

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 91-393(C)(A)

File No. 4-91054

CORRECTED AM ENDED RESOLUTION

WHEREAS, Amber Meadows II, Inc., is the owner of a 19.09-acre parcel of land known as Walker Pontiac (Lots 1-5 and Outparcel A), said property being in the 7th Election District of Prince George's County, Maryland, and being zoned C-H and R-R; and

WHEREAS, on May 16, 1991, Helen and Bernard Walker filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for five lots and one outparcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-91054, 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 October 31, 1991, 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 October 31, 1991, the Prince George's County Planning Board heard testimony and received evidence submittee for the record on the aforesaid application.

*WHEREAS, on November 21, 1991, the Planning Board adopted a resolution approving Preliminary Plat of Subdivision 4-91054; and

*WHEREAS, on November 30, 2000, the Prince George's County Planning Board approved a request by the applicant to reconsider Condition No. 4 of the Preliminary Plat of Subdivision on the basis of i.advertence; and

*WHEREAS, the basis of that inadvertence was that the approval of Preliminary Plat of Subdivision 4-91054 on October 31, 1991 contained a condition that could be construed to limit or prohibit uses that are permitted by right of zoning; and

*WHEREAS, on January 4, 2001, the Prince George's County Planning Board reconsidered Condition No. 4 of the Preliminary Plat of Subdivision and approved the subject application with all of the original conditions and findings, with the exception of new substitute Condition No. 4.

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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, and further approved Preliminary Plat of Subdivision 4-91054 with the following conditions:

 Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Pian (TCPI/40/91). Areas of woodland conservation shall be shown on the Final Plat with a note that states:

"The woodland conservation areas from the approved Type I Tree Conservation Plan (TCPI/40/91) are described by limits, as shown on this plat, and preclude any disturbance or installation of any structure within said area without the revision and reapproval of the Type I TCP. Failure to compi, will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

- A Type II Tree Conservation Plan shall be approved for this site by the Planning Board at the time of Detailed Site Plan approval.
- Development of this subdivision must be in accordance with a Stormwater Management Concept Plan to be approved by the Department of Environmental Resources prior to submission of the Final Plat of Subdivision.
- 4. [The applicant, his heirs, successors, and or assigns, shall verify at the time of Detailed Site Plan that the proposed uses on these lots are consistent with the uses identified on the Preliminary Plat and only replace existing uses found elsewhere on the site. Any development shown on the Detailed Site Plan for Lots 2 through 5 of the proposed Preliminary Plat, together with the retained existing activities (proposed Lot 1), shall not generate more than 80-peak-hour vehicle trips.] Any expansion, together with the retained existing activities (proposed Lot 1) shall not generate more than 80-peak-hour trips. Any development, that is not an expansion of the existing automobile dealership shall, require the filing of a new prelimnary plat of subdivision for the sole purpose of demonstrating conformance with Section 24-124.
- Any development proposed for Outparcel A, as identified on the proposed Preliminary
 Plat, shall require an affirmative finding of the existence of adequate transportation
 facilities, specifically at the adjacent crossover intersection with US 301/kitchellvilleQueen Anne Bridge Road intersections, through the submission of a subsequent Preliminary Plat for Outparcel A.

- 6. Prior to the issuance of any grading or building permits for each lot except Lot 1, a Detailed Site Plan(s) shall be approved by the Planning Board to address the recommendations of the 1991 Bowie-Collington Master Plan. The 50-foot buffer along the western property line shall be replanted where sparsely vegetated.
- 7. Any abandoned well(s) on the property must be backfilled and sealed in accordance with Code of Maryland Regulations 26.04.04 by a licensed well driller or witnessed by a representative of the health Department. Any monitoring well constructed for this site must be properly abandoned in accordance with the above regulations once the well is of no further use.
- Any abandoned septic tank(s) must be pumped out by a licensed scavenger and either removed or baci-filled in place once they become abandoned.
- 9. Prior to Final Plat approval, the applicant, his heirs, successors and/or assigns, shall obtain approval of a Certified Nonconforming Use for the auto display area on the R-R zoned Lot 2. If, prior to Final Plat, the Bowie-Collington Sectional Map Amendment rezones Lot 2 to the C-M Zone or any zone which permits this activity, nonconforming use will not be required.
- Prior to signature approval of the Preliminary Plat, the plat shall be revised to comply with the following:
 - a. The existing R-R zoning line shall be shown in its entirety.
- The 50-foot buffer shall be shown for the entire western property line.
 - 6. Building "A" shall be noted to be removed or relocated, or the common lot line of Lot 1 and Outpurcel A shall be adjusted.

