

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

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SPECIAL PERMIT APPLICATION NO. 000202

Application	General Data
Project Name Freddie's Auto Service	Date Accepted 5/10/02
	Planning Board Action Limit N/A
Location Northeast corner of Webster St. and Rhode Island Avenue, known as 4505 Rhode Island Avenue	Tax Map & Grid 050 B-2
	Plan Acreage 0.24
Applicant Freddie Lee Jones 2114 Oregon Avenue Landover, Maryland 20785	Zone U-L-I
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 68
	Council District 02
	Municipality N. Brentwood
	200-Scale Base Map 205NE3

Purpose of Application	Notice Dates
Vehicle Repair in the U-L-I Zone	Adjoining Property Owners (CB-15-1998) 5/6/02
	Previous Parties of Record (CB-13-1997) N/A
	Sign(s) Posted on Site 6/21/02
	Variance(s): Adjoining Property Owners N/A
Staff Recommendation	
Staff Reviewer: Catherine H. Wallace	
APPROVAL	APPROVAL WITH CONDITIONS
DISAPPROVAL	DISCUSSION

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July 3, 2002

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Catherine H. Wallace, Planner Coordinator

SUBJECT: **Special Permit Application No. 000202**

REQUEST: **Vehicle Repair in the U-L-I Zone**

RECOMMENDATION: **DENIAL**

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date indicated above. The Planning Board also encourages all interested persons to request to become a person of record in this application. Requests to become a person of record should be made in writing and addressed to the Development Review Division at the address indicated above. Please call 301-952-3530 for additional information.

INTRODUCTION:

This application is for a special permit in the U-L-I (Urban Light Industrial) Zone. The U-L-I Zone was a direct outgrowth of the 1994 Planning Area 68 Master Plan. The master plan states that “a new ‘Urban Light Industrial Zone’ has been developed to encourage the revitalization of older industrial areas, providing attractive and functional space for small-scale users which respects the architectural scale, development patterns and infrastructure capability of the area.” The U-L-I Zone includes a list of uses permitted by right, by special exception, and by special permit. Approval of a special permit is dependent upon a finding that the proposed site plan generally conforms to the design guidelines of the U-L-I Zone and to the design guidelines of the approved master plan.

In addition, this application is for a property located within the Gateway Arts District established along the US 1 corridor by Prince George’s County in December 2000. Furthermore, the State of Maryland designated this area as an Arts and Entertainment District, providing tax incentives to promote arts-related neighborhood revitalization in accordance with smart growth principles. Moreover, the state appropriated one million dollars of its FY02 budget to fund development projects in this district.

As an outgrowth of these approved policies, the Prince George’s County Planning Department is in the process of developing a sector plan and a concurrent sectional map amendment (SMA) for the Gateway Arts District. This initiative is also a follow up to the *Prince George’s County Gateway Arts District Planning Study*, completed in September 2001. The physical appearance of the Arts District was a major concern in the planning study, and it is a focus of the ongoing sector plan.

FINDINGS:

- A. Location and Field Inspection: The subject property is located in the eastern quadrant of the intersection of Rhode Island Avenue and Webster Street in the Town of North Brentwood. It is improved with a one-story cinder block building, approximately 1,600 square feet in area, and a large outdoor advertising sign (billboard). The building is currently vacant. The property is totally paved and has access from both streets. A chain-link fence, which appears to be about eight feet in height, surrounds the perimeter of the site.
- B. History: The property was rezoned from the I-1 to the U-L-I Zone in 1994, with the approval of the *PA 68 Approved Master Plan and Sectional Map Amendment*. The applicant indicates that the building on the property was constructed around 1960. The most recent reported use of the property was a bus depot and repair station. Debbie Gallagher-Tucker, Supervisor of the Permit Review Section, indicates that all use and occupancy permits since 1986 were placed “on hold,” indicating an inability to satisfy zoning requirements.
- C. Master Plan Recommendation: The 1994 Planning Area 68 Master Plan recommends urban light industrial uses for the site.
- D. Request: The applicant requests approval of auto repair for the site. Auto repair is permitted by special permit in the U-L-I Zone. The applicant’s representative also indicates a desire to retain the existing outdoor advertising sign on the premises, although it is not shown on the site plan.

The neighborhood is defined by the following boundaries:

This neighborhood is identified in the master plan as the Brentwood and North Brentwood Industrial District. That portion of the neighborhood located in North Brentwood includes the subject property, a vacant residence, auto repair, Diener's Flooring, a furniture warehouse, an auto parts store, and window and ceramic tile wholesalers. That portion lying south of Webster Street is in the Town of Brentwood and known as Wilen Heights. It is developed with a variety of industrial and commercial uses including auto sales and repair, warehousing, a photo processing plant, bakery and various contractors.

