

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 29, 2015, regarding Detailed Site Plan DSP-15029 for U.S. Business Interiors (USBI), Parcel N, Largo Centre West, the Planning Board finds:

1. **Request:** The applicant seeks to change the list of allowed uses on the subject property as authorized by Section 27-548.26(b) of the Prince George’s County Zoning Ordinance for the 2013 *Approved Largo Town Center Sector Plan and Sectional Map Amendment* (Largo Town Center Sector Plan and SMA).

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	M-U-I/D-D-O	M-U-I/D-D-O
Use(s)	Warehouse/Distribution	Warehouse/Distribution
Acreage	6.98	6.98
Lots/Parcels	1	1
Square Footage/GFA	99,370	99,370

*No expansion of the existing building or site improvements are proposed in this application.

3. **Location:** The site is in Planning Area 73, Council District 6. More specifically, it is located at 8800 Lottsford Road, approximately 770 feet east of the intersection of Harry S Truman Drive and Largo Drive West, on the west side of Lottsford Road. The site is located within the Transit Oriented Development (TOD) Core Area of the Largo Town Center Sector Plan and SMA.
4. **Surrounding Uses:** The subject property is bounded to the north by Harry S Truman Drive and beyond by the proposed Ascend Apollo development in the M-X-T/D-D-O Zones (Mixed Use–Transportation Oriented and Development District Overlay); to the south by Largo Drive West and beyond by the Woodlands Business Center in the M-U-I/D-D-O Zones (Mixed Use–Infill and Development District Overlay); to the east by Lottsford Road and beyond by the Mosaic at Largo Station Apartments in the M-U-I/D-D-O Zones; and to the west by a stormwater management pond (Parcel O of the Largo Centre West subdivision) also in the M-U-I/D-D-O Zones.

5. **Previous Approvals:** The site is subject to Zoning Map Amendment (Basic Plan) A-9682-C which was approved on September 12, 1998 by the Prince George's County District Council (Zoning Ordinance No. 53-1988). Comprehensive Design Plan CDP-8707 (PGCPB Resolution No. 87-552) was adopted on December 3, 1987 by the Prince George's County Planning Board, concurrent with the basic plan. An amendment to the Basic Plan, A-9682-01-C, was approved on July 12, 1993 (Zoning Ordinance No. 15-1993). Specific Design Plan SDP-9708 (PGCPB Resolution No. 97-211) was approved and adopted by the Planning Board on July 24, 1997. The property was the subject of Preliminary Plan of Subdivision 4-79179 and is recorded at Plat V.J. 180-35 as Parcel "N." A building permit was issued on December 15, 1997 in accordance with SDP-9708.

In 2004, the property was rezoned from Employment and Institutional Area (E-I-A) to M-U-I in the *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas* (Morgan Boulevard and Largo Town Center Metro Areas Sector Plan and SMA). The 2013 Largo Town Center Sector Plan and SMA retained the subject site in the M-U-I Zone and placed a development district zone over the underlying zone.

6. **Use Background:** The existing use has been historically difficult to categorize, even at the time the SDP was approved and during the permitting process when the development was in the E-I-A Zone. The SDP approval for SDP-9708 (PGCPB Resolution No. 97-211) described the use as "commercial office and storage" and distinguished it from a traditional warehouse use that would be subject to limitations established by the CDP. On page 3 of the Planning Board's resolution, the following finding was made:

"It is obvious from a review of this definition that the USBI facility is not a warehouse since the facility will be used as an office and storage facility and not a wholesale or distribution business. Employees meet with clients (customers) on site and design and market office equipment and systems. Also, unlike a warehouse unit as defined above, the USBI business is located in the same building as the storage facility. The main business of USBI is the design and marketing and inventory control of office equipment and systems."

The permit application (4746-98-CGU) was approved as commercial office and storage for construction of the building. In a letter dated February 4, 1998 (Stepowany to Covelski), it was clarified that the Urban Design Section had found the combination of uses approved in SDP-9708 in conformance with the specific uses permitted in the basic plan, which were listed as:

- a. **Accessory structures and uses including showrooms and warehousing as limited by prohibited list;**
- b. **Offices;**
- c. **Light distribution, design spaces and assembly spaces;**
- d. **Wholesale/retail floor sales and retail area; and,**

- m. Any other use not listed above and consistent with the stated purpose of the E-I-A Zone may be approved by the Prince George's County Planning Board upon finding that the use will not be hazardous, noxious or offensive because of odor, dust, smoke, gas, vibration or noise, or otherwise be detrimental to the health, safety, or general welfare of persons in the area.

The application for a Use and Occupancy Permit (3221-98-CU) approved on May 12, 1998 described the use as office/warehouse because the Permit Office's computer system at the time was not able to enter uses not specifically included in the E-I-A Use Table (e.g. commercial office/storage).

