

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 [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).

## Zoning Map Amendment

**A-10029**







Application	General Data	
<b>Project Name:</b> Santos, LLC  <b>Location:</b> The eastern terminus of Woodcliff Court, approximately 1,100 feet southeast of Annapolis Road.  <b>Applicant/Address:</b> Santos, LLC 5711 Woodcliff Road Bowie, MD 20715  <b>Property Owner:</b> Same as applicant	Planning Board Hearing Date:	02/14/13
	Staff Report Date:	01/29/13
	Date Accepted:	11/21/12
	Planning Board Action Limit:	N/A
	Plan Acreage:	7.88
	Zone:	R-R
	Gross Floor Area:	N/A
	Lots:	N/A
	Parcels:	1
	Planning Area:	71B
	Tier:	Developing
	Council District:	06
	Election District	07
Municipality:	Bowie	
200-Scale Base Map:	208NE12	

Purpose of Application	Notice Dates	
Rezone property from the R-R Zone to the C-M Zone.	Informational Mailing	10/18/12
	Acceptance Mailing:	11/13/12
	Sign Posting Deadline:	N/A

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Tom Lockard <b>Phone Number:</b> 301-952-3411 <b>E-mail:</b> Thomas.Lockard@ppd.mncppc.org	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
		<b>X</b>	



**SITE VICINITY  
MAP**

- Legend**
-  Site Boundary
  -  Property
  -  Building
  -  Bridge
  -  Pavement
  -  Railroad Line



The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Geographic Information System

Created: October 5, 2012




**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**


14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

January 29, 2013

**TECHNICAL STAFF REPORT:**

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

VIA: Jimi Jones, Zoning Supervisor, Development Review Division 

FROM: Tom Lockard, Planner Coordinator, Zoning Section, Development Review Division 

SUBJECT: **Zoning Map Amendment Application No. A-10029**  
**Santos. LLC**

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

RECOMMENDATION: **DENIAL**

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NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of February 14, 2013. 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 Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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## FINDINGS

- A. **Location and Field Inspection:** The subject 7.88-acre site is located at the eastern terminus of Woodcliff Court, approximately 1,100 feet southeast of Annapolis Road. The subject property consists of a tax parcel (Parcel 13, Map 46, Grid E-2) and is classified in the Rural Residential (R-R) Zone. It is undeveloped and predominantly wooded. A portion of the eastern boundary of the property abuts the Popes Creek railroad tracks and wetlands associated with the Collington Branch; the remainder surrounds a long, narrow parcel of land (Parcel 114) which, in turn, abuts the railroad tracks. A large stormwater management facility is located in the southwest corner of the site.
- B. **History:** The 2006 *Approved Plan Master Plan for Bowie and Vicinity and SMA for Planning Areas 71A, 71B & 74B* (Bowie Master Plan and SMA) classified the subject site in the R-R Zone. The property has not been the subject of any previous zoning or subdivision applications.

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

**2002 Prince George's County Approved General Plan**—This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

**2006 Approved Bowie and Vicinity Master Plan and Sectional Map Amendment**—The property is located in Planning Area 71B. The application does not conform to the Bowie Master Plan and SMA because it is not consistent with the residential low-density development recommendations of the plan.

Preliminary versions of the master plan and SMA recommended the rezoning of Parcel 13 from the R-R Zone to the Miscellaneous Commercial (C-M) Zone. The plan recommended the property be developed for a commercial use integrated with the existing commercial development along Woodcliff Road. It also recommended that a 100-foot buffer be provided between the C-M-zoned parcels and the existing Westview neighborhood to the south. The land use plan showed a striped land use pattern to indicate that this area was recommended to be part of a mixed-use activity center.

The District Council ultimately disagreed with the proposed zoning change and consequently retained Parcel 13 in the R-R Zone, excluding it from the West Bowie Village Mixed-Use Activity Center (County Council Resolution CR-1-2006, Amendment 8). The Council specifically addressed their reasoning for the change as being to:

**Protect the quality of life in the Westview Forest residential neighborhood by limiting commercial development in that portion of West Bowie Village located in the southwestern quadrant of old MD 450 and the Pope's Creek railroad tracks.**  
(Master Plan, p.26)

The master plan and SMA did place Parcel 5 (to the north) and Parcel 114 (to the east) within the West Bowie Village Mixed-Use Activity Center and rezoned those two properties to the C-M Zone.

- D. **Request:** The applicant is requesting rezoning of the subject property from the R-R Zone to the Miscellaneous Commercial (C-M) Zone.

E. **Neighborhood and Surrounding Uses:**

The subject property is located in a neighborhood defined by the following boundaries:

- North— Old Annapolis Road
- East— Popes Creek railroad tracks
- South— Westview Forest Drive
- West— Church Road

The applicant's proposed neighborhood boundaries are more confined, ending at the residential subdivisions to the west and the south. While staff recognizes that those two subdivisions were not within the confines of the master plan's West Bowie Village, the same can be said of the subject property as well. Considering it was the site's proximity to the residential subdivision to the south which led the District Council to retain it in a residential zone, it is appropriate to include the surrounding residential area in the subject neighborhood. The neighborhood contains a mix of uses with the commercial uses along Woodcliff Road and Woodcliff Court being the core, surrounded by single-family residences to the south and west.

The property is surrounded by the following uses:

- North— An undeveloped parcel (Parcel 5) in the C-M Zone.
- East— The Popes Creek railroad tracks, Collington Branch, and an undeveloped parcel (Parcel 114) in the C-M Zone.
- South— Single-family residences in the R-R Zone.
- West— A commercial park consisting of two-story buildings housing a variety of uses in the C-M Zone.

F. **Zoning Requirements:** Section 27-157(a)(1) of the Zoning Ordinance provides that no application shall be granted without the applicant proving that either:

- (A) **There has been a substantial change in the character of the neighborhood; or**
- (B) **Either**
  - (i) **There was a mistake in the original zoning for property which has never been the subject of an adopted Sectional Map Amendment, or**
  - (ii) **There was a mistake in the current Sectional Map Amendment.**

## **Applicant's Position**

**Change:** The applicant does not put forth an argument of change to the character of the neighborhood.

**Mistake:** The applicant contends that retaining the subject property in the R-R Zone in the 2006 Bowie Master Plan and SMA was a mistake. Their contention is that the assumptions or premises relied upon by the District Council at the time of the master plan and SMA were invalid or have proven erroneous over time. The applicant points to two distinct mistakes.

1. The District Council, by retaining the subject property in the R-R Zone, failed to recognize that they were precluding the development of Parcel 114, since subdivision regulations do not permit a private street or easement across residential land (the subject property) to serve commercial development (on Parcel 114).
2. The District Council, by retaining the site in the R-R Zone, failed to recognize that they were creating an inhospitable development scenario whereby single-family residences would be located between an intensive commercial area (to the west) and the railroad tracks (to the east). Although the master plan recommends that the West Bowie Village area be developed in a mix of uses including residential, retail, office, and recreation, it is unreasonable to think that the "New Urbanism" model envisioned by the plan would be implemented in any foreseeable future given that the commercial buildings to the northwest are only three to seven years in age.

## **Staff's Analysis**

**Change:** Regardless of which neighborhood is considered (the applicant's or staff's); there has been no substantial change to its character since the last comprehensive zoning of the area in 2006.

