

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed SE-4554 requesting a special exception for a pawn shop on the second story of an existing building in the C-S-C Zone in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on September 14, 2006, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property, known as 5051 Greenbelt Road, is located on the south side of MD 193 (Greenbelt Road), 500 feet east of Rhode Island Avenue in College Park. The acreage is developed with a two-story brick and block building consisting of 2,400 square feet and an accessory two-car garage in the rear. The property amounts to .27± acre and is zoned Commercial Shopping Center (C-S-C). Access to the site is via a two-way entrance from Greenbelt Road.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Sign contractor and garage	Addition of pawnshop on upper level
Acreage	.27	.27
Parcels	76	76
Square Footage/GFA	2400	2400

Other Development Data

C. **History:** The subject property was originally zoned R-55. It was later rezoned to C-1 by ZMA-1844 in 1952. In 1990, it was reclassified to C-S-C by the *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67.*

D. **Master Plan Recommendation:** The property is located in an area identified in the 2002 General Plan as the Developed Tier. It is also within the University Boulevard (MD 193) designated corridor. The vision for both the Developed Tier and for corridors includes mixed-use, transit-oriented development. The property was reclassified from the C-1 Zone to the C-S-C Zone in the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67.* The application conforms to the land use recommendations in the master plan.

E. **Request:** The applicant requests approval of a special exception to establish a pawnshop on the second floor of an existing commercial structure. No new development is proposed.

F. **Neighborhood and Surrounding Uses:** The subject property is located in the eastern portion of College Park near both Berwyn Heights and Greenbelt. The neighborhood is defined by the following boundaries: MD 193 (Greenbelt Road) on the north; the Ohio Railroad tracks on the

east; Berwyn Road on the south; and Baltimore Avenue (US 1) on the west. There is a mix of zones and land uses located within the neighborhood. The land fronting on US 1 and along Greenbelt Road houses mostly commercial and highway-oriented uses. The applicant notes that the subject property is within 300 feet of residentially zoned land. There is also a liquor store in close proximity. The property is surrounded by the following uses:

North—Across MD 193, Budget Inn Motel in C-S-C Zone

East—Vacant property owned by *The Washington Post* in the I-1 Zone

South—Washington Post distribution center in the I-1 Zone

West—Residence and small market in C-S-C Zone

The site plan incorrectly shows the property to the west zoned I-1. This must be corrected on a revised site plan.

G. Specific Special Exception Requirements:

Sec. 27-394.01. Pawnshop.

(a) A pawnshop may be permitted by Special Exception, subject to the following:

(1) The structure in which the use is proposed shall be located at least three hundred (300) feet from any school, library, park, recreational facility, and historic site, resource, or district identified on the current Adopted Historic Site and District Plan, or National Register Site or Historic District.

The subject property is not located within 300 feet from any public school, library, park, recreational facility, or historic site, resource, or district identified on the current adopted Prince George's County Historic Sites and District Plan, or National Register Site or Historic District. Although there is no required distance from a residential area, the site is located within 300 feet of a residential dwelling and within a quarter-mile walking distance from several homes. According to information submitted by the City of College Park, the subject property is in close proximity to churches that operate schools, Duvall Recreational Field, trails that connect neighborhoods, two playground parks, and the proposed entrance to the Greenbelt Metro station.

(2) As a part of the Special Exception approval, the Council may impose other reasonable requirements deemed necessary to safeguard the health, safety, morals, and general welfare of the community, taking into account the character of surrounding properties and the general neighborhood and any other uses on the subject property.

The Town Council of Berwyn Heights believes that a pawnshop in such close proximity to residential neighborhoods jeopardizes the safety, morals, and general welfare of the immediate community. The University of Maryland, the Berwyn Civic Association, the Mayor of the City of College Park, the City of Greenbelt, and several area residents

submitted information in opposition to the application. The applicant, the City of College Park, and the Board agreed that the accepting or selling of vehicles, firearms and all other weapons, such as knives and explosives, would be prohibited on the property. There shall not be any display of product outside of the building. The name of the establishment shall not include the words "pawn" or "pawnshop", and these words shall not appear in any interior window, exterior building sign, or monument sign. The site shall be brought into compliance with current landscaping and parking lot design requirements. The applicant shall also submit a sign plan for review.

The municipalities and their residents also submitted accounts of the negative perception of pawnshops in regard to the criminal activities, lack of police attention, stolen merchandise, and need for increased regulations that affect the way they live and their desire to live in the community. The proposed hours of operation are 10:00 a.m. to 9:00 p.m. There is not any excessive tree coverage that shields the front of the property from public view. However, the lighting on the property is nominal. There appears to be minimal lighting on the sign, on the building, and the garage. According to the applicant, the lights on the building are on timers. Staff recommended that additional lighting be installed as a safety precaution.

The surrounding properties and the general neighborhood are characterized by a number of uses, which are mostly residential. Additionally, there is another use on the subject property. The use on the lower level of the building is indicated as a sign contractor. If the use makes signs, it is a sign shop and not a contractor's office. A sign shop is specifically listed in the commercial use tables as a prohibited use in the C-S-C Zone. It has a valid use and occupancy permit dated March 1956. Upon certification of a nonconforming use, the lower level sign shop on the subject property will not increase any perceived detriment imposed by the proposed pawnshop.