- 7. **Zoning Ordinance:** The subject application for the addition of a permitted use for the subject property beyond those permitted in the M-U-I Zone, as modified by the Largo Town Center Sector Plan, has been reviewed for compliance with the applicable requirements of the Zoning Ordinance. The Urban Design Section suggests that the following findings may be made:

- a. Section 27-548.26(b) regarding the addition of permitted uses in the M-U-I Zone by a property owner—The relevant portions of that section are included in **boldface** type below.

(b) **Property Owner.**

- (1) A property owner may request that the District Council amend development requirements for the owner's property, as follows:
 - (B) An owner of property in the Development District may request changes to the underlying zones or the list of allowed uses, as modified by the Development District Standards.
- (2) The owner's application shall include:
 - (A) A statement showing that the proposed development conforms with the purposes and recommendations for the Development District, as stated in the Master Plan, Master Plan Amendment, or Sector Plan; and
 - (B) A site plan, either the Detailed Site Plan required by Section 27-548.25 or a Conceptual Site Plan.
- (3) Filing and review of the application shall follow the site plan review procedures in Part 3, Division 9, except as modified in this Section. The Technical Staff shall review and submit a report on the application, and the Planning Board shall hold a public hearing and submit a recommendation to the District Council. Before final action

the Council may remand the application to the Planning Board for review of specific issues.

- (5) **The District Council may approve, approve with conditions, or disapprove any amendment requested by a property owner under this Section. In approving an application and site plan, the District Council shall find that the proposed development conforms to the purposes and recommendations for the Development District, as stated in the Master Plan, Master Plan Amendment, or Sector Plan, and meets applicable site plan requirements.**

The subject application complies with the above requirements. The subject property is located in the development district created by the Largo Town Center Sector Plan and SMA, and the application seeks to change the list of allowed uses as authorized by Section 27-548.26(b) of the Zoning Ordinance. Further, both a statement of justification and a site plan have been submitted in accordance with (2)(A) and (B) above. The application does not propose any expansion of the existing building or use, new improvements, or site work of any kind. The purpose of the application is solely to add the existing use of the property as a permitted use.

The proposed addition of the requested use does not interfere with the purposes expressed on pages 7 and 8 of the sector plan. The purposes include promoting and facilitating transit-oriented development around the Largo Town Center Metro Station in order to maximize transit ridership, revitalize the area through economic development while maintaining its socioeconomic diversity, and to adopt a sustainable development pattern that is conducive to its designation as a metropolitan center. The addition of the proposed use would also not impinge on the vision for the D-D-O Zone to articulate vibrant and diverse neighborhoods, an efficient multimodal transportation system, sustainable and accessible environmental infrastructure, and pedestrian- and bicyclist-friendly urban design. The addition of the proposed use would not inhibit realization of the vision of a major institutional or governmental user within walking distance of the Metro station, such as a new regional medical center, an expanded university satellite campus, or a U.S. General Services Administration tenant. In addition, approval of the proposed use would not interfere with the recommendations for land use contained within the sector plan and would preserve the economic viability of the subject property.

Lastly, in accordance with the last portion of this requirement, the application conforms to the purposes and recommendations for the development district with regard to existing development and is considered exempt from the development district standards of the sector plan.

- b. See Finding 14 regarding the project's conformance with the requirements of Section 27-285(b) of the Zoning Ordinance regarding required findings for detailed site plans.

8. **Applicant's justification for the proposed addition of a permitted use:** As authorized by Section 27-548.26(b) of the Zoning Ordinance, the applicant is requesting the addition of a permitted use on the subject property. Because the M-U-I Zone does not permit the type of use that currently exists on-site, which was legally constructed in accordance with the previous E-I-A Zone, the applicant is requesting the use be approved to facilitate a change in the use and occupancy due to a change in ownership of the building. In the statement of justification dated September 8, 2015, the applicant offered the following:

“[T]he Subject Property is improved with an existing warehouse/distribution facility authorized by the Planning Board with their approval of SDP-9708 through their adoption of Resolution No. 97-211. The Applicant is the initial developer, occupant, and owner of the building since the date of its original construction on or about 1998, with approximately 18-years of continuous business operations. No new improvements to the property are either proposed or required by this Detailed Site Plan. The only change requested is to the list of allowed uses to permit [the existing uses]. [T]he Applicant observes that the recently implemented Largo Town Center Sector Plan rezoned the entirety of an approximate 800 acre DDOZ area surrounding the Largo Town Center Metro Station to a variety of different mixed use zoning districts, each with their own separate and overlapping sets of design standards. While the Applicant is supportive of the Largo Town Center Plan in general, it is important to note that from a planning, as well as an economic development standpoint, maintaining the viability of the existing improved properties is critical to the County's plans for this area. From a land planning perspective, it is important to have a mix of uses that will serve the expanding government complex, the new hospital site and other developments that occur in the Largo Town Center, ranging from residential, offices to retail to restaurants and light industrial uses, such as [the existing use]. All of these uses combined are vital in creating a sense of place and community, and provide a sustainable environment.”

The applicant has provided additional information in the statement of justification to demonstrate that the existing use supports the goals of the development district standards.

