

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



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

Zoning Map Amendment

A-10050

Application	General Data	
Project Name: Bowman Property Location: Approximately 120 feet east of the intersection of Prince George's Avenue and US 1 (Baltimore Avenue). Applicant/Address: Roma S. Bowman Living Trust, et al; and Marsha J. Bowman Living Trust 4420 Greenwood Road Beltsville, MD 20705-2713 Property Owner: Same as Applicant	Planning Board Hearing Date:	06/06/19
	Staff Report Date:	05/21/19
	Date Accepted:	04/02/19
	Planning Board Action Limit:	N/A
	Plan Acreage:	33,502 sq. ft.
	Zone:	R-10
	Gross Floor Area:	N/A
	Lots:	4
	Parcels:	0
	Planning Area:	61
	Council District:	01
	Election District:	01
	Municipality:	N/A
200-Scale Base Map:	214NE05	

Purpose of Application	Notice Dates	
Rezone property from the R-10 Zone to the C-S-C Zone.	Informational Mailing:	07/19/18
	Acceptance Mailing:	03/14/19
	Sign Posting Deadline:	05/07/19

Staff Recommendation		Staff Reviewer: Ras Tafari Cannady II Phone Number: 301-925-3411 Email: Ras.Cannady@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	



MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Sherri Conner, Supervisor, Subdivision and Zoning Section
Development Review Division

FROM: Ras Tafari Cannady II, Senior Planner, Subdivision and Zoning Section
Development Review Division

SUBJECT: **Zoning Map Amendment A-10050**
Bowman Property

REQUEST: **Rezone property from the R-10 Zone to the C-S-C Zone.**

RECOMMENDATION: **DISAPPROVAL**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of June 6, 2019. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Zoning Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS

1. **Location and Field Inspection:** The subject site comprises three lots known as Lots 21, 22, and 23, within Block 23, of Beltsville, Section 2, recorded in Plat Book LIB A-62 in December 1930. Lots 21–23 are located on the south side of Prince George’s Avenue, addressed as 4935 and 4937 Prince George’s Avenue, approximately 110 feet west of its intersection with US 1 (Baltimore Avenue).

Lot 21 is improved with a 3,103-square-foot, 36-foot-high, two-story, nine-unit, brick multifamily dwelling with basement. Lot 22 is improved with a 1,151-square-foot, 28-foot-high, two-story, frame and siding building, in addition to a 621-square-foot, 16-foot-high, one-story, brick and block building. Lot 23 has a concrete pad with gravel pavement.

According to the applicant’s statement of justification (SOJ), the nine-unit multifamily dwelling on Lot 21 was originally constructed in 1892 as a church with associated parsonage, and later converted in the mid-1960s to a nine-unit multifamily dwelling. The parsonage, located just southeast of the old church, is currently vacant. The applicant states that “numerous improvements would be required to bring this older building into conformance with minimum building code requirements. The cost of the improvements would far exceed the value of the structure itself and without these improvements a residential lease permit cannot be obtained from the county. As a result, the structure is currently unused and will remain vacant. Both the existing church building constructed in 1892 and the parsonage constructed in 1900 are already documented on a Maryland Inventory of Historic Properties Form (MIHP) on file with the Prince George’s Planning Department’s Historic Preservation Section.” Staff has confirmed that the church is registered in the MIHP under file 61-006A, and the ancillary parsonage is registered under file 61-006B.

2. **History:** The site was originally designated within the Regional District as Rural Residential (R-R) zoned property. On July 19, 1961, Lots 21 through 23 were rezoned to the Multifamily High Density Residential (R-10) Zone through the Prince George’s County District Council’s approval of Zoning Map Amendment A-3970.

3. **General Plan and Master Plan Recommendations:**

General Plan

The *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) designates the subject property in the Established Community Growth Policy Area. The vision for the Established Communities area is context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met (page 20).

Master Plan

The *2010 Approved Master Plan and Sectional Map Amendment for Subregion 1 (Planning Areas 60, 61, 62, and 64)* (2010 Master Plan and SMA), retained the subject property in the R-10 Zone and recommends commercial mixed-use land uses on the subject property.

4. **Request:** The applicant is requesting rezoning of the subject property from the R-10 Zone to the Commercial Shopping Center (C-S-C) Zone.

Note: The applicant’s requested rezoning includes Lot 5, Block 23 (Tax ID 0005975), zoned R-R, which is located south of the subject lots, along Harford Avenue. The analysis provided herein has been modified to only include Lots 21–23, Block 23, due to an administrative correction of the zoning map for Lot 5, dated May 1, 2019 (Rowe and Dodgshon to Checkley). This correction shows that the designation of Lot 5 is within the C-S-C Zone. Therefore, the request to rezone Lot 5 is not necessary. A description of the reclassification is provided in greater detail within staff’s analysis of Section 27-157(a)(1)(B)(ii) of the Prince George’s County Zoning Ordinance.

5. **Neighborhood and Surrounding Uses:** The neighborhood is bounded to the north by Odell Road, to the west by Rhode Island Avenue, to the east by US 1, and to the west by Rhode Island Avenue. The property is surrounded by the following uses:

- North—** Automotive sales and service uses in the Commercial Miscellaneous (C-M) Zone.
- West—** Single-family detached dwellings in the R-R Zone.
- South—** Single-family detached dwellings in the R-R Zone. Beyond Harford Avenue is a shopping center in the C-S-C Zone containing restaurants, beauty services, nail salons, a food and beverage store, and a stand-alone pharmacy.
- East—** Commercial buildings in the C-S-C Zone, fronting on US 1, containing a barber shop, sporting goods store, commercial office uses, and auto parts store. Beyond US 1 are CSX Railroad tracks and industrial uses in the Heavy Industrial Zone.

6. **Zoning Requirements:** Section 27-157(a)(1) provides that no zoning map amendment application shall be granted without the applicant proving that either:

(A) There has been a substantial change in the character of the neighborhood; or

In the applicant’s SOJ submitted April 2, 2019 (Shiple to Conner), incorporated herein by reference, the applicant does not argue that there has been a substantial enough change in the character of the neighborhood to justify the requested zoning change.

(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

The applicant does not put forth an argument of mistake in the original zoning for the property.

(ii) There was a mistake in the current Sectional Map Amendment.

The applicant contends that retaining the subject property in the R-R and R-10 Zones in the 2010 Master Plan and SMA was a mistake by the District Council. The contention is that the assumptions or premises relied upon by the District Council, at the time of the master plan and SMA approval, were invalid or have proven erroneous. The applicant points to six distinct mistakes:

Mistake 1: A clerical error occurred when zoning maps for the County were not updated to reflect the change from R-R to C-S-C for Lot 5, Block 23, in the 1990 *Approved Master Plan and Sectional Map Amendment for Subregion I (Planning Areas 60, 61, and 62)* (1990 Master Plan and SMA). The 2010 Master Plan and SMA mistakenly retained the R-R Zoning for Lot 5, Block 23.

Mistake 2: Lots 21–23 retained R-10 zoning pursuant to County Council Resolution CR-58-2010. The lots front along Prince George’s Avenue, a recorded 50-foot-wide public right-of-way. The north side of Prince George’s Avenue contains heavy automotive-related uses in the C-M Zone.

Mistake 3: The District Council should have recognized that the Bowman Property is not suitable for residential uses and is not suitable for the higher-density residential uses that the R-10 Zone allows.

