this requirement.

(b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:

- (1) Where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or**
- (2) Where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.**

The subject site is not located within the Chesapeake Bay Critical Area Overlay Zone. Therefore, the required findings outlined in subsection (b) above do not apply.

Based on the project meeting and the approval criteria contained in Section 27-317(a), staff finds that a special exception may be approved for use of a recreation or entertainment establishment of a commercial nature abutting residential property or land residentially zoned on the property.

7. **Parking Regulations:** The proposed development is required to provide parking in conformance with Part 11, Off Street Parking and Loading, of the Zoning Ordinance. Staff requested that a discrete parking exhibit be provided for the property. The applicant's response to SDRC comments states that the space was previously approved for a church, which had a maximum occupancy of 120 patrons and the recreation establishment use would have the similar parking requirement, but this use will require an additional one space per employee. The previously approved plan shows an excess of 24 parking spaces and 100 required parking spaces. The approved plan shows Unit No.7 was approved for retail use, which was parked based on floor area and required 25 parking spaces. A note dated September 26, 2018, permitted a 120-patron church that would require 30 parking spaces. The recreational establishment use is based on one space per employee and one per four patrons. The subject application shares a building which is approximately 20,000 square feet with 9 tenants that are mostly office and personal service uses. The site plan shows that there are 70 parking spaces provided in the front of the shopping center that are not associated with any particular storefront, 17 spaces along the storefronts (3 of which are handicap accessible), and an additional 42 spaces in the rear of the shopping center (2 of which are handicap accessible) for a total of 124 parking spaces and 5 handicap spaces. The applicant will be required to provide a parking tabulation for all uses on the property and the maximum number of employees and patrons for the use at one time. The applicant must show conformance with Part 11 of the Zoning Ordinance, prior to signature approval of the special exception site plan.
8. **2010 Prince George's County Landscape Manual Requirements:** This application is not subject to the requirements of the 2010 *Prince George's County Landscape Manual* because the application is for the interior improvements of the subject site without expansion and is limited to obtaining a Use and Occupancy permit for the proposed use.
9. **Tree Canopy Coverage:** The site qualifies for a standard exemption from the provisions of the WCO because the property contains less than 10,000 square feet of woodland and has no previous tree conservation plan approvals. A letter of exemption from the WCO is not needed for a change of use; however, any grading permits will require a letter to be obtained prior to permit issuance.
10. **Signage:** Signage details were not provided in the review submittal package other than a description of what the sign will say. A condition has been included herein, to provide sign details and rendering and an updated SOJ prior to signature approval of the special exception site plan.
11. **City of Bowie:** The City of Bowie provided an analysis of the subject application on November 17, 2021, which recommended approval of SE-4842, with two conditions. These conditions include (1) a revised SOJ addressing each of the 15 purposes contained in Section 27-102 of the Zoning Ordinance, and (2) a revised site plan showing parking requirements for all existing uses within the Colonial Village Shoppes site, to ensure the subject site remains in conformance with the parking provisions set forth in the Zoning Ordinance. Staff supports the condition to add a parking schedule, which has been listed in the Recommendation section below. A revision to the SOJ to address all 15 purposes of the Zoning Ordinance seems onerous at this point in the process.

12. Referral Comments: The following referrals were received and are incorporated herein by reference; all of the comments are addressed on the site plan, or as part of this technical staff report:

- a. Subdivision Review Section, dated November 15, 2021 (Heath to Sievers)
- b. Community Planning Division, dated November 15, 2021 (McCray to Sievers)
- c. Transportation Planning Section (multimodal), dated November 10, 2021 (Howerton to Sievers)
- d. Environmental Planning Section, dated November 15, 2021 (Rea to Sievers)
- e. Urban Design Section, dated November 15, 2021 (Bishop to Sievers)
- f. Historic Preservation Section, dated October 28, 2021 (Stabler to Sievers)
- g. Permit Review Section, dated November 8, 2021 (Shaffer to Sievers)
- h. Prince George's County Department of Permitting, Inspections and Enforcement (Site/Road), dated November 4, 2021 (Giles to Sievers)
- i. Prince George's County Department of Permitting, Inspections and Enforcement (Water/Sewer), dated October 13, 2021 (Branch to Sievers)
- j. City of Bowie, received November 17, 2021 (Meinert to Sievers)

RECOMMENDATION

A special exception use is considered compatible with uses permitted by-right within the Commercial Shopping Center (C-S-C) Zone, as long as specific special exception criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, at this particular location, would not have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the C-S-C Zone. Transportation Planning staff would like to also recommend an inverted U-style bicycle rack, or a similar style of bicycle rack that provides two points of contact for each parked bicycle, at a location convenient to the building entrance.

Based on the applicant's revised statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in the Prince George's County Zoning Ordinance. These findings include those in Section 27-317 (in general) of the Zoning Ordinance. Therefore, staff recommends approval of Special Exception SE-4842, Assembly Classic Center, subject to the following condition:

- 1. Prior to signature approval of the special exception, the site plan and statement of justification (SOJ) shall be revised, as follows:

- a. The parking and loading schedule on the site plan shall be revised to demonstrate all current uses on the property, including the proposed use for this case, the square footage of each use, the parking and loading spaces required for each use, and the parking and loading provided for each use.
- b. The SOJ states the proposed use is for a banquet hall, which is not a listed use in the Prince George's County Zoning Ordinance. The SOJ and all supporting documentation shall be revised to state the correct proposed use, which is a recreational or entertainment establishment of a commercial nature abutting residential property or land residentially zoned.
- c. Provide sign area details and rendering on the site plan and update the SOJ, in conformance with Section 27-613(c)(3)(C) of the Prince George's County Zoning Ordinance.