**Mistake:** Staff points out that there is a strong presumption of validity accorded a comprehensive rezoning. The presumption is that, at the time of its adoption of the comprehensive rezoning, the District Council considered all of the relevant facts and circumstances then existing concerning the subject property. Mistake or error can be shown in one of two ways:

1. A showing that, at the time of the comprehensive rezoning, the District Council failed to take into account then existing facts or reasonably foreseeable projects or trends; or
2. A showing that events that have occurred since the comprehensive zoning have proven that the District Council's initial premises were incorrect.

The Bowie Master Plan and SMA recommends residential development for the subject property. The master plan and SMA which was transmitted to the District Council recommended commercial uses as part of a mixed-use center in the West Bowie Village. When the District Council approved the master plan, it contained specific reasoning for their decision to retain the residential zoning. In short, the District Council considered commercial uses for the site and concluded that commercial uses at this location were inappropriate because of the residential character of the surrounding properties.

The applicant's first argument, that the District Council erred by failing to recognize they were precluding the development of Parcel 114 is not persuasive. The master plan and SMA process is

not designed to provide an assurance of access to every piece of property within the study area. That is a function of the subdivision process. There is currently no access easement or right-of-way secured across the subject property to serve Parcel 114. The applicant presumes that the only possible access to Parcel 114 would be a private street or easement across the subject property. Staff can just as easily presume that if and when the subject property is subdivided for development, the resulting lot(s) will be served via an extension of Woodcliff Court, a public street. This same public street could also provide access to Parcel 114, since there is no preclusion from doing so, further presuming that access would be allowed across the wetlands along the eastern portion of the site.

Regarding the applicant's second argument (i.e., that the District Council failed to recognize the inhospitable environment for residences that would be created), staff fails to find mistake in the comprehensive rezoning. The District Council chose to follow the recommendation of the master plan and restrict new commercial development because of concerns with potential impacts on the residences to the south. The applicant correctly points out that the Council could have retained a portion of the site in the residential zone and rezoned the remainder to commercial. However, they chose to retain the entirety of the site in the R-R Zone. The applicant also presumes that only single-family residences would be built on the subject property. A review of the table of uses for the residential zones reveals that literally dozens of nonresidential uses are permitted in that zone, either by right or by special exception. Again, staff can easily presume that some of those uses would be appropriate for this location.

G. **Conformance with the Purposes of the C-M Zone:** The purposes of the C-M Zone are contained in Section 27-454(a)(1) of the Zoning Ordinance and are as follows:

- (A) **To provide locations for miscellaneous commercial uses which may be disruptive to the harmonious development, compactness, and homogeneity of retail shopping areas;**
- (B) **To provide these locations, where possible, on nonresidential streets; and**
- (C) **To provide concentrations of these uses which are relatively far apart.**

If the proposed rezoning were approved, the subject property would conform to most of the above purposes. However, a condition of approval would need to be added to require the applicant to file a detailed site plan application to ensure compatibility with the surrounding residential development to the south, including the provision of a 100-foot bufferyard.

H. **City of Bowie:** The City of Bowie is in support of this application. The subject property was among the parcels included in a 2011 City annexation that encompassed over 123 acres. Prior to the annexation, the City entered into an agreement with numerous property owners in the Woodcliff Road area including the applicant. The recorded Annexation Agreement (Liber 32205, Folio 513) expressly addresses the Santos property specifically:

- F. **The City represents that it favors the rezoning of the Santos Property from the R-R Zone to the C-M Zone either through a piecemeal rezoning application by Santos LLC of said property or rezoning through a future sectional map amendment. The City consent in this subparagraph is limited to five 5 years or until the initiation of the next Bowie and Vicinity Master Plan and Sectional Map Amendment, whichever is the last to occur.**

## CONCLUSION

The 2006 *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment* recommends residential, low-density land uses for the subject property. The sectional map amendment, relying on the recommendation, retained the site in the R-R Zone. This is not a case where we must question whether the applicant's property was overlooked during the comprehensive rezoning. The District Council specifically considered this site for commercial uses as part of a mixed-use center, but ultimately chose to retain the residential zoning due to the character of the surrounding neighborhood to the south. That is their prerogative. Staff, finding neither substantial change to the character of the neighborhood or mistake in the comprehensive rezoning, recommends DENIAL of Zoning Map Amendment No. A-10029.



