

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 www.mncppc.org/pgco/planning/plan.htm



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SPECIAL PERMIT APPLICATION NO. 010002

Application	General Data
Project Name African-American Cultural & Youth Center	Date Accepted 12/31/01
	Planning Board Action Limit N/A
	Tax Map & Grid 050 B-3
Location <ul style="list-style-type: none"> Southeast side of 41st Street approximately 200' east of Northeast side of 41st Street approximately 120' southwest 	Plan Acreage 0.55
	Zone U-L-I
	Dwelling Units N/A
Applicant Nigerian Muslim Council in the United States of America	Square Footage N/A
	Planning Area 68
	Council District 02
	Municipality Town of Brentwood
	200-Scale Base Map 205NE3

Purpose of Application	Notice Dates
Community Building in accordance with Sections 27-473(b)(3) and 27-239.02(a)(9)	Adjoining Property Owners (CB-15-1998) 03/07/02
	Previous Parties of Record (CB-13-1997) N/A
	Sign(s) Posted on Site 04/11/02
	Variance(s): Adjoining Property Owners N/A

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION

	X		
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April 17, 2002

TECHNICAL STAFF REPORT:

TO: The Prince Georges County Planning Board
The Prince Georges County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Tom Lockard, Senior Planner

SUBJECT: **Special Permit Application No. 010002**

REQUEST: **Community Building in the U-L-I Zone**

RECOMMENDATION: **Approval, subject to conditions**

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.

FINDINGS:

- A. Location and Field Inspection: The subject property comprises two noncontiguous lots along 41st Street. The property to house the proposed community building is located on the southeast side of 41st Street, 120⁺ feet southwest of Webster Street (the building site). The second site, proposed for parking, is located 320 feet to the southwest on the opposite side of 41st Street (the parking site). Both properties are located in the Town of Brentwood, which opposes the application.
- B. History: The subject property was placed in the U-L-I Zone by the *Sectional Map Amendment for Planning Area 68* in May 1994. On June 22, 2000, the Prince George's County Planning Board denied a similar special permit application for a community center at 4411 41st Street (the building site). At that time, the applicant did not have the second site available for parking.
- C. Master Plan Recommendation: The *1994 Master Plan for Planning Area 68* recommends light-industrial use for the property. The master plan recommends a new category of industrial land use that reflects the urban and small lot development pattern of communities which were developed before the Zoning Ordinance was enacted. The master plan specifically recommends the creation of a new zone for urban industrial areas to address the practical hardships facing development and redevelopment of small industrial properties through adjusted standards for appropriate uses, compatibility with adjacent uses, setbacks, landscape, parking and loading requirements.
- D. Request: The applicant seeks permission to establish a community building to serve the area. The Zoning Ordinance defines a community building as:

■A building which is primarily available to the public for cultural, educational, recreational, or civic purposes, and not operated for profit. (Section 27-107.01 [52])

These are the types of activities envisioned by the applicant for the use. The building would include offices, a conference room, study hall and a multipurpose room for meetings, displays, exhibits, etc. There has been some speculation that the site has been used in the past as a place of worship, which is not permitted in the U-L-I Zone. However, this application is being evaluated for conformance with the requirements for a community building.

- E. Neighborhood and Surrounding Uses: The building site is surrounded by the following uses:

Northeast: Warehouses in the U-L-I Zone.

Southeast: A heavy-equipment storage yard in the U-L-I Zone.

Southwest: Along both sides of 41st Street are single-family residences in the U-L-I Zone.

Northwest: Across 41st street are two used car dealerships in the U-L-I Zone, oriented to Rhode Island Avenue.

The parking site is surrounded by the following uses:

- Northeast: A single-family residence in the U-L-I Zone.
- Southeast: Auto repair businesses in the U-L-I Zone.
- Southwest: The Brentwood Post Office in the U-L-I Zone.
- Northwest: Across Rhode Island Avenue are strip-commercial uses in the C-M Zone.

The neighborhood is defined by the following boundaries:

- Northeast: Webster Street
- Southeast: CSX Railroad tracks
- Southwest: Bunker Hill Road
- Northwest: Rhode Island Avenue

This neighborhood contains an unusual mix of uses sandwiched between Rhode Island Avenue and the railroad tracks. This three block section of 41st Street is dominated by warehouses and auto-related businesses, yet also has no fewer than six single-family residences, including one residence now being rehabilitated directly southeast of the building site. The parking site has a single-family residence on it as well, which is proposed to be retained. The neighborhood also contains the Brentwood Post Office.

F. Special Permit Findings Section 27-239.02(a)(9):

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

A. The site plan generally conforms with the U-L-I Zone Design Guidelines; and

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:

(1) Whenever possible, access shall be shared.

Finding: Access to each of the two parts of the subject property is directly off of 41st Street and cannot be shared with adjoining development.

(2) Service bays or areas should be located on the side or rear of buildings.

Finding: There will be no service areas in the front of the building. Existing loading doors will be replaced with a new facade.

