

PGCPB No. 14-141

File No. DSP-14005

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 December 11, 2014, regarding Detailed Site Plan DSP-14005 for Walker Mill Business Park, Lot 9, the Planning Board finds:

1. **Request:** The subject application is for approval of a vehicle towing company and automobile storage yard in the Light Industrial (I-1) Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	I-1	I-1
Use(s)	Vacant	Vehicle towing company/ automobile storage yard.
Acreage	0.72	0.72
Lots	1	1
Gross Floor Area (sq. ft.)	0	440

OTHER DEVELOPMENT DATA

Parking Spaces Required

440 GFA @ 1 space per 250 GFA	2 spaces
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Parking Spaces Approved

Standard Spaces	1 space
Van-Accessible ADA Spaces	1 space
Total	2 spaces

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 and Planning Area 75B.
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 property to the north is vacant; the property to the west is developed with a contractor's office with an outdoor storage yard; the property to the east has an approved Detailed Site Plan, DSP-13020, and is to be

developed with a vehicle towing company and automobile storage; 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 is identified as Lot 9, Block A, of a larger development known as the Walker Mill Business Park. The Prince George's County Planning Board approved Preliminary Plan of Subdivision 4-87194 (via PGCPB Resolution No. 88-6) for Walker Mill Business Park on January 7, 1988, which was recorded in Plat Book NLP 141-11. The site also has an approved Stormwater Management Concept Plan, 29176-2012-00.
6. **Design Features:** The subject DSP 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 leading to a 4,000-square-foot gravel-paved area, with two parking spaces and a 10-foot by 44-foot trailer serving as the office. The lot will be completely surrounded by a proposed six-foot-high board-on-board wooden fence with an entrance gate along the site's frontage. The proposed 14-foot-high standard rectangular trailer will be fabricated of metal and will have wooden steps and a ramp providing access to the entrance door. 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 are well in excess of the 30-foot minimum requirement and the front building setback from the street is in excess of 100 feet, which meets the minimum front building setback of 25 feet. The proposed plan also shows conformance to the required ten percent green area requirement.
 - 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.**

The proposed plan notes that 78 percent of the net lot area is green area in fulfillment of the first requirement. This number does not include the required landscaped strip adjacent to the public right-of-way in conformance with the second requirement.

- (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 the requirement, except where the adjoining property is used for a vehicle towing station or vehicle salvage yard. The submitted DSP shows a proposed six-foot-high board-on-board wooden fence completely surrounding the lot.

(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 a 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 as a matter of the consistent application of standards.

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 (Resolution No. 88-6), 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.**

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 in the center of the lot surrounded by a sight-tight fence. The materials on this 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 white metal sign with black lettering to be placed on the front fence. Therefore, it will not be above the roof or parapet line or project significantly from a building, and it will not have any moving or flashing parts.

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.

At this time, the plan proposes grading for gravel parking and a trailer on the lot. 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 from compacting the soil and dispersing the gas in another direction.

A methane gas screening report was submitted for the subject property and the adjacent lot to the east (Lot 8). This survey was conducted on January 30, 2014, and two sample locations were investigated on the subject lot (Lot 9). According to the report, Samples S-1 and S-2 were located in the southwestern and northeastern areas of Lot 9, respectively. No methane gas was encountered at these locations as determined by the multi-gas meter instrument.

The submitted DSP shows no grading for the proposed activity, but does show excavations for a post hole digging instrument to install board-on-board fencing along the northern, southern, and western property lines. Methane is an invisible gas that travels through the porous soil layers to find an opening to the surface. There are known methane sample locations within the overall subdivision (adjacent Lot 8, Boring S-4). This report contained a limited amount of samples with sampling in the interior of the lot and no sample points along the perimeter of the property.

Additional samples from the perimeter of the lot where the fence posts are proposed should be obtained, tested, and reviewed. Therefore, a condition has been included in this approval that a detailed methane survey shall be completed and submitted to the Environmental Planning Section and the Prince George's County Health Department. This survey shall include sample locations (at least eight) along the property boundary and along the boundary of adjacent Lot 8. 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 prior to issuance of any 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.
 - 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 landscaped 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 landscaped 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 landscaped strip when located within 30 feet of an adjacent property where there is no intervening building and interior parking lot planting area. The proposed parking area is approximately 4,000 square feet in size and 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.
 - 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 also high-impact uses that require no bufferyard. The submitted DSP provides the required schedule and notes showing conformance with this section.