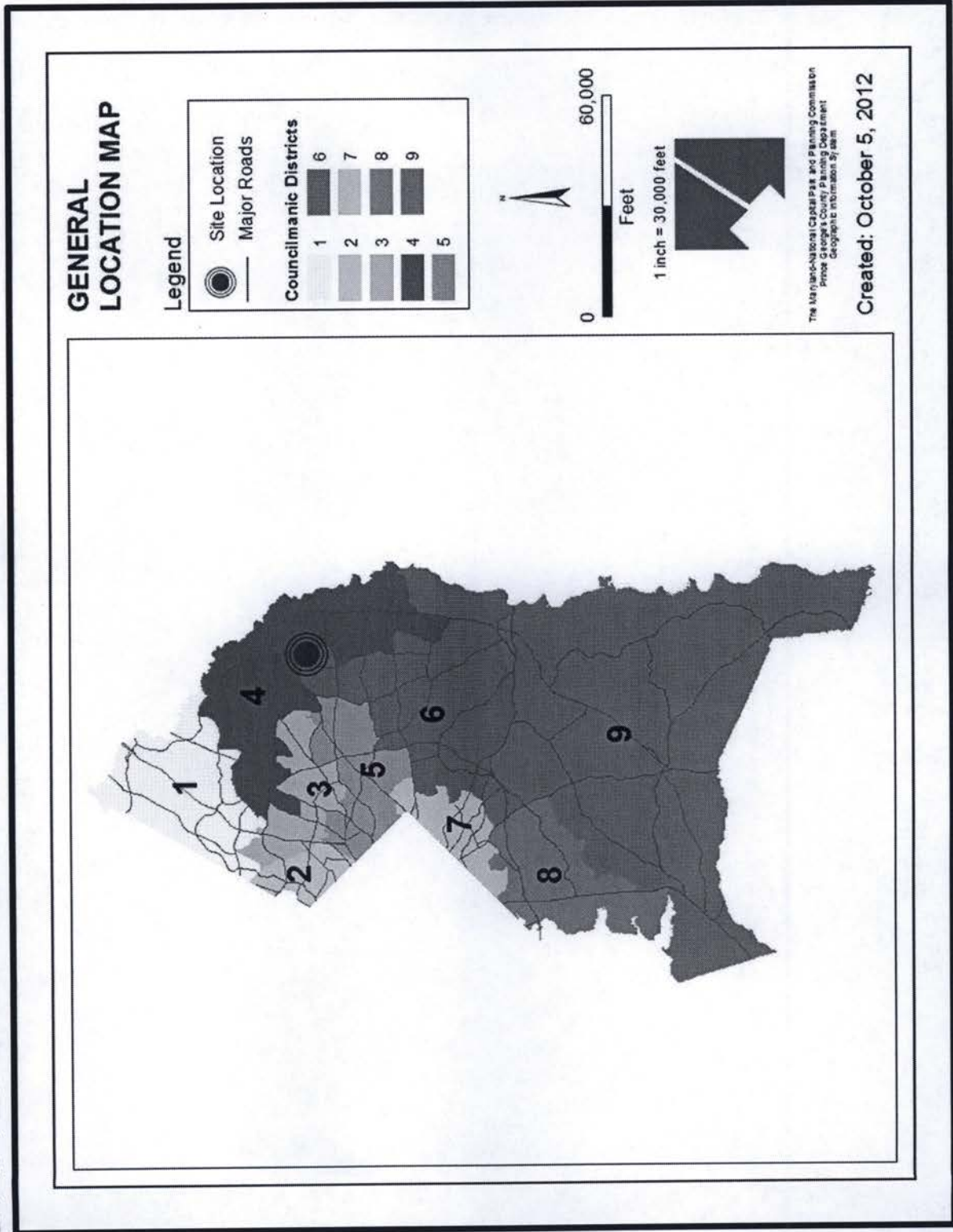
**ITEM:**

**CASE: A-10029**

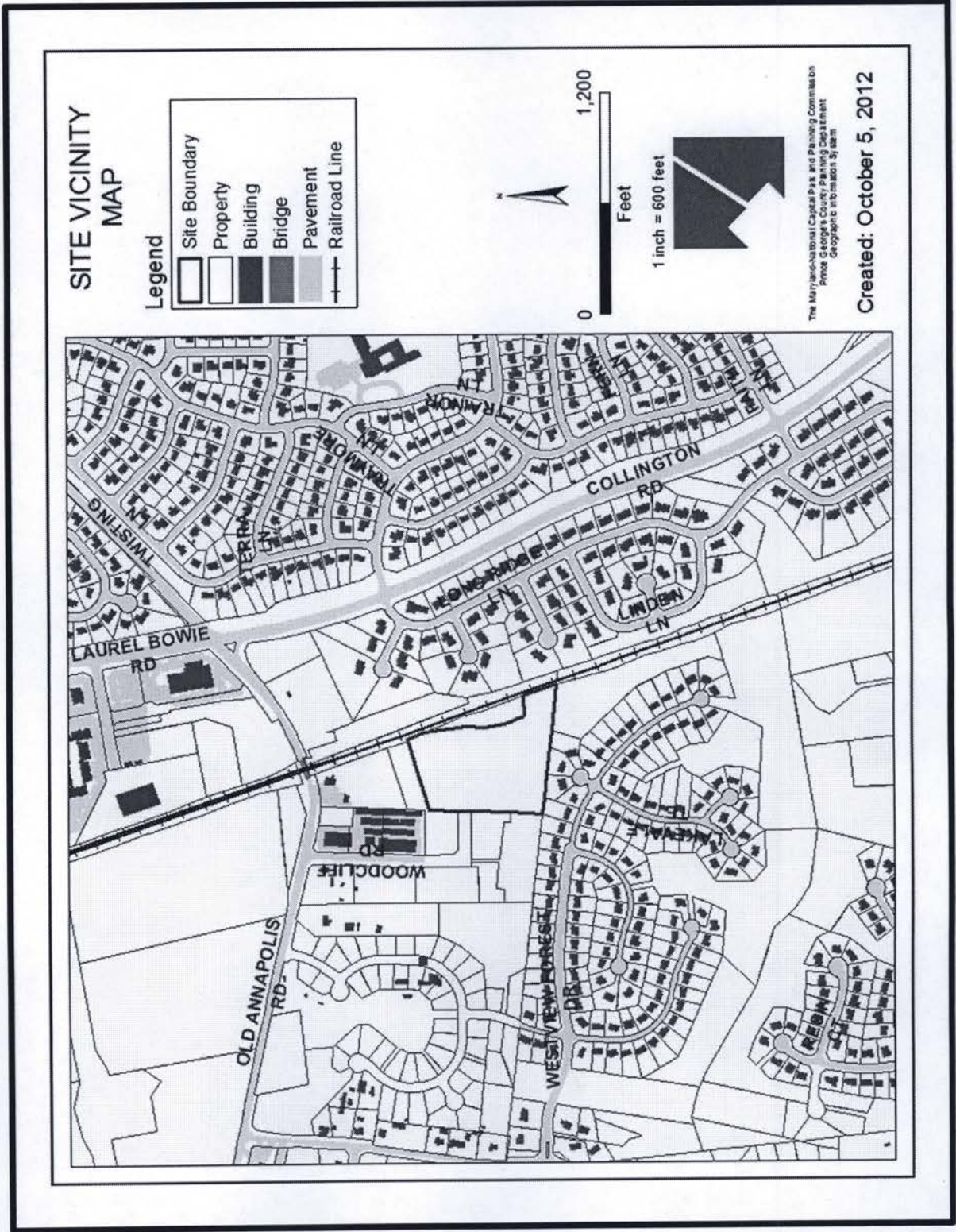
# **SANTOS PROPERTY**



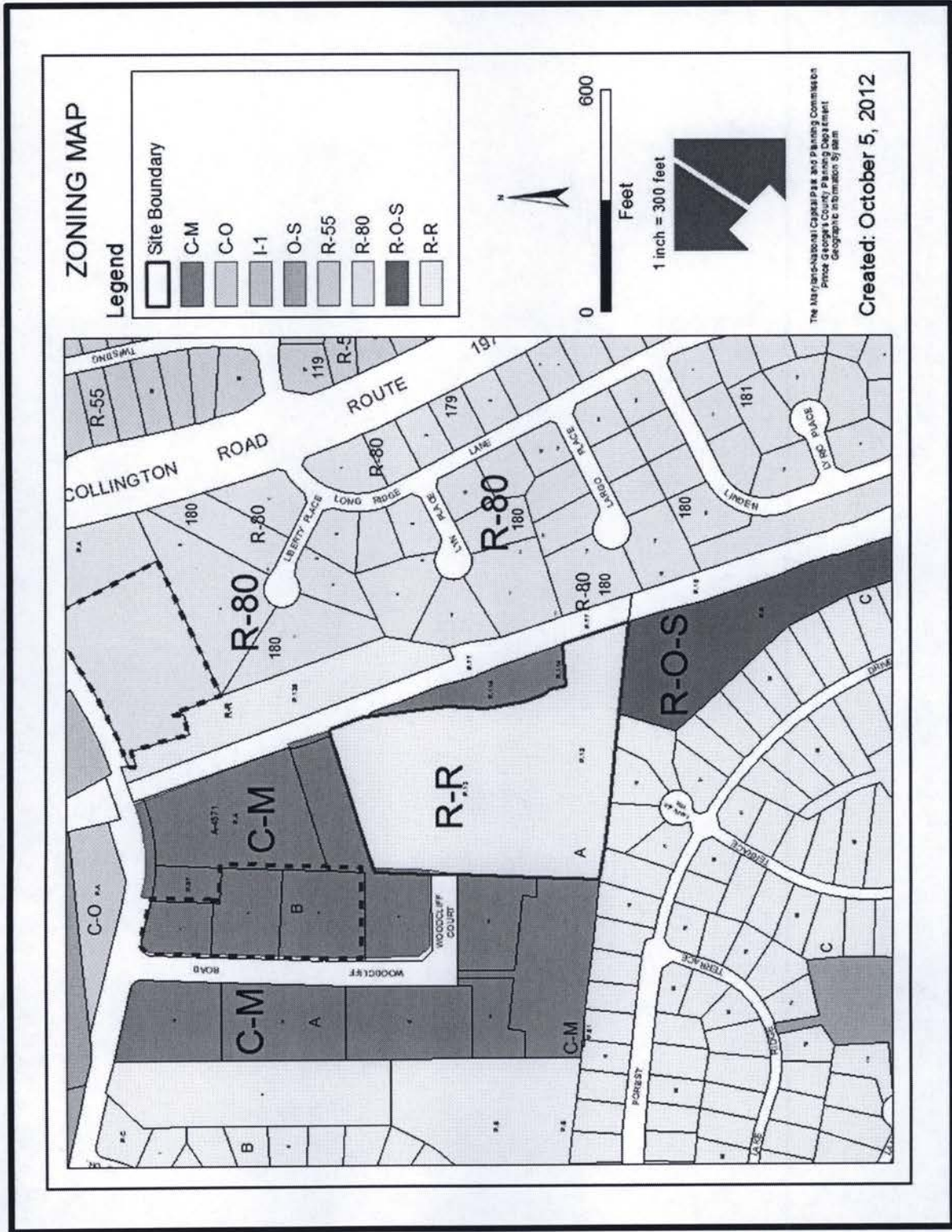
# GENERAL LOCATION MAP



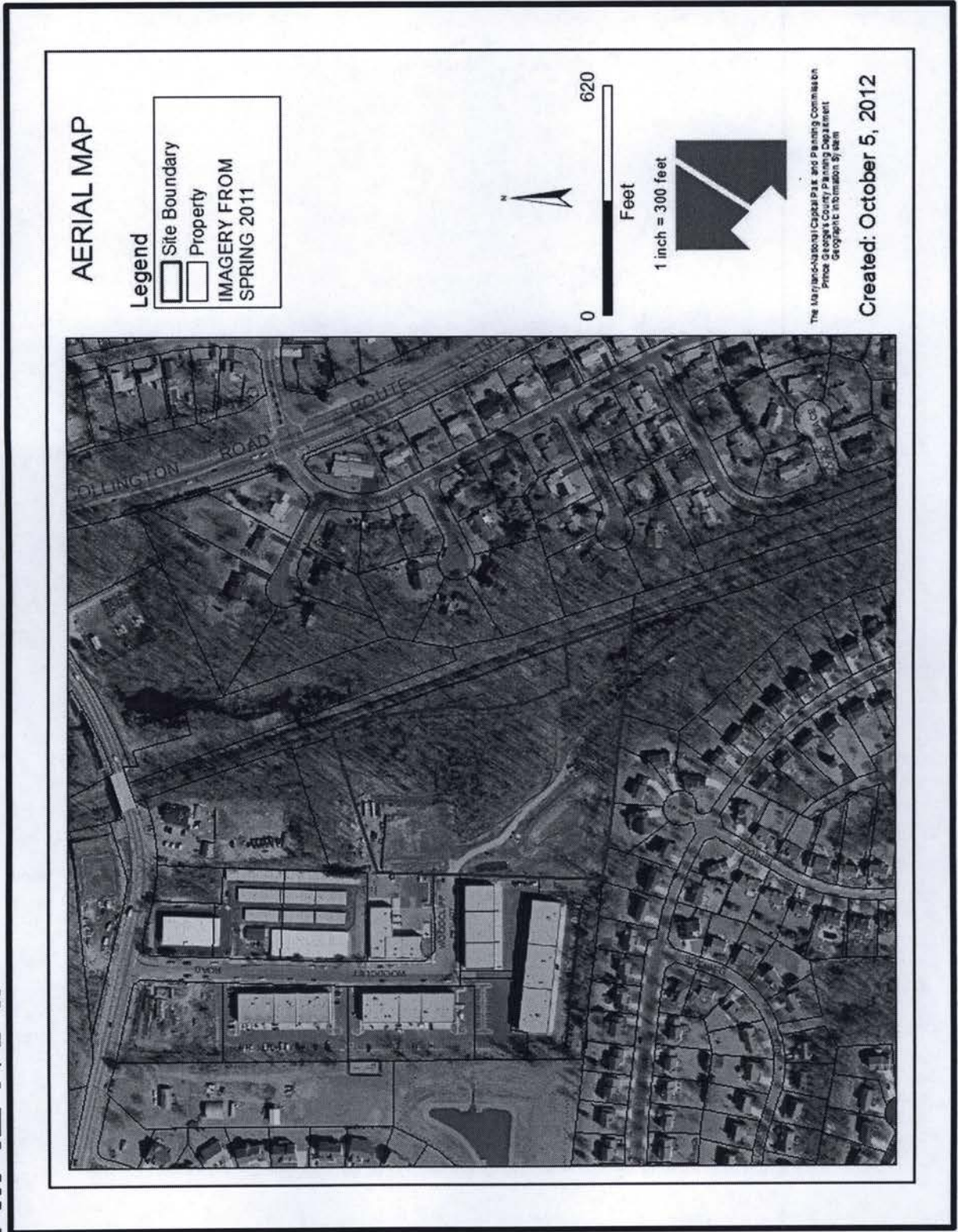
# SITE VICINITY



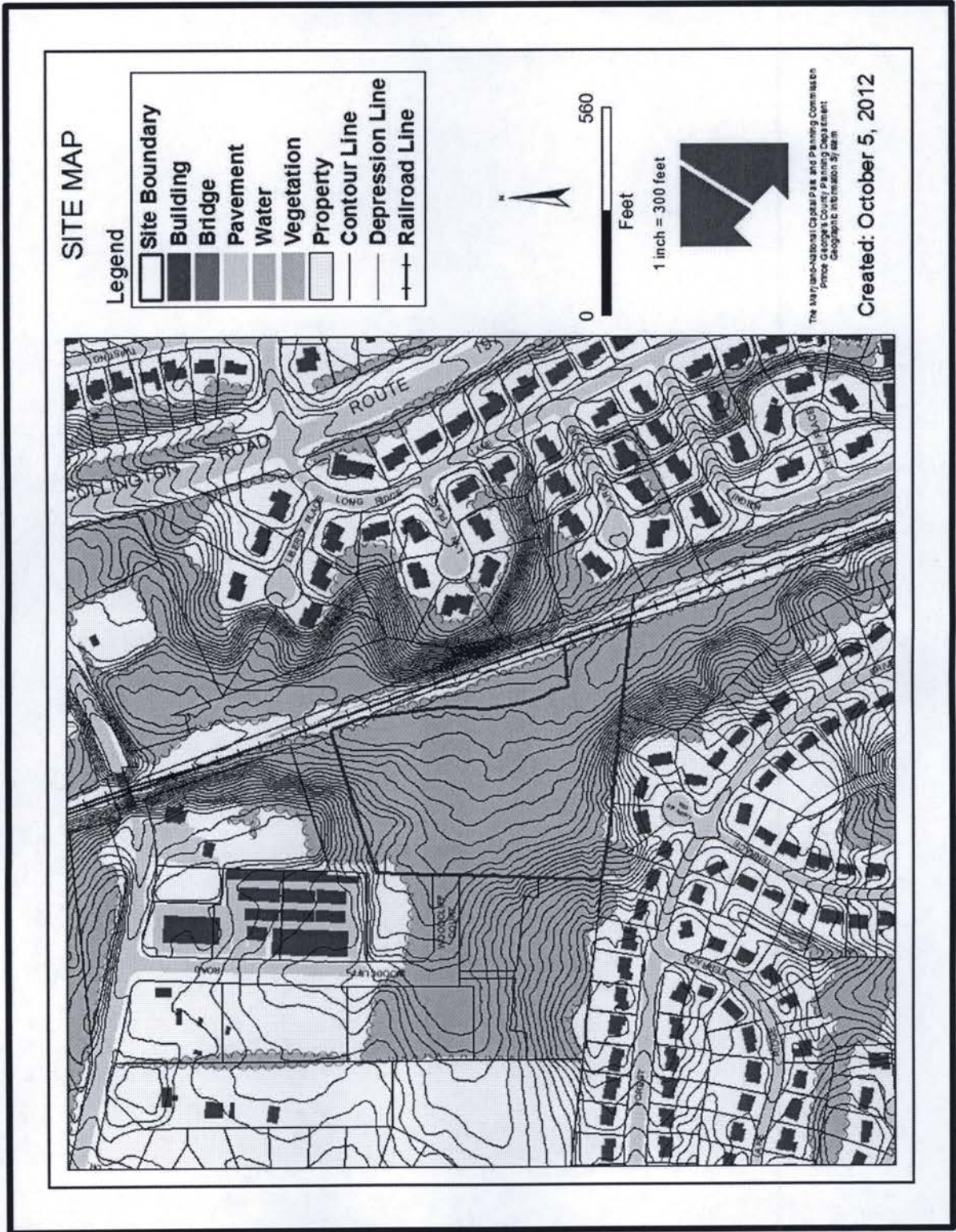
# ZONING MAP



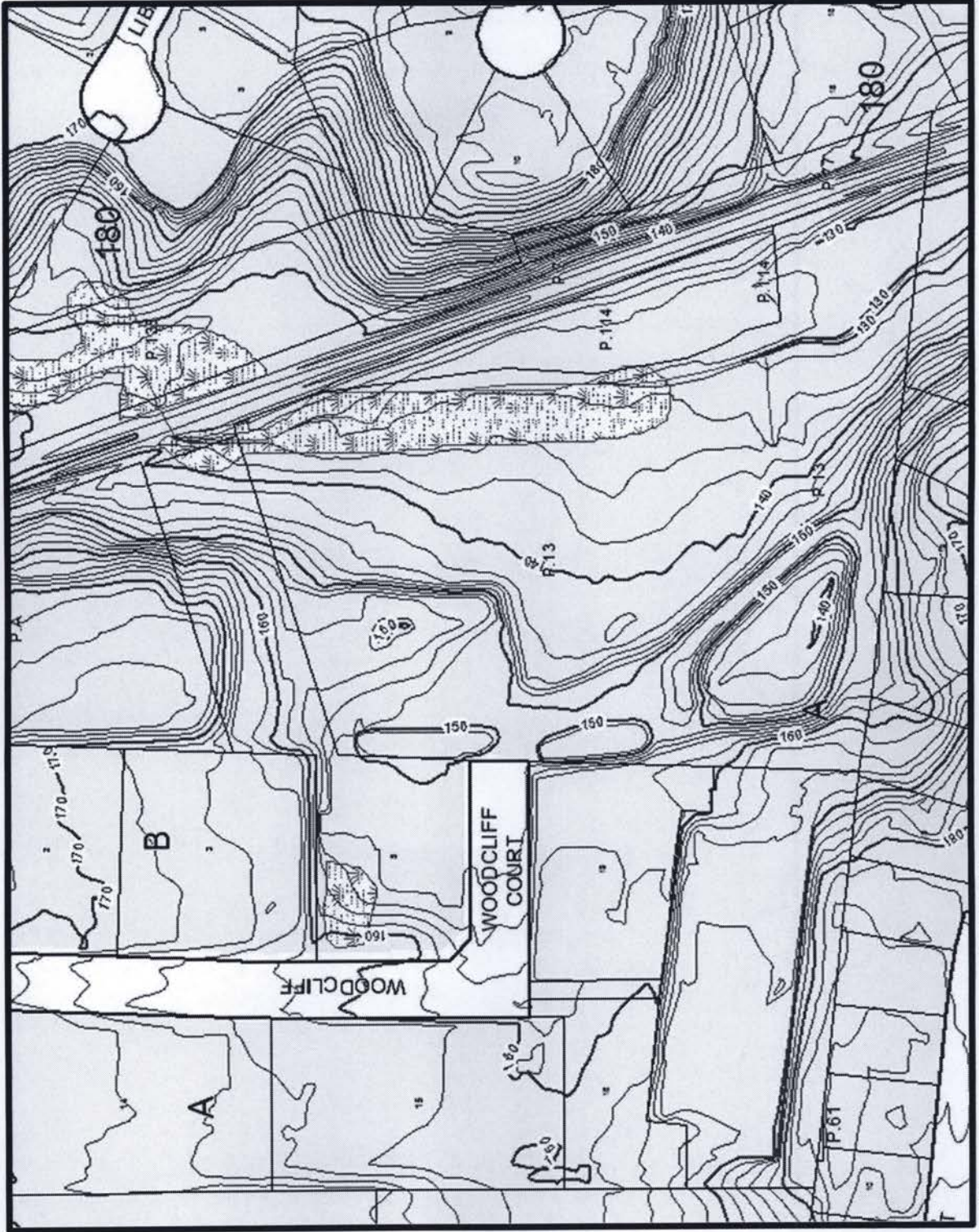
# AERIAL MAP



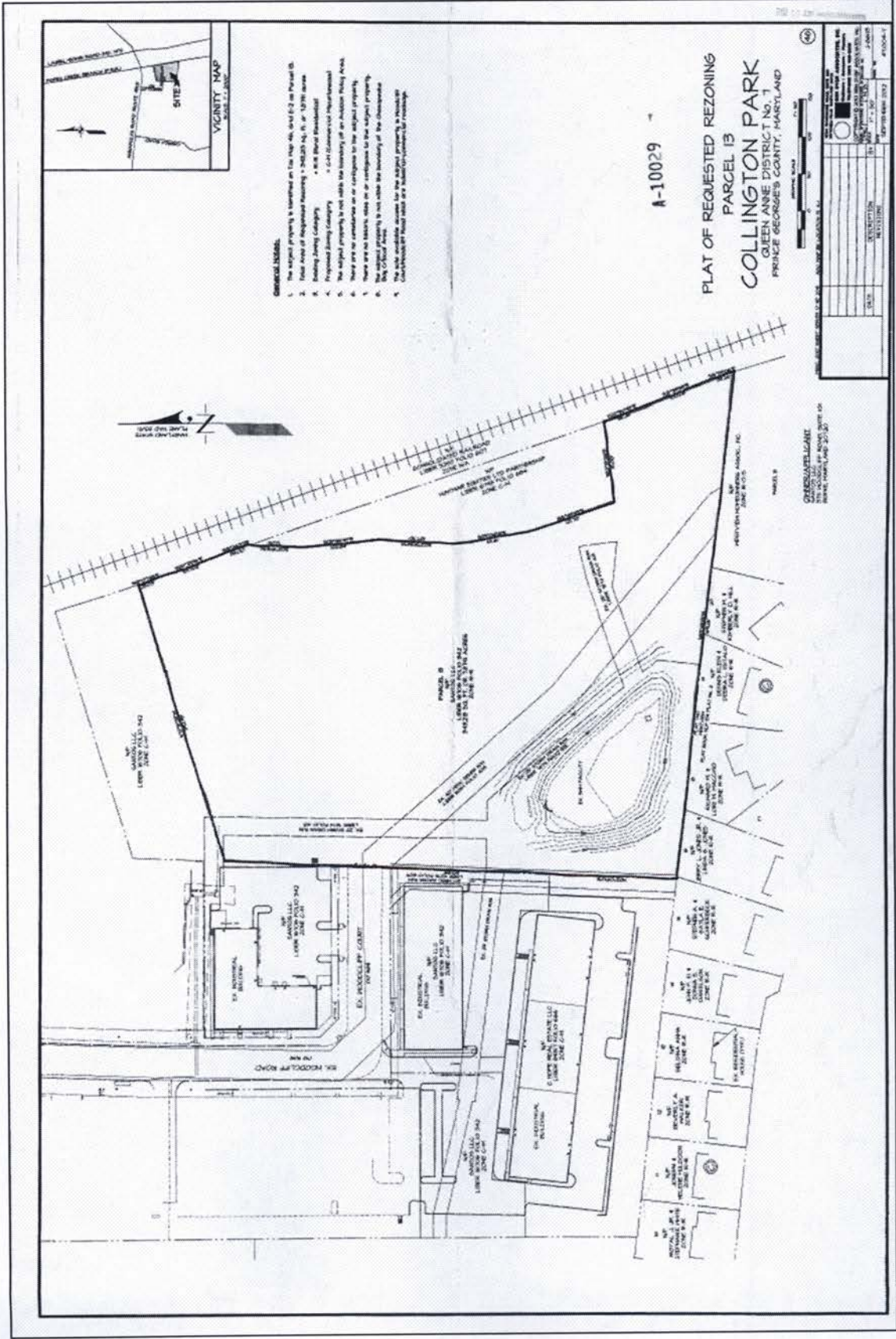
# SITE MAP



# ENVIRONMENTAL CONSTRAINTS



SITE PLAN





A-10029

STATEMENT OF JUSTIFICATION



OWNER/APPLICANT: Santos, LLC  
5711 Woodcliff Road, Suite 101  
Bowie, Maryland 20720

CORRESPONDENT Daniel F. Lynch  
McNamee Hosea  
6411 Ivy Lane, Suite 200  
Greenbelt, Maryland 20770  
301-441-2420 (P)  
301-982-9450 (F)  
[dlynch@mhlawyers.com](mailto:dlynch@mhlawyers.com)

REQUEST Application for Zoning Map Amendment pursuant to Sections 27-143 and 27-157(a) of the Prince George's County Code to rezone the subject property from the R-R (Rural Residential) Zone to the C-M Zone.

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I. DESCRIPTION OF PROPERTY

1. Address – 14217 Woodcliff Court, Bowie, Maryland 20715
2. Location – Located at the terminus of Woodcliff Court in Bowie, Maryland
3. Incorporated Area – Bowie
4. Councilmanic District – 9
5. Lot – Parcel 13
6. Total Area to be rezoned – 7.88+/- acres
7. Tax Map/Grid – 46/E2
8. Current Zoning – R-R (Rural Residential)
9. Owner – Santos, LLC
10. Zoning Map – 208NE12
11. Master Plan & SMA – 2006 Master Plan and Sectional for Bowie and Vicinity.

## 12. General Plan – Developing Tier

II. APPLICANT'S PROPOSAL