Mistake 4: The District Council mistakenly relied upon “assumptions” by Planning staff that R-10/R-R designations should be retained by the subject property. The recommendations ignored specific site conditions and the incompatibility of neighboring uses, as they relate to the subject property.

Mistake 5: Adequate land area does not exist within either zone that would allow the property to be developed in accordance with existing underlying zoning designations, due to current parking and setback requirements.

Mistake 6: Rezoning the subject property would create an opportunity for the site to be redeveloped with a new infill commercial use that would be far more compatible with adjacent high-impact automotive-related uses and improve the streetscape along US 1 and Prince George’s Avenue.

As noted in the request section, the applicant’s requested rezoning includes Lot 5, Block-23, zoned R-R. This analysis has been modified to only include Lots 21–23 due to an administrative correction of the zoning map for Lot 5, dated May 1, 2019 (Rowe and Dodgshon to Checkley). During the review of the subject application, staff identified an error in the 2010 Master Plan and SMA regarding Lot 5, Block 23. The 2010 Master Plan and SMA reflected the property as being within the R-R Zone, however, Lot 5 was reclassified from the R-R Zone to C-S-C Zone by the 1990 Master Plan and SMA, Zoning Change B9-15. The zoning change was not carried forward into zoning maps after the 1990 Master Plan and SMA and the 2010 Master Plan and SMA incorrectly reflected the lot in the R-R Zone, whereas all other zoning changes in B9-15 were made on the zoning maps and carried forward in the 2010 Master Plan and SMA. The administrative correction revised the official zoning map to show Lot 5 within the C-S-C Zone and, therefore, it is not necessary to include Lot 5 in the request for rezoning.

Staff finds the retention of the subject property in the R-10 Zone was intended. There was no mistake made by the District Council in its approval of the 2010 Master Plan and SMA. The following is staff’s collective analysis of the mistakes stated by the applicant:

Mistake: Staff finds that, pursuant to Section 27-157(a)(1)(B)(ii) of the Zoning Ordinance, there was not a mistake made in the 2010 Master Plan and SMA for the properties located at 4935 and 4937 Prince George’s Avenue.

Map 13, Approved Future Land Use for Subregion 1, within the 2010 Master Plan and SMA, designates a large number of properties north of Powder Mill Road and west of US 1 in the “Mixed Use Commercial” land use category, consistent with master plan recommendations for redevelopment of Focus Area 1 (US 1 from the Beltsville Agricultural Research Center to Quimby Avenue) as a “main street.” Strategies include “encourage mixed-use development in the area on the west side of US 1, north of Powder Mill Road” and “ensure that new mixed-use development is integrated with—and protects, enhances and complements—surrounding residential neighborhoods” (page 21). The concurrent SMA’s approach to mixed-use zoning is explained on page 159 of the SMA:

This plan identifies areas for mixed-use zoning. Applications for a mixed-use zone may be filed for evaluation and approval based only on the concepts and guidelines contained in the text of this document. Approval should be given for those applications that meet the intent, concepts and guidelines of the future land use plan (see Map 13 on following page). Subtitle 27A (the new mixed-use zone) of the County Code shall not be permitted to be utilized in Subregion 1.

The M-X-T (Mixed-Use Transportation Oriented) Zone serves as an adequate zoning technique to implement the recommendations of the master plan for higher intensity, mixed-use development concentrated in and around the Konterra Town Center and at some neighborhood-serving mixed-use activity centers designated by the master plan. To be most effective, it is recommended that the land use recommendations of the master plan be viewed comprehensively, and that review of site plan applications in the M-X-T Zone be flexible. Rather than requiring a mix of uses for each application, there should be a concentrated effort to ensure that the Konterra Town Center and the US 1 Corridor develop with the cohesive, horizontal and vertical mix of uses described by the master plan as a whole.

Plans in the County identify future land use in order to set the vision for each area, to be delivered through a long-range plan. It is neither possible nor practical to rezone all properties at the time a plan is adopted. The preferred, stated, zoning approach for the mixed-use areas of the US 1 Corridor (including the subject property) was for individual applicants to apply for reclassification to the M-X-T Zone (see Subtitle 27, Part 3, Division 2, Subdivision 4, of the Prince George’s County Code), where rezoning and subsequent development proposals could be evaluated “based only on the concepts and guidelines contained in the text of” the 2010 Master Plan and SMA, but also “comprehensively” and utilizing “flexible” review of site plans, so that the corridor develops “with the cohesive, horizontal and vertical mix of uses described by the master plan as a whole” (page 159).

Pursuant to this policy, while the 2010 SMA rezoned 404.74 acres within Subregion 1 to the M-X-T Zone, no properties along US 1 were reclassified M-X-T.

Accordingly, the decision to retain the subject properties in the R-10 Zone was intentional, in keeping with the SMA's policy supporting piecemeal, market-responsive (rather than comprehensive), mixed-use zoning along the US 1 Corridor, and not a mistake.

Therefore, it is not possible to conclude that a mistake was made in the SMA in retaining the R-10 Zone for the subject property.

In order for a mistake to be a legally justifiable basis for rezoning, there must have been a basic and actual mistake by the legislative body, in this case the District Council. Staff finds that, pursuant to Section 27-157(a)(1)(B), there was not a mistake in the 2010 Master Plan and SMA.

7. **Compliance with Section 27-143(c)(1)(C):** The applicant's SOJ lays out a sound argument as to how the approval of the rezoning request from R-10 to C-S-C will not be detrimental to public health, safety, and welfare, as required in accordance with Section 27-143(c)(1)(C) of the Zoning Ordinance. The applicant sets the framework that, if the C-S-C zoning was granted, the high impact automotive uses across Prince George's Avenue would be buffered and will correct an "existing incompatible zoning situation that has left the Bowman Property no longer suitable for residential purposes."

Furthermore, the applicant has stated that "The approval of the application will provide a single commercial use of benefit to the neighborhood such as a medical supply store, wellness center, etc. with much more adequate setbacks and access to Prince George's Avenue, and for the first time, access to Harford Avenue to serve a portion of the community without congesting the intersection of Prince George's Avenue and US Route 1. There would be further opportunity for screen planting and attractive fencing between the subject Property and single-family homes on Harford Avenue.

"In addition, the review process inherent in the Prince George's County Zoning Ordinance and environmental regulations provides for a high level of planning and design oversight thus promoting and protecting the public health, safety, and welfare. Approval of the subject Zoning Map Amendment is therefore in harmony with Section 27-143(c)(1)(C) and Section 27-102(a)(1) of the Zoning Ordinance for the purpose of protecting and promoting the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County."

8. **Referral Comments:** Referral memorandum comments directly related to the request to rezone the property were included in the body of this technical staff report. Referral memorandums were received by the following divisions, all are included as back-up to this technical staff report and incorporated by reference herein:
 - a. Maryland State Highway Administration, dated April 3, 2019 (Woodroffe to Cannady II)
 - b. Transportation Planning Section, dated April 19, 2019 (Masog to Cannady II)
 - c. Special Projects Section, dated April 22, 2019 (Ryan to Cannady II)
 - d. Community Planning Section, dated May 3, 2019 (Dodgshon to Cannady II)

CONCLUSION

Pursuant to Section 27-157(a)(1)(B) of the Zoning Ordinance, there was not a mistake made in the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion I (Planning Areas 60, 61, 62, and 64)* on properties known as Lots 21–23, Block 23. These properties have been zoned Multi-Family High-Density Residential (R-10) since 1961. The comprehensive reclassification of properties designated for mixed-use commercial future land uses along the US 1 Corridor was not recommended during the 2010 SMA, which instead recommended project-by-project rezoning to the Mixed Use-Transportation Oriented (M-X-T) Zone for these areas; consequently, there was no mistake in retaining the properties in the R-10 Zone.

