

Case No.: SP-04034

Applicant: Jimmy Johnson

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the entire record, that the Planning Board's decision in Resolution PGCPB No. 05-32, approving with conditions a Detailed Site Plan, SP-04034, for a motorcycle dealership on property described as approximately 3.24 acres of land in the C-M Zone, located on South Laurel Drive and Laurel-Bowie Road, Laurel, is hereby:

AFFIRMED, for the reasons stated by the Planning Board whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

Affirmance of the Planning Board's decision is 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. The parking spaces along South Laurel Drive shall be moved at least 40 feet from the boundary line, and a berm shall be provided between the parking spaces and South Laurel Drive.

- (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 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 p.m. Monday through Friday; 9:00 a.m. - 5:00 p.m. Saturday; and 12 Noon - 5:00 p.m. on Sunday. Delivery trucks may not come to the subject property before 10:00 a.m. or after 2:00 p.m., Monday through Friday.
8. Outdoor events shall be limited to six per year. The applicant may petition the District Council for the right to hold additional events (not exceeding eight events) after one year of operation. Notice of the events for each calendar year shall be provided to the condominium

- associations and the property managers of the apartment complexes on South Laurel Drive before January 1 of each calendar year. A permit shall be obtained for each event, and the applicant shall have a police officer present to prevent customers from entering the residential communities on South Laurel Drive. If necessary to prevent neighborhood disruption, the District Council may, after a public hearing, revoke all permission to hold events on 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 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 15 mph.
 - c. Install signage at the intersection of the Service Road and South Laurel Drive stating "Entering a Residential Neighborhood - No Engine Revving."

Ordered this 25th day of July, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Exum, Harrington, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent::

Recused: Council Member Dernoga

Vote: 8-0

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL
FOR THAT PART OF THE MARYLAND-
WASHINGTON REGIONAL DISTRICT IN
PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council