The applicant proposes a Zoning Map Amendment pursuant to Section 27-143 and 27-157 of the Prince George's County Code from the R-R Zone to the C-M Zone. The subject property consists of approximately 7.88 acres located at the terminus of Woodcliff Court in Bowie, Maryland. The applicant requests that the subject property be rezoned on the basis that a mistake was made when the property was retained in the R-R Zone at the time of the 2006 *Master Plan and Sectional Map Amendment for Bowie and Vicinity*.

III. COMMUNITY

The applicant defines the "neighborhood" as follows:

- (1) To the north: Old Annapolis Road
- (2) To the east: Popes Creek Branch – Pennsylvania Railroad
- (3) To the south: Forest Drive and the Westview Forest Subdivision
- (4) To the west: Spring Meadows Subdivision

This delineation of the neighborhood is consistent with the jurisprudence of this State, as it is now axiomatic that the area constituting the neighborhood of a subject property will depend upon the facts and circumstances of each case. See Sedney v. Lloyd, 44 Md. App. 633, 639 (1980).

IV. ZONING MAP AMENDMENT

Section 27-157 of the Zoning Ordinance sets forth the criteria for approval of a zoning map amendment in conventional/Euclidean zones.

A. Criteria for Approval**Sec. 27-157. Map Amendment Approval.**

- (1) No application shall be granted without the applicant proving that either:
  - (A) There has been a substantial change in the character of the neighborhood; or

A-10029

(B) Either:

- (i) There was a mistake in the original zoning for property which has never been the subject of an adopted Sectional Map Amendment: or
- (ii) There was a mistake in the current Sectional Map Amendment.

B. Compliance

(i) Mistake

