

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND  
OFFICE OF THE ZONING HEARING EXAMINER**

**ZONING MAP AMENDMENT  
A-10015**

**DECISION**

Application:	R-55 to C-S-C Zone
Applicant:	Landover DK, LLC
Opposition:	None
Hearing Date:	February 11, 2009
Hearing Examiner:	Joyce B. Nichols
Disposition:	Approval with Conditions

**NATURE OF PROCEEDINGS**

- (1) Zoning Map Amendment A-10015 is a request to rezone approximately 0.17 acre of R-55 (One-Family Detached Residential) Zoned land, located on the south side of Old Landover Road, approximately 145 feet west of its intersection with Kilmer Street, also identified as 6455 Old Landover Road, Landover, to the C-S-C (Commercial Shopping Center) Zone.
- (2) The Applicant alleges that mistakes were made in the 1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity with regards to the subject property sufficient to justify the proposed rezoning of the subject property.
- (3) The Technical Staff recommended denial of the instant Application, Exhibit 9, and the Planning Board did not elect to schedule the instant Application for public hearing and in lieu thereof adopted the recommendations of the Technical Staff. (Exhibit 24)
- (4) The instant property is located adjacent to land located within the municipal boundaries of the Town of Cheverly, which is in support of the proposed rezoning request. (Exhibit 44, T.p.42-43)
- (5) At the conclusion of the evidentiary hearing the record was kept open for the submittal of additional documents. Upon receipt of these documents the record was closed on June 8, 2009.

**FINDINGS OF FACT**

**Subject Property**

- (1) The subject property is located on the south side of Old Landover Road, approximately 145 feet west of its intersection with Kilmer Street. The subject property, Lot 4, Block 8, is part of the Landover Park Subdivision, is 0.17 acre in size, is improved with a single family brick detached dwelling unit, and is adjacent on the east and south to the C-S-C Zone, on the west to the R-55 Zone

diagonal to the C-O (Commercial Office) Zone. The adjacent lot, Lot 5, is also improved with a single family brick building, and the owner of Lot 5 did not participate in the instant proceedings to voice their opinion. Access to the subject property is via Old Landover Road.

(2) The subject property is located within the original area of incorporation into the Maryland-Washington Regional District in 1927. The subject property was placed in the R-55 Zone in 1949 by the adoption of the first County Comprehensive Zoning Map. This zoning was retained by the adoption of both the 1983 Bladensburg-Defense Heights and Vicinity Sectional Map Amendment and by the 1994 Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity.

### **Master Plan and Sectional Map Amendment**

(3) The 1994 Approved Master Plan for Bladensburg-New Carrollton and Vicinity recommends medium suburban-density residential land use for the subject property. The retention by the Sectional Map Amendment of the R-55 Zone reflects the zoning and character of the adjacent property located to the west and the properties located across Old Landover Road to the north. The Master Plan finds that the area is oversaturated with commercial zoning and recommends:

“Because of the vast excess of retail commercial zoning and its attendant problems, no additional land should be zoned for commercial purposes. All efforts should be expended in the opposite direction, that is, to reduce the excess of retail space. To grant more retail zoning is a direct contradiction of the Plan and would be directly counterproductive to the efforts of the above-mentioned committee.

The ban on additional retail commercial zoning should be absolute; not even very small parcels should be rezoned. Because of the “zero-sum” nature of the Planning Area’s commercial problems, when a newly rezoned parcel of land is built upon, it is very likely that a corresponding vacancy will occur elsewhere within the existing commercial development.” M.P.p.70-71

(4) The 2002 General Plan locates the subject property within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, and medium-to high-density neighborhoods. The 2002 General Plan proposes goals for the Developed Tier, three (3) of which are of particular relevance to the instant Application. These relevant goals are (1) to strengthen existing neighborhood, (2) to encourage appropriate infill, and (3) to encourage more intense, high quality housing and economic development in centers and corridors.

(5) The 2002 General Plan also proposes Objectives for Commercial Area which are relevant to the instant Application as follows: (1) maintain and renew existing commercial areas where appropriate while removing commercial uses from, and stopping intrusions into, areas not appropriate for commercial uses, (2) identify specific commercial areas assets and deficiencies which affect the image of the Planning Area and the County; and (3) encourage and provide for the upgrading and maintenance of commercial centers.

