

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

SPECIAL EXCEPTION

2022-002

DECISION

Application:	Consolidated Storage
Applicant:	Arcland Property Company, LLC t/a Glenn Dale Self Storage
Opposition:	Sean Suhar ¹
Hearing Date:	November 29, 2023
Hearing Examiner:	Joyce B. Nichols
Disposition:	Approval with Conditions

NATURE OF PROCEEDINGS

(1) Special Exception 2022-002 is a request for permission to use approximately 3.34 acres of land in the CS (Commercial Service) Zone located at 10810 and 10812 Duvall Street, Glenn Dale, Maryland for a Consolidated Storage facility.

(2) At the conclusion of the evidentiary hearing, the record was left open for the Applicant's Certificates of Good Standing and for Mr. Suhar to provide the minutes of the HOA meeting, including the total membership, the number of members present, the vote, and how the meeting was advertised to the total membership and the motion voted upon. Mr. Suhar wrote a letter dated December 1, 2023 indicating that he had been retained by the Board of Directors, but failed to provide the meeting information required by law. The record was closed on December 1, 2023.

FINDINGS

Subject Property

(1) The Subject Property is located in the southwest quadrant of the intersection of Glenn Dale Boulevard and MD 564 (Lanham-Severn Road). More specifically, the Property is located on Tax Map 36, Grid B2, and consists of one parcel, one lot, and a portion of a public street (Duvall Street). The site is currently improved with a cell tower, which will remain.

¹ Mr. Suhar is a member of the Maryland Bar. He appeared at the evidentiary hearing but failed to provide the minutes of the HOA in which the HOA took a vote to have Mr. Suhar appear in a representational capacity. No member of the HOA testified in opposition despite having the posting advertising the hearing across from the entrance to their development. The home owners had actual notice of the evidentiary hearing. Mr. Suhar was not, and did not offer himself, to be, a sworn witness. There was no sworn evidence in opposition to this Application. Mr. Suhar is a person or record in opposition in his individual capacity.

Neighborhood and Surrounding Uses

(2) The Property is currently zoned CS (Commercial Service) Zone.

The Subject Property comprises two platted parcels of mostly-undeveloped land, one of which has been resubdivided by deed since its original platting in the late 1800s. A portion of the platted area of Duvall Street has also been included within the Special Exception area; while the title to the entirety of the underlying fee has been obtained by deed, the public right-of-way dedicated by Plat Book VJ 178 at plat 68 will have to be vacated as a part of the future required subdivision process.

The Subject Property is surrounded by two roadways, a railroad, and the rears of several service commercial uses that front on Old Glenn Dale Road. The Property is currently occupied by a cellular telephone tower, which was erected c. 2000 when the Property was also cleared and graded.

To the north of the Subject Property is Greenbelt Road (Maryland Route 193), which is a divided roadway with a wide right-of-way (Greenbelt Road becomes known as Glenn Dale Boulevard on the east side of its intersection with Lanham-Severn Road). A substantive wooded slope (75'-100' in depth, and 10'-25' in elevation difference) separates the traveled way of Greenbelt Road from the level of the Subject Property. The uses on the north side of Greenbelt Road confronting the Subject Property are a large pond (including the channel of Folly Branch), and a DPW&T maintenance yard. Greenbelt Road is classified by the Master Plan of Transportation as an Arterial Roadway (A-16).

To the northwest of the Subject Property is Lanham-Severn Road (Maryland Route 564), which is a two-lane Collector roadway (C-314) with a wider-than-standard right-of-way. The at-grade intersection of Greenbelt Road and Lanham-Severn Road abuts the northernmost point of the Subject Property. Across Lanham-Severn Road to the northwest is a Crown Gas Station in the CGO Zone (with its associated Convenience Store) and a Contractor's Yard in the CGO Zone. Further to the west, across the wooded floodplain and stream valley of Folly Branch is a Staybridge Suites Hotel in the CGO Zone, which is accessed from Eastgate Drive off of Lanham-Severn Road. Also accessible from Eastgate Drive is the Eastgate Centre Shopping Center in the CGO Zone, which also has access from Greenbelt Road.

Eastgate Centre is anchored by a Giant grocery store. It has pad sites along Greenbelt Road which include the Eastgate Liquors store, a KFC restaurant, a McDonalds restaurant, the Quickway Japanese Hibachi restaurant, and a pediatric dental care office (in a former Chevy Chase bank trademark building). The list of in-line stores is long, and includes five restaurants, a furniture store, two tobacco/vape shops, four hair/nail/beauty stores, a cleaner, an optician, a physical therapy establishment, a dollar store, a bridal shop and a learning/tutoring establishment.

Beyond the Eastgate Centre along Greenbelt Road to the western edge of the neighborhood are two churches and three old single-family dwellings in an isolated pocket of RR-Zoned land. Beyond the Eastgate Centre to the west (and also across the wooded floodplain and stream valley of

a tributary of Folly Branch) are attached single-family dwellings in the RSF-A Zone in the Woodstream development, the edge of which is approximately one-third of a mile distant. While the main access to this neighborhood is from Palamar Drive to the west, Woodstream Drive and Green Haven Road lead out to Lanham-Severn Road respectively one-half-mile and one-quarter mile southwest beyond the defined limit of the neighborhood.