Finding neither substantial change to the character of the neighborhood, nor mistake in the comprehensive rezoning, staff recommends DISAPPROVAL of Zoning Map Amendment A-10050, Bowman Property.

ITEM: 5

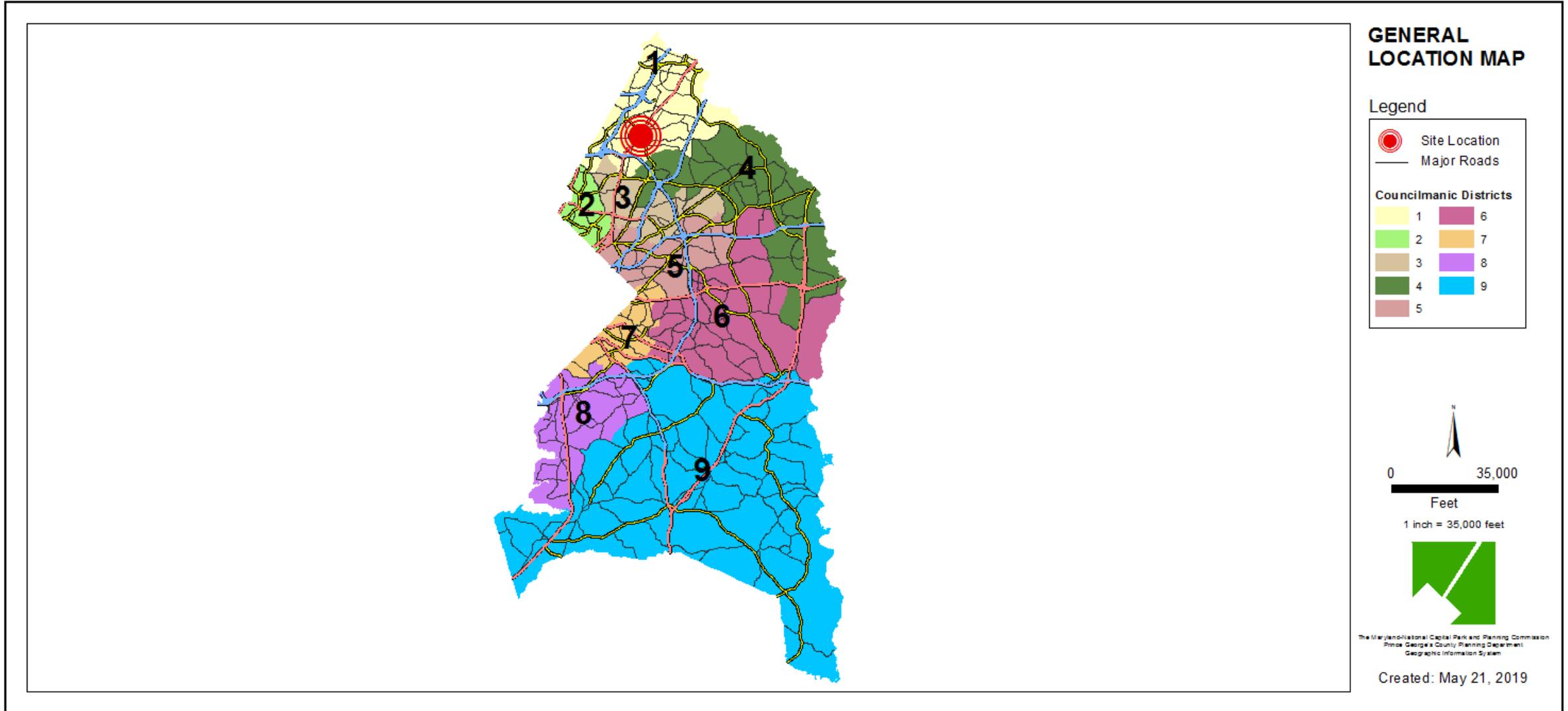
CASE: A-10050

BOWMAN PROPERTY

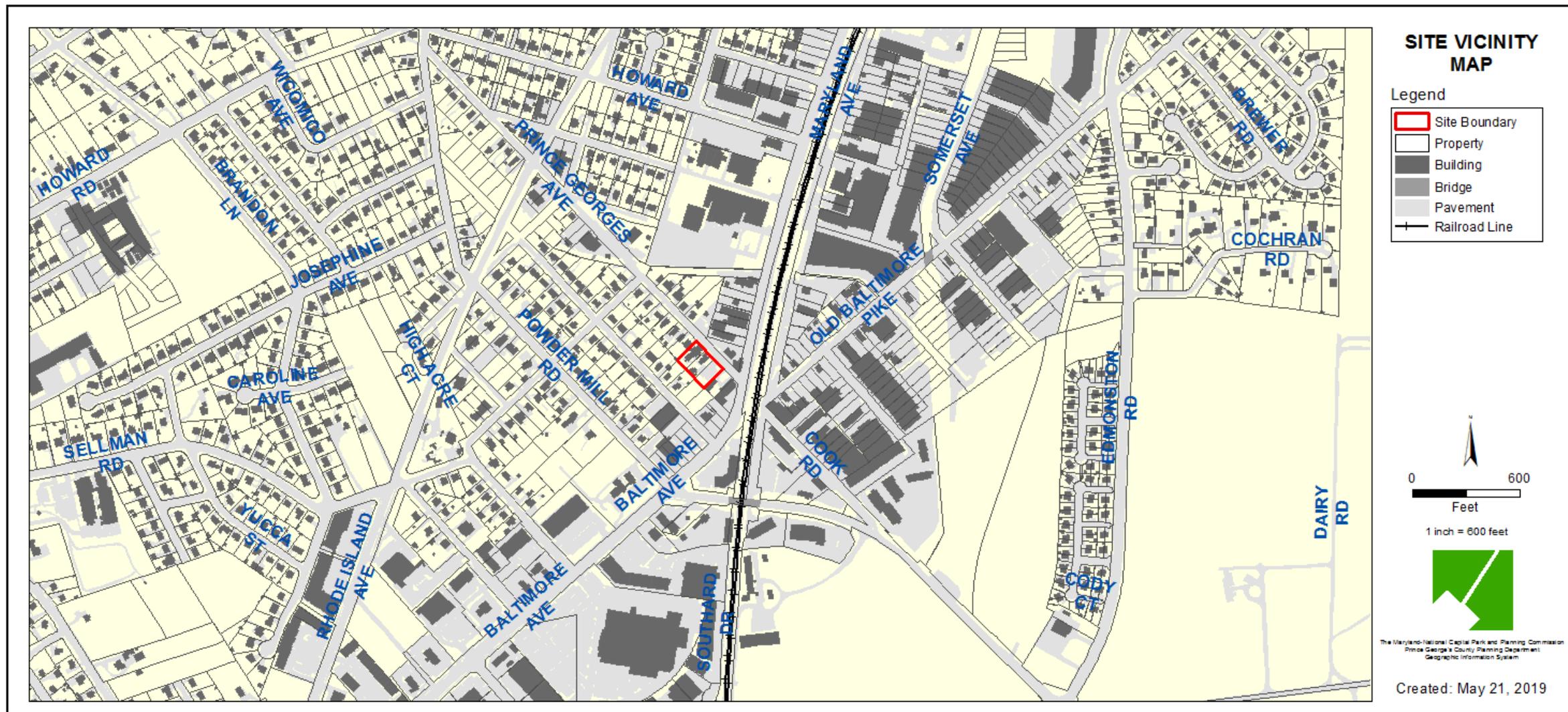
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