(6) The instant Application is consistent with the provisions of the 2002 General Plan for the Developed Tier.

### **Neighborhood and Surrounding Uses**

(1) The Technical Staff has proposed a neighborhood which is co-terminus with Analysis Area 12 of the 1994 Master Plan and Sectional Map Amendment. Analysis Area 12 is bounded on the north by MD 450/Annapolis Road, on the south by MD 202/Landover Road, on the east by Cooper Lane, and on the west by MD 295/Baltimore-Washington Parkway.

(2) Since one of the Applicant's arguments hinges on the 1983 Master Plan's Village Activity Center floating symbol which straddles both Analysis Areas 12 and 13, the Applicant urges the adoption of a larger neighborhood than that proposed by the Technical Staff. The neighborhood including both Analysis Areas 12 and 13 is bounded on the north by MD 450/Annapolis Road, on the east by Cooper Lane and US 50/John Hanson Highway, on the west by MD 295/Baltimore-Washington Parkway, and on the south by US 50/John Hanson Highway and the Cheverly and Tuxedo Industrial Parks.

(3) The neighborhood proposed by the Technical Staff, using MD 202/Landover Road, an arterial highway, as a division delineating a neighborhood, is in accordance with planning principles, which is of particular importance in Applications with specific burdens of proof such as need. In the instant Application, alleging a mistake in the Sectional Map Amendment arising from specific language or symbols contained in the Sectional Map Amendment, the delineation of a neighborhood is not pivotal to the disposition of the request. Equity requires that development on the south side of MD 202/Landover Road be recognized as relevant to the proffered arguments pertaining to the Village Activity Center floating symbol and therefore, for the purposes of only this particular Application, the neighborhood shall be accepted as both Analysis Areas 12 and 13.

(4) The subject property is surrounded by the following uses: to the north across Old Landover Road are single family homes in the R-55 Zone, to the east adjacent to the subject property is vacant land in the C-S-C Zone and further east across Kilmer Road is the Landover Park Shopping Center in the C-S-C Zone, to the south adjacent to the subject property is vacant land in the C-S-C Zone and medical office buildings in the C-O Zone, and across MD 202/Landover Road are developed properties in the C-S-C Zone, and to the west are single family detached residences in the R-55 Zone.

### **Applicant's Proposal**

(5) The Applicant is requesting that the instant 0.17 acre lot be rezoned from the R-55 to the C-S-C Zone in order to permit development of the subject property in conjunction with adjacent C-S-C zoned land located to the side and rear of the subject property.

### LAW APPLICABLE

(1) The Applicant's request for rezoning to the C-S-C Zone must be found to satisfy the requirements of §27-157(a) of the Zoning Ordinance which provide:

(a) **Change/Mistake rule.**

- (1) No application shall be granted without the applicant proving that either:
  - (A) There has been a substantial change in the character of the neighborhood; or
  - (B) Either:
    - (i) There was a mistake in the original zoning for property which has never been the subject of an adopted Sectional Map Amendment; or
    - (ii) There was a mistake in the current Sectional Map Amendment.

(2) The Application must also further the purposes of the C-S-C Zone, §27-454(a):

- (1) The purposes of the C-S-C Zone are:
  - (A) To provide locations for predominantly retail commercial shopping facilities;
  - (B) To provide locations for compatible institutional, recreational, and service uses;
  - (C) To exclude uses incompatible with general retail shopping centers and institutions; and
  - (D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.

(3) The Court of Appeals of Maryland has repeatedly recognized that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning, and that "strong evidence" of error is required to overcome that presumption. Pattey v. Board of County Commissioners for Worcester County, 271 Md. 352, 359, 317 A.2d 142, 146 (1874); Wakefield v. Kraft, 202 Md. 136, 141-142, 96 A.2d 27, 29 (1953); Trainer v. Lipchin, 269 Md. 667, 672-73, 309 A.2d 471, 474 (1973); Stratakis v. Beauchamp, 268 Md. 643, 652-53, 304 A.2d 2441, 249 (1973); Howard County v. Dorsey 292, Md. 351, 438 A.2d 1339 (1982).

