

R E S O L U T I O N

WHEREAS, Bryan Station Joint Venture is the owner of a 2.08-acre parcel of land known as Parcel 17, Tax Map and Grid F-1, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned C-M; and

WHEREAS, on March 19, 2004, 5401 Marlboro Pike Venture, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04036 for Marlboro Car Wash was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 29, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on July 29, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/23/04), and further APPROVED Preliminary Plan of Subdivision 4-04036, Marlboro Car Wash for Lot 1 with the following conditions:

1. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/23/04). The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/23/04), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Preservation Policy.”

2. Development must be in accordance with the approved stormwater management concept plan, (CSD #2731-2004-00), or any approved revisions thereto.
3. Prior to signature approval of the preliminary plan, the stormwater management concept plan approval date shall be noted on the preliminary plan.

4. Prior to the issuance of grading permits, the applicant shall submit evidence to the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. All other trash must be removed and properly discarded.
5. The unlabeled drum on the site shall be evaluated and disposed of in an appropriate manner by a licensed hazardous waste company. A copy of the manifest shall be submitted to the Health Department prior to preliminary plan approval.
6. A Type II Tree Conservation Plan shall be approved in conjunction with the Detailed Site Plan.
7. Prior to the issuance of building permits, the applicant shall obtain detailed site plan approval by the Planning Board or its designee. The detailed site plan shall address on-site circulation, landscaping, architecture, and the visual relationships between the two proposed buildings and their impact on Marlboro Pike.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the south side of Marlboro Pike opposite the terminus of Walker Mill Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	C-S-C	C-S-C
Uses	Undeveloped	Car Wash/Vehicle Lubrication
Acreage	2.08	2.08
Parcels	1	0
Lots	0	1
Square Footage	0	5,224

4. **Environmental**—The predominant soil type on the site is Beltsville. This soil series generally exhibits moderate to severe limitations to development due to steep slopes, impeded drainage, and perched water table. There is a partially mined gravel pit on the subject property. The site is currently undeveloped, partially wooded, relatively flat, and is characterized with terrain sloping toward the southwestern portion of the subject property. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled, “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened or endangered species found to occur in the vicinity of this

site. There are no streams, Waters of the U.S., and floodplain located on or adjacent to the site. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property. The subject property is located on Marlboro Pike, a collector roadway generally not regulated for noise. This property is located in the Developed Tier as delineated on the adopted General Plan.

### **Forest Conservation**

A Forest Stand Delineation (FSD) was submitted with this application and was found to be acceptable. The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. The Type I Tree Conservation Plan (TCPI/23/04) was reviewed and was found to meet the requirements of the Woodland Conservation Ordinance.

The minimum woodland conservation requirement for the site is 0.38 acre of net tract. An additional 0.27 acre is required due to the removal of woodlands for the total woodland conservation requirement of 0.66 acre. The plan shows the requirement being met with 0.21 acre of on-site tree cover and 0.46 acre of off-site mitigation for a total requirement of 0.67 acre.

### **Water and Sewer Categories**

The property is in water category W-3 and sewer category S-3, according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. It is served by public systems.

5. **Community Planning**—The property is in Planning Area 75 B/Capitol Heights Community. The 2002 General Plan places the subject property in a corridor in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The site is subject to the recommendation of the 1985 Suitland-District Heights & Vicinity Master Plan, which calls for a service-commercial use. This application conforms to the master plan recommendation.

### **Planning Issues**

The Commercial Areas and Activity Center chapter of the master plan includes a detailed analysis of Marlboro Pike (Marlboro Pike Corridor Study). This study identified the pike as a prime example of strip-commercial development. In addition to land use and zoning concerns at that time, there were concerns about functional conditions (such as excessive ingress-egress and lack of sidewalks and lighting) and visual impressions (disjointed and cluttered appearance due to lack of continuity of building styles, redundant and poorly maintained signs, and a lack of landscaping).

The plan includes illustrative schemes for the redevelopment of various sections of Marlboro Pike. The subject site is not included in the illustratives, but the plan includes guidelines that are applicable to the site, nonetheless, and should be addressed. Specifically, the plan states that commercial areas should be buffered from surrounding streets and uses by landscaping, fencing, and the siting of structures. The subject property is at a visible location along the pike and abuts residential development to the south. The applicant's sketch on the submitted TCP shows the long wall of the car wash as well as bay doors for the vehicle lubrication service fronting on Marlboro Pike. Special attention should be given to the site and building design (landscaping, building orientation, signage) through approval of a detailed site plan. In addition, given the proposed uses, a critical assessment of on-site stacking is essential to ensure that vehicles queuing at the car wash do not hinder on-site circulation or spill out onto Marlboro Pike.