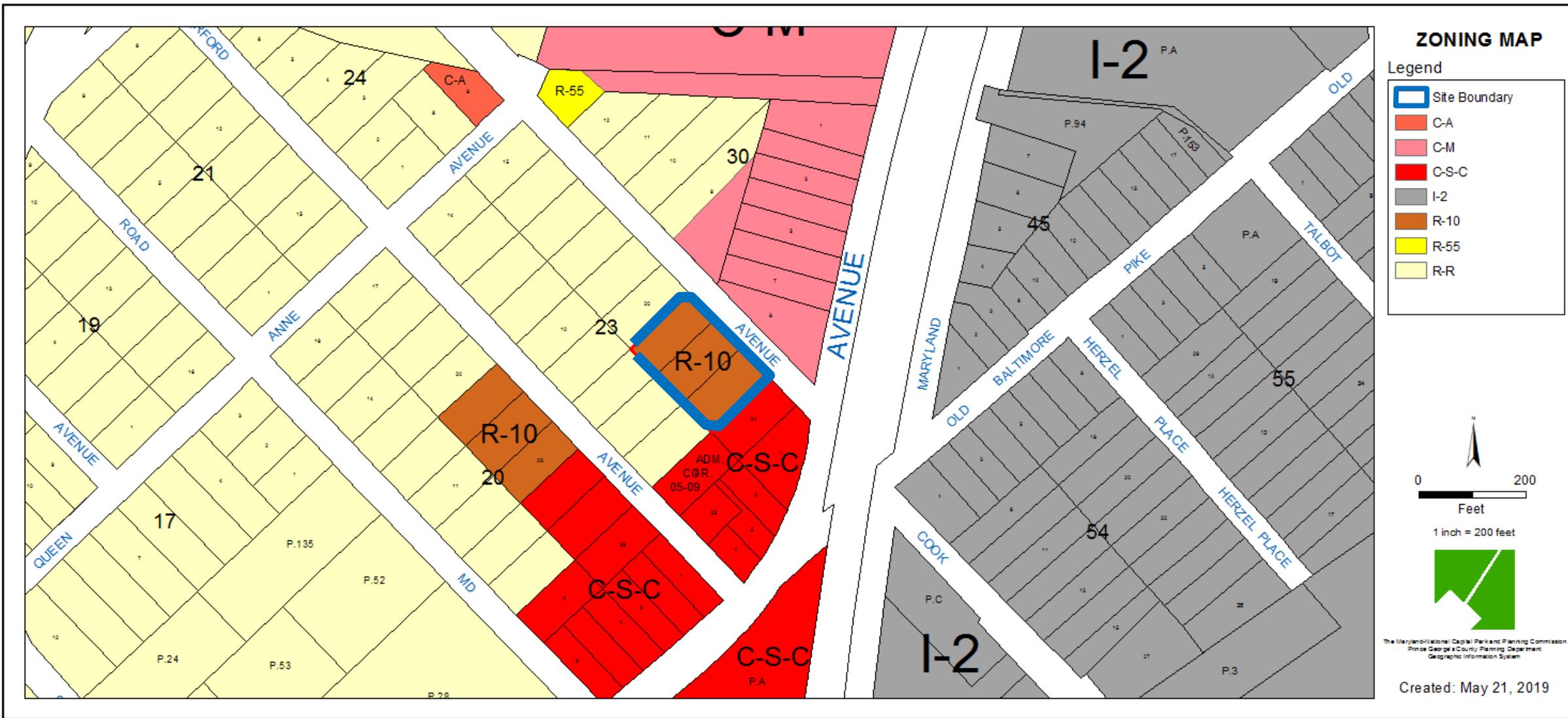
GENERAL LOCATION MAP



SITE VICINITY



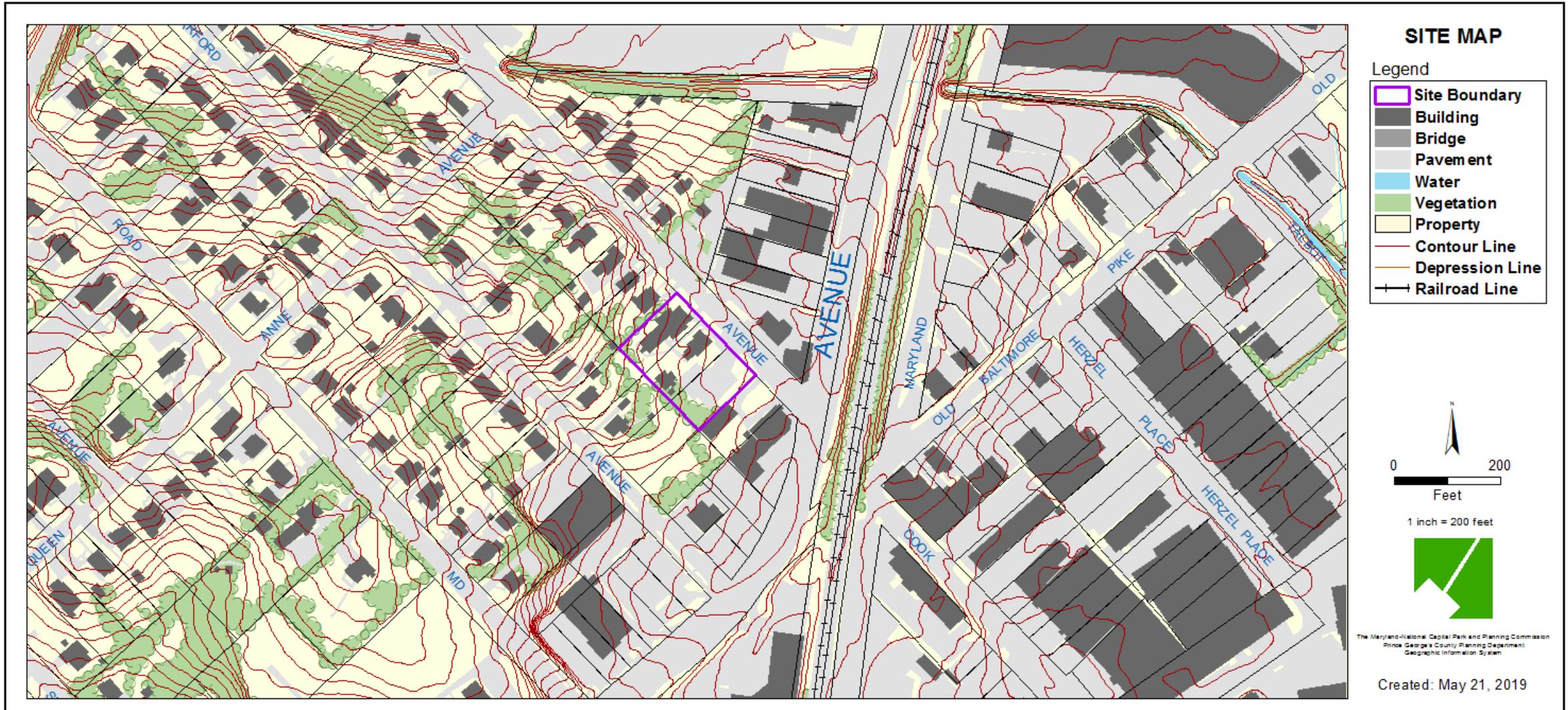
ZONING MAP



AERIAL MAP



SITE MAP



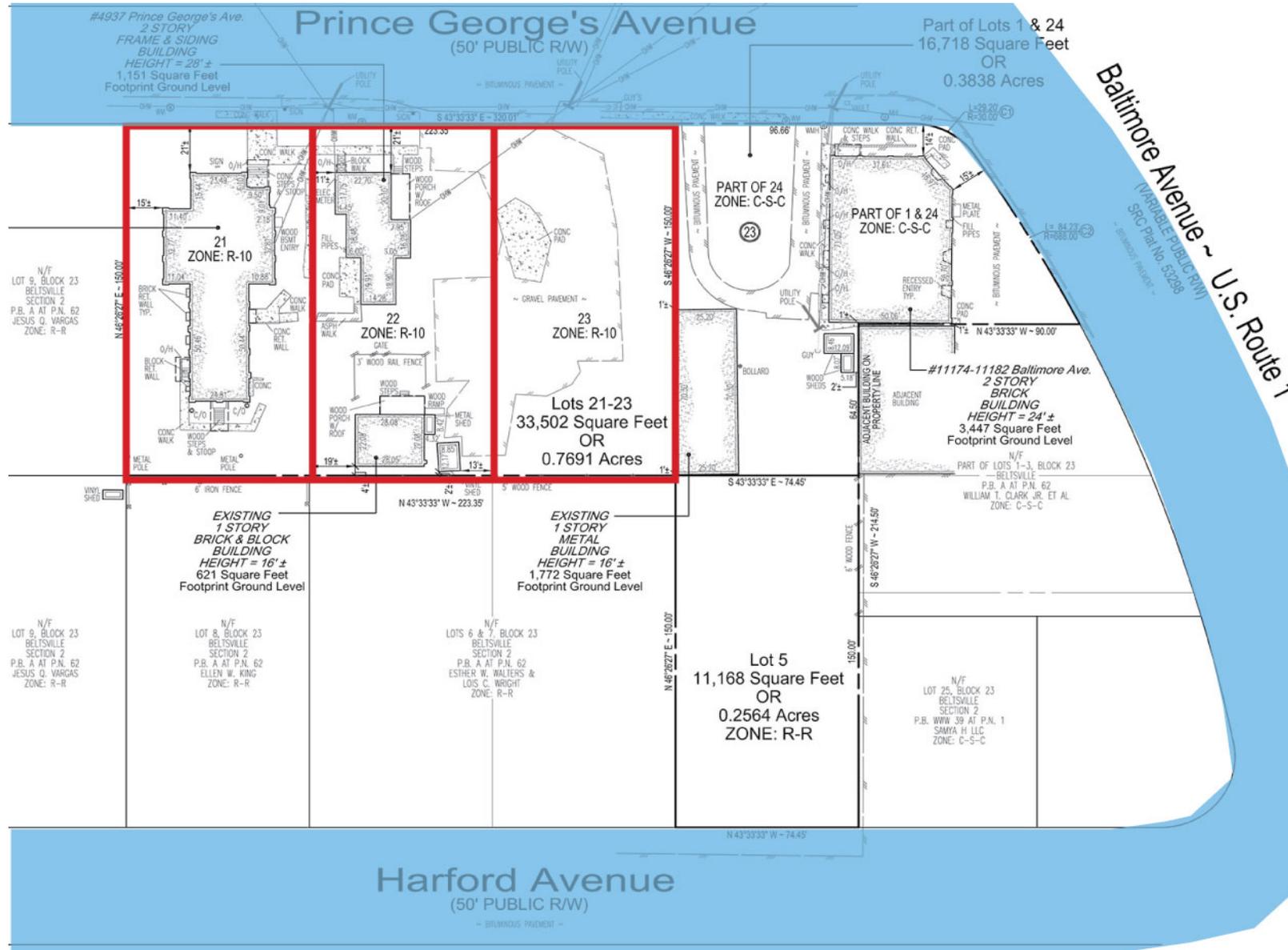
MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE BOUNDARY OUTLINED



SITE PLAN





14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org
301-952-3972

May 9, 2019

MEMORANDUM

TO: Andree Green Checkley, Planning Director

VIA: Debra Borden, Principal Counsel *DB*
Kipling Reynolds, AICP, Chief, Community Planning Division *KR*

FROM: Scott Rowe, AICP, CNU-A, Planning Supervisor, Long Range Planning Section, *BSR*
Community Planning Division
Adam Dodgshon, Planner Coordinator, Long Range Planning Section,
Community Planning Division *AD*

SUBJECT: **Administrative Correction of Zoning Map for Grid 214NE05, Planning Area 61,
Tax Account 0005975**

The purpose of this memorandum is to request approval to correct an error in the County Zoning Map for Tax Account 0005975, a parcel on Harford Avenue in Beltsville.