(4) The Applicant bears the burden of proof in its request to have the zoning classification for the subject property changed. Messenger v. Board of County Commissioners, 259 Md. 693, 271 A.2d 166 (1970); Chesapeake Ranch Club, Inc. v. Fulcher, 48 Md. App. 223, 426 A.2d 428 (1981). §27-142(a)

(5) However, in a piecemeal rezoning case, sufficient evidence to "permit" a rezoning does not "require" a rezoning unless an Applicant is denied all reasonable use of the property. Valenzia v. Zoning Board, 270 Md. 479, 484, 312 A.2d 277 (1973); Messenger, supra.

(6) In zoning matters, the zoning body is considered to be the expert in the assessment of the evidence. Colao v. County Council of Prince George's County, 109 Md. App. 431, 675 A.2d 148 (1996). This is based on the theory that zoning matters are essentially legislative functions. White v. Spring, 109 Md. App. 692, 675 A.2d 1023 (1996).

(7) Once evidence of mistake or change is adduced, evidence must be presented which justifies the correctness of the new zone being sought. Boyce v. Sembly, 25 Md. App. 43, 334 A.2d 137 (1975); Mayor and Council of Rockville v. Stone, 271 Md. 655, 319 A.2d 536 (1974).

### CONCLUSIONS OF LAW

(1) The Applicant contends that retaining the subject property in the R-55 Zone in the 1994 Sectional Map Amendment was a mistake. The 1980 Master Plan for Bladensburg-Defense Heights and Vicinity provides a Village Activity Center floating symbol in the immediate vicinity of the subject property. Zoning Map Amendment A-9795-C was approved in 1989 rezoning Lots 2 and 3 and parts of Lots 1, 27, 28, 29 and 30, Block 8 in the Landover Park Subdivision from the C-O and R-55 Zones to the C-S-C Zone. With the adoption of the 1994 Bladensburg-New Carrollton and Vicinity Sectional Map Amendment, the District Council failed to recognize both (1) the floating Village Activity Center from the 1980 Master Plan and (2) that although the Landover Park Village Activity Center<sup>1</sup> has been 90% built-out, the central portion, including the subject property, remains unbuilt.

(2) Exhibit 34 is a 1985 survey which depicts the existing development of Lots 16-26 with two (2) two-story medical office buildings and parking. Exhibit 36 is a 1959 State Roads Commission plan providing the right-of-way for MD 202/Landover Road along Lots 16-30. MD 202/Landover Road has been widened (relocated) in accordance with Exhibit 36 resulting in a loss of area of Lots 27-29 of approximately 35-50% and a loss of the majority of Lots 1 and 30.

(3) In 1990 A-9795-C rezoned Lots 2 and 3 and the remaining residual (after the reconstruction of MD202/Landover Road) of Lots 1, 27, 28, 29 and 30, totaling .8444 acre of land, to the C-S-C Zone. The District Council predicated its' approval of this irregular L-shaped property on the following findings:

1. The District Council finds that approval of the C-S-C Zone for the subject property is in accordance with the Bladensburg-Defense Heights Master Plan since the Master Plan's Village Activity Center symbol encompasses the subject property.
2. The District Council finds that the R-55 portion of the subject property is a mistake due to noise from the adjacent roadway and visual impacts of adjoining commercial development.
3. The District Council concludes that there is no market for additional C-O zoning in the subject neighborhood. The District Council failed to foresee this trend when it zoned the property C-O/R-55 by the 1982 Sectional Map Amendment.

<sup>1</sup>The 1980 Master Plan states, "The Cheverly Terrace and Landover Park Shopping Centers face one another along Landover Road, along with several service commercial uses and a medical building, all of which comprise a village activity center presenting few problems." M.P.p.98 The Cheverly Terrace and Landover Park Shopping Centers in combination form the Landover Park Village Activity Center. M.P. p.101

(4) The 1994 Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity discards the use of the Village Activity Center and floating symbol concepts as planning tools.

(5) This L-shaped parcel of C-S-C zoning is the only undeveloped land located within the heart of the Landover Park Village Activity Center. In the ensuing 19 years since this property was zoned commercial, the Applicant has been able to find only one (1) economically viable use within the development constraints presented, Special Exception 4345, for a Gas Station, which was ultimately withdrawn as a result of strong neighborhood opposition.

(6) The addition of the subject property to the existing L-shaped C-S-C property removes many existing development constraints by “squaring off” the irregular shape. The addition of this small acreage (0.17 acre) will not upset the balance of uses in this area.