The land uses to the southwest of the Subject Property are generally characterized as a cluster of service commercial and light industrial uses in the CGO and CS Zones which are situated between Lanham-Severn Road and the CSX Penn Line railroad. Along the northeast side of Old Glenn Dale Road, abutting the Subject Property are: a vacant former Gas Station and Vehicle Repair Facility; a Day Care Center for Children, the Glenn Dale (20769) Post Office, and the Contractor's Yard of Amerigal Construction, Inc., all in the CGO Zone. The southwest side of Old Glenn Dale Road is occupied by the St. George's Episcopal Church, its historic chapel and cemetery (which is County Historic Site 70-052-27), and its parking lot, also in the CGO Zone. Behind St. George's is a Contractor's Yard, fronting Duvall Street in the CS Zone (without any identifying signage, or a consistent pattern of signage on the trucks and equipment parked in the yard). The Glenn Dale Plaza business condominium in the CS and CGO zones runs between Duvall Street and Lanham Severn Road, and contains a use mix of three Churches, a mosque/Islamic center, an Animal Hospital, four Vehicle Repair Facilities, three Restaurants, and a Car Wash. The Glenn Dale Business Park, further to the southwest, has a similarly eclectic use mix of three Vehicle Repair Facilities, a printing shop, a hair stylist, a dance studio, and a recording studio. The Source Auto Group (used) Vehicle Sales Lot, Ali's Auto Clinic, the Contractor's Yard of American Paving and Striping, and a number of small Contractor's Yards in former dwellings along Lanham Severn Road complete the inventory of uses to the southwest.

The CSX Penn Line, characterized by high-speed (Acela) train service and bounded by iron fencing, runs along the southeastern edge of the Subject Property.

(3) The neighborhood of the Subject Property was not defined in the Technical Staff Report; instead, the Staff Report only discusses the neighborhood in the following terms:

"The general neighborhood is industrial and commercial in character. The Subject Property is bordered by MD 564 (a major collector roadway) to the north, Glenn Dale Boulevard (a major collector roadway) to the east, commercial and industrial uses to the west, and a railroad right-of-way to the south. Duvall Street provides the primary entrance to the property. The immediate uses surrounding the Subject Property are as follows:

North - MD 564 and beyond by commercial/retail uses in the Commercial, General, and Office (CGO) Zone.

East - Glenn Dale Boulevard and beyond by commercial and industrial uses in the Reserved Open Space, Agricultural and Preservation, and Industrial, Employment Zones.

- South - Duvall Street and beyond by single-family resident uses in the Residential, Rural Zone.
- West - Glenn Dale Road and beyond by commercial/retail uses in the CGO and CZ Zones.

As the approval of a Special Exception requires a finding that, “the proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood,” and further that approval of a Special Exception for a Consolidated Storage use requires findings that, “The use shall be appropriate, given the nature of development in the neighborhood” and that, “The exterior and architectural facade of the building shall be compatible with the prevailing architecture and appearance of other development in the surrounding neighborhood,” an explicit, bounded definition of a neighborhood is necessary to provide.

While the Applicants expert land planner, Mr. Mark Ferguson does agree with the Staff’s characterization of the local node of uses in the immediate vicinity of the Subject Property, he also observes that Lanham Severn Road is actually classified by the Master Plan of Transportation as a basic Collector roadway (and Greenbelt Road/Glenn Dale Boulevard is actually an Arterial). As Lanham-Severn Road is only a two-lane Collector roadway, however, and does not form a substantive physical or visual barrier, the neighborhood should properly be both constrained and expanded as follows:

- North – Greenbelt Road (Maryland Route 193);
- Southeast – The CSX Penn Line railroad tracks;
- West – Forbes Boulevard & the eastern edge of the Woodland Landing apartments.

It is noted that these boundaries leave the Subject Property in the very northeast corner of the defined neighborhood. Greenbelt Road, however, is a raised, divided arterial roadway with a wide right-of-way which forms a substantive physical and visual barrier to the north. The character of the uses on the north side of Greenbelt Road in the vicinity of the Subject Property, a large pond and a DPW&T maintenance yard only reinforce the character of the barrier to land uses further to the north. Similarly, the Penn Line Railroad, particularly given its physical enclosure with iron fencing, forms a substantive barrier to the southeast.

The line of Forbes Boulevard to the west demarcates both a reasonable distance from the Subject Property (1/2-mile) given the low intensity of the proposed use, and marks changes in the character of local land uses along Greenbelt Road, within the Woodstream community, and along Lanham-Severn Road. The neighborhood as defined by Mr. Ferguson is accepted as the neighborhood in the instant Application.

Master Plan/Sectional Map Amendment

(4) The Subject Property is located in Planning Area 70. The applicable Master Plan is the 2010 Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment, approved on March 16, 2010.

The Sector Plan's Land Use Map designated the Subject Property for "Commercial" future land use.

The Countywide Map Amendment reclassified the Subject Property from the previously-existing C-M Zone to the comparable CS Zone.

The Growth Policy Map in the May, 2014 General Plan placed the Property in the Established Communities growth policy area. The printed Generalized Future Land Use Map in the General Plan identifies it for "Commercial" land use; the PGAtlas GIS layer also identifies it for "Commercial" land use.

The Subject Property is not within a Priority Preservation Area.

Applicants' Proposal

(5) The proposed use for Special Exception Application SE-2022-002 is the construction of a three-story, 135,873-square-foot building. Forty vehicular parking spaces, and 4 bicycle spaces will serve the building (loading spaces are not required by Table 27-6310(a) for Consolidated Storage uses). The existing cell tower will be retained.

Access to the Property is from the end of the largely-unimproved Duvall Street. Duvall Street will be improved with 22' of closed-section paving and a 5' sidewalk. A variable-width vehicle drive will loop around the building, with the westernmost leg of the driveway running under the proposed building to serve eight parallel parking spaces for loading and unloading out of the weather and out of sight. Automated gates prevent entry into the site beyond the seven parking spaces adjacent to the building's office and community space, also allowing service access to the base of the cell tower.

The perimeter of the Property will be surrounded by new landscaping in conformance with the provisions of the Landscape Manual, as well as retained woodlands. The property line to the southwest will also be provided with a six-foot sight-tight fence.

The development will be provided with an underground Stormwater Management Facility and a submerged gravel wetland (an Environmental Site Design facility) to manage stormwater

runoff for both quality/ESD volumes and 100-year flows.