While reviewing Zoning Map Amendment A-10050 for 4935 & 4937 Prince George's Avenue and Lot 5 on Harford Avenue (which has no street address) in Beltsville, staff identified an error in the 2010 *Approved Sectional Map Amendment for Subregion I*. The properties encompass Lots 21-23 on Prince George's Avenue and Lot 5 on Harford Avenue. Lots 21, 22, and 23 are zoned R-10 (Multi-Family High-Density Residential). Lot 5 is shown on the Zoning Map (see Attachment 1, property outlined in blue) as R-R (Rural Residential) and is currently vacant.

The 2010 *Approved Sectional Map Amendment for Subregion I* (2010 SMA) classified the property in the R-R Zone, carrying forward its zoning designation from the previous Zoning Map. However, Lot 5 was reclassified from R-R to C-S-C (Commercial Shopping Center) by the 1990 *Approved Subregion I Sectional Map Amendment* (CR-72-1990), Zoning Change B9-15 (see Attachment 2).

This zoning change was not carried forward into PG Atlas or other mapping after the 1990 *Approved Subregion I Sectional Map Amendment*, meaning that the 2010 SMA erred in retaining the lot in the R-R zone whereas all the other zoning changes in B9-15 were made on the zoning maps and carried forward in the 2010 plan.

Upon approval of this Administrative Correction, the Zoning Map will be revised to show the lot in the C-S-C Zone.