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

- 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.
- The property is located on the west side of the southbound lane of US 301, approximately 1,600 feet north of Mitchellville Road.
- 3. The property is partially wooded. The site is subject to the Woodland Conservation Ordinance since the total woodland area is more than 10,000 square feet and the total property is more than 40,000 square feet. A tree stand delineation and a Type I Tree Conservation Plan have been reviewed by the Natural Resources Division staff and recommended for approval. A Type II Tree Conservation Plan showing exact limits of disturbance must be approved at the time of Detailed Site Plan approval to ensure compliance with the Woodland Conservation and Tree Preservation Policy.
- 4. The Department of Environmental Resources (DER) has determined that a Stormwater Management Concept Plan should be approved prior to Final Plat to ensure that development of the site does not result in on-site or downstream flooding. A plan (CSD #900781) was approved on December 27, 1990 for a 3,045 square foot building addition. DER staff determined that a new Conceptual Stormwater Management Plan is required for this subdivision.
- 5. The site contains a small area of nontidal wetlands in the northwest corner of the site. These wetlands are located within a proposed floodplain easement and are not proposed to be disturbed. DER, Environmental Planning Section staff indicated that any future impact to the wetlands or buffer will require a State or Federal wetland permit.
- The site is in Water and Sewer Category 4 and will be served by public systems. A
 category change from 4 to 3 is required prior to Final Plat approval.
- 7. In accordance with Section 24-124(a) of the Prince George's County Code, the Transportation and Public Facilities Planning Division, after review of the information and documentation submitted for Walker Pontiac Preliminary Plat of Subdivision, offered to following findings:
 - a. In accordance with the Guidelines for the Analysis of the Impact of Proposals (April 1989), the proposed Preliminary Plat would generally peak hour vehicle trips. The revised Preliminary Plat indicates

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tion and reconstruction of existing activities. The *wip* generation study submitted by the applicant indicated the current trip generation at approximately 60 peak hour trips which has been counted as background traffic.

- b. Traffic generated by the proposed Preliminary Plat impacts the U. 301/Mitchellville Road and the US 301/north crossover intersections. Both the Mitchellville Road/US 301 and the US 301/north crossover intersections as operate below the acceptable level-of-service as defined by the Guidelines or the Analysis of the Traffic Impact of Development Proposals. However, the existing 60 peak hour trips are considered as background traffic. The Planning Board concluded that a cap of 80-peak-hour trips is appropriate for the site.
- c. Neither the US 301/north crossover nor the US 301/Mitchellville Road intersection have funding commitments, public or private, for geometric and signalization improvements which are necessary to provide an adequate level-ofservice.
- The 1991 Bowie-Collington Master Plan recognizes this property as part of a roadside commercial area. The Plan states the following in regard to this property:

"The dealership has grown over the years and the site reflects the need for a comprehensive renovation. An automobile storage lot (unscreened) is located in the rear of the property and auto display areas front directly on the highway on both paved and unpaved surfaces. The dealership is highly visible from the southbound lane of US 301. A need exists to provide proper landscaped setbacks from the highway.

This area is separated from the residential area developing as Glen Allen by a wooded stream valley (north and northwest). However, to the west and south, the area is level, cleared and at grade with adjacent residentially zoned land. Therefore, a need exists to provide screening and landscaping along the adjacent residential property lines to ensure adequate buffering."

The Master Plan recommends the following:

a. "The Plan recommends miscellaneous commercial land use and placement in the C-M Zone for this area in recognition of its roadside commercial nature, the existence of incompatible residentially zoned enclaves and the properties juxtaposition with surrounding land uses and the highway. Furthermore, limited expansion of miscellaneous commercial use is recommended. Also, the Comprehensive Plan Map

shows an open space landscaping strip along adjacent residential property lines and US 301 to indicate recommended buffer areas.

- This area/should primarily be developed and/or redeveloped as an integrated multi-dealer auto sales park and service complex.
- c. Any new development or redevelopment should be subject to site plan review to ensure that future service/auto related uses are compatible with surrounding residential development and to foster an improved highway corridor appearance. Particular attention is required to ensure that a substantial bermed and landscaped strip is provided to screen abutting residential lands along the west and south property lines. Undeveloped portions of the US 301 frontage (including existing and future auto display areas) should maintain at least a 100-foot landscaped setback from the right-of-way, including selective use of variable sized landscaped berms. The existing paved auto display area along the highway right-of-way should be removed and replaced with a landscaped strip. Also because several properties comprise this area, attention should be given to minimizing and consolidating access points."