History and Previous Approvals

(6) Zoning Map Amendment (Basic Plan) A-9748-C was approved by the Prince George's County District Council (Zoning Ordinance No. 41-1989) in July 1989, and rezoned the Property from the Commercial Office (C-O) Zone to the Miscellaneous Commercial (C-M) Zone, subject to five conditions.

On July 27, 1995, the Prince George's County Planning Board approved Preliminary Plan of Subdivision (PPS) 4-95045 (PGCPB Resolution No. 95-226). This PPS approved one parcel for non-residential development. The Final Plat of Subdivision (5-97060) was approved on February 26, 1997. A new PPS will be required for the proposed development, to create one development parcel. The new PPS will supersede PPS 4-95045, once approved, for Parcel D. A new final Plat will also be required for the new parcel, following the approval of a new PPS, and prior to approval of permits.

Detailed Site Plan DSP-95082 and the subsequent four revisions were approved between 1996 and 2010, for development on the Subject Property. The approvals included work for grading, a Monopole, and a Contractor's Office.

On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment ("CMA"), which reclassified the Subject Property from the C-M Zone to the CS Zone, effective April 1, 2022.

The site is also the subject of Stormwater Management (SWM) Concept Plan 35607-2022-00, approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on March 23, 2023, and valid until March 23, 2026.

Conformance with the Zoning Ordinance

(7) At the time of the submittal of the instant Application in 2022, Consolidated Storage was a permitted use by Special Exception in the CS Zone. The Prince George's County Council enacted Prince George's County Council Bill CB-11-2023, adopted on March 28, 2023, which effectively eliminated Consolidated Storage from the CS Zone. However, CB-11-2023, Section 3 states:

"SECTION 3. BE IT FURTHER ENACTED that any proposed development of a consolidated storage use located outside I-95/I-495 (the "Capital Beltway") that has completed a Pre-Application Neighborhood Meeting for a Special Exception or a Detailed Site Plan pursuant to Section 27-3402, prior to April 1, 2023, may be reviewed and decided in accordance with the use regulation in effect prior to the effective date of this Ordinance."

The pre-Application community meeting for this subject Application occurred on October 3, 2022, prior to April 1, 2023. Thus, the instant Application conforms to the Zoning Ordinance, prior to the change in Section 27-5101, Principal Use Table, of the Zoning Ordinance, enacted by CB-11-2023.

BURDEN OF PROOF

(8) [T]he Court...(of Appeals of Maryland)... has frequently expressed the applicable standards for judicial review of the grant or denial of a special exception use. The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating this presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general Purpose and intent of the plan.

Whereas, the Applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an Application for a special exception use is arbitrary, capricious, and illegal. Turner v. Hammond, 270 Md. 41, 54-55, 310 A.2d 543, 550-51 (1973); Rockville Fuel & Feed Co. v. Board of Appeals of Gaithersburg, 257 Md. 183, 187-88, 262 A.2d 499, 502 (1970); Montgomery County v. Merlands Club, Inc., 202 Md. 279, 287, 96 A.2d 261, 264 (1953); Anderson v. Sawyer, 23 Md. App. 612, 617, 329 A.2d 716, 720 (1974). These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319, 1325 (1981).

See also Mossberg v. Montgomery County, 107 Md. App. 1, 666 A.2d 1253 (1995).

(9) [T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and

circumstances that show that the particular use proposed and the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Turner v. Hammond, 270 Md. 41, 54-55, 310 A.2d 543, 550-51 (1973); Deen v. Baltimore Gas & Electric Co., 240 Md. 317, 330-31; 214 A.2d 146, 153 (1965); Anderson v. Sawyer, 23 Md. App. 612, 617-18, 329 A.2d 716, 720, 724 (1974). Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319, 1331 (1981).

See also Mossberg v. Montgomery County, 107 Md. App. 1, 666 A.2d 1253 (1995).

LAW APPLICABLE/CONCLUSIONS OF LAW

(1) The criteria for approval of a Special Exception for Consolidated Storage in the CS Zone prior to the effective date of CB-11-2013 are the general criteria for approval of a Special Exception, §27-3604(e)(1), and the Additional Requirements for approval of Consolidated Storage, §27-5402(u).

(2) Section 27-3604(e)(1) of the Zoning Ordinance provides that a Special Exception may be approved if:

(A) The proposed use and site plan are in harmony with the Purposes of this subtitle;

The Zoning Ordinance has a hierarchy of Purposes, for the Ordinance as a whole, for Nonresidential Base Zones generally, and for the CS Zone in specific. Each of these series of Purposes is addressed following.

The eighteen Purposes of the Zoning Ordinance are laid out in Section 27-1300. The harmony of the instant Application with these Purposes is as follows:

(a) Protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;

The harmony of the proposed Consolidated Storage development with the Zoning Ordinance's Purpose of protecting and promoting the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County is provided for through its conformance to the required Special Exception approval finding of 27-3604(e)(1)(D), which will be discussed at length below.

(b) Implement the General Plan, Area Master Plans, Sector Plans, and Functional Master Plans;

The harmony of the proposed Consolidated Storage development with the General Plan, the Master Plan and the Functional Master Plans is provided for through its conformance to the required Special Exception approval finding of 27-3604(e)(1)(C), which will be discussed at length below.

(c) Promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;

This Application is only the first step of multiple approvals which will be required. If the instant Application is approved, the proposed Consolidated Storage project will further require the approval of a Preliminary Plan of Subdivision which will evaluate the adequacy of public facilities to support the proposed development. As such, approval of the subject Application will allow the review of the proposed development to continue to the stage which will assure harmony with this Purpose of promoting the conservation of a community which will be developed with adequate public facilities.

(d) Guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;

Approval of the subject Consolidated Storage project would provide for the orderly growth and development of the County by providing a needed use to serve the storage needs of the regional housing stock.