- (3) **Outdoor storage and work areas and trash receptacles should be screened from adjoining residential areas and from street view.**

Finding: There will be no outdoor storage or work areas.

- (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.**

Finding: Parking will be provided on both sites. There will be four parking spaces directly in front of the proposed center, with the majority of the parking provided at the parking site on the opposite side of 41st Street. There is no prevailing streetwall along this area. The parking spaces on the parking site will be screened by landscaping in accordance with the *Landscape Manual*.

- (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.**

Finding: The vast majority of the parking for the center will be provided at the parking site. The applicant proposes to redesign the parking area at the center site by replacing three of the seven existing spaces with landscaping and a screened trash receptacle. A fence or wall at this location would not be practical, as it would impair the visibility of drivers backing onto 41st Street. The resultant wall or fence would need to be so low that it would negate the intended purpose of the buffer. In order to retain the existing parking layout on the building site, the spaces must be shown at pre-1970 dimensions, i.e., 10 by 20 feet or some other combination resulting in 200 square feet.

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

Finding: The applicant is proposing to replace the existing warehouse facade as follows:

- (A) The loading dock is to be converted into a pedestrian path with new steps and railings.
- (B) Two of the three existing roll-up loading dock doors will be removed and replaced with framed wall panels painted to enhance the dark red brick. The third door will be converted to an entrance for the center.
- (C) The front facade will be improved with borders, planters and other architectural motifs.

- (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 gates; use of raised planters and low maintenance plantings; and delineation of entrances through paving and curbing.**
- (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.**
- (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.**

Finding: There is little room for landscaping at the building site, the existing building is built all the way up to the rear and both side property lines. The applicant is proposing significant new landscaping in what is now the parking lot in front of the building, and it will provide landscaping in accordance with the *Landscape Manual* for the parking site. Later in this report, changes necessary to bring the landscaping into compliance are discussed.

- (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.**

Finding: No bufferyards are provided. There is an existing brick wall and picket fence that separates the parking area in front of the building from the single-family residence to the southeast.

- (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.**

Finding: The applicant has not yet selected a sign, but submits that it will meet the design criteria for the U-L-I Zone. Signs in the U-L-I Zone are subject to the regulations found in Section 27-474.01(g) of the Zoning Ordinance. Any sign erected on the site must conform to these specifications:

(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.

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

Finding: The approved Master Plan for Planning Area 68 recommends a new zoning category be established for industrial uses that have developed in urban areas and communities developed prior to the Zoning Ordinance. These small industrial properties were often residentially platted and developed, then later converted to industrial use, sometimes not too successfully. This new zone would address the particular issues faced by

this type of development (i.e., compatibility with adjacent uses, setbacks, landscaping, parking and loading etc.).

The subsequent SMA carried out the recommendation of the master plan by creating the U-L-I Zone, the purposes of which are:

- (A) **To attract and retain a variety of small-scale light industrial uses in older, mostly developed industrial areas, developed with structures lacking state-of-the-art mechanical features, and located close to established residential communities;**
- (B) **To create an urban light industrial character, setting it apart from both the more intense industrial zones and the high-traffic-generating commercial zones which will encourage a mix of small-scale industrial uses that are more appropriate for the small, older industrial areas;**
- (C) **To encourage the location of small-scale "clean industries" (e.g., electronic, assembly of precision laboratory equipment, etc.) and new "incubator" or "cottage businesses";**
- (D) **To apply appropriate physical site development standards or guidelines to new and existing uses or structures which will foster an attractive and viable light industrial employment area. The standards will also promote functional and visual compatibility with adjacent or nearby residential areas;**
- (E) **To encourage cooperative property management techniques such as parking, loading, screening, lighting, and security among the various industrial uses;**
- (F) **To establish a flexible regulatory process with appropriate standards that will promote reinvestment in, and appropriate redevelopment of, older urban industrial areas as employment centers.**

The 1994 Master Plan, on pp. 79-81, discusses this industrial area in some detail and contains the following recommendations:

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 facade maintenance and improvement guidelines and programs**
4. **Provide streetscape improvements to create a pedestrian-friendly environment**
5. **Propose infill and redevelopment concepts for underutilized and undeveloped sites within the industrial park.**

The subject property, like much of the surrounding development, was built and developed in the 1940s. Despite its age and the decline of some other now-vacant buildings and lots in the

area, the building is well maintained. When the District Council created the U-L-I Zone via the 1994 Sectional Map Amendment, it was with the intent:

■To establish a flexible regulatory process with appropriate standards that will promote reinvestment in, and appropriate redevelopment of, older urban industrial areas as employment centers. •(27-472.01(a)(1)(F))

This is what the applicant proposes, by taking a vacant building and reestablishing a viable use. While this area has historically been dominated by warehouse and distribution uses, there has been a trend toward automobile-related uses in recent years. However, this section of the industrial area continues to have a strong single-family residential component. The proposed community building, if properly operated, can be a positive amenity which is compatible with the eclectic mix of uses in this neighborhood.