Attachment 1: Existing zoning map

Attachment 2: 1990 *Approved Sectional Map Amendment for Subregion I*, Zoning Change B9-15

Attachment 3: 2010 Approved Subregion 1 Master Plan Future Land Use Map

READ AND AGREED

Andree Green Checkley
Andree Green Checkley, Planning Director

5/9/19
Date

cc: Division Chiefs
Planning Supervisors, Development Review Division
Planning Supervisors, Countywide Planning Division
Michael Shean, Supervisor, Information Management Division
Daniel Hartmann, Administrative Manager, Office of the Planning Director
Sean Adkins, GISP, GIS Specialist II, Community Planning Division
Community Planning Division Staff
Development Review Division Staff

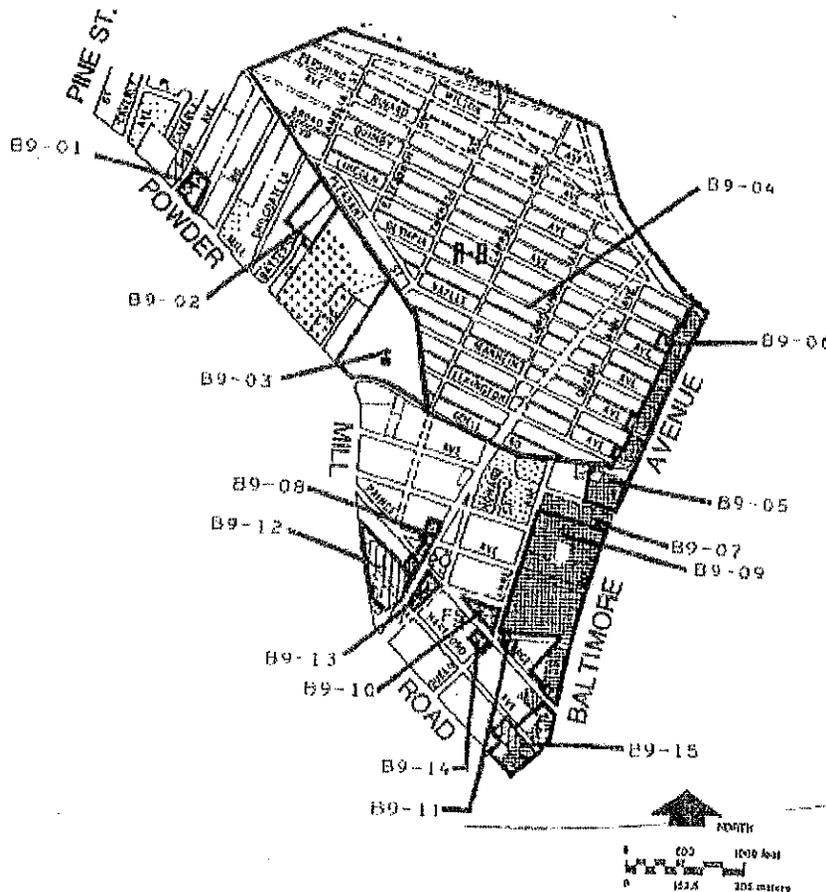
Attachment 1: Zoning Map



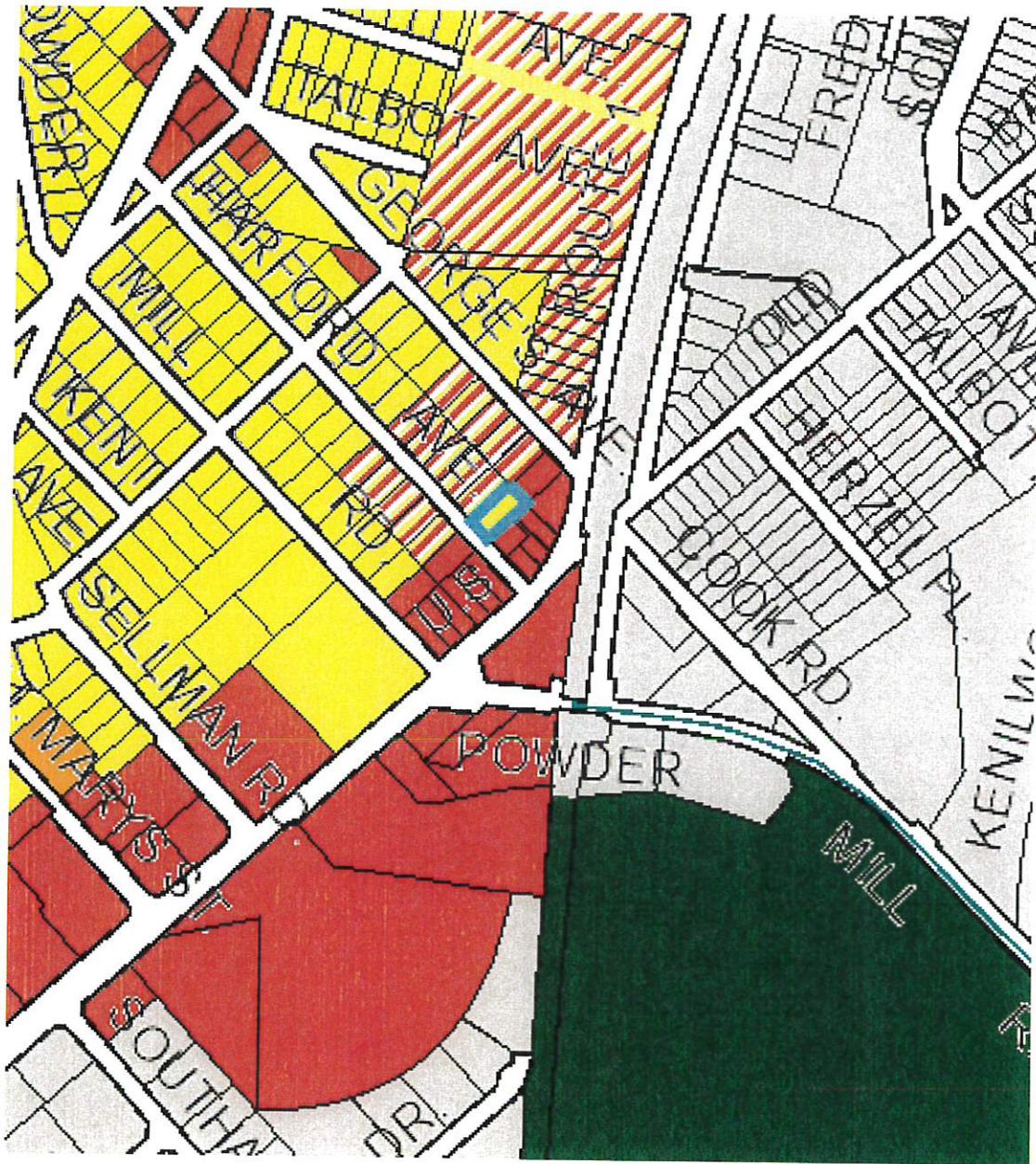
Attachment 2: 1990 Approved Sectional Map Amendment for Subregion I, Zoning Change B9-15 – 1990
 Adopted Subregion I Sectional Map Amendment

BELTSVILLE COMMUNITY ANALYSIS AREA 9 PROPOSED ZONING CHANGES

- | | |
|--|-----------------------------------|
| B9-01: R-R & C-1 TO C-S-C | B9-09: R-R & C-2 TO C-M |
| B9-02: R-R TO R-80 | B9-10: C-1 TO R-R |
| B9-03: R-R TO R-80 | B9-11: C-D TO R-R R-55 |
| B9-04: R-R TO R-55 | B9-12: R-R & R-18 TO R-T |
| B9-05: R-R, C-1, C-2
& C-S-C TO C-M | B9-13: C-1 TO C-O |
| B9-06: C-1 TO R-55 | B9-14: C-1 TO C-A |
| B9-07: R-R TO C-S-C | B9-15: R-R, C-1 & C-2 TO C-S-C |
| B9-08: C-1 & C-2 TO C-A | |

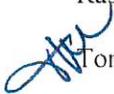


Attachment 3: Future Land Use Layer



April 19, 2019

MEMORANDUM

TO: Ras Cannady, Subdivision and Zoning Review Section, Development Review Division
FROM:  Tom Masog, Transportation Planning Section, Countywide Planning Division
SUBJECT: **A-10050: Bowman Property**

Proposal

The applicant is proposing a rezoning from the R-R and R-10 Zones to the C-S-C Zone.