(e) Support pedestrian-friendly, higher-intensity, mixed-use development in the appropriate locations, including support and emphasis upon a framework for multi-modal forms of mobility for pedestrians, bicyclists, transit users, and motorists;

While the Subject Property is not in a location designated for mixed-use development, nor is it itself a mixed-use project, it will support multiple modes of transportation through its bicycle parking, and the extension of the proposed development's internal sidewalks down a new sidewalk on Duvall Street to Old Glenn Dale Road. As such, the approval of the instant Application will be in harmony with this Purpose of the Zoning Ordinance.

(f) Support redevelopment and infill development within established areas of the County;

As the Subject Property is partially developed with an existing cell tower, it was formerly the site of a dwelling, and was previously planned and graded to be used as a Contractor's Office, and so could be considered as redevelopment. Furthermore, the Subject Property is surrounded by established older development in the form of the long-established node of existing service commercial uses surrounding the historic Glenn Dale railroad station which used to exist in the vicinity; as such, its development would constitute infill development within an established area of

the County.

(g) Provide adequate light, air, and privacy;

The proposed Consolidated Storage project will be in harmony with this Purpose as it will be developed in conformance with the provisions the Zoning Ordinance which were established to ensure the provision of adequate light, air and privacy, both for the proposed use at the Subject Property and for its neighbors. Those regulations include limitations on height, lot coverage, minimum frontage and setbacks.

The Special Exception Site Plan will also conform to the provisions of the Landscape Manual which require landscaped bufferyards along the property lines of its neighbors to provide additional privacy.

(h) Encourage economic development activities that provide desirable employment and a broad, protected tax base;

The proposed use will generate additional tax base for the County with a use that has historically been resistant to downward valuations in assessments.

(i) Ensure a high level of quality development in general, for the benefit of all citizens and residents, throughout the County;

The proposed Consolidated Storage project will be in harmony with this Purpose as it will be developed in conformance with the Landscape Manual, the Tree Canopy Coverage regulations, the Development Standards provisions of the Zoning Ordinance, and the Additional Requirements of 27-5402(u)(1)(E), (F) and (G) which collectively ensure a high level of quality development.

(j) Promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;

This Consolidated Storage development would be in harmony with this Purpose of the Zoning Ordinance as it will be developed in accordance with the various principles that have been codified in the Zoning Ordinance and other County laws to promote the beneficial relationships between land and buildings. These principles include the Tables of Permitted Uses for the various zones as laid out in the Zoning Ordinance, the regulations referenced by Section 27-6800 of the Zoning Ordinance requiring adherence to other County laws requiring Stormwater Management, Sediment Control and other environmental protections, and regulations requiring conformance to the provisions of the Landscape Manual which provide for perimeter and interior landscaping.

(k) Protect the established character of residential communities and

neighborhoods;

The approval of the instant Application would be in harmony with this Purpose of the Zoning Ordinance because of its situation amidst a group of compatible service commercial and light industrial uses; by the physical separation of this use from nearby established residential communities; by the bordering high-speed, arterial roadway with wide rights-of-way; the substantively-fence railroad right-of-way, by the additional retained woodlands around much of the Subject Property's periphery.

(l) Protect the County from fire, flood, panic, and other dangers;

The approval of the subject Application would be in harmony with this Purpose of the Zoning Ordinance as it will be developed in conformance with regulations established in the body of the ordinance and other County laws, which are intended to protect from fire, flood, panic and other dangers, namely: the Floodplain Regulations, Stormwater Management Regulations, the Fire Prevention Code, the Building Code, and the Tables of Permitted Uses for the various zones.

(m) Provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;

Because the proposed Consolidated Storage is commercial in nature this Purpose is not directly applicable to the instant Application. By Application of the provisions of the Development Standards, the Additional Requirements, the separation of the Subject Property from its neighbors due to its abutting railroad and its high-speed, arterial roadway, the perimeter landscaping, the additional retained woodlands, and the perimeter sight-tight fencing, the approval of this Application will maintain a suitable and healthy environment for the housing which does exist in the neighborhood and beyond.

(n) Prevent the overcrowding of land;

The approval of the subject Consolidated Storage development would be in harmony with this Purpose as it will conform to the provisions of the Ordinance which were codified to ensure the prevention of overcrowding, including height limits and setbacks.

(o) Protect the rural character of the County in designated, appropriate locations;

As the proposed Consolidated Storage development is not located in the County's Rural and Agricultural Areas, this Purpose is not directly applicable to the instant Application.

(p) Ensure the provision of open space to protect scenic beauty and the natural features of the County, as well as provide adequate recreational

space;

As the proposed Consolidated Storage development will conform to the Open Space Set-Aside requirements of the Development Standards in the Zoning Ordinance, the approval of the instant Application will be in harmony with this Purpose of the Zoning Ordinance.

- (q) 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; and***

The subject Application will generate no new air or water pollution, and will disturb no stream valleys, steep slopes, lands of natural beauty, large areas of dense forest, scenic vistas or other similar features.

- (r) Protect and conserve the agricultural industry and natural resources.***

The approval of this proposed Consolidated Storage development would be in harmony with this Purpose of the Ordinance because the no regulated natural features are present of the Subject Property, and the Subject Property is not located in an agricultural area.

(3) In addition to the Purposes of the broader Ordinance, there are seven general Purposes for Nonresidential Base Zones, Section 27-4203(a), as follows:

- (1) Provide appropriately located lands for the full range of business uses needed by the County's residents, businesses, and workers, consistent with the goals and policies of the General Plan and the applicable Area Master Plan or Sector Plan to support quality economic growth;***

Because the instant Application proposes a use which is context-sensitive infill in accordance with the General Plan's intent for Established Communities, and is consistent with the land use recommendation of the Master Plan, its approval would be in harmony with this Purpose of Nonresidential Base Zones.