(7) The noise and sight intrusion noted by the District Council in A-9795-C is equally applicable to the subject property which is surrounded on two (2) out of three (3) sides by C-S-C and C-O zoning with a raised topography that provides a clear line of sight into the existing shopping centers.

(8) The 1994 Sectional Map Amendment states at p.71, “The ban on additional retail commercial zoning should be absolute; not even very small parcels should be rezoned.” The Applicant argues that the proposed ban is in direct contradiction with enunciated objectives in the 1994 Master Plan, specifically:

- To provide a better balance of commercial uses to other uses within the Planning Area.
- To maintain and renew existing commercial areas where appropriate, while removing commercial uses from, and stopping intrusions into, areas not appropriate for commercial use.
- To identify specific commercial area assets and deficiencies which affect the image of the Planning Area and the County.
- To ensure that all residents of the Planning Area are adequately served by commercial activities.

(9) Exhibit 31 provides the parameters of the Landover Park Village Activity Center. All of this area has been zoned and constructed as envisioned by the 1982 Sectional Map Amendment with the exception of the area located in the middle of the Activity Center. The very nature of a floating symbol in land planning is that its location is merely illustrative and not exact, hence, a floating symbol “floats” over an area until it becomes “attached” to the Plan by virtue of its implementation through zoning or construction. Lots 1-3 and 26-30 have been zoned in accordance with the Village Activity Center floating symbol for approximately 20 years but remain undeveloped due to State Highway Administration condemnations. This floating symbol is equally applicable for the subject property, the rezoning as proposed would further the purposes of the 1994 Master Plan, would permit the completion of the center of the Landover Park Village Activity Center which has presented as an

for approximately 20 years, and would be to the public benefit by removing this ugly scar from the face of the landscape in this neighborhood. It would be contrary to the public benefit to construe the 1994 Sectional Map Amendment as a total bar to the completion or revitalization of any existing commercial area and this is sufficient to support a finding of mistake in the 1994 Sectional Map Amendment relative to the subject property.

(10) Upon a finding of mistake or change, it is incumbent on the Applicant to provide evidence that the current request for the C-S-C Zone is the appropriate corrective zone, which burden is met by the assemblage of lots under the Applicants' current control for development with a single use, thus completing the build-out of the Landover Park Shopping Center.

(11) The instant Application is in compliance with the general purposes of the Zoning Ordinance, §27-102(a), as follows:

- (1) ***To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;***

Rezoning the subject property to the C-S-C Zone will make it possible to finally complete the development of the 1980 Master Plan's Cheverly Terrace/Landover Park Village Activity Center, which has been 90% built-out since the early 1980s. The subject 7,500 square foot property adjoins seven other similar size C-S-C zoned properties, which constitute the last undeveloped portion of the Village Activity Center. Preliminary engineering studies indicate that the subject property, when added to these other properties, will produce a viable commercial building site that is sufficiently large (just over one acre) and of a regular, squared-off shape that will facilitate the construction of a 15,800 square feet stand-alone retail business.

The development of this assembled site with a new commercial use, will greatly benefit the surrounding area, including the Town of Cheverly, as this highly visible corner has been sitting vacant for over 15 years as an unattractive fill material borrow site. The proposed development will provide a modern, safe, and attractive retail business that is conveniently accessible for pedestrians and vehicular traffic. Improving this highly visible site with a new long term retail business will raise the standard of quality for commercial development in the area, and may stimulate neighboring businesses to renovate or rebuild.

- (2) ***To implement the General Plan, Area Master Plans, and Functional Master Plans;***

The Technical Staff Report finds, on page 2, "This Application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The 2002 General Plan outlines a number of goals for the Developed Tier, three of which are of particular relevance to this application: strengthen existing neighborhoods, encourage appropriate infill, and encourage more intense, high-quality housing and economic development in centers and corridors."

This Application also contributes to the implementation of the 1994 Approved Master Plan for Bladensburg-New Carrollton and Vicinity's Objectives for Commercial Areas: maintain and renew existing commercial areas where appropriate while removing commercial uses from, and stopping intrusions into, areas not appropriate for commercial uses; identify specific commercial area assets and deficiencies which affect the image of the Planning Area and the County; and encourage and provide for the upgrading and maintenance of commercial corridors.

- (3) *To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;*

This Application will promote the conservation, creation, and expansion of the Cheverly Terrace and Landover Park community by finally providing for the completion of the existing 1980 Master Plan Village Activity Center that has been 90% built-out for many years. Located inside the Beltway in the Developed Tier, all public facilities and services are already in place.