- e. **Section 4.9—Sustainable Landscape Requirements**, requires a certain percentage of plant material proposed to be native species. The submitted DSP provides the required schedule and notes showing conformance with this section.

- 10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the environmental regulations of Subtitle 27 of the Prince George's County Code that came into effect on September 1, 2010, because there are no previously approved development plans. The project is subject to the Woodland and Wildlife Habitat Conservation Ordinance (WCO), effective September 1, 2010, because there are no previous tree conservation plan approvals; however, the site qualifies for a standard letter of exemption.

The site is not subject to the provisions of the 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. The site had an approved standard letter of exemption which expired on March 29, 2014. Therefore, a new exemption letter needs to be obtained prior to certification.

- 11. **Prince George's County Tree Canopy Coverage Ordinance:** The project is not 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. The site plan indicates that the proposed disturbed area on-site is 4,985 square feet.
- 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 include attention to parking, loading, on-site circulation, etc. No traffic-related findings are required. A DSP is required based on a condition on the original plat and in the resolution for the underlying preliminary plan.

The property was included in Preliminary Plan of Subdivision 4-87194 for Walker Mill Business Park. A resolution (PGCPB No.88-6) was approved in January 1988. The resolution included several transportation-related conditions. In addition, staff referenced their review of a proposed 801,068 square feet of light industrial space on the 61.3-acre site of 689 vehicle trips during both AM and PM peak hours, although this was not a condition of approval for the preliminary plan or record plat. In terms of the current existing square footage, there is approximately 137,070 square feet of light industrial uses and a church of 34,500 square feet on the overall 61.3 acre site. These uses generate far less than the trip cap of 689 AM and PM peak hour trips and the square footage is substantially less than what was approved on the site.

Additional discussion of conditions of the preliminary plan requiring transportation improvements (Conditions 4–9) indicated that the specified improvements have either all been completed or are planned for in current road projects.

The DSP is for a towing service and auto storage yard. The applicant is proposing to add a service trailer (440 square feet) on Lot 9. Lot 9 is shown with a separate 30-foot commercial entrance, sidewalk frontage, and paved area to accommodate storage vehicles. A semi-permanent trailer (mobile unit) with steps is shown on the plan. No other structures are shown. The site is located on a cul-de-sac, Prosperity Court, shown with a 70-foot-wide right-of-way. One proposed commercial entrance is shown on the north side of Prosperity Court with a four-foot-wide sidewalk along the frontage. This entrance must meet the Prince George's County Department of Public Works and Transportation's (DPW&T) road standards. The site plan shows a Standard No. 200.03 driveway entrance.

The applicant is required to provide two parking spaces for the office/storage use. The applicant is providing two parking spaces. These are shown on the plan adjacent to the trailer.

The property is located in the Walker Mill Business Park. There are no master plan roadways in the immediate vicinity.

The Planning Board found that the site plan is acceptable from a transportation perspective.

- b. **Subdivision Review**—The Planning Board reviewed an analysis of the applicable preliminary plan and final plat, which is incorporated into Finding 8 above, along with the following summarized comments:

A memorandum (Mokhtari to Sloan) dated December 15, 1987 concerning review of the preliminary plan for transportation adequacy states that "Using the recommended trip generation rates for light service industry, the proposed development of 801,068 square feet of light industrial space on a 61.3 acre site, would generate 689 vehicle trips during both a.m. and p.m. peak hours." As previously discussed, Lot 9 was approved as part of PPS 4-87194. The proposed development of Lot 9, then, is part of a conceptual development plan for a larger land area (61.3 acres), which contemplated the generation of 689 trips in the AM and PM peak hours. This estimated trip generation constitutes a trip cap for the overall subject area of the preliminary plan. Therefore, development of the subject site and the associated trip generation of the proposed use should be reviewed by the Transportation Planning Section for conformance to the original preliminary plan approval. If it is determined that the proposed development exceeds the trip cap of 4-87194, as stated in the referenced memorandum, a new preliminary plan is required.