Mistake or error can be shown in one of two ways: (a) a showing that at the time of the comprehensive rezoning, the District Council failed to take into account then existing facts or reasonably foreseeable projects or trends; or (b) a showing that events have occurred since the comprehensive zoning that have proven that the District Council's initial premises were incorrect.

The subject property is located in the "West Bowie Village." (See Master Plan at p.23.) *The Preliminary Master Plan and Sectional Map Amendment for Bowie and Vicinity* (the "Preliminary Master Plan") recommended the rezoning of the Subject Property to the C-M Zone which is consistent with those properties located to the north and the west of the Subject Property. The Preliminary Master Plan also recommended the rezoning of the adjacent property, Parcel 114, to the C-M Zone. (See Preliminary Master Plan at p. 94). Prior to the approval of the Master Plan, it was amended to state: "Protect the quality of life in the Westview Forest residential neighborhood by limiting commercial development in that portion of West Bowie Village located in the southwestern quadrant of old MD 450 and the Pope's Creek railroad tracks." (Master Plan at p.26.). Upon the approval of the Master Plan, the Subject Property was retained in the R-R Zone and Parcel 114 was rezoned to the C-M Zone.

The District Council's actions relative to the Subject Property as well as Parcel 114 was clearly in error in that in failing to rezone the Subject Property to a commercial zone, it created a land locked property. Parcel 114 does not have frontage on a street or right-of-way and since it is adjacent to the Pope's Creek railroad tracks, the only possible access to Parcel 114 is through the