- (2) Strengthen the County's economic base, and provide employment opportunities close to home for County residents;***

Echoing the general Purpose of 27-1300(h), the proposed use will generate additional tax base for the County, and as a commercial use will provide employment opportunities for County residents. As such, this Application's approval will be in harmony with this Purpose.

- (3) Create suitable environments for various types of businesses, and protect them***

from the adverse effects of incompatible development;

Because of the Subject Property's location in a cluster of compatible service commercial and light industrial uses between Lanham Severn Road and the Penn Line railroad, and because of the separation of the Subject Property from its neighbors due to the bordering railroad, the high-speed arterial roadway, the perimeter landscaping and additional retained woodlands, and the perimeter sight-tight fencing, the approval of this Application will be in harmony with this Purpose of creating a suitable, protected environment for the proposed business.

- (4) Create suitable environments for various types of mixed-use development, where business, office, retail, and residential development is designed and integrated in compatible ways;***

As the proposed development is not a mixed-use development, this Purpose is not directly applicable to the instant Application.

- (5) Accommodate new infill development and redevelopment that is consistent with the context and the character of the nonresidential zone in which it is located;***

Echoing the general Purpose of 27-1300(f), the proposed Consolidated Storage development will be consistent with the context of the service commercial and light industrial uses between Lanham Severn Road and the Penn Line railroad, much of which is in the same CS Zone, and as such will be appropriate infill development consistent with the context and character of the nonresidential zone in which it is located.

- (6) Ensure nonresidential development is located and designed to protect and preserve the character of existing single-family zones and neighborhoods; and***

Echoing the general Purpose of 27-1300(k), the approval of the instant Application would be in harmony with this Purpose of Nonresidential Base Zones because the separation of this use from the nearby single-family zones – including communities beyond the neighborhood of this Application – due to its bordering railroad, the high-speed, arterial roadways with a wide right-of-way; by the perimeter landscaping in conformance with the provisions of the Landscape Manual, by the additional retained woodlands around much of the Subject Property's periphery, by the orientation of the proposed buildings, and by the perimeter sight-tight fencing.

- (7) Promote sustainable development that conserves energy and is energy-efficient, reduces the emission of greenhouse gases, provides physical and economic access to nutritious foods, employs sustainably-sourced and recycled materials, and meets similar sustainability goals.***

Through its conformance with the Green Building Standards in the Development Standards

of the Zoning Ordinance, the approval of the proposed Consolidated Storage development will promote the sustainability goals which have been incorporated into the ordinance.

(4) There are also two Purposes for the CS (Commercial, Service) Zone specifically, Section 27-4203(C)(1), as follows:

(A) To provide for a concentration of retail sales and services (including auto-oriented commercial uses), office, and eating or drinking establishments; and

As the proposed use is compatible with the adjacent concentration of auto-oriented service commercial uses and the Eating and Drinking Establishments in the concentration of service commercial/light industrial uses between Lanham Severn Road and the Penn Line railroad, the approval of the instant Application would be in harmony with this Purpose of the CS Zone.

(B) To accommodate medium- to moderately high-density residential development as part of vertically or horizontally mixed-use development.

As the proposed use is for a service commercial use that is provided for by Section 3 of CB-11-2023, this last Purpose is not directly applicable to the instant Application.

(5) The other criteria for approval of a Special Exception laid out in Section 27-3604(c)(1) of the Zoning Ordinance, are as follows:

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

The proposed Special Exception Site Plan and Landscaping Plan, the accompanying Architectural Elevations and Lighting Plan, and taking note of the approved NRI and the proposed Type 2 Tree Conservation Plan, demonstrate that the proposed use will be in conformance with all of the applicable requirements and regulations of the Zoning Ordinance.

The applicability of the Neighborhood Compatibility Standards to the Subject Property is definitionally unclear. Section 27-61202(a)(1)(A) provides that those standards apply to, “Any new... nonresidential... development when located on land adjacent to [emphasis added], or across a street or alley from, existing single-family detached dwellings, two-family dwellings, or vacant lands in the RE, RR, RSF-95, and RSF-65 zones (single-family residential zones)” While the Subject Property is not across a street or alley from any existing single- or two-family dwellings or from vacant lands in the enumerated zones, since “adjacent” is specifically defined by the Zoning Ordinance as, “nearby, but not necessarily abutting or adjoining,” the vagueness of that definition makes it literally impossible to definitively determine whether the standards apply or not.

However, given that (1) from the context of the applicability provisions, the likely intent of the regulation was to mean “abutting” rather than “adjacent,” though the actual wording is of course what it is (and the most recent publicly-available drafts of CB-73-2023 do not propose to amend the language); (2) the substantive physical barrier of the railroad means that while the vacant lands in the RR zone on the southeast side of the railroad may be dimensionally proximate, they are not physically proximate; (3) the exemption of 27-61202(b)(1) for uses separated by four-lane divided roadways reinforces the interpretation of physical proximity being more important than dimensional proximity; and (4) Table 27-61203(a)(2) only extends out to a 200’ separation, which provides a notional outer limit to “adjacent” in the context of these standards, and which approximates the width of the railroad property. Therefore, the RR-zoned vacant land on the southeast of the railroad is not “adjacent,” and that the Neighborhood Compatibility Standards do not apply.

(C) The proposed use shall be consistent with the General Plan and shall conform with the relevant goals, policies, and strategies of the applicable Area Master Plan, Sector Plan, or Functional Master Plan for the Subject Property and its surrounding area;

The relevant Plans which apply to this site are the 2014 General Plan, the 2010 Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment, and a number of Functional Master Plans, including the Resource Conservation Plan (which includes the Green Infrastructure Plan), the County Master Plan of Transportation, the Public Safety Facilities Master Plan, The Historic Sites and Districts Plan, and the Water Resources Functional Master Plan.