Subdivision conditions are as follows:

- (1) Prior to approval of the DSP, the Transportation Planning Section shall determine conformance to the trip cap established by Preliminary Plan 4-87194.
- (2) Prior to certification of the DSP, the following corrections shall be required:
 - (a) Provide a note stating the existing and proposed GFA.
 - (b) Provide a note stating the proposed use.

Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

The trip cap issue is discussed in the Transportation section above. The other condition has been included in this approval.

- c. **Permit Review**—Permit Review comments have either been addressed through revisions to the plans or through conditions included in this approval.
- d. **Environmental Planning**—The Planning Board reviewed an analysis of the property's conformance with the WCO and applicable plat notes, which are incorporated into Findings 8 and 10 above, respectively. They also offered the following additional summarized comments:

An approved Natural Resources Inventory Equivalency Letter, NRI-076-12, was submitted with the application. The site does not contain any regulated environmental features such as non-tidal wetlands, streams, or specimen trees.

The stormwater management design is conceptually and technically required to be reviewed and approved by DPW&T 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.

The application (Lot 9) has an approved Stormwater Management Concept Letter and Plan (29176-2012-00). The plan shows less than 5,000 square feet of disturbance, and the approval letter states that the project is exempt from the stormwater management requirements. No fee is required for Lot 9 and that approval expires December 14, 2015.

According to the U.S. 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 County Council Bill CB-94-2004 during the building permit process review.

- e. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not provide comments on the subject application.
- f. **Department of Permitting, Inspections and Enforcement (DPIE)**— In a memorandum dated November 25, 2014, DPIE offered 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 the approved Stormwater Management Concept Plan No. 29176-2012. A site development fine grading permit will be required for the proposed site improvements.

- g. **Prince George's County Police Department**—In a memorandum dated October 16, 2014, Corporal Richard Kashe of the Police Department indicated that there are no crime prevention through environmental design (CPTED) related issues with the subject application.
- h. **Prince George's County Health Department**—In a memorandum dated November 7, 2014, the Environmental Engineering Program of the Health Department provided the following comments on the subject application:

- (1) Due to the nature of the proposed business and the potential for petroleum contamination of both soils and groundwater frequently associated with automobile-based operations, it is recommended that the applicant prepare an operational plan that demonstrates appropriate protocols shall be followed to prevent such contamination and, as applicable, incorporate appropriate design elements into the plan.

The applicant should take note of this request; however, as a matter of law it may not be enforced with this DSP approval.

- (2) The proposed office trailer must be connected to the public water and sewer lines.

Existing water and sewer lines are located within the Prosperity Court right-of-way in front of the subject property. The DSP should be revised to show connections from the trailer to these lines.

- (3) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the

2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

This requirement will be enforced at the time of permit; however, a note should be provided on the DSP indicating conformance with these requirements.

- i. **Town of Capitol Heights**—The Town of Capitol Heights did not provide comments on the subject application.
 - j. **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. Because the site is undeveloped and does not contain any regulated environmental features that need to be protected, 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-14005, subject to the following conditions:

- 1. Prior to certification, the applicant shall revise the detailed site plan (DSP) to:
 - a. Provide a note stating the existing and proposed gross floor area and the proposed use.
 - b. Change the required parking to one space per 250 square feet of gross floor area.
 - c. Show connections from the proposed trailer to the existing sewer and water lines within the public right-of-way.
 - d. Provide a plan note that indicates conformance to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - e. Obtain approval of a new Woodland and Wildlife Habitat Conservation Ordinance standard exemption letter.

2. Prior to issuance of any grading permits, a detailed methane survey shall be completed and submitted to the Environmental Planning Section and the Prince George's County Health Department. This survey shall include sample locations (at least eight) along the property boundaries, including the eastern boundary adjacent to Lot 8. 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 prior to issuance of any grading permit.

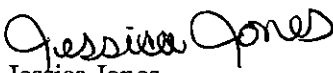
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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 Geraldo, seconded by Commissioner Shoaff, with Commissioners Geraldo, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, December 11, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of January 2015.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department
Date 12/18/14