Subject Property via a private road or easement. However, such access is prohibited under the Subdivision Regulations. Specifically, Section 24-128(d)(3) states "No private right-of-way or easement across land in a Residential Zone shall be deemed adequate access to serve any development other than a one-family detached dwelling, and structures accessory thereto, including a detached garage, or a nonprofit group residential facility where the private right-of-way or easement is owned by a government entity." If the District Council anticipated the development of Parcel 114 with a one-family detached dwelling, it would have retained that property in the R-R- Zone. However, given Parcel 114's proximity to the Pope's Creek rail road tracks, it is highly unlikely that District Council intend the property to be developed with anything but a commercial or industrial use. Therefore, the District Council erred in retaining the Subject Property to the R-R Zone since that action precluded the development of Parcel 114,

which would have been a confiscatory action.

Furthermore, as noted on page 26 of the Master Plan, the District Council retained the Subject Property in the R-R Zone for the sole purpose of "Protecting the quality of life in the Westview Forest neighborhood by limiting commercial development." The intent of the District Council was to "limit" commercial development, not prohibit commercial development. This could have been accomplished by rezoning a portion of the Subject Property and retaining that portion adjacent to Westview in the R-R Zone. Such an action would have been consistent with the rezoning of Parcel 114 since it would have allowed that parcel access.