Background

This is a conventional rezoning request. The granting of the request is based on proof by the applicant of a change in the character of the neighborhood or a mistake in the original zoning or the recommendation of a plan. Neither of these are transportation-related determinations. The transportation staff evaluates conventional zoning map amendments for net traffic impact of the highest and best by-right use of the proposed zone versus the highest and best by-right use of the existing zone in order to inform the record. Transportation staff also reviews the relationship of the site vis-à-vis the *Countywide Master Plan of Transportation* and raises any other potential transportation-related development issues. The application is not subject to transportation-related findings related to traffic or adequacy.

It has been learned that Lot 5, the lot with the R-R zoning, is shown as R-R in error. An administrative correction will be made, and the application will only cover the three R-10 lots.

Review Comments

The application does not present a concept for development under the proposed zone; it is a simple request for a rezoning. Therefore, using the estimated development yields for each zone along with trip generation rates, the table below was developed. The information presented is based upon the entire site being usable. Density in the R-10 Zone is based on 48 residences per acre (once again, the R-R lot is actually erroneous, and will be corrected administratively). Density in the C-S-C Zone is based on a floor-to-area ratio of 0.25 and conventional retail rates per the "Transportation Review Guidelines:"

Comparison of Estimated Trip Generation, A-10050: 0.77 acres						
Zoning or Use	Units or Square Feet	AM Peak Hour Trips		PM Peak Hour Trips		Weekday Trips (ADT)
		In	Out	In	Out	
Existing Zoning						
R-10 (residential), 0.77 acres	36 multifamily residences	4	15	14	8	234
Proposed Zoning						
C-S-C (retail), 1.03 acres	11,220 square feet	13	8	33	36	819
Difference (between bold numbers)		+9	-7	+19	+28	+585

The comparison of estimated site trip generation indicates that the proposed rezoning would have little or no impact during the AM peak hour, a somewhat more significant impact during the PM peak hour. In considering the ultimate buildout of all vacant zoned property, with the rezoning in place, weekday average daily travel could increase by over 600 daily trips.

The site is not within or adjacent to any Master plan transportation facilities. No other transportation issues have been identified during this review.

Conclusion

Transportation staff is aware that the adequacy or inadequacy of transportation facilities is not a central issue pertaining to the change or mistake finding required for a Euclidean rezoning. Based on potential trip generation, the proposed rezoning would have little if any impact on existing transportation facilities in the area of the subject property.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Community Planning Division

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

301-952-3972

May 2, 2019

MEMORANDUM

TO: Ras Cannady, Senior Planner, Development Review Division

VIA: Scott Rowe, AICP-CNU, Planning Supervisor, Long Range Planning Section, ^{SR}
Community Planning Division
David A. Green, MBA, Master Planner, Community Planning Division ^{AD}

FROM: Adam Dodgshon, Planner Coordinator, Long Range Planning Section, Community
Planning Division AD

SUBJECT: **A-10050 Bowman Property**

FINDINGS

Community Planning Division staff finds that, pursuant to Section 27-157(a)(1)(B) of the Zoning Ordinance, there was a mistake made in the 2010 *Approved Subregion 1 Sectional Map Amendment*, when Lot 5 (Tax ID 0005975) located on Harford Avenue 200 feet northwest of its intersection with Baltimore Avenue was retained in the Rural Residential (R-R) zone. This property was re-zoned from R-R to the Commercial Shopping Center (C-S-C) zone in the 1990 Approved Sectional Map Amendment for Subregion I. However, the change was not made on the Zoning Map. Consequently, the Community Planning Division has initiated an administrative correction of the Zoning Map to apply the C-S-C Zone to Lot 5, Harford Avenue, Beltsville, Maryland.

Community Planning Division staff finds that, pursuant to Section 27-157(a)(1)(B) of the Zoning Ordinance there was not a mistake in the 2010 *Approved Subregion 1 Sectional Map Amendment* on properties known as 4935 and 4937 Prince George's Avenue. These properties have been zoned Multi-Family High-Density Residential (R-10) since 1961. The comprehensive reclassification of properties designated for Mixed-Use Commercial future land uses along the US 1 Corridor was not considered during the 2010 SMA, which recommended project-by-project rezoning to the Mixed-Use Transportation-Oriented (M-X-T) Zone for these areas; consequently, there was no error in retaining the properties in the R-10 Zone.

A-10050 Bowman Property

BACKGROUND

Application Type: Zoning Map Amendment for Euclidean Zone

Location: The site comprises four parcels, three are located on the south side of Prince George's Avenue, with address 4935 & 4937 Prince George's Avenue approximately 215 feet west of its intersection with Baltimore Avenue, and the other is on the north side of Harford Avenue, Lot 5, with no postal address (Tax ID 0005975) approximately 200 feet north-west of its intersection with Baltimore Avenue.

Size: 1.03 acres

Existing Uses:

- A. Lot 5. North side of Harford Avenue, 200 feet northwest of its intersection with US 1 (Baltimore Avenue) (Tax ID 0005975):
 - Use: Vacant
 - Current Zone: R-R (Rural Residential)
- B. 4935 & 4937 Prince George's Avenue Multifamily Residential, Single-Family Detached Residential.
 - Use: Multifamily and Single-Family Detached Residential
 - Current Zone: R-10 (Multifamily High Density Residential)

Proposal: Request to rezone from the R-10 (Multifamily High Density Residential) and R-R (Rural Residential) Zones to C-S-C (Commercial Shopping Center) Zone.

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is located in the Established Communities. The vision for the Established Communities is context-sensitive infill and low to medium-density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met. (p. 20).

Master Plan: The 2010 *Approved Subregion 1 Master Plan* recommends commercial mixed-use land uses on the subject property.

Planning Area: 61

Community: Fairland-Beltsville & Vicinity

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone

SMA/Zoning: The 2010 *Approved Subregion 1 Sectional Map Amendment* retained the subject property into the R-R zone and the R-10 zone.

A-10050 Bowman Property

SECTIONAL MAP AMENDMENT ANALYSIS

Community Planning Division staff finds that, pursuant to Section 27-157(a)(1)(B)(ii) of the Zoning Ordinance, there was a mistake in the 2010 Subregion 1 Sectional Map Amendment for the property known as Lot 5 (Tax ID 0005975) on the north side of Harford Road, 200 feet north-west of its intersection with Baltimore Avenue. The current R-R zone classification should have been changed because the subject parcel was re-zoned to C-S-C by the 1990 Subregion I Sectional Map Amendment (CR-72-1990). This mistake was carried forward inadvertently in the 2010 SMA. An administrative correction of the Zoning Map to address this error is pending.

