

R E S O L U T I O N

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 January 27, 2005, regarding Detailed Site Plan DSP-04034 for Old Glory Harley Davidson, the Planning Board finds:

1. **Request:** Approval of a detailed site plan for a 25,004 square-foot motorcycle dealership on 3.24 acres in the C-M Zone.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	C-M	C-M
Use(s)	Vacant	Motorcycle Dealership
Acreage	3.24	3.24
Lots	0	0
Parcels	H, I, J	H, I, J
Square Footage/GFA	0	25,004 SF
Dwelling Units:	N/A	N/A
Attached		
Detached		
Multifamily		

Other Development Data:

	REQUIRED	PROPOSED
Parking Spaces:		
Low Parking Generation Group (1sp/500 sf)	51 spaces	77
Of which are: HC spaces	4	4
Loading spaces (15' x 33')	2	2

3. **Location:** The site is located in the southwest quadrant of Laurel Bowie Road (MD 197) and South Laurel Drive, approximately two miles from the Laurel city limits. The property is known as Parcels H, I and J, Pumpkin Hill, and is recorded in Plat Book REP 193, Page 51, and is within Planning Area 62 and Council District 01.
4. **Surroundings and Use:** The property is bounded to the east by MD 197; to the south by South Laurel Drive; to the west by Birchwood Gardens in the R-18 Zone; and to the north by Muirkirk Road.

5. **Previous Approvals:** The site has an approved Preliminary Plan, 4-01060 and Zoning Map Amendment A-9946, which rezoned the property from the C-O Zone to the C-M Zone in January 2000.

COMPLIANCE WITH EVALUATION CRITERIA

6. **Zoning Ordinance:** The detailed site plan is in substantial conformance with the regulations pertaining to development in the C-M Zone.
7. **Zoning Map Amendment, A-9946:** On January 28, 2002, the District Council conditionally approved the rezoning of the property from the C-O Zone to the C-M Zone. The applicant at the time had intended to construct a gas station, food and beverage store, and car wash on the site. The zoning application was approved subject to the following condition:

Development of that portion of the subject property not included in the Special Exception 4397 shall be subject to Limited Detailed Site Plan approval in accordance with Part 3, Division 9, of the Zoning Ordinance. The limited detailed site plan shall address the potential impacts of the following on adjacent properties and the Baltimore-Washington Parkway (a National Historic Site):

- (a) Parking, loading and circulation;
- (b) Lighting;
- (c) Views to and from the site;
- (d) Green area;
- (e) Site and streetscape amenities
- (f) Service areas; and
- (g) Architecture.

The Transportation Planning Section has indicated that the design of the parking, loading and circulation is acceptable. The State Highway Administration supports the plan with the ingress/egress locations shown on the plan.

The applicant has submitted a photometric study, which shows that there is no light spillage onto adjacent properties, particularly the adjoining residential development.

With regard to views to and from the site, particularly from the Baltimore-Washington Parkway, the applicant provided a "sight distance profile" that shows that the western corner of the property is approximately 500 feet from the right-of-way of the B-W Parkway; that there are significant woodlands between the site and the parkway; and that views from the travel lanes of the parkway to the site will not be possible. Views to the site from the end of the ramp from the parkway to MD 197 will be possible and it is recommended that the applicant make a better attempt to save existing trees in the north corner of the site, if they are healthy trees worthy of saving. It is also

recommended that additional evergreens be provided in this corner of the site to further screen the site from the parkway ramp.

In other areas of the site, a landscaped bufferyard with a six-foot-high board-on-board fence has been provided to screen views of the proposed development from the adjacent apartments to the south. The site is surrounded by public rights-of-way on the other three sides of the property. Landscaping has been provided along the rights-of-way in accordance with the requirements of the *Landscape Manual*, allowing for attractive views into and from the site. Attractive architecture has been provided incorporating stone into the building façade, imitating the stonework on the bridge overpass of the Baltimore-Washington Parkway.

Green area is not a standard requirement in the Zoning Ordinance for commercial zones; however, 15 percent green area has been provided, which is adequate.

This requirement was more appropriate when a gas station, convenience store, and car wash were originally proposed where it was expected to have more pedestrian activity. The current proposal is for one use, a motorcycle dealership, where it is not anticipated that there will be much pedestrian activity to and from the site.

Service areas are proposed on the south and north sides of the building. A 40-foot landscaped buffer and a six-foot-high board-on-board fence screen the service area on the south side of the building. The service area on the north side of the building should be better screened from the MD 197 right-of-way by providing additional evergreen plantings in the landscape strip along the northern property line.

The proposed building is sited so that the main entrance faces the intersection of MD 197 and South Laurel Drive. At this corner of the site the building is 40 feet high and tapers to 24 feet at the back of the site. The structure will consist of tilt-up concrete construction. Architectural stone veneer has been provided on a portion of the building at the main entrance, similar to the pattern used on the bridge overpasses for the parkway.

8. **Preliminary Plan of Subdivision, 4-01060:** The Preliminary Plan was approved by the Planning Board on November 1, 2001. The following condition applies to the review of the detailed site plan:

Total development of this site shall be limited to permitted uses which generate no more than 210 AM and 173 PM peak-hour vehicle trips. Any development, which generates more trips than that identified herein above shall require an additional Preliminary Plan of Subdivision with a new determination of the adequacy of transportation facilities.

In a memorandum dated September 2, 2004 (Masog to Wagner), the Transportation Section has indicated that the plan complies with the above preliminary plan condition. The number of trips generated by the motorcycle dealership are 51 AM and 66 PM peak-hour vehicle trips. Rates for “new car sales” were used to estimate trip generation in this case.

9. ***Landscape Manual:*** The site is subject to Section 4.2, 4.3, 4.4 and 4.7 of the *Landscape Manual*. The plan is in substantial compliance with those sections of the *Landscape Manual*.
10. **Woodland Conservation Ordinance:** In a memorandum dated September 13, 2004 (Shirley to Wagner), the Environmental Planning Section offered the following comments:

Site Description

The site contains 3.24 acres and is zoned C-M. It is located on the west side of MD 197 and north of South Laurel Drive. The site is currently undeveloped. There are no significant environmental features associated with the site such as a stream, wetlands, steep or severe slopes or 100-year floodplain. There is a small cluster of trees and understory vegetation at the northeast portion of the site; however, this area is less than 10,000 square feet in size. According to the *Prince George's County Soil Survey*, Keyport silt loam soils are associated with the site. This soil type is characteristic of impeded drainage and slow permeability. This soil type has an erodibility K-factor of 0.43. Marlboro clay is not found in this area. There are no scenic or historic roads in the vicinity of the site. There are two sources of traffic noise generators in vicinity of the site: I-295 and MD 197. However, the proposed use is nonresidential and the noise levels from these two noise sources are not anticipated to be above the state noise standards for the proposed use. According to available information 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 and endangered species associated with the site. The property is in the upper Patuxent River basin, and the Developing Tier of the 2002 adopted General Plan.

Environmental Review

1. The site is exempt from the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and there is no previously approved tree conservation plan associated with it. The standard letter of exemption issued in 2000 was valid for two years from the date of issuance. This letter has expired. A current exemption letter should be obtained to be included with all permit applications.

Comment: Prior to application for a permit on the property a current standard exemption letter must be obtained from the Environmental Planning Section.

Referral Comments:

11. In a memorandum dated October 26, 2004 (Chellis to Wagner), the Subdivision Section offered the following comments:

The property is the subject of Preliminary Plan 4-01060, approved by the Planning Board, PGCPB Resolution No. 01-227 and recorded in the county land records as VJ 193@51. The resolution of approval contains four conditions; the following apply to the review of this DSP:

Condition 1 requires that the development of this site shall be in conformance with the approved Stormwater Management Concept Plan #8320102-2000, or any revisions thereto.

Condition 2 requires that the final plat note the following:

- a. Access to Parcel I is provided pursuant to the provisions of Section 24-128(b)(9) of the Subdivision Regulations.
- b. Direct vehicular access to Laurel-Bowie Road (MD 197) is denied from all lots.
- c. An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

Comment: The property is one or more record lots and is known as Parcels H, J and I. The area of future paving on the DSP plan is the area of Parcel J. A 30-foot-wide stem of Parcel J extends to South Laurel Drive. Parcel I has the right of access over the stem of Parcel J to South Laurel Drive. The DSP plan proposes to construct the stormwater management facility over the flag stem of Parcel J and the access easement for Parcel I.

The owners of Parcel I or J have the right of access over their own parcel (Parcel J) and within the easements (Parcel I) granted them and authorized pursuant to the Subdivision Regulations. However, the site is being developed as one building site having frontage on and direct vehicular access to South Laurel Drive.

The DSP proposes development that land locks Parcels I and J. Therefore, staff recommends that a plat of consolidation be required prior to the issuance of building permits. The plat may be filed in accordance with Section 24-108 of the Subdivision Regulations, for which no preliminary plan of subdivision is required.

The DSP should indicate that an automatic fire suppression system be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

12. The Planning Board has issued a directive that the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples, must be considered in the review of development applications, and that potential means for preservation of these resources should be considered.

Staff review of the Maryland Historical Trust's archeological site files, *The Prince George's County Historic Sites and Districts Plan*, and historical maps indicates that there are or may be prehistoric and/or historic archeological resources in the area of proposed development. Development activities may have an adverse effect on these archeological resources.

13. In a memorandum dated January 12, 1005 (Bailey to Wagner), the State Highway Administration has indicated that they have no objections to the subject detailed site plan.
14. The detailed site plan 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 APPROVED the Detailed Site Plan DSP-04034, subject to the following conditions:

1. Prior to certification of the detailed site plan:
 - a. Every attempt shall be made to save the existing trees in the north corner of the site, if they are healthy trees worthy of saving. Additional evergreens shall be provided in this corner of the site to further screen the site from the Baltimore-Washington Parkway ramp.
 - b. The service area on the north side of the building shall be better screened from the MD 197 right-of-way by providing additional evergreen plantings in the landscape strip along the northern property line.
 - c. Modify the parking spaces along the southern property line adjacent to South Laurel Drive from standard size spaces to compact car size spaces.
 - d. Modify the drive aisle along the south side of the parking compound adjacent to South Laurel Drive from 24 feet in width to 22 feet in width.
 - e. Increase the width of the landscape strip abutting South Laurel Drive to a minimum of 13 feet.
 - f. Depict a retaining wall along the edge of curb parallel to South Laurel Drive in order to provide a an earth berm four feet in height, measured from the southern property line.
 - g. Modify the landscape plan to include additional evergreen screen trees in the landscape strip adjacent to South Laurel Drive.
 - h. Depict a six-foot-tall sound mitigation wall on top of the berm/retaining wall. The sound mitigation wall shall extend to the western end of the parking spaces along South Laurel Drive. Extend a six-foot-tall sound mitigation wall north between the parking compound and the stormwater management facility in the southern corner of the site to the south corner of the building. The sound mitigation wall shall equal or exceed the specifications for the proprietary product known as Plywall, constructed by Hoover Treated Wood

products, Inc.

- i. Relocate the fence proposed along the southwestern property line forty (40) feet from the southwestern property line. Revise the details of the fence from a board-on-board fence to a solid wood fence. Connect the fence to the noise mitigation wall and extend it to a point beyond the end of the parking area in the northwest corner of the site.
 - j. Appropriate aesthetic enhancements as determined by the planning Board's designee; i.e., staining of the wood and other decorative treatments, shall be provided.
2. Prior to the issuance of a building permit, a plat of consolidation shall be filed and approved in accordance with Section 24-108 of the Subdivision regulations.
3. An automatic fire suppression system shall be provided in the building in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.
4. Prior to the submission of grading permit applications, the applicant shall identify archeological resources in the project area by conducting Phase I archeological investigations.

A qualified archeologist must conduct all investigations and follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994). These investigations must be presented in a draft report following the same guidelines. Following approval of the draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to acceptance of the grading permit applications.

The design of a Phase I archeological methodology should be appropriate to identify slave dwellings and burials. Documentary research should include an examination of known slave burials and dwellings in the surrounding area and their physical locations as related to known structures, as well as their cultural interrelationships. The field investigations should include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs.

5. If it is determined that potentially significant archeological resources exist in the project area, prior to issuance of grading permits, the applicant shall provide a plan for:
 - a. Evaluating the resource at the Phase II level, or
 - b. Avoiding and preserving the resource in place.
 6. All landscaping, sound walls, fences and berming shall be adequately maintained to retain its appearance and intended function.

7. The hours of operation shall be limited to 10:00 a.m. – 7:00 pm Monday – Friday; 9:00 a.m. – 5:00 p.m. Saturday and 12 noon – 5:00 p.m. on Sunday.
8. There shall be no more than eight (8) special events scheduled on the subject property in each calendar year. For purposes of this condition, “special events” shall mean dealer sponsored and advertised events which exceed three (3) hours in length. No special events shall be scheduled on Sundays and no more than seven (7) special events shall be scheduled on Saturdays. The applicants shall provide at least one police officer at each special event to direct traffic entering and exiting the site.
9. All exhaust and /or muffler sales upon the subject property shall be restricted to legal, after market or replacement Harley-Davidson products.
10. Applicant shall pursue, and if approved by the appropriate governmental authority, construct traffic control improvements to the MD Rte 197 Service Road and South Laurel drive, as follows:
 - a. Install directive curbing to deter right hand turns from the Service Road onto South Laurel Drive, and signage which provides “No right turn except community residents”.
 - b. Install signage on the Service Road limiting the speed to 15mph.
 - c. Install signage at the intersection of the Service Road and South Laurel Drive stating “Entering a Residential Neighborhood – No Engine Revving”.

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.

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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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, January 27, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of March 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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