9. **Staff Analysis of the Applicant's Request:** The applicant has requested that the existing use be added to the permitted use list for the subject D-D-O Zone.

The existing use is most closely aligned to those currently allowed in the M-U-I Zone within the Largo Town Center Sector Plan use table that include:

(1) **Commercial:**

(C) **Offices:**

Office (except as otherwise provided):

(ii) **All others**

P*

(E) Trade (Generally Retail):

Bulk retailing:

(i) Products allowed to be sold in a C-S-C Zone P*

* The letter P indicates that the use is permitted in the zone indicated.

The use within the existing building contains office space, but the other uses are not explicitly or even generally included in the permitted use table. Part of the existing operation of the business includes the retail sales of office furniture in bulk quantities to commercial businesses, but it is not clear from the Zoning Ordinance exactly what products are allowed in the Commercial Shopping Center (C-S-C) Zone, since the Use Table identifies uses and does not list products. A retail shop or store (not listed) in the Largo Town Center modified use table is permitted in the M-U-I Zone if it is similar to one permitted in the C-S-C Zone. A furniture store is only permitted in the C-S-C Zone if it does not exceed 50,000 square feet. Moreover, a furniture store typically distributes its merchandise from a warehouse, not from on-site storage. Based on the uses existing on the subject property, the uses approved in the basic plan, the approved permits and testimony presented by the applicant at the public hearing, the Planning Board finds that the new use should be added to the use table in accordance with Applicant's Exhibit #1 as follows:

(3) Miscellaneous:

Warehouse and distribution P

The applicant's arguments in favor of adding to the list of permitted uses for this property are persuasive, based upon the fact that the building and uses are existing, the uses were permitted in the E-I-A Zone, the building was legally constructed in accordance with an approved site plan and the use and occupancy permit was issued; and that the site is, according to the D-D-O Zone, Applicability section, exempt from the D-D-O Zone development standards. Additionally, the rezoning of the property from E-I-A to M-U-I during the 2004 Morgan Boulevard and Largo Town Center Metro Areas Sector Plan and SMA changed the list of permitted uses on the property. In this case, the subject property should be accorded the benefit of an additional permitted use beyond those which are allowed in the M-U-I Zone since the use does not preclude the recommendations of the sector plan from being implemented, and the sector plan recognized the existing use.

A condition of approval would require that, prior to signature approval, a general note be added to the plans stating that the above use is permitted on the subject site. The proposed modification to the permitted uses would better serve the goals and purposes of the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035), which acknowledges that existing land uses "represent what is actually only on the ground today and may not represent what the approved master plan envisions as the planned future land use" (page 69). Over time, land uses will transition in the Largo Town Center Sector Plan area toward more mixed-use office/retail and

institutional uses. In the short term, it is important to maintain the viability of existing buildings and uses.

10. **2010 Prince George's County Landscape Manual:** The subject application is exempt from the requirements of the 2010 *Prince George's County Landscape Manual* because there are no new improvements or on-site disturbance proposed at this time.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because there are no new improvements or on-site disturbance proposed at this time.
12. **Prince George's County Tree Canopy Coverage Ordinance:** Pursuant to County Council Bill CB-19-2013, the subject property is exempt from the requirements of the Tree Canopy Coverage Ordinance because there are no new improvements or on-site disturbance proposed at this time.
13. **Further Planning Board Findings and Comments from Other Entities:**
 - a. **Community Planning—**
 - (1) The application is in conformance with the recommendations of Plan Prince George's 2035 recognizing that existing land uses may not represent future land use recommendations, and that those recommendations may be implemented over time through a combination of redevelopment and rezoning.
 - (2) The application conforms to and does not conflict with the land use recommendations of the 2013 Largo Town Center Sector Plan and SMA, which recommends zoning and other development regulations to facilitate the continued evolution of this area into a higher density mixed-use residential and commercial/retail center. Adding the existing commercial office/storage use to the list of permitted uses allowed under the M-U-I Zone for the subject property will assist in maintaining the viability and usability of the existing structure, while allowing for future residential and nonresidential uses.

Based on the 2007 Air Installation Compatibility Use Zone (AICUZ), the property is within Imaginary Surface F, establishing a height limit of 500 feet above the runway surface. The property is outside of the 65 dBA Ldn and above noise contour. It is also outside of the accident potential zones. Though these categories do not impact the subject property, they should be noted on the DSP.

14. In accordance with Section 27-285(b) of the Zoning Ordinance, the DSP proposing warehouse/distribution to be permitted on the property represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends approval of the Detailed Site Plan DSP-15029, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the plans shall be revised to include the following note:
 - a. The following use is permitted (P), permitted as an accessory use (PA), or permitted as a secondary use (PB), as indicated on the subject property pursuant to Applicant's Exhibit #1:

(3) Miscellaneous:

Warehouse and distribution

P

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, and Hewlett voting in favor of the motion, and with Commissioner Shoaff opposing the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, October 29, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of November 2015.

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator


APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date

11/3/15

PCB:JJ:CF:ydw