General Plan

As noted above, the General Plan classified the subject site in its Growth Policy Map² in the Established Communities category. Both the printed Generalized Future Land Use Map³ and the Generalized Future Land Use layer on the PGAtlas GIS site indicate Commercial land use.

“Established Communities” are described by the General Plan as “the County’s heart – its established neighborhoods, municipalities and unincorporated areas outside designated centers,”⁴ and recommends that, “Established communities are most appropriate for context-sensitive infill and low- to medium-density development....”⁵

As a result of its location in the node of existing service commercial and light industrial uses between Lanham-Severn Road and the Penn Line railroad, the approval of the subject Application would be context-sensitive infill and that the proposed use is consistent with the General Plan.

² M-NCP&PC, Plan Prince George’s 2035 – Approved General Plan (May, 2014), p. 107.

³ General Plan, p. 101.

⁴ Ibid., p. 106.

⁵ Ibid., p. 20.

Sector Plan

As noted above, the applicable Plan is the 2010 Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment. Map 36, “Proposed Land Use,” recommends the Subject Property and the node of existing service commercial and light industrial uses between Lanham-Severn Road and the Penn Line railroad to the southwestern limit of the defined neighborhood for “Commercial” land use.⁶ The Future Land Use Element of the Plan does not contain a discussion of the Subject Property or its environs, and does not enumerate any goals, policies or strategies.

The Commercial and Employment Areas Element of the Plan includes the area of the Subject Property in its discussion of Lanham Severn Road, but does not lay out any area-specific goals, policies or strategies. Goal 1, however, “Retain and attract an appropriate range of neighborhood-serving commercial uses,”⁷ would be implemented by the approval of the instant Application, as would that Goal’s Policy of “promot[ing] commercial uses that adequately serve community residents and provide distinct shopping and activity designations that are integral and compatible parts of residential neighborhoods.”⁸

In its September 8, 2023 memorandum regarding the instant Application, the staff of the MNCPPC’s Environmental Planning Section discussed the conformance of the proposed use to the five areawide policies and strategies in the Natural Resources/Environment Element of the Sector Plan; this planner concurs with Staff’s analysis, and further notes that the Environmental and Noise Controls Standards of the new Zoning Ordinance actively implement a number of the Sector Plan’s recommendations.

None of the other Plan Elements contain goals, policies or strategies which are specifically applicable to the Subject Property.

Other Applicable Functional Master Plans

There are no regulated natural features on the Subject Property, and the proposed development will be in accordance with a Type 2 Tree Conservation Plan which has been recommended for approval by MNCPPC staff. As such, the instant Application does not impair the Green Infrastructure Plan.

With regard to the Historic Sites and Districts Plan, no historic sites or resources abut the

⁶ M-NCP&PC, Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment (March, 2010), p. 202.

⁷ Ibid., p. 194.

⁸ Ibid.

Subject Property. St. George's Chapel and Cemetery (County Site #70-052-27) is in the vicinity, approximately 200' southwest of the Subject Property, but there is a row of existing development, retained wooded areas, proposed sight-tight fencing and additional landscaped screening which will be planted between the Subject Property and that site, effectively buffering the proposed development from the historic site. As such, the approval of the subject Application will not have an adverse impact on that site or this Functional Master Plan.

The Water Resources Functional Master Plan addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the subject Application.

No proposed sites for Public Safety facilities are in the area affected by the instant Application.

The 2009 Countywide Master Plan of Transportation classifies Greenbelt Road (Maryland Route 193) as an arterial roadway (A-16) with 4-6 lanes in a 120'-200' right-of-way. This right-of-way and those improvements already exist. As amended by the 2010 Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan, it classifies Lanham Severn Road (Maryland Route 564) as a Collector Road (C-314) in an 80' right-of-way. The rights-of-ways for this roadway also exists.

In conclusion, because the proposed Consolidated Storage project is in keeping with the General Plan's broad land use policies for the Established Communities areas, actively implements the Sector Plan's applicable recommendations, and is in harmony with the applicable Functional Master Plans, approval of the subject Application will be in harmony with the Ordinance's purpose of implementing those Plans.

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

The proposed Consolidated Storage will be a low-intensity use developed in accordance with modern development regulations. It will have its access at a safe point on a public road; will be surrounded by substantive screening in the form of fencing, new landscaping and preserved woods; will be provided with stormwater management, all of which, together with the conformance to the Development Standards in the Zoning Ordinance will promote the health and safety of the present and future inhabitants of the County.

It will provide for a needed use as demonstrated by the Applicant's Market Study, promoting the welfare and convenience of the present and future inhabitants of the County, it will be located in the midst of a node of compatible service commercial and light industrial uses, and will feature architecture which is compatible with the surrounding neighborhood, promoting the County inhabitants' welfare and comfort.

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

From a planning perspective, the term “neighborhood” describes the extent of area which would be meaningfully impacted by the proposed use. The principal impact of the proposed use will be felt on the node of fully-compatible service commercial and light industrial uses of which the Subject Property is a part.

Since the Subject Property is in very northeast corner of the defined neighborhood, the impact on “adjacent properties” could be construed as possibly extending beyond the limits of the defined neighborhood. The character of the barriers which abut the Subject Property’s location, a railway and a high-speed divided arterial with a wide rights-of-way, substantially separates the Subject Property from properties to the north to the degree that not only they do not form a part of the defined neighborhood, they are specifically exempted from the applicability of the Neighborhood Compatibility Standards by Section 27-61202(b)(1), as discussed above. As such, the physical and visual barrier provided by the railroad and Greenbelt Road separate the Subject Property from the communities to the north and east to a degree that the only impact which would notionally extend beyond those barriers are the very minimal traffic generated by the proposed use.

