

Case No. SP-03090

Applicant: Bare Feet Enterprises

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL

ORDER OF DENIAL

IT IS HEREBY ORDERED, after review of the administrative record, that SP-03090, a detailed site plan application for a commercial parking lot on residentially-zoned property adjacent to C-S-C property on Route 1, the subject property described as about 0.25 acres in the R-55 Zone, in the northeast corner of the intersection of Erie Street and Autoville Drive, one block west of Route 1, in College Park, is hereby:

DENIED, for the following reasons, which are hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

A. The subject property, 0.25 acres zoned R-55, fronts on a residential street and lies within a residential neighborhood, Autoville Drive, in College Park. The property adjoins and has been used in conjunction with a C-S-C property to its rear, on Route 1, a property formerly owned and used by a charitable organization, the American Legion, and now the site of a commercial retail operation. The property has some paving but is otherwise unimproved.

B. Citizens in the Autoville Drive neighborhood have been subjected to automobile parking on the subject lot for years, as well as substantial through traffic in the neighborhood, to and from the parking lot.

C. The proposed site plan shows 65 parking spaces, which are to be used not by the owner of the subject property, or indeed by the adjacent business, the retail shoe outlet on Route 1, but rather by an automobile dealership on a nearby property. The parking lot on the property will have little relation to and no utility for the residential

neighborhood on Autoville Drive, which has been a stable residential area for many years.

D. The proposed use and site plan do not sufficiently conform to principles and recommendations in the College Park US 1 Corridor Sector Plan. The plan calls for preservation of existing residential neighborhoods and discouraging nonresidential uses in residential communities. Those are important considerations in College Park, which has many residential areas like this one, adjacent to active commercial areas, including commercial centers.

E. Section 27-548.25 (d) of the Zoning Ordinance requires for this case, for approval of a detailed site plan in a Development District, that the Planning Board and District Council find that the use complies with all applicable Development District Standards, meets the general Special Exception standards in Section 27-317 (a) (1), (4), (5), and (6), and conforms to the recommendations in the Master Plan or Sector Plan.

The Planning Board failed to make findings with respect to the specific recommendations contained in the College Park Sector Plan. The District Council has reviewed the record and considered the evidence in view of recommendations in the Sector Plan. The District Council concludes, based on the site plan and other evidence in the record, that the application fails to satisfy the specific recommendations for Subarea 4d. Approved College Park US 1 Corridor Sector Plan, at 40-41.

F. The conversion of the subject residential property (formerly operated as a parking lot for the adjoining American Legion Hall) to commercial parking for an automobile dealership hundreds of feet from (and not adjoining) the subject property does not conform to Sector Plan recommendations. The Council concludes:

(1) The commercial parking conversion improperly expands commercial uses into the existing single-family residential area. The expansion of a

commercial use is inappropriate in this location and further erodes the stability of the existing single-family residential area.

(2) The conversion is contrary to the Sector Plan's Subarea 4d recommendation, development with attached single-family (townhouse) residential uses. The applicant proposes no new development, and the proposed parking lot extends the existence of a commercial parking use that impedes redevelopment in the corridor.

(3) The conversion is also contrary to the Sector Plan's Subarea 4d recommendation that infill development should be compact, with retail or office uses. Again, the applicant proposes no new development and seeks retention of a commercial parking use inconsistent with planned redevelopment in the area.

G. The application is also inconsistent with the Development District Standards for the Subarea. The Sector Plan's "vision" for Subarea 4d is:

[R]edevlopment [should include] a mix of retail, office, and residential uses in low-rise buildings. No encroachment of commercial uses is permitted into the Autoville Drive South neighborhood. Primary access to properties will be from US 1. Adequate buffers should be provided and building heights should step down to be compatible with the adjacent existing residential neighborhood.

The vision for adjacent Subarea 5a is development of:

[I]nfill housing compatible with the existing single-family detached neighborhood. . . . Adequate buffers should be provided between commercial properties and residential uses. There shall be no expansion of commercial uses into the established single-family residential areas of this subarea.

Approved College Park US 1 Corridor Sector Plan, at 161.

H. The Site Design criteria for Parking Areas are:

(1) That the use of pervious pavement for parking areas should be explored to reduce the amount of surface run-off.

(2) That overflow parking areas and areas required for emergency access only shall be constructed with pervious pavement.

(3) That the maximum number of off-street surface parking spaces permitted for each land use type shall be equal to the minimum number of required off-street parking spaces in accordance with Section 27-568 (a) of the Zoning Ordinance.

The application fails to satisfy the Parking Area criteria. The proposed parking exceeds the maximum amount of lot coverage, in violation of the Zoning Ordinance. In addition, no pervious surface is proposed for the project, even though it functions as overflow parking for a commercial use.

I. If and when this R-55 property is developed, if it is to be used for nonresidential purposes, there should be substantial screening from the residential neighborhood, particularly on Autoville Drive. The design of the use, buildings, and site plan should demonstrate the owner's knowledge that the property is within and is part of an established and stable residential neighborhood. The owner must, if it chooses not to develop the property with residential uses, design the proposed use so that it has no (or substantially reduced) visual, noise, or environmental impacts on the neighborhood.

Ordered this 14th day of November, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Dernoga, Exum, Harrington, Knotts and Peters

Opposed: Council Member Hendershot

Abstained:

Absent:

Vote: 8-1

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

By: \_\_\_\_\_  
Samuel H. Dean, Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council