In order for the Planning Board to grant a Special Permit in the U-L-I Zone, it shall make the following findings:

The proposed special permit does not conform to significant U-L-I Zone Design Guidelines. The U-L-I Zone Design Guidelines are found in Council Resolution CR-30-1994 adopted by the Council concurrently with its adoption of CB-1-1994 creating the U-L-I Zone. The adopted guidelines are:

The subject property is a small parcel located on the corner of a block, most of which is developed with two large buildings and a substantial parking area, providing an opportunity for the redevelopment of a unified group of buildings with shared access. The proposed site plan shows an individual access to Rhode Island Avenue. The proposed use does not meet this guideline.

The building has one roll-up door, which provides access to the interior bays. This door is located in the front of the building and is oriented toward Rhode Island Avenue. Since most auto repair work requires ventilation, it is presumed this door would be open during business hours, providing some views into the bays from Rhode Island Avenue. This does not conform to the above guideline.

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This application does not conform to this guideline. The proposed site plan does not indicate the location of outdoor storage and work areas. However, the statement of justification notes that the applicant intends to “screen the storage, work areas, and trash receptacle behind a board-on-board fence running from the front edge of the building to the Webster Street property line,” that is, parallel to Rhode Island Avenue. Given the location of the building’s overhead door and the apparent location of the storage area, this does not appear to be a feasible solution. Moreover, the area in question is shown as the location for the parking area, and access to that area would also be compromised by screening at that location.

It is pointed out in the referral reply from Dineene O’Connor, Community Planning Division, that a board-on-board fence would be inconsistent with the master plan guideline to provide for an ornamental wall at the street line to create an urban streetscape at this prominent location.

- (4) **Parking should generally be located in rear yards. If this is not possible, masonry walls are recommended to buffer the view of parking lots from the street and to augment any prevailing streetwall.**

The subject property is a corner lot and the building is located to the rear of the lot. This precludes the location of parking lots in a rear yard. An ornamental masonry wall as recommended by the master plan could buffer the view of the parking lot from the street. The proposed site plan shows a chain-link fence with slats along Rhode Island Avenue and Webster Street. This does not meet the guideline.

- (5) **Parking lots and cars should not be the dominant visual elements of the site. Large expansive paved areas located between the street and the building are to be avoided. Parking lots adjacent to, and visible from, public streets must be adequately buffered from view through the use of walls, fencing, landscaping or combinations thereof whenever possible.**

The site is too small to contain expansive paved areas. However, it has been paved in its entirety. Its dominant physical feature (assuming the removal of the billboard) will be a parking lot and stored vehicles. A parking lot can be effectively screened from the street by an ornamental wall and landscaping as depicted in the Planning Area 68 Illustrative Concept Plan for the Brentwood and North Brentwood Industrial District. However, there is no appropriate way to screen vehicle storage areas and remain consistent with the streetscape concepts embodied in the Illustrative Concept Plan.

- (6) **Long, monotonous walls and building facades should be avoided.**

The site contains no long, monotonous walls or building facades.

- (7) **Appropriate landscaping or street options should be provided which enhance the industrial area and result in a cohesive industrial character. Streetscape options which should be considered include the use of pavement patterns; the**

use of trees and tree grates; use of raised planters and low maintenance plantings; and delineation of entrances through paving and curbing.

The site is completely paved and surrounded by a chain-link fence. Reference is made to raised planters in the statement of justification, although these are not shown on the site plan. Raised planters are an appropriate element to be considered in lieu of more traditional landscaped strips. In this case however, the property's prominent location along Rhode Island Avenue and the master plan recommendation for a streetscape treatment, including an ornamental wall and trees, indicate that a more comprehensive landscape treatment is required. This landscape treatment should complement the ultimate redevelopment of the much larger Diener's property. The proposed site plan fails to address these issues.

- (8) Landscaping should be used to define areas by helping to focus on entrances to buildings, defining the edges between the public right-of-way and private development, providing transition between neighboring properties, and providing screening for outdoor storage, loading, and equipment areas. Green space, when provided, should be concentrated in public view areas.**

A streetscape treatment appropriate for an urban area should be used to define the entrances to sites and to distinguish between private development and public rights-of-way. Where typical *Landscape Manual* requirements would involve the use of a landscape strip with a minimum width of ten feet, it is appropriate to reduce the width of the landscape strip in combination with a low wall for an urban streetscape treatment. Only in areas with extreme deficiencies of space would it be appropriate to completely eliminate the use of plantings. The properties along the 4500 block of Rhode Island Avenue have ample space to provide both a wall and appropriate trees, and the approval of any redevelopment of the subject property should include a similar treatment.