In summary, the compatible uses which abut and are adjacent to the Subject Property, the low traffic generation, the compatible architectural design and the substantive perimeter screening will protect the uses within the general neighborhood from detrimental effects to their use or development.

(F) The proposed site plan is in conformance with an approved Tree Conservation Plan; and

If the companion Tree Conservation Plan, TCP2-016-96/04, is approved in conjunction with the requested Special Exception, this Application will be in conformance with this required finding.

(G) 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 requirements of Subtitle 24: Subdivision Regulations.

The Subject Property does not contain any areas of regulated natural features.

The site is not located within the Chesapeake Bay Critical Area, the provisions of §27-3604(2) are not applicable.

(6) Section 27-5401, General Special Exception Standards, contains two additional stipulations regarding setbacks being measured from the limit of the Special Exception, and noting that

additional landscaping may be required by the District Council if the landscaping required by the Landscape Manual is deemed to be insufficient. These stipulations are noted but do not require further findings.

(7) Sections 27-5402(u) requires:

- (1) Consolidated storage may be permitted, subject to the following:**
 - (A) The Application shall be accompanied by:**
 - (i) An impact statement explaining:**
 - (aa) The nature and scope of the operation; and**
 - (ab) The type and amount of traffic expected to be generated;**
 - (ii) A description (graphic and narrative) of the proposed architectural facade of the building.**

The Applicant's Statement of Justification details the nature and scope of the proposed operation, and the Application included a traffic statement explaining the type and amount of expected traffic. Elevations were submitted describing the architectural design, and these materials, together with the narrative in the Applicant's Statement, form the required impact statement and the narrative description of the architectural façade of the proposed building.

- (B) The Subject Property shall have frontage on, and direct vehicular access to, an existing street with sufficient capacity to accommodate the type and amount of traffic expected to be generated by the use;**

Duvall Street is an unimproved local road with a right-of-way of 40 feet in width. The road is proposed to be improved to a paved width of 22 feet with a closed section. The approval of Site Development Concept Plan 35607-2022-0 and the road improvements shown thereon indicate that the Department of Permitting, Inspections and Enforcement has determined those improvements to be sufficient to accommodate the proposed development.

- (C) The use shall be appropriate, given the nature of development in the neighborhood;**

As discussed previously, the Subject Property forms a part of a node of compatible service commercial and light industrial uses between Lanham Severn Road and the Penn Line railroad; this use will be fully compatible with those uses. The perimeter screening and buffering of the proposed Consolidated Storage facility, including new landscaping in conformance with the provisions of the Landscape Manual, retained woodlands, a six-foot sight-tight fence will collectively form a substantive visual buffer to the passing traffic and neighboring uses; this visual separation, combined with the low traffic generation and generally low level of activity at the Subject Property indicate that the use will be appropriate, particularly given the nature of existing development in the neighborhood.

- (D) *The District Council shall find that:***
(i) *There is a need for the public in the surrounding area.*

The Applicant's submittal included a Market Study which demonstrates that a public need for this facility exists in the surrounding area.

- (E) *The exterior and architectural facade of the building shall be compatible with the prevailing architecture and appearance of other development in the surrounding neighborhood;***

The Applicant's architect addressed the provisions in the architectural design to insure compatibility with the prevailing architecture and appearance of other development in the surrounding neighborhood.

- (F) *Beginning June 23, 1988, no entrances to individual consolidated storage units shall be visible from a street or from adjoining land in any Rural and Agricultural, Residential, or Commercial base zone (or land proposed to be used for residential or commercial purposes on an approved Basic Plan for the LCD Zone or any approved detailed site plan);***
- (G) *Entrances to individual consolidated storage units shall be either oriented toward the interior of the development or completely screened from view by a solid wall, with landscaping along the outside thereof; and***

The architectural design of the proposed building has all of the individual unit entrances from the interior of the building.

- (H) *Consolidated storage for which special exceptions were approved prior to the date reflected in paragraph (F), above, need not meet the provisions set forth in paragraphs (F) and (G), above.***

The instant Application would be approved after June 23, 1988; as such, paragraphs (f) and (G) are applicable.

- (I) *In the CS, NAC, TAC-E, and LTO-E Zones, the property owner shall set aside of minimum of 1,500 square feet of gross floor area of commercial/retail/office space at ground level or above ground level at zero base rent to be leased as business incubator or Community Non-Profit Space, as defined in Section 27-2500 of this Code, subject to the following:***

- (i) *If the Community Non-Profit Space is located above ground level, the property owner shall ensure that space is handicapped accessible, and shall provide adequate signage so that the public can locate the space.*
- (ii) *Occupancy and use of the Community Non-Profit Space shall be subject to a Community Benefit Agreement executed by the property owner and Community Non-Profit organization. Said Community Benefit Agreement shall be binding on all successors, heirs, and assigns of the property.*
- (iii) *The property owner shall ensure that the Community Non-Profit tenant access to at least one (1) large storage unit on the property.*

1,543 square feet of ground floor space has been shown on the Special Exception Site Plan; the Applicant will testify further to the provisions of this Requirement.

- (2) *In addition to what is required by Section 27-3604(c), Special Exception Submittal Requirements, the site plan shall show the topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet).*

The topography of the Subject Property and areas extending approximately one hundred feet surrounding the Subject Property has been shown on the Special Exception Site Plan.