Community Planning Division staff finds that, pursuant to Section 27-157(a)(1)(B)(ii) of the Zoning Ordinance, there was not a mistake made in the 2010 Subregion 1 Sectional Map Amendment for the properties located at 4935 & 4937 Prince George's Avenue because reclassification of these properties was not specifically considered during the 2010 Sectional Map Amendment. Through the comprehensive stakeholder outreach held at the time, there was no interest expressed in having the properties re-zoned.

Map 13, Approved Future Land Use for Subregion 1, within the 2010 *Approved Subregion 1 Master Plan*, designates a large number of properties north of Powder Mill Road and west of US 1 in the "Mixed Use Commercial" land use category, consistent with master plan recommendations for the redevelopment of Focus Area 1 (US 1 from the Beltsville Agricultural Research Center to Quimby Avenue) as a "main street." Strategies include "encourage mixed-use development in the area on the west side of US 1, north of Powder Mill Road" and "ensure that new mixed-use development is integrated with—and protects, enhances and complements—surrounding residential neighborhoods." (p. 21)

The concurrent Sectional Map Amendment's approach to mixed-use zoning is explained on p. 159 of the SMA:

This plan identifies areas for mixed-use zoning. Applications for a mixed-use zone may be filed for evaluation and approval based only on the concepts and guidelines contained in the text of this document. Approval should be given for those applications that meet the intent, concepts and guidelines of the future land use plan (see Map 13 on following page). Subtitle 27A (the new mixed-use zone) of the County Code shall not be permitted to be utilized in Subregion 1.

The M-X-T (Mixed-Use Transportation Oriented) Zone serves as an adequate zoning technique to implement the recommendations of the master plan for higher intensity, mixed-use development concentrated in and around the Konterra Town Center and at some neighborhood-serving mixed-use activity centers designated by the master plan. To be most effective, it is recommended that the land use recommendations of the master plan be viewed comprehensively, and that review of site plan applications in the M-X-T Zone be flexible. Rather than requiring a mix of uses for each application, there should be a concentrated effort to ensure that the Konterra Town Center and the US 1 Corridor develop with the cohesive, horizontal and vertical mix of uses described by the master plan as a whole.

A-10050 Bowman Property

Plans in the County identify future land use in order to set the vision for each area, to be delivered through a long-range plan. It is neither possible nor practical to re-zone all properties at the time a plan is adopted. The preferred, stated, zoning approach for the mixed use areas of the US 1 Corridor (including the subject property) was for individual applicants to apply for reclassification to the M-X-T Zone (see Subtitle 27, Part 3, Division 2, Subdivision 4 of the County Code), where rezoning and subsequent development proposals could be evaluated “based only on the concepts and guidelines contained in the text of” the Subregion 1 Master Plan and SMA, but also “comprehensively” and utilizing “flexible” review of site plans, so that the corridor develops “with the cohesive, horizontal and vertical mix of uses described by the master plan as a whole.” (page 159).

Pursuant to this policy, while the 2010 SMA rezoned 404.74 acres within Subregion 1 into the M-X-T Zone, no properties along US 1 were reclassified M-X-T.

Accordingly, the decision to retain the subject properties in the R-10 Zone was intentional, in keeping with the SMA’s policy supporting piecemeal, market-responsive (rather than comprehensive) mixed-use zoning along the US 1 Corridor, and not a mistake.

c: Long-range Agenda Notebook

Kipling Reynolds, AICP, Division Chief, Community Planning Division

April 22, 2019

MEMORANDUM

TO: Ras Cannady, Senior Planner, Subdivision Section, Development Review Division

FROM:  Benjamin Ryan, Principal Planning Technician, Special Projects Section, Countywide Planning Division

VIA:  Crystal Saunders Hancock, Acting Planning Supervisor, Special Projects Section, Countywide Planning Division

SUBJECT: **A-10050 Bowman Property**

Project Summary: This application is for the re-zoning of four lots from the R-10 and R-R zones to the C-S-C Zone.

Police Facilities

Ordinance: Section 24-122.01(c) and Section 24-122.01 (e)(1)(D)

Station/Location: Police District VI, Beltsville located at 4321 Sellman Road in Beltsville, Maryland.

Test: The U.S. Census Bureau population estimate for the county as of July 1, 2017, was 912,756. The national standard of 141 square feet per 1,000 residents requires 128,698 square feet of space for police.

Result: The current amount of space is 267,660 square feet and is within the guideline.

Fire and Rescue

Ordinance: Section 24-122.01(d) and Section 24-122.01 (e)

Station/Location: Beltsville Volunteer Fire/EMS Co. 818 located at 4911 Prince George's Avenue in Beltsville.

Test: Statement from the Fire/EMS Chief on adequacy of personnel and equipment.

Result: Applying the national standards, the property does pass the adequacy test because the total response time will not exceed five minutes to the location.

Capital Improvement Program (CIP)

Ordinance: N/A

Title: The Prince George's County FY 2019-2024 Approved CIP

Project: N/A

Estimated Completion: N/A

Result: There are no CIP projects for public safety facilities proposed near the subject site.

Schools

Ordinance/Resolution: Section 24-122.02 of the Subdivision Regulations and CR-23-2003

Result: The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and staff concluded that the commercial/retail portion of the subdivision is exempt from a review for schools because it is a nonresidential use.

Water and Sewerage Findings

Ordinance: Section 24-122.01(b)(j)

Category: Water Category 3, Community System. Sewer Category 4, Community System Adequate for Development Planning.

Result: The project is adequately served.

Cannady, Ras

From: Kwesi Woodroffe <kwoodroffe@sha.state.md.us>
Sent: Wednesday, April 03, 2019 8:47 AM
To: Cannady, Ras
Cc: PGReferrals
Subject: RE: A-10050; Bowman Property; SHA; KW

Good morning Ras,

I reviewed the subject referral and have no comments or objections.

Thanks, Kwesi

Kwesi Woodroffe

Maryland Department of Transportation
State Highway Administration
District 3 Access Management
Regional Engineer
9300 Kenilworth Avenue, Greenbelt, MD
301-513-7347
KWoodroffe@sha.state.md.us

From: ePlan <ePlan@ppd.mncppc.org>
Sent: Tuesday, April 2, 2019 3:38 PM
To: Henderson, Tamika <Tamika.Henderson@ppd.mncppc.org>; Franklin, Judith <Judith.Franklin@ppd.mncppc.org>; Hancock, Crystal <crystal.hancock@ppd.mncppc.org>; ljdillon@co.pg.md.us; McAlister, Karyn C. <KCMcAlister@co.pg.md.us>; Chuck Boyd <chuck.boyd@maryland.gov>; Kwesi Woodroffe <kwoodroffe@sha.state.md.us>; Peter Campanides <PCampanides@sha.state.md.us>; Erica Rigby <ERigby@sha.state.md.us>; Ryan, Benjamin <Benjamin.Ryan@ppd.mncppc.org>
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Subject: A-10050; Bowman Property

Hello all,

This is an EPlan referral for the subject zoning map amendment, this case has been accepted as of today, Tuesday, April 02, 2019. **SDRC is scheduled for April 19, 2019.** Click on the hyperlink below to review the case in the file (**Acceptance Documents**). Please submit all comments to the reviewer Ras Cannady II. Thank you.

Here is the dropbox link for your review:

https://www.dropbox.com/sh/dpqz2ouwvjp3xo/AADd_sUanG8RPyBVPT-O1RR3a?dl=0