A Sectional Map Amendment is now being prepared to implement the Master Plan. Specifically, the C-M Zone is being recommended for the entire area within this proposal. Zoning map adoption is expected by the end of 1991.

 When the adjacent Amber Meadows Cluster Subdivision was created in 1988 (then known as Walker Property Cluster) Condition 10 of PGCPB Resolution No. 88-127 required the following:

"A 50-foot buffer shall be reflected on the commercial-zoned portion of Parcel D along the entire common property line with the residential subdivision. This buffer area shall be replanted where sparsely vegetated prior to the occupancy permit for any new structure on Parcel D being issued."

"The commercial-zoned portion" is the current subject site. It was the Planning Board's intent to provide a 50-foot buffer on the commercially zoned portion. Since the entire site is expected to be rezoned C-M with approval of the Bowie-Collington SMA, staff recommended that the 50-foot buffer shown on the plat be extended through Outparcel A along the western property boundary.

10. Proposed Lot 2 contains existing auto display area in the R-R Zone. This activity is not permitted in the R-R Zone unless a Certified Nonconforming Use has been obtained.

The site does not have certification which should be required prior to Final Plat approval.

- 11. Also, Building "A", which is a small storage structure, is located on the proposed common lot line of Lot 1 and Outparcel A. This building should be noted to be removed or relocated or the common lot line of Lot 1 and Outparcel A shall be adjusted to be in conformance with the Zoning Ordinance.
- 12. The Health Department reviewed the proposed subdivision, inspected the site and concluded the following:
 - a. Three wells are currently serving the various structures on this property. It is anticipated that their use will continue until public water can be extended to serve the structures. Once the buildings are connected to the public water system, the wells must be backfilled and sealed in accordance with Code of Maryland Regulations 26.04.04 either by a licensed well driller or witnessed by a representative of the Health Department. Any monitoring well constructed for this site must be properly abandoned in accordance with the above regulations once the well is of no further use.
 - b. The buildings are served by on-site sewage disposal systems which may be continued even when public sewer can serve the structures, provided the systems are operating properly. Once a structure is connected to the public sewerage system, the septic tank which served that structure must be pumped out by a licensed scavenger and backfilled.
- 13. The Fire Department reviewed the proposed subdivision for the impact on fire and rescue services and concluded the following:
 - a. Suppression services are provided by the engine at the Bowie Fire Station 2, Company 43, located on Pointer Ridge Drive. In conformance with the Adopted and Approved Public Safety Master Plan, 1990, and/or the Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities, the recommended maximum response time for an engine is 3.25 minutes. Company 43 can provide this service within the Guidelines with a 1.79 minute response time.
 - b. A ladder truck used to provide rescue services is available at the Bowie Fire Station, Company 39, located on Annapolis Road. The recommended maximum response time is 4.25 minutes and cannot be provided by this station which has a response time of 8.28 minutes.

- The recommended maximum response time for ambulance service is 4.25 minutes. This service is also provided by Company 43 and is available within the Guidelines with a 1.79 minute response time.
- d. The recommended maximum response time for medic unit service to provide advanced life support is 7.25 minutes. Company 43 can provide this service within the Guidelines.

The proposed subdivision will not be within the adequate coverage area of the nearest existing fire and rescue facility for ladder truck service. However, an adequate fire and rescue station, Bowie New Town, available to serve the proposed subdivision, has been identified with 100 percent of the construction expenditures programmed within the currently adopted six-year County Capital Improvement Program. The proposed subdivision will be within the adequate coverage area of this programmed facility for ladder truck service.

14. The proposed development is within the service area of the District II - Bowie Police Station. In accordance with Section 24-122.1(c)(A) and (B) of the Subdivision Regulations, staff of the Transportation and Public Facilities Planning Division concluded that the existing County police facilities will be adequate to serve the proposed Walker Pontiae subdivision. Moreover, the Adopted FY 1991-1996 Capital Improvement Program identifies that a new Woodmore Glenn Dale Police Station is programmed with 100 percent of the expenditures for its construction.



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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 action of Commissioner Lowe, seconded by Commissioner Eley. with Commissioners Lowe, Eley, and with voting in favor of the motion and with Commissioner Brown temporarily absent, at its regularing held on Thursday, January 4, 2001, in Upper Mariboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of February 2001.

Trudye Morgan Johnson Executive Director

By Frances J. Guertin
Planning Board Administrator

RMB:FJG:DI:mc

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPFC Legal Department

*Denotes Amendment

Und ning indicates new language [Brac ats] indicate deleted language