(3) No Special Exception shall be permitted for a pawnshop located within 2,000 feet of another pawnshop.

The subject property is not located within 2,000 feet of another pawnshop. According to the applicant, the nearest pawnshop is located 6,000 feet north of the subject property in College Park. According to the City of College Park, the overwhelming majority of pawnshops in the County are located within the beltway.

(4) Parking of motor vehicles pledged as collateral permitted on the subject property shall be in addition to parking required pursuant to Part 11. (CB-28-1997).

The applicant stated that they would not accept vehicles pledged as collateral on the subject property.

- H. **Parking Regulations:** Pursuant to Section 27-568(a)(5)(A), the requirement for a normal parking generation group serving retail uses is one space for every 150 square feet of the first 3,000 square feet. The second level of the building consists of 1,200 square feet. The requirement for the low parking generation group is one space for every 500 square feet. The first level of the building consists of 1,200 square feet. Therefore, the amount required is 8 spaces for the second floor and 3 spaces for the first floor, for a total of 11 spaces. The site plan indicates

that 14 spaces will be provided on the property, exceeding the required total of 11. No right-of-way for Greenbelt Road has been dedicated from the subject property, although the proposed future right-of-way line is shown on the site plan. Parking spaces also currently exist within this right-of-way. The site plan depicts that the area will be re-stripped to ensure that no required parking is within the existing or proposed right-of-way.

- I. **Landscape Manual Requirements:** The subject application is exempt from the Landscape Manual pursuant to Section 27- 328.02, because no new improvements are proposed with this application.
- J. **Zone Standards:** The proposed use is in the C-S-C Zone. The use meets the standard height and setback requirements for this zone. No variances are required.
- K. **Sign Regulations:** No signage for the proposed pawnshop has been included in the plans. According to the site plan and site visit, there is an existing freestanding sign to be removed from the property. If there is no valid permit for the sign, it must be removed immediately.
- L. **Other Issues:** The justification statement claims that the garage is used by the property owner for dead storage unrelated to either of the uses in the building. Pursuant to Section 27-461, wholly enclosed storage is permitted in the C-S-C Zone when it is accessory to an allowed use. This storage does not appear to be accessory to an allowed use, therefore, it is prohibited. Also, community planning staff acknowledged that according to GIS information, the property is located within the 100-year floodplain. The statement of justification maintains that the property is not within the flood zone. According to environmental planning staff, the property is not within the 100-year floodplain.
- M. **Required Findings:**

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.

The purposes of the Zoning Ordinance seek generally to protect and promote the health, safety, morals, comfort, convenience, and welfare of inhabitants of the county. The proposed use and site plan will not be in harmony with the purposes of the Zoning Ordinance. The Planning Board believes that the proposed pawnshop will negatively impact the safety, comfort, and welfare of the community. Several members of the community expressed their high level of concern for the welfare of the neighborhood and for the negative image that an additional pawnshop would suggest. Many of them also expressed their discomfort with and opposition to the application.

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

The proposed use is not in conformance with all the applicable requirements and regulations of this Subtitle. The isolated nature of the site may require excessive visual change to draw attention to its presence. Such changes may impair the visual integrity of the site and negatively impact the surrounding area.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.

The property was reclassified from the C-1 Zone to the C-S-C Zone in 1989. The proposed use conforms to the land use recommendations. However, the proposed use at this location will substantially impair the integrity of the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67* or the *Prince George's County Approved General Plan*. The use is incompatible with the residential uses adjacent to the property. The use in such close proximity to neighborhoods may serve as a detriment to the residential character and to the attraction of new residents and businesses.

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

The proposed use and site plan will adversely affect the health, safety or welfare of residents or workers in the area. The City of College Park submits that there has been criminal activity in association with the other pawnshop located within its boundaries. Additionally there have been negative impacts on other inner-beltway communities where pawnshops are located. The residents of the area also expressed the feeling that they will suffer from such negative impacts.

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

The proposed use will be detrimental to the use or development of adjacent properties or the general neighborhood. No new development is proposed on the subject property. The site is proximate to the proposed Greenbelt Station entrance. The property is located in an area identified in the 2002 General Plan as the Developed Tier. It is also within the University Boulevard (MD 193) designated corridor. The vision for both the Developed Tier and for corridors includes mixed-use, transit-oriented development. The City of College Park also indicated that the use is not compatible with area plans for growth and development in the area.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

The site is exempt from the Woodland Conservation Ordinance because the lot contains less than 10,000 square feet of woodlands, the site is less than 40,000 square feet in area, and there is no previously approved tree conservation plan. A tree conservation plan is not required.

CONCLUSION:

The applicant has failed to demonstrate conformance with the requirements for allowing a pawn shop as a special exception use as contained in Section 27-394.01 of the Zoning Ordinance. Foremost, this request will impair the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67*. While the site location generally meets the location requirement, the subject property has not been recognized as an appropriate site for the proposed 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 to the District Council for Prince George's County, Maryland that the above-noted application be DISAPPROVED.

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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 Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark opposing the motion at its regular meeting held on Thursday, September 14, 2006, in Upper Marlboro, Maryland.

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

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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