



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 13-130

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. DSP-13020

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 November 7, 2013, regarding Detailed Site Plan DSP-13020 for Walker Mill Business Park, Lot 8, the Planning Board finds:

1. **Request:** The subject application is for approval of a vehicle towing company and automobile storage yard, on existing Lot 8, in the Light Industrial (I-1) Zone. The original DSP application included two existing lots, Lots 8 and 9; however, prior to the Planning Board hearing, the applicant requested to remove one lot, Lot 9, from the application in order to circumvent an issue regarding the stormwater management concept approval as discussed further in Finding 12.c. below.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	I-1	I-1
Use(s)	Vacant	Vehicle towing company/ automobile storage yard
Acreage	0.86	0.86*
Lots	1	1*
Gross Floor Area (sq. ft.)	0	400

OTHER DEVELOPMENT DATA

Parking Spaces Required
400 GFA @ 1 space per 500 GFA **1 space**

Parking Spaces Approved
Standard Spaces 1 space*
Van-Accessible ADA Spaces 1 space
Total **2 spaces***

*Note: This is inclusive of Lot 8 only, as Lot 9 has been removed from the DSP application.

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3. **Location:** The subject site is located on the north side of Prosperity Court, approximately 150 feet east of its intersection with Prosperity Way, within Council District 7, Planning Area 75B, of the Developed Tier.
4. **Surrounding Uses:** The site is located on the north side of the terminus of Prosperity Court, which is an internal cul-de-sac street in the Walker Mill Business Park. The subject site is surrounded on three sides by properties in the I-1 Zone. Specifically, the properties to the north and east of the site are developed with contractor's offices with outdoor storage yards; the property to the west is vacant; and to the south is the right-of-way of Prosperity Court.
5. **Previous Approvals:** The 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* (SMA) retained the subject site in the I-1 Zone. The subject site contains Lot 8, Block A, of a larger development known as the Walker Mill Business Park. The Planning Board approved (via PGCPB Resolution No. 88-6) Preliminary Plan of Subdivision 4-87194 for Walker Mill Business Park on January 7, 1988, which was recorded in Plat Book NLP 141-11. The site also has a Stormwater Management Concept Approval, 20323-2012-00 for Lot 8.
6. **Design Features:** The subject DSP for Lot 8 only has been submitted to construct a vehicle towing company and automobile storage yard on one currently vacant graded lot. The plan proposes to develop a 30-foot-wide commercial driveway entrance off of Prosperity Court. A 10-foot by 44-foot trailer and a 4,000-square-foot gravel paved area, with two parking spaces, is also proposed. The lot will be completely surrounded by existing and proposed six-foot-high, board-on-board, wooden fence along the site's frontage, with an entrance gate. Existing and proposed six-foot-high chain-link fence has been provided along the remaining property lines. The proposed standard rectangular trailer will be a metal fabrication and will have wooden steps providing access to the entrance door. A condition has been included in this approval requiring the height of the trailer to be labeled on the DSP. One rectangular 12-square-foot sign stating, "Hadi Towing," is proposed to be placed on the fence facing the right-of-way of Prosperity Court. Other improvements include landscaping and sidewalk along the site's frontage.
7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-1 Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The DSP is in conformance with the requirements of Section 27-473 which governs development in industrial zones. The proposed vehicle towing company and automobile storage yard are permitted uses in the I-1 Zone.
 - b. The DSP is in general conformance with Section 27-474, Regulations in Industrial Zones, regarding setbacks and green area. The combined side setbacks of the proposed trailer is in excess of the 30-foot minimum requirement and the front building setback from the street is in excess of 100 feet for the trailer, which meets the minimum front building setback of 25 feet.

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The proposed plan shows conformance to the required ten percent green area requirement. However, it is unclear how this was calculated or what area is being defined as green area. Per Section 27-107.01, Definitions, green area cannot include parking lots or other vehicular surfaces. Therefore, the green area of the site cannot include any area used for automobile storage. Conditions requiring the plan be revised to define the area used as automobile storage and to provide the required green area on-site, outside of the automobile storage area, have been included in this approval.

- c. Section 27-469, I-1 Zone (Light Industrial), establishes parameters for landscaping, screening, and buffering of development in the I-1 Zone. The following parameters are applicable to the subject application:

(b) Landscaping, screening, and buffering of development in the I-1 Zone shall be provided in accordance with the provisions of the Landscape Manual. In addition, the following applies:

- (1) At least ten percent (10%) of the net lot area shall be maintained as green area.**
- (2) Any landscaped strip adjacent to a public right-of-way required pursuant to the provisions of the Landscape Manual shall not be considered part of the required green area.**

It is unclear if the percentage of green area claimed as provided on the DSP includes the landscape strip adjacent to the public right-of-way required by the 2010 *Prince George's County Landscape Manual* (Landscape Manual). To satisfy the green area requirement, conditions have been included in this approval requiring the plan be revised to clearly show the ten percent green area, exclusive of the required Section 4.2 landscape strip.

- (3) A vehicle towing station permitted in the I-1 Zone shall be screened by a wall or fence at least six (6) feet high, or by an evergreen screen, unless the adjoining property is used for a vehicle towing station or a vehicle salvage yard.**

The submitted DSP is for a vehicle towing station and is subject to this requirement, except where the adjoining property is used for a vehicle towing station or vehicle salvage yard. The submitted DSP shows existing and proposed fencing completely surrounding the lot. However, some of the fence is chain-link, which will not completely screen the proposed use as required. Based on permit and site plan review, only adjacent Parcel 290, located to the northeast of the site, will be used as a vehicle towing station or a vehicle salvage yard. Since this represents only a small portion of the total length of property line, it would be more consistent to require the entire property line to be screened with a sight-tight

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fence. Therefore, a condition has been included in this approval requiring this be shown prior to certification.

(c) **Outdoor storage.**

(1) **Outdoor storage shall not be visible from a street.**

The subject plan indicates a proposed six-foot-high, board-on-board, wooden fence, with vehicular entrance gate, along the property's entire frontage on Prosperity Court to screen the vehicle storage from the street. Typically, the Planning Board would not support the use of a wooden fence in a commercial or industrial setting due to maintenance concerns. However, there are already multiple industrial uses developed within the business park that have wooden fences along their street frontages, similar to what is being proposed with this application. Therefore, the proposed wooden fence is acceptable for this use.

8. **Preliminary Plan of Subdivision 4-87194 and Record Plat NLP141-11:** Preliminary Plan of Subdivision 4-87194 for Walker Mill Business Park, which includes the subject site, was approved by the Planning Board on January 7, 1988, subject to ten conditions. It was subsequently recorded in Plat Book NLP141-11 on September 16, 1988 with three notes, which are also addressed by preliminary plan conditions. The following preliminary plan conditions are applicable to the review of this DSP:

3. **Detailed site plans for individual lots shall be approved by the Planning Board prior to buildings permits. These site plan reviews shall address, but not be limited to, the items listed in the Area Planning Division's (N/SE) memorandum dated September 16, 1987.**

The subject DSP was submitted in conformance with this condition. The referenced memorandum included the following comments that are applicable to the review of this DSP:

- a. All projects within this property shall be subject to site plan review by the Prince George's County Planning Board. The site plan shall contain a landscaping plan.

The subject DSP, along with a landscaping plan, was submitted per this comment.

- b. The Planning Board shall review the development to assure its compliance with the following design guidelines:
- (1) An effective visual buffer created by substantial berms and landscaping shall be provided along Walker Mill Road, Rollins Avenue, and Addison Road and along abutting areas which are planned or developed for residential purposes in order to maintain the residential character of surrounding properties.

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The subject site is not adjacent to Walker Mill Road, Rollins Avenue, Addison Road, or residentially-zoned or developed areas. Therefore, this requirement does not apply to the subject DSP.

(2) The internal organization of the site shall address the following:

(A) Minimizing the views of parking, loading, storage and service areas.

The subject DSP proposes a sight-tight board-on-board fence along its frontage onto the public right-of-way, which will minimize the views of the parking and storage areas on the subject site.

(B) Providing architectural elevations consistent in materials and treatment on all sides, and with all mechanical equipment enclosed or screened. Screening and enclosures shall be treated as integral elements of building design.

The subject DSP proposes a trailer that will be located surrounded by the wood and chain-link fence. The materials on the trailer will be consistent on all sides. No proposed mechanical equipment is shown on the submitted DSP.

(C) Signs shall not be placed above the roof or parapet line. No moving or flashing signs, or signs projecting significantly from a building, shall be permitted. Low ground-mounted and landscaped signs in keeping with the scale of the buildings and the site shall be encouraged in lieu of building-mounted signs.

The subject DSP proposes one 12-square-foot sign to be placed on the front fence. Therefore, it will not be above the roof or parapet line or project significantly from a building. The DSP does not label the material or colors of the sign, which should be added, to confirm that it will not have any moving or flashing parts. A condition has been included in this approval requiring this be done prior to certification.

10. Review of a methane study by the Natural Resources Division prior to the issuance of grading permits.

A methane study is required due to the various types of fill material used to reclaim the site, which was a previous mining site. Because the various materials have broken down or decomposed over the years, methane gas emissions are a concern.

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At this time, the plan proposes grading for a gravel parking area and trailer. Methane is a gas that could be released as part of the on-site grading activities. It is well known that the presence of methane gas can be highly hazardous to human health. Methane is considered to be a low-toxicity gas, but can result in asphyxiation due to its ability to exclude oxygen. The fact that methane is a colorless odorless gas means that there is no simple indicator of its presence until such a time as explosive limits are reached and an incident occurs. For this reason, it is vital that sources of methane are identified prior to any work on a construction site commencing, and that measures are put in place to prevent a dangerous build-up of gas within buildings or the compacting of the soil causing the dispersal of the gas in another direction. Therefore, a condition has been included in this approval requiring the methane study be submitted prior to issuance of a grading permit.

9. **Prince George's County Landscape Manual:** This application is subject to Sections 4.2, 4.3, 4.4, 4.7, and 4.9 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because it is a new development requiring building and grading permits on a vacant property. The submitted DSP included a landscape plan; however, it was not signed and sealed by a registered landscape architect as required by Section 2.1(a) of the Landscape Manual. Therefore, a condition has been included in this approval requiring that the landscape plans are signed by a registered landscape architect prior to certification.
- a. Section 4.2, Requirements for Landscape Strips along Streets, requires that a landscape strip be provided on a property for all nonresidential uses in any zone abutting all public and private streets. The applicant chose Option 1, which is a ten-foot-wide landscape strip that requires one shade tree and ten shrubs to be planted per 35 linear feet of street frontage, excluding driveway openings. The applicant provides the ten-foot-wide landscape strip as required and has provided the appropriate schedule showing conformance with the requirements.
 - b. Section 4.3, Parking Lot Requirements, requires parking lots over 7,000 square feet to provide interior planting and a perimeter landscape strip, when located within 30 feet of an adjacent property where there is no intervening building and interior parking lot planting area. The proposed plan has one parking area, approximately 4,000 square feet in size, and it is not within 30 feet of any adjacent property line. Therefore, the DSP is exempt from the requirements of this section as noted on the plan.
 - c. Section 4.4, Screening Requirements, requires that loading spaces, outdoor merchandise storage, trash facilities, mechanical equipment, and vehicle-related uses be screened from various areas and adjacent uses. The submitted DSP only proposes a vehicle-related use, which is required by this section to be screened from adjacent residential uses or zones. The subject property and all adjacent properties have industrial uses. Therefore, the subject property is not required to provide screening pursuant to the Landscape Manual. This has been noted incorrectly on the plan. A condition has been included in this approval to require the applicant to properly note this requirement on the plan.

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- d. Section 4.7, Buffering Incompatible Uses, requires a landscape buffer to be planted between incompatible adjacent uses. The proposed use, a vehicle towing and automobile storage yard, is a high-impact use and all of the surrounding properties, including a towing service and contractor's storage yards, are high-impact uses too that require no bufferyard. However, this has not been correctly labeled on the plan. A condition has been included in this approval to require the applicant to properly note this requirement on the plan.
 - e. Section 4.9, Sustainable Landscape Requirements, requires a certain percentage of plant material proposed to be native species. The submitted DSP does appear to meet all of the requirements of this section; however, the required schedule and notes were not provided on the plan. A condition requiring the necessary revisions has been included in this approval.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** In regards to grandfathering, the project is subject to the environmental regulations of Subtitle 27 that came into effect on September 1, 2010 because there are no previously approved development plans.
- The site is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because, although the property is greater than 40,000 square feet in size, it contains less than 10,000 square feet of existing woodland and has no previously approved tree conservation plans. A standard letter of exemption was issued for the subject property on March 29, 2012 and was submitted with the application.
11. **Conformance to the Tree Canopy Coverage Ordinance:** With the removal of Lot 9 from the DSP application, the project is no longer subject to the requirements of Subtitle 25, Division 3, The Tree Canopy Coverage Ordinance, because it will not require a grading or building permit for more than 5,000 square feet of disturbance. Therefore, the previously staff recommended condition requiring the provision of a tree canopy coverage schedule has been removed from the conditions of approval.
12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Transportation Planning**—The site is subject to the general requirements of site plan review, which includes attention to parking, loading, on-site circulation, etc. No traffic-related findings are required. A DSP is required based on a condition in the original plat.
- The DSP is for a towing service and automobile storage yard. The applicant is proposing to add a service trailer (440 square feet) on Lot 8. The lot is planned with a 30-foot commercial entrance, sidewalk frontage, and a large paved area to accommodate storage vehicles. A semi-permanent trailer (mobile units) with steps is shown on the plan. No other structures are shown. Lot 8 is located on a cul-de-sac, Prosperity Court, shown with

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a 70 foot right-of-way. The proposed commercial entrance is shown on the north side of Prosperity Court with a four-foot-wide sidewalk along the lot line.

The applicant is required to provide two standard parking spaces for the office/storage use. The applicant is providing one parking space and one van-accessible space. These are shown on the plan adjacent to the trailer.

The property is located in the Walker Mill Business Park and there are no master plan roadways in the immediate vicinity. The Planning Board found that the site plan is acceptable.

- b. **Subdivision Review**—An analysis of the applicable preliminary plan of subdivision and final plat is incorporated into Finding 8 above. The DSP has some deficiencies that need to be addressed. The DSP should be revised to add a note to provide the site tax map and grid, lot number, plat information, and current deed information. A condition has been included in this approval report to require the information.
- c. **Environmental Planning**—An analysis of the property's conformance with the WCO and applicable plat notes are incorporated into Findings 8 and 10 above, respectively.

An approved Natural Resources Inventory Equivalency Letter, NRI-029-13, was submitted with the application. The site does not contain any regulated environmental features such as nontidal wetlands, streams, and specimen trees.

According to the US Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), the predominant soil found to occur on-site is the Udorthents-Urban Land Complex. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. This information is provided for the applicant's benefit. The county may require a soils report in conformance with Council Bill CB-94-2004 during the building permit process review.

The stormwater management design is conceptually and technically required to be reviewed and approved by the Department of Permitting, Inspections and Enforcement (DPIE) to address surface water runoff issues in accordance with Subtitle 32 Water Quality Resources and Grading Code, which requires that environmental site design be implemented to the maximum extent practicable.

Each lot within the original DSP application (Lot 8 and Lot 9) has a separate approved Stormwater Management Concept Letter and Plan (20323-2012-00 for Lot 8 and 29176-2012-00 for Lot 9). On each lot, the plan shows less than 5,000 square feet of disturbance and on each approval letter it states that the project is exempt from stormwater management requirements. A fee of \$1,823.00 for Lot 8 is required and the approval expires on November 7, 2015. No fee is required for Lot 9 and that approval expires on December 14, 2015. The approvals were obtained at separate times based on the amount

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of disturbance submitted at that time. Overall, the original DSP application for Lots 8 and 9 proposed over 8,000 square feet of disturbance and as such, the site would no longer be exempt from the requirements and the applicant would have to provide on-site stormwater management.

After confirmation from DPIE that a revised, combined stormwater management concept would be required for Lots 8 and 9 together, the applicant chose to instead remove Lot 9 completely from the subject application. Therefore, a condition has been included in this approval requiring Lot 9 to be removed from the DSP.

- d. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department did not provide comments on the subject application.
 - e. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated July 19, 2013, DPIE provided standard comments regarding necessary improvements and standards that will be enforced at the time of permits along with the following specific comment:

The proposed site development is consistent with approved Stormwater Management Concept Plan 20323-2012.
 - f. **Prince George's County Police Department**—In a memorandum dated July 11, 2013, Corporal Richard Kashe of the Police Department indicated that there are no crime prevention through environmental design (CPTED) related issues with the subject application.
 - g. **Prince George's County Health Department**—In a memorandum dated July 19, 2013, the Prince George's County Health Department offered no comments on the subject application.
 - h. **Town of Capitol Heights**—The Town of Capitol Heights did not provide comments on the subject application.
 - i. **City of District Heights**—The City of District Heights did not provide comments on the subject application.
13. Based on the foregoing analysis, and as required by Section 27-285(b)(1) of the Zoning Ordinance, 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.
14. Section 27-285(b)(4) of the Zoning Ordinance requires that a detailed site plan demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible.

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Because the site does not contain any regulated environmental features, this required finding does not apply to the review of this DSP.

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-13020, subject to the following conditions:

1. Prior to certification, the applicant shall revise the detailed site plan (DSP) to:
 - a. Add a note to provide information on site tax map and grid, lot number, plat number, and current deed.
 - b. Define the area to be used as automobile storage on the site plan and make sure this area will not block, or overlap, the required parking spaces.
 - c. Revise the DSP to remove Lot 9, and all references to it in notes and labels, from the plan.
 - d. Label the material and colors of the proposed sign on the DSP.
 - e. Provide ten percent green area on the subject site, exclusive of the required Section 4.2 landscape strip and the automobile storage area.
 - f. Have the landscape plan sealed by the landscape architect registered in the State of Maryland who prepares it.
 - g. Revise the DSP to show sight-tight fencing along all property lines.
 - h. Label the height of the trailers on the DSP.
 - i. Revise the Section 4.4 note regarding the DSP's conformance to this section.
 - j. Revise the DSP to note the existing zones and uses on each adjacent property.
 - k. Revise the Section 4.7 schedules to clarify the specific uses on the subject property and adjacent properties, and revise the DSP to clarify which Section 4.7 schedule applies to which property line.
 - l. Provide a Section 4.9 schedule and note showing the site's conformance to this section.
2. Prior to issuance of any grading permits, a methane survey shall be completed and submitted to the Environmental Planning Section and the Prince George's County Health Department. If methane is encountered on-site, a mitigation plan shall be required for the development. All required remediation activities shall be completed to the satisfaction of the Health Department.

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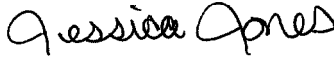
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, November 7, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of December 2013.

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPFC Legal Department

Date 11 / 13 / 13