In addition, the Master Plan emphasizes that the vision or direction it takes from a city land planning perspective in making its recommendations for the West Bowie Village area are based on the "New Urbanism" movement. This movement recognizes the prevalent problem of suburban sprawl and the breakdown of the community and instead encourages convenience, walkability, aesthetics, livability, and ecological integrity in a city plan." In keeping with the ideals of the New Urbanism movement, the Master Plan in its discussion of the Vision, Goals, Strategies, and Policies for the West Bowie Village, makes repeated references to creating a "pedestrian-friendly community environment enhanced by a mix of residential, commercial, recreational, employment, and institutional uses, closely integrated with open space." (see pp. 25-26)

Closer inspection of the subject property's immediate neighborhood reveals an environment that is quite different from the principles envisioned by the Master Plan. Of the ten properties that either front on Woodcliff Court or Woodcliff Road, three near the corner of Woodcliff Road and Old Annapolis Road are improved with a 1989 vintage mini-storage/warehouse complex. Six of the remaining lots are improved with recently constructed two-story commercial office style buildings ranging in age from three (3) to seven (7) years (i.e., constructed between 2005 and 2009). Based on the recent dates of construction for these commercial buildings, and their projected economic life of between 30 to 50 years, we estimate there is minimal likelihood that these existing commercial properties will be redeveloped well into the foreseeable future.

Therefore, if the Subject Property to remain residential and be developed according to its R-R zoning with single-family homes, future residents homes would be within/at the rear of a contemporary commercial office park. Instead of being located within a "pedestrian-oriented neighborhood in a village setting" envisioned by the Master Plan, they would be part of a densely developed minimally landscaped community oriented towards commercial activities, parking lots, delivery trucks, and higher traffic volumes. Forcing future residents to live in such an environment a situation is clearly a mistake and contrary to those planning principles proposed for the West Bowie Village neighborhood within the Master Plan.

Finally, on the question of mistake, the Appellate Courts of this State have held that when the assumption upon which a particular use is predicted proves, with the passage of time, to be erroneous, this is sufficient to authorize a rezoning. White v. Board of Appeals, 219 Md. 136, 148 A.2d 420 (1959); Mayor and Council of Rockville v. Stone, 271 Md. 655, 319 A.2d 536

A-10029

(1974). In this case, the Council retained the Subject Property in the R-R Zone, but by so doing it precluded development on Parcel 114. Clearly, that action is erroneous and clearly that action constitutes a "mistake."

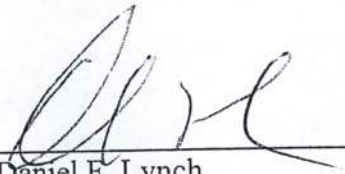
V. Conclusion

For the foregoing reasons, the applicant contends that a mistake occurred at the time of the enactment of the *2006 Master Plan and Sectional Map Amendment for Bowie and Vicinity*. The applicant respectfully submits that the most appropriate zoning classification for the subject property is the C-M Zone.

Respectfully submitted,

McNAMEE HOSEA

By:

  
Daniel F. Lynch

Prince George's County Planning Department  
Community Planning Division

301-952-4225  
www.mncppc.org

January 16, 2013

MEMORANDUM

TO: Tom Lockard, AICP, Zoning Section, Development Review Division  
VIA: Cynthia Fenton, Acting Supervisor, Community Planning Division  
FROM: Judy D'Ambrosi, Senior Planner, Community Planning Division  
SUBJECT: **Santos, LLC (A-10029)**

**DETERMINATION**

**General Plan:** This application is consistent with the 2002 *General Plan* development pattern policies for the Developing Tier and does not violate the General Plan's growth goals for the year 2025 based upon a review of the Prince George's County's current General Plan Growth Policy Update.

**Master Plan:** The application does not conform with the residential-low density development land use policies of the 2006 *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment*.

**BACKGROUND**

Location: Located at the terminus of Woodcliff Court, approximately 1,100 feet south of Old Annapolis Road.

Size: 7.88 ± acres

Existing Uses: Stormwater management facility

Proposal: The applicant is requesting that the property (Parcel 13) be rezoned to the C-M Zone on the basis that a mistake was made at the time of approval of the *2006 Approved Bowie and Vicinity Master Plan and Sectional Map Amendment* when the R-R zoning was retained.

**GENERAL PLAN, MASTER PLAN AND SMA**

- 2002 General Plan: This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low-to moderate density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.
- Master Plan: The 2006 *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment*.
- Planning Area: 71B
- Land Use: The master plan recommends residential low-development.
- Environmental: Refer to the Environmental Planning Section referral for conformance with the environmental chapter of the 2006 *Approved Bowie and Vicinity Master Plan* and the *Countywide Green Infrastructure Plan*.
- Historic Resources: None identified
- Transportation: Access is provided by Woodcliff Road, which is undesignated in the Master Plan of Transportation.
- Public Facilities: None identified
- Parks & Trails: None identified
- SMA/Zoning: The 2006 Bowie and Vicinity Sectional Map Amendment retained the property within the R-R Zone.

**PLANNING COMMENTS**

There are no General Plan issues, however, there is a Master Plan issue. The application does not conform to the 2006 *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment* because it is not consistent with the residential-low density development recommendations of the plan

Staff notes the Adopted Plan recommended the rezoning of Parcel 13 from the R-R Zone to the C-M Zone. That plan recommended the property be developed for a commercial use integrated with the existing commercial development along Woodcliff Road. It also recommended that a 100-foot buffer be provided between the C-M zoned parcels and the existing Westview neighborhood to the south. The land use plan showed a striped land use pattern to indicate that this area was recommended to be part of a mixed- use activity center.

**A-10029, Santos Property**

January 16, 2012

Page 3

The District Council in approving the 2006 *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment* retained the R-R Zone on Parcel 13 and excluded it from part of the West Bowie Village Mixed-Use Activity Center. The plan did rezone Parcel 5 (adjacent to Parcel 13 to the north) and Parcel 114 (adjacent to Parcel 13 to the west) to the C-M Zone and placed them within the West Bowie Village Mixed-Use Activity Center. These actions created a problematic situation regarding access.

Parcel 114 does not have frontage on a street or right-of-way and is adjacent to the Pope's Creek railroad tracks. The only access to Parcel 114 is through Parcel 13 via a private road or easement. The result of retaining the R-R Zone on Parcel 13, and rezoning Parcel 114 the C-M Zone has created a situation whereby access to Parcel 114 is prohibited by the Subdivision Regulations.

Should the rezoning be approved staff recommends that a 100 foot landscape buffer be provided consistent with those provided on the adjacent C-M parcels abutting the Westview Forest Subdivision.

c: Ivy Lewis, Chief, Community Planning Division  
Long Range Agenda Notebook

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January 18, 2013

MEMORANDUM

TO: Tom Lockard, Zoning Section  
VIA: Whitney Chellis, Subdivision Section  
FROM: Quynn Nguyen, Subdivision Section  
SUBJECT: Referral for Santos, LLC, A-10029

The property is known as Parcel 13 and is located on Tax Map 46, in Grid E-2. The property is 7.879 acres and in the R-R (Rural Residential) Zone. The property survey submitted with this application shows the property boundaries as reflected on the current tax map. Parcel 13 is a legal acreage parcel never having been the subject of a preliminary plan of subdivision. The applicant has submitted an application for a Zoning Map Amendment to change the subject property from R-R (Rural Residential) Zone to C-M (Commercial Miscellaneous) Zone. The statement of justification does not indicate any proposed development on subject property. If the applicant proposes a development of more than 5,000 square feet of gross floor area on Parcel 13 then pursuant to Section 24-107(c) of the Subdivision Regulations, a preliminary plan of subdivision (PPS) is required for the subject property.