- (9) Landscaping should be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks, or the use of curbs. Appropriate plant material for urban areas should be used. The use of vines should be considered, because building walls and fences in industrial areas tend to be large and blank.**

The prominent location of this site along Rhode Island Avenue requires a treatment compatible with the master plan streetscape recommendation.

- (10) Bufferyards should not be required when visual and/or physical screening is already provided between industrial and nonindustrial uses. Screening should include a combination of elements, such as solid masonry walls, berms and landscaping. When fencing is used, sight-tight fencing should be used; observable barbed wire should not be permitted. For development abutting residential zoning, fences six feet or higher should be considered for adequate screening. Chain-link fencing with wood or metal slatting is an acceptable screening material only for areas not publicly visible.**

The rear of the subject site abuts a single-family residence to the southeast. The site plan lists the use for this site as an office use; however, it is currently vacant and appears to have been residential in character. The remaining uses in the block are industrial and/or commercial in character. Screening is appropriate for the property to the southeast and, at a minimum should consist of a board-on-board fence.

- (11) **Signs should reduce visual clutter and improve visibility by minimizing the number of words or symbols, and by using the fewest number of colors, fonts and font sizes.**
- (12) **Signs should generally be above window or door openings, not mask architectural detail or project above the roof.**
- (13) **The size of the sign should be in scale with the building and be located in a consistent location on buildings.**
 - (A) **Location.**
 - (i) **Signs must be located on the front wall of the building in a band not less than eight (8) feet and no more than fourteen (14) feet high. In no case shall the band be higher than the lowest point of the roof of the building.**
 - (ii) **In the case of the attached buildings, the sign band location, if signs are proposed, shall be uniform across the front of the building.**
 - (B) **Height.**
 - (i) **Signs shall not exceed eighteen (18) inches in height.**
 - (C) **Color.**
 - (i) **The sign band defined in paragraphs (1) and (2), above, shall have one (1) background color and shall be uniform on any building or group of attached buildings.**
 - (ii) **Any individual sign may have a maximum of five (5) colors, including black and white.**
 - (D) **Area.**
 - (i) **The area of all signs shall be not more than one and one-half (1 ½) square feet for each one (1) lineal foot of width along the front of the building (measured along the wall facing the front of the lot or the wall containing the principal entrance to the**

building, whichever is greater), to a maximum of eighty (80) square feet.

The applicant has not provided any sign details which would make it possible to determine conformance with these guidelines. In addition, a billboard is currently located on the site. Although it is not shown on the site plan, the applicant has indicated an interest in keeping the billboard on the site. Dineene O'Connor addresses this issue in her memorandum of May 29, 2002.

CB-59-1993 established that billboards are not permitted and required them to be certified as nonconforming uses by December 31, 1993. The billboard which exists on the subject site has not been certified as a nonconforming use and, therefore, is not permitted and should be removed.

The existing billboard cannot meet any of the above listed guidelines for signs in the U-L-I Zone. Its height and area dominate the visual appearance of the property. Its continued existence would severely compromise any use or reuse of the site consistent with the purposes of the U-L-I Zone. Regardless of its legal status, it is, in and of itself, a reason for denial of the requested special permit.

B. The site plan generally conforms with the design guidelines set forth in an approved Master Plan.

This application does not comply with the design guidelines of the Planning Area 68 Master Plan. The memorandum from the Community Planning Division addresses these issues:

- The U-L-I Zone (27-474.01(d)(01)) establishes that buildings should be set back no more than ten feet from the right-of-way for streets with a 50-foot or less right-of-way in order to create a more traditional street wall. Setbacks for streets with a right-of-way greater than 50 feet are to be determined by the Planning Board in accordance with the alternative development technique and in conformance with any specific design elements recommended in an approved master plan.
- The approved master plan made specific recommendations to implement the illustrative concept plan for the Brentwood and North Brentwood Industrial District. These recommendations are found on page 81 of the approved master plan and are as follows:
 - 1) Provide clear identification and a sense of place to the industrial park;
 - 2) Enhance the appearance of the industrial park through the application of site design and architectural guidelines;
 - 3) Propose streetscape improvements to create a pedestrian friendly environment;
 - 4) Propose infill and redevelopment concepts for underutilized and undeveloped sites within the industrial park.

The illustrative concept plan for the Brentwood and North Brentwood Industrial District recommends a proposed street wall and a boulevard streetscape treatment for all properties fronting Rhode Island Avenue. The recommended street wall can be achieved by building a low screening wall as shown in the elevation sketch. The illustrative concept plan includes an inset using the subject site and surrounding Diener's property to demonstrate a possible implementation of the recommended design guidelines.

The recommendations of the Master Plan and illustrative concept plan are the same as U-L-I Zone Design Guideline (9), which states that parking lots and cars should not be the dominant visual element of the site. Large, expansively paved areas located between the street and the buildings are to be avoided. Parking lots adjacent to and visible from public streets must be adequately buffered from view through the use of walls, fencing, landscaping or combinations thereof whenever possible.

ANALYSIS

The subject application does not conform to the guidelines of the U-L-I Zone or the design guidelines of the approved master plan. The applicant indicates an intention to build a board-on-board fence to shield the view of the parking area; however, the site plan does not reflect the stated intention. Instead the plan shows an existing six-foot-high chain-link fence. The existing chain-link fence does not establish the intended street wall for the area, nor does it meet the development standards or design guidelines for the area under the alternative development provision and should be removed.

The applicant states his intention to screen the storage, work areas and trash receptacle behind a board-on-board fence running from the front edge of the building to the Webster Street property line. The applicant's intent to screen storage and work areas on the site are not reflected on the proposed site plan. In fact, the storage and work areas are not identified on the site. Further, it is unlikely that a board-on-board fence located as described above would allow for the efficient transfer of vehicles from the storage area to the inside of the building. Moreover, a board-on-board screen, 50 feet from the street line, would be inconsistent with the type of decorative wall at the street line as illustrated in the master plan. Given the size of the site and its prominent location on Rhode Island Avenue, the repair and storage of vehicles is out of character with the urban streetscape concept identified for this location.

The subject application does not demonstrate compliance with U-L-I Zone sign requirements. The site plan does not show sign details and does not show an existing billboard which is located on the property. CB-59-1993 established that billboards are not permitted and required them to be certified as nonconforming uses by December 31, 1993. The billboard which exists on the subject site has not been certified as a nonconforming use and, therefore, is not permitted and should be removed.

drawing

drawing

It is recommended that the applicant not provide trees in planter boxes. Since the site is totally paved, a brick wall would best serve as a screen for the use and parking lot in accordance with the master plan recommendations. The planters will not contribute to the landscape and will be difficult to maintain.

- H. Landscape Manual Requirements: This site is exempt from the requirements of the *Landscape Manual*, since no additional square footage or intensification of the previous use is proposed. However, the U-L-I Zone has created alternative landscape guidelines consistent with the urban context and smaller spaces within which the zone is typically located. This application fails to meet the U-L-I Zone guidelines for landscaping.
- I. Parking Requirements: The parking regulations require three parking spaces per service bay (for the maximum number of cars that can be worked on at the same time) for an auto repair facility. The site plan indicates parking for only one service bay. Four spaces are shown on the plan. Parking should be calculated for both the service bays and office space. Assuming the parking lot predates 1970, the parking space dimensions should be shown as 10 feet by 20 feet. A space smaller than 200 square feet in size would require the application to conform to all current design standards for parking and loading facilities.
- J. Gateway Arts District: As noted above, Prince George's County and the State of Maryland have established an arts and entertainment district encompassing an area along US 1 between the county line and Jefferson Street. The district boundaries include four municipalities: Mount Rainier, Brentwood, North Brentwood and Hyattsville. In addition to state designation and funding, the Gateway Arts District has received county funding. (See relevant portions of the county's FY 2003 Capital Improvement Program attached.) The subject property lies in a very prominent location in the center of this district. It is also adjacent to the planned North Brentwood African-American Heritage Museum and Black Box Rehearsal Theater, which is anticipated to be located on the Diener's property to the northwest. These significant opportunities for the enhancement of cultural life in the Gateway Arts District make a unified and attractive site design as recommended in the master plan particularly important.
- K. Town of North Brentwood Referral Reply: The Mayor and Town Council of North Brentwood have reviewed this application and recommend denial. The May 22, 2002, letter from Mayor Beverly is attached. Section 27-239.02(a)(8)(c) of the Zoning Ordinance provides that the Planning Board may only approve a special permit contrary to the recommendation of the municipality in which the property lies by an affirmative vote of four-fifths of the members of the Board.

CONCLUSION:

A special permit may be permitted, subject to required findings of general conformance with the design guidelines of the U-L-I Zone and the approved master plan. However, the proposed use at this location fails to satisfy critical design guidelines of the U-L-I Zone. Furthermore, the nature of an auto repair business on a small site is such that it is virtually impossible to create the urban streetscape as recommended by the 1994 Planning Area 68 Master Plan. The proposed application fails to satisfy either of the requirements for approval of a special permit, and furthermore, it is inconsistent with county policies for the creation of a Gateway Arts District. Therefore, it is recommended that this special permit be DENIED.