- (4) *To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;*

Approving this Application will provide for the orderly growth and development of the County by making it possible to finally develop the last remaining site within the Cheverly Terrace/Landover Park Village Activity Center. The seven (7) adjoining lots were placed in the C-S-C Zone by the District Council in 1990, and the property's owner has been unsuccessful in attracting commercial development to the property in the ensuing 19 years due to its marginal size and irregular shape. Rezoning the subject property to the C-S-C Zone will square-off the shape of the site and increase its size to over an acre, making it a viable commercial building lot.

- (5) *To provide adequate light, air and privacy;*

Adequate light, air and privacy will be provided at this proposed development in compliance with all Federal, State and local regulations, as monitored and controlled by the permit processes.

- (6) *To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;"*

The approval of the C-S-C Zone for the subject property will allow for the realization of new commercial retail development on the last remaining site within the existing Cheverly Terrace/Landover Park Village Activity Center. The resulting larger size and regular, squared-off shape of the property will promote the most beneficial relationship between the uses of land and buildings. The provision of site-wide landscaping and a buffer along a portion of the property's western boundary, in accordance with the County's Landscape Manual, will protect the only adjoining residential property from any adverse impacts of the proposed development.



**(7) *To protect the County from fire, flood, panic, and other dangers;***

This proposed commercial center will be constructed in accordance with all County, State and Federal regulations, as assured by the various permit procedures.

**(8) *To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;***

As this proposal is for a commercial development, this Purpose is not applicable to the instant Application.

**(9) *To encourage economic development activities that provide desirable employment and a broad, protected tax base;***

The realization of a planned commercial retail entity will increase the tax base and provide a reliable source of employment

**(10) *To prevent the overcrowding of land;***

This Application will not overcrowd the land, as it is anticipated to yield a Floor Area Ratio (FAR) of 0.36, which is a moderate development intensity that provides sufficient site area for landscaping, off-street parking, and pedestrian walkways.

**(11) *To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;***

This Application, if approved, will insure the continued usefulness of all elements of the transportation system for their planned functions. The Maryland-National Capital Park and Planning Commission's Transportation Planning Section concluded in their referral of December 5, 2008 that, "Based on the potential trip generation, the proposed rezoning would have a very small adverse impact on the existing transportation facilities in the area of the subject property, especially during the AM peak hours." This proposal will be subjected to the subdivision process, including the test for adequate public facilities, including transportation. The Applicant will be responsible for any additional transportation facilities, if they are needed in the area and not provided by others.

**(12) *To insure the social and economic stability of all parts of the County;***

This proposal will result in the commercial development of the last remaining area within the Cheverly Terrace/Landover Park Village Activity Center. This unbuilt site, not including the subject property, is a former fill material borrow pit, and in its present undeveloped condition, is not visually appealing, nor indicative of economic stability. The planned development of the assembled site will dramatically improve the appearance of this highly visible corner, and provide the modern convenience of a long-term retail commercial use all contributing to the social and economic stability of the County.

- (13) *To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;*
- (14) *To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and*
- (15) *To protect and conserve the agricultural industry and natural resources.*

The subject property contains no streams, 100-year floodplain, wetlands, woodlands or agricultural lands. It is located in the midst of the 90% built-out Cheverly Terrace/Landover Park Village Activity Center, which contains numerous retail and office commercial establishments, as well as multi-family and single family housing. This Application requests the rezoning of the 7,500 square feet subject property to the C-S-C Zone so that it can be commercially developed along with seven (7) adjoining similar size C-S-C zoned lots, which are presently vacant and which are the site of a former borrow pit.

(12) The instant Application is in compliance with the general purposes of the Commercial Zones, §27-446(a) as follows:

- (1) *To implement the general purposes of this Subtitle;*

This Application is in harmony with the general purposes of the Zoning Ordinance, as stated above.

- (2) *To provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;*

The planned development of the subject property will contribute to the variety of commercial uses within this Master Plan designated Village Activity Center, which will provide additional needed retail sales and services to the community and the traveling public.

- (3) *To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;*

The commercial building site that the subject property will be made part of, if this rezoning is approved, is located within the Cheverly Terrace/Landover Park Village Activity Center. The anticipated retail commercial use will be adjacent to other commercial uses in the Village Activity Center, including the Landover Park and Cheverly Terrace Shopping Centers, the Landover Professional (medical) Buildings East and West, and numerous other commercial uses in the area.

- (4) *To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;***

The planned retail commercial development of the property will protect adjacent property against fire, noise, glare, noxious matter and other objectionable influences as it will be designed, constructed and operated in conformance with all Federal, State and County regulations.

- (5) *To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;***

The subject property will be part of a commercial building site located at the intersection of Landover Road (MD Route 202), Kilmer Street and Old Landover Road. Vehicular access to the site will be from Landover Road and Kilmer Street, which is presently accessed only by the Landover Park Shopping Center.

- (6) *To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;***

The use of the subject property as part of a retail commercial building site within the 1980 Master Plan's Cheverly Terrace/Landover Park Village Activity Center will promote the efficient and desirable use of the land in conformance with the Approved 2002 General Plan's Goals and the Approved 1994 Master Plan's Objectives for commercial areas.

- (7) *To increase the stability of commercial areas;***

The proposed commercial development that will be facilitated by this rezoning will increase the stability of commercial areas by introducing a modern, long-term retail use on this otherwise undevelopable building site, at this last remaining portion of the Cheverly Terrace/Landover Park Village Activity Center. Further, this undeveloped site (not including the subject property), is a former fill material borrow pit, and in its present undeveloped condition, is not visually appealing, nor indicative of economic stability. The planned development of these properties will dramatically improve the appearance of this highly visible corner along Landover Road, much to the delight of the Town of Cheverly and surrounding communities.

- (8) *To protect the character of desirable development in each area;***

The new retail development that would be realized at this site will complement the other retail and office commercial development already existing within the Cheverly Terrace/Landover Park Village Activity Center, which the 1980 Master Plan characterized as "a village activity center presenting few problems." However, the visual and functional quality of the new development will be of a substantially higher quality, owing to contemporary design and landscape standards.

**(9)     *To conserve the aggregate value of land and improvements in the County; and***

The proposed retail commercial use of the subject property will conserve the aggregate value of land and improvements in the County, as it will provide a modern, high quality shopping opportunity for the residents of the Cheverly Terrace/Landover Park Community, as well as motorists on heavily traveled Landover Road.

**(10)    *To enhance the economic base of the County.***

The proposed development of the subject property will enhance the economic base of the County through the realization, finally, of a modern retail commercial use at this last remaining building site within the Cheverly Terrace/Landover Park Village Activity Center.

(13)    The instant Application is also in compliance with the specific purposes of the C-S-C Zone, §27-454(a), as follows:

**(A)     *To provide locations for predominately retail commercial shopping facilities;***

The proposed rezoning will add the key property that is necessary to produce a viable commercial building lot at the last remaining site within the 1980 Master Plan's Cheverly Terrace/Landover Park Village Activity Center. The anticipated retail commercial use will be adjacent to other retail commercial uses in the village activity center, including the Landover Park and Cheverly Terrace Shopping Centers, and other retail and service commercial uses.

**(B)     *To provide locations for compatible institutional, recreational and service uses;***

The subject property, if rezoned to the C-S-C Zone, would be developed, along with seven adjoining lots, as the last remaining site within the Cheverly Terrace/Landover Park Village Activity Center. Compatible medical office and other service commercial uses already exist within this activity center.

**(C)     *To exclude uses incompatible with general retail shopping centers and institutions;***

The proposed retail commercial development would be compatible with the other retail and office commercial uses located within the activity center.

## **RECOMMENDATION**

Approval of A-10015 for rezoning from the R-55 to the C-S-C Zone with the following Conditions:

(1)     An Approved Detailed Site Plan shall be obtained prior to the issuance of any permits.

- (2) The Detailed Site Plan shall contain the type of sidewalks and streetscapes recommended in the 1994 Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity, specifically the guidelines for commercial corridors. The commercial streetscape should coordinate with the residential streetscape on Old Landover Road.
- (3) A new bus stop located on Old Landover Road shall be constructed at the location of the existing bus stop. The redeveloped bus stop shall be built to current County standards and shall follow the urban design guideline in the 1994 Master Plan and Sectional Map Amendment. The Department of Public Works and Transportation shall approve the location and design of the reconstructed bus stop.
- (4) An approved plan of subdivision shall be obtained.