The subject property is in water and sewer Category 5, Future Community System. Pursuant to Section 24-122.01(b)(1) the location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for the preliminary plan approval. Parcel 13 must obtain a water and sewer Category 4 (Community System Adequate for Development Planning) through the legislative process to amend the service area of the Ten Year Water Sewerage Plan prior to approval of the PPS. There are no other subdivision issues at this time.

January 9, 2012

**MEMORANDUM**

TO: Tom Lockard, Planner Coordinator, Zoning Section

VIA: Ruth Grover, Planner Coordinator, Urban Design Section

FROM: Jill Kosack, Senior Planner, Urban Design Section

SUBJECT: A-10029 Santos, LLC

The Urban Design Section has reviewed the proposed rezoning application for this property. The subject property, currently vacant and wooded except for a stormwater management pond, consists of 7.88 acres of land, is zoned Rural Residential (R-R), and is located at the terminus of Woodcliff Court, approximately 1,100 feet south of its intersection with Annapolis Road (MD 450). The proposal is to rezone the entire property to Commercial Miscellaneous (C-M). The property is surrounded by a vacant C-M-zoned parcel to the north; the right-of-way of Woodcliff Court and C-M zoned properties developed with small commercial/industrial style-buildings to the west; a single, vacant, C-M-zoned parcel, Parcel 114, and a railroad right-of-way to the east with single-family detached homes in the R-80 Zone beyond; and to the south by single-family detached residential homes, specifically the Westview subdivision, in the R-R zone. The applicable sectional map amendment, the 2006 *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity*, retained the site in the R-R zone. The applicant indicated that the original *Preliminary Master Plan and Sectional Map Amendment for Bowie and Vicinity* recommended rezoning the subject property to C-M, along with the adjacent parcels to the north and east. However, in the final approval the subject property was not rezoned.

Though no illustrative materials, showing conceptual site development, were submitted with this application for review, access to the site would have to be from the existing Woodcliff Court. The applicant stated that the retention of the subject property in a residential zone has created an awkward situation as the access would be via Woodcliff Court, an industrial/commercial right-of-way, and that access to the C-M-zoned Parcel 114 to the east, would not be possible as access to commercial uses cannot be provided across land in a residential zone, per Section 27-128(d)(3).

The Urban Design Section would suggest that, due to the adjacency of single-family residential properties to the south, special attention should be paid to the layout, signage, and landscaping of any commercial or industrial development on the site. If the proposal for rezoning were approved, a commercial project on the property would be subject to certain sections of the *Prince George's County Landscape Manual* (Landscape Manual). These include Section 4.2 Requirements for Landscape Strips along Streets, Section 4.3 Parking Lot Requirements, Section 4.4 Screening Requirements, Section 4.5, Stormwater Management Facilities, Section 4.7, Buffering Incompatible Uses, and Section 4.9 Sustainable Landscaping Requirements, which would help in mitigating general visual impacts of any proposed use

on the adjacent residential uses. However, staff recommends additional zoning conditions be included to help mitigate all types of visual and noise impacts a commercial or industrial development may have on the nearby residential land uses. The proposed development's arrangement along the southern property line should create an appropriate interface with the adjacent residential properties, including the following:

- Signage for commercial and/or industrial uses should not be visible from adjacent residential land uses.
- Any on-site lighting should be designed to use full cut-off optics to ensure minimum light spillover on adjacent residential properties.
- Noise impacts of a proposed commercial/industrial use, from things such as truck traffic and machinery operation, on adjacent residential uses should be evaluated and minimized or limited.

In addition, we would recommend a larger building setback and extensive landscaping and berming, beyond what is required by the Landscape Manual, adjacent to residential land uses in order to mitigate the potential noise and visual impacts of the future commercial/industrial development.

## **RECOMMENDATION**

The Urban Design Section would suggest that the Zoning Section recommend the following conditions in the subject rezoning application:

1. The site plan shall include the following:
  - a. Signage for commercial and/or industrial uses should not be visible from adjacent residential land uses.
  - b. All on-site lighting shall be designed to use full cut-off optics and have minimum light spillover onto adjacent residential properties.
  - c. Noise impacts of the proposed commercial/industrial use on adjacent residential uses should be evaluated and minimized and/or limited.
  - d. A larger building setback and extensive landscaping and berming, beyond what is required by the Landscape Manual, adjacent to residential land uses.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department  
Countywide Planning Division

(301) 952-3650  
www.mncppc.org

November 29, 2012

**MEMORANDUM**

TO: Tom Lockard, Planner Coordinator, Zoning Section, Development Review Division

VIA: Christine Osei, Planner Coordinator, Special Projects Section, Countywide Planning Division

FROM: Jay Mangalvedhe, Senior Planner, Special Projects Section, Countywide Planning Division

SUBJECT: Project: Santos, LLC. A-10029

The request is for reclassification of 7.88 acres from the R-R Zone to the C-M Zone. The proposed development is located at the terminus of Woodcliff Court approximately 1,100 feet south of Annapolis Road.

**NON-RESIDENTIAL**

**Police Facilities**

The proposed development is within the service area of Police District II, Bowie. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2011 (U.S. Census Bureau) county population estimate is 871,233. Using the 141 square feet per 1,000 residents, it calculates to 122,843 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

**Fire and Rescue Service**

The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/Beyond
39	Bowie	Engine	115454 Annapolis Road	2.52	3.25	Within
39	Bowie	Ladder Truck	115454 Annapolis Road	2.52	4.25	Within
39	Bowie	Ambulance	115454 Annapolis Road	2.52	4.25	Within
18	Glenn Dale	Paramedic	11900 Glenn Dale Boulevard	4.35	7.25	Within

**Capital Improvement Program (CIP)**

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the 2008 *Adopted and Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.

**School Facilities**

There are no residential dwelling units proposed in the development. There are no anticipated impacts on schools.

**Water and Sewerage Findings**

Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in Water and Sewer Category 5, Future Community System.

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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Historic Preservation Section

(301) 952-3680  
www.mncppc.org

December 12, 2012

MEMORANDUM

TO: Tom Lockard, Planner Coordinator  
Zoning Section  
Development Review Division

FROM: Jennifer Stabler, Archeology Planner Coordinator  
Historic Preservation Section  
Countywide Planning Division

SUBJECT: **A-10029 Santos, LLC**

Phase I archeological survey is not recommended on the above-referenced 7.88-acre property located at 14217 Woodcliff Drive in Bowie, Maryland. The application proposes to rezone the property from the R-R zone to the C-M zone. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Aerial photographs show extensive grading on the subject property in the 1990s to the present. A WSSC sewer line was constructed through the southwestern portion of the property in the early 1990s and a storm water management pond installed about 2005. There are numerous previously identified prehistoric cultural resources along Collington Branch. However, because of the previous disturbance to the subject property, it is unlikely that any intact cultural resources will be identified. This proposal will not impact any known historic sites, historic resources or documented properties.

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December 5, 2012

**Referral Request Response from Historic Preservation Section**

A-10029 Santos, LLC

The Historic Preservation Section review of A-10029 Santos, LLC, found the proposed change to the property from R-R Zone to C-M Zone will have no effect on identified Historic Sites, Resources, or Districts.

Cecelia Garcia Moore  
Principal Planning Technician  
Historic Preservation Section  
301-952-3756