- (8) Section 27-6 of the Zoning Ordinance requires the following applicable findings:

a. Section 27-6200 Roadway Access, Mobility, and Circulation

The SPE is in conformance with the applicable standards in Section 27-6200 of the Zoning Ordinance. The SPE demonstrates sufficient vehicular, pedestrian, and bicycle access and circulation. There is one proposed access point to the site, which will be via Duvall Street. A 30-foot-wide driveway is proposed to connect Duvall Street to the Consolidated Storage Facility. The SPE Site Plan shows the installation of a 5-foot-wide sidewalk along the north side of Duvall Street connecting to Glenn Dale Road. Bicycle parking is also shown on the Site Plan to accommodate four bicycle spaces.

b. 27-6300 Off-Street Parking and Loading

In accordance with the Parking and Loading Regulations contained in Section 27-6300 of the Zoning Ordinance, Consolidated Storage requires 1.0 spaces per 3,000 square feet of rentable storage area, 4.0 spaces per 1,000 square feet of office space, and 2.0 spaces per resident manager. This development has 102,425 square feet of rentable storage area, and thus, would require 35 parking spaces. There is 1,050 square feet of office space which will require an additional 5 parking spaces. There is no resident manager associated with this development. The total required spaces are 40. There are 40 parking spaces proposed. The Plan also meets the requirement for handicap spaces, as there are two van accessible spaces provided. Pursuant to Section 27-5101, “consolidated storage use” is specifically categorized as an “industrial use” within the “warehouse and freight movement

uses” principal use category, where loading spaces are not required for consolidated storage uses.

c. Section 27-6400 Open Space Set-Asides

The open space required for Industrial Uses in a nonresidential base zone is five percent. The SPE proposes 10 percent of open space, exceeding the minimum requirement.

d. Section 27-6500 Landscaping

This SPE is in conformance with the applicable standards of the Landscape Manual. Section 4.2, Requirements for Landscape Strips Along Streets, and Section 4.3, Parking Lot Requirements, are shown on the Landscape Plan.

e. Section 27-6600 Fences and Walls

The SPE is in conformance with Section 27-6600 of the Zoning Ordinance. The site will incorporate a 6-foot-high, sight tight fence, as well as landscape plantings. A second fence type detail for an 8-foot aluminum decorative fence is also shown in the Plan set.

f. Section 27-6700 Exterior Lighting

The SPE Application included a photometric plan demonstrating conformance with this standard. Light-level measurements at the property line are shown to be negligible. All exterior luminaries, including security lights, are full cut-off fixtures that are directed downward.

g. Section 27-6800 Environmental Protection and Noise Controls

The site will be governed by a SWM Concept Plan if approved. This Plan, when implemented, will result in a decrease in pollutants and run-off from storm and non-storm events currently entering the Sector Plan area’s waterways and wetlands. An approved SWM Concept Plan (35607-2022-00) was submitted with the SPE, which shows the use of one submerged gravel wetland. The SWM Concept Plan was approved by DPIE on March 23, 2023, and expires on March 23, 2026. The layout of the SWM facilities shown on the Concept Plan is consistent with the layout shown on the SPE Site Plan and the TCPII.

Noise controls and adequacy will be evaluated at the time of PPS, but it is anticipated the level of noise generated from the proposed use will be minimal.

h. Section 27-61100 Industrial Form and Design Standards

The SPE is in conformance with the applicable standards in Section 27-61100 of the Zoning Ordinance for the Consolidated Storage building, including the location of loading,

service, and off-street parking areas, and building façade materials and articulation as shown on the consolidated storage architectural elevations.

i. Section 27-61200 Neighborhood Compatibility Standards

The SPE is in conformance with the applicable standards in Section 27-61200 of the Zoning Ordinance, including building height and setbacks, open space, and locations/design of other site features. The Site Plan and Architectural Plans demonstrate that the proposed Consolidated Storage building meets the various dimensional standards for the CS Zone.

j. Section 27-61500 Signage

The Applicant is proposing three wall signs for the Consolidated Storage building. The proposed building wall signs meet the requirements of this Section.

2018 Prince George's County Landscape Manual Requirements

(9) A Special Exception must comply with the Landscape Manual through the approval of a Landscape Plan. Specifically, conformance is required for Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Interior Planting for Parking; and Section 4.9, Sustainable Landscaping Requirements. The proposed Landscape Plan meets these requirements.

Prince George's County Tree Coverage Ordinance

(10) This Application is subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance. This site is located within the CS Zone (prior C-M Zone) and is required to provide 10 percent of the site area in TCC. 14,349 square feet of Tree Canopy must be provided. The TCC schedule provided on the proposed Landscape Plans shows TCC at 15,728 square feet exceeding the minimum required.

Prince George's County Woodland and Wildlife Habitat Conservation Ordinance

(11) Section 27-6803 of the Zoning Ordinance requires that this Property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the Property is greater than 40,000 square feet and has a previously approved TCPII. TCPII-016-96-04 was submitted with the SPE Application.

The TCPII shows 0.08-acre woodlands in the net tract area. A portion of 1.63 acres of woodland was cleared under the prior TCPII-016-96-03 and accounted for with that approval. This Application and TCPII revision propose to clear the remaining 0.08 acre of woodlands. The current Woodland Conservation worksheet as shown on the TCPII is incorrectly accounting for the removal of the woodlands which were previously approved with TCPII-016-96-03.

The threshold as established by the zone is 15 percent, or 0.48 acre. Based on the proposed clearing, the total Woodland Conservation requirement is 0.56 acre. The Applicant proposes to meet this requirement with 0.56 acre of off-site mitigation credits, which will be required to be secured prior to issuance of the first permit.

DISPOSITION

Based on the testimony, Applicant's Statement of Justification, 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 Section 27-3604 and Section 27-5402(u) of the Prince George's County Zoning Ordinance.

Special Exception 2022-002, and Type 2 Tree Conservation Plan TCP2-016-96-04, for Glenn Dale Self Storage, is APPROVED, subject to the following Conditions:

1. Prior to certification of the Special Exception Site Plan, the following revisions shall be made, or information shall be provided:
 - a. The Applicant shall provide evidence of vacation for the portion of Duvall Street included on the Special Exception Site Plan.
 - b. Prior to the issuance of the first building permit, the Applicants shall provide assigned community benefit agreement, in accordance with Section 27-5402(4)(1)(I) of the Prince George's County Zoning Ordinance.