6. **Parks and Recreation**—The site is exempt from mandatory dedication because it is a commercial development.
7. **Trails**—There are no trails issues identified in the 1985 Suitland-District Heights & Vicinity Master Plan.
8. **Transportation**— The applicant was not required to provide a traffic study, but was required to provide Saturday traffic counts for the intersections of Marlboro Pike with Brooks Drive and Walker Mill Road. On July 02, 2004, the staff was provided with a copy of Saturday counts conducted by the applicant's consultant for the two identified intersections. These counts were conducted during the hours of 9:00 a.m. to 2:00 p.m. on April 17, 2004.

#### **Site Access**

The revised site plan submitted by the applicant on July 2, 2004, shows an improved access from Marlboro Pike. However, staff suggests the access driveway to the car wash needs to accommodate two stacking lanes. This can be done by reducing the size of the proposed island between the proposed driveway and the proposed car wash. Further, the path for exiting vehicles from the proposed Quick Lube is not well delineated. These issues should be resolved at time of the review of a detailed site plan.

#### **Master Plan Rights-of-Way**

Brook Drive is an arterial facility with 120 feet in total rights-of-way. The Marlboro Pike is a collector facility with 80 feet in total rights-of-way. The plan needs to show adequate dedication of 60 feet and 40 feet from existing centerlines, respectively. The dedication for Brooks Drive will be required only if the subject property extends to Brook Drive. The revised and submitted plan shows adequate rights-of-way for both facilities, and the applicant has agreed to dedicate the required right-of-way.

### **Transportation Staff Findings**

- a. The application is a preliminary plan of subdivision to construct a Car Wash and Quick Lube on 2.56 acres of C-M-zoned land. The proposed car wash will be approximately 5,800 square feet and the Quick Lube will have three service bays. Typically, these uses will begin their operation after the AM peak hour. As result, the proposed development is estimated to generate 0 AM and 82 PM peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*.
- b. The traffic generated by the proposed preliminary plan would impact the signalized intersection of Marlboro Pike with Brooks Drive.
- c. The intersection identified in c. above is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.
- d. The subject property is located within the Developed Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards: **Links and signalized intersections:** Level-of-service (LOS) E with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. **Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.
- e. The intersection identified in b. above, when analyzed with the total future traffic as developed using the guidelines, during both a weekday PM peak hour and Saturday peak hour of travel, was found to be operating at or better than the policy service level defined in d. above, with CLV values less than 1600.

Adequate roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved, provided that on-site circulation is reviewed as part of a detailed site plan review.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003. The proposed subdivision is exempt from the adequacy test for schools because it is a commercial use.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
- a. The existing fire engine service at Hillside Fire Station, Company 6, located at 1234 Larchmont Avenue, has a service travel time of 1.33 minutes, which is within the 3.25-minute travel time guideline.
  - b. The existing ambulance service at Hillside Fire Station, Company 6, located at 1234 Larchmont Avenue, has a service travel time of 1.33 minutes, which is within the 4.25-minute travel time guideline.
  - c. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road, has a service travel time of 5.59 minutes, which is within the 7.25-minute travel time guideline.
  - d. The existing ladder truck service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike, has a service travel time of 2.27 minutes, which is within the 4.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck and paramedic services.

These findings are in conformance with the standards and guidelines contained in the 1990 *Approved Public Safety Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department reviewed the application and offered the following comments:
- “1. A significant amount of domestic trash and other debris was found scattered on the entire property, and should be removed and properly stored or discarded.
  - “2. One unlabeled drum containing some type of liquid was found in the clearing located in the middle of proposed Lot 1. The liquid must be evaluated and disposed of in an appropriate manner by a licensed hazardous waste company. A copy of the manifest must be submitted to this office prior to preliminary plan approval. If the drum is not removed

as part of preliminary plan approval, this office will contact the Hazardous Materials Section of the Prince George's County Fire/EMS Department for proper disposal.

- “3. Numerous tires were found scattered throughout the property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire facility and a receipt for tire disposal must be submitted to this office prior to preliminary plan approval.”
13. **Stormwater Management**—The applicant has received stormwater concept approval from the Prince George's County Department Of Environmental Resources (CSD# 2731-2004-00) dated February 10, 2004. The approval date must be noted on the plan.
14. **Cemeteries**—There are no known cemeteries on the subject property.
15. **Public Utility Easement**—The plan shows a 10-foot-wide public utility easement adjacent to all public rights-of-way. It is accurately reflected on the proposed preliminary plan and will be included on the final plat.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

\* \* \* \* \*

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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of September 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator