



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772
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PGCPB No. 16-83

File No. CP-15004

RESOLUTION

WHEREAS, Brian McLaughlin is the owner of a 0.88-acre parcel of land in the 16th Election District of Prince George's County, Maryland, being zoned Mixed Use-Transportation Oriented (M-X-T), Development District Overlay (D-D-O), and Chesapeake and Atlantic Coastal Bays Intense Development Overlay (I-D-O); and

WHEREAS, on March 28, 2016, Brian McLaughlin filed an application for approval of a Chesapeake and Atlantic Coastal Bays Critical Area Conservation Plan for the purpose of expanding the existing parking lot and the provision of outdoor storage for an existing contractor services business; and

WHEREAS, the application for approval of the aforesaid Critical Area Conservation Plan, also known as Conservation Plan CP-15004 for District Electrical Services, 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 June 23, 2016, for its review and action in accordance with the Zoning Ordinance, Subtitle 27, 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 June 23, 2016, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 27-548.11 of Subtitle 27, Prince George's County Code, the Prince George's County Planning Board APPROVED Conservation Plan CP-15004 for District Electrical Services, with the following condition:

1. Prior to certificate approval of the conservation plan, the following revisions shall be made or information shall be provided:
 - a. Add the Chesapeake and Atlantic Coastal Bays Critical Area approval block on every sheet of the combined detailed site plan/conservation plan set.
 - b. Add the owner signature block on every sheet of the combined detailed site plan/conservation plan set.
 - c. Remove "Combined Table B and B1" from Sheet C4.
 - d. Revise Table A to show the correct lot area (38,437 sq. ft.), the existing building, the existing parking area, the existing parking area to be removed, and the proposed parking area.

- e. Revise CBCA Note 11 to replace "zine" with "zone."
- f. A revised and approved stormwater management concept plan shall be submitted to address the Chesapeake and Atlantic Coastal Bays Critical Area ten percent pollutant reduction calculations.

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

1. **Request:** The proposal is for the expansion of the existing parking lot and the provision of outdoor storage for an existing contractor services business.
2. **Location:** The subject property is located on the south side of Decatur Street between 46th Avenue and 47th Avenue, approximately, 461 feet east of its intersection with Baltimore Avenue (US 1), in the City of Hyattsville.
3. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T/D-D-O/I-D-O	M-X-T/D-D-O/I-D-O
Use(s)	Contractor Services	Contractor Services with Outdoor Storage
Acreage	0.88	0.88
Total Gross Floor Area (GFA)	29,220 sq. ft.	29,220 sq. ft.
Floor Area Ratio (FAR)	0.75	0.75

OTHER DEVELOPMENT DATA

	REQUIRED	PROPOSED
Parking		
Standard Spaces	N/A	27
Handicap Spaces		2 (van-accessible)

4. **Surrounding Uses:** The subject property is located within the Mixed Use-Transportation Oriented (M-X-T) Zone