- G. Parking Regulations: The mix of uses proposed for the community building requires 23 off-street parking spaces. The site plan shows 31 spaces, four at the building site and 27 at the parking site. Parking is permitted to be off-site so long as it is within 500 feet of the use being served (Section 27-573). The site plan shows the parking lot on the parking site to have access from both 41st Street and Rhode Island Avenue. Currently, there is no driveway along Rhode Island Avenue. An access permit from the Prince Georges County Department of Public Works and Transportation, and/or the Town of Brentwood, would be required.
- H. Landscape Manual Requirements: The building site is exempt from the requirements of the *Landscape Manual*, since no new buildings are proposed. The applicant, however, as part of their rehabilitation of the site, will be providing landscaping within what previously has been parking spaces in front of the existing building.
- I. Other Issues: The Permit Review Section, in their referral dated February 4, 2002, notes several revisions that need to be made to the site plan:
1. The scale of Sheet C-1 must be clearly provided on the plan.
 2. The method of calculating the required parking spaces must be provided on the site plan.
 3. The use of the existing building on Lot 17 must be provided on the site plan and included in the parking schedule.
 4. The size of the proposed parking lot on Lots 17 and 18 must be provided on the site plan to determine if it is exempt from Section 4.3(c) of the *Landscape Manual*.
 5. The dimension of both driveways on Lots 17, 18, and at the street must be provided on the site plan. A minimum of 22 feet is required for two-way drive aisles.
 6. The schedule for 4.3(a) of the *Landscape Manual* for the proposed parking lot along 41st Avenue must be revised to indicate that ten shrubs are required.
 7. The schedule for Section 4.3(a) of the *Landscape Manual* for the proposed parking lot along Rhode Island Avenue must be revised to indicate the linear frontage as approximately 65 feet. The plant numbers must also be revised accordingly.

8. The schedule for Section 4.3(b) of the *Landscape Manual* for the proposed parking lot must be revised to indicate that 15 shrubs are required.
9. The landscape strip along Rhode Island Avenue on Lots 9 and 10 shall be ten feet in width as required when using Option 1 of Section 4.3(a) of the *Landscape Manual*.
10. The height of the existing building on Lot 17 must be provided on the site plan.
11. The site plan must indicate the existing fence identified in General Note 26.

In addition, staff is concerned that the proposed use is to be located adjacent to residential dwellings and that users of the off-site parking will be walking past additional dwellings. Consequently, staff will be recommending conditions limiting the hours of the proposed community building.

CONCLUSION:

A special permit, like a special exception, is a conditional use that is presumed to be compatible in the zone, absent site-specific evidence to the contrary. According to Section 27-239.02(a)(10)(A), conditions may be attached to the approval of a special permit if "deemed necessary to protect adjacent properties and the general neighborhood." While the applicant has met their burden of proof in this instance, conditions are necessary not only to bring the proposal into compliance with the Code, but to protect adjoining residential properties as well. Therefore, staff recommends APPROVAL of SP-01002, subject to the following conditions:

1. Prior to the issuance of permits, the site plan shall be revised to show:
 1. The scale of Sheet C-1 shall be clearly provided on the plan.
 2. The method of calculating the required parking spaces shall be provided on the site plan.
 3. The use of the existing building on Lot 17 shall be provided on the site plan and included in the parking schedule.
 4. The dimension of both driveways on Lots 17, 18, and at the street shall be provided on the site plan. A minimum of 22 feet is required for two-way drive aisles, or a departure granted.
 5. The schedule for 4.3(a) of the *Landscape Manual* for the proposed parking lot along 41st Avenue shall be revised to indicate ten shrubs are required.
 6. The schedule for Section 4.3(a) of the *Landscape Manual* for the proposed parking lot along Rhode Island Avenue shall be revised to indicate the linear frontage as approximately 65 feet. The plant numbers shall also be revised accordingly.
 7. The schedule for Section 4.3(b) of the *Landscape Manual* for the proposed parking lot shall be revised to indicate that 15 shrubs are required.

- h. The landscape strip along Rhode Island Avenue on Lots 9 and 10 shall be 10 feet in width as required when using Option 1 of Section 4.3(a) of the *Landscape Manual*.
 - i. The height of the existing building on Lot 17 shall be provided on the site plan.
 - 10. The site plan shall indicate the existing fence identified in General Note 26.
 - 11. The parking spaces in front of the proposed center must be redesigned to be 200 square feet in area.
- 2. The applicant shall complete the proposed facade and other site improvements within six months of the final approval date of this application.
 - a. The loading dock is to be converted into a pedestrian path with new steps and railings.
 - b. Two of the three existing roll-up loading dock doors will be removed and replaced with framed wall panels painted to enhance the dark red brick. The third door will be converted to an entrance for the center.
 - c. The front facade will be improved with borders, planters and other architectural motifs.
- 3. In order to protect adjacent residences, evening activities at the community building shall end by 9:00 p.m. on Sunday-Thursday and 10:00 p.m. on Friday-Saturday.
- 4. Any sign erected on the site shall conform to the regulations found in Section 27-474.01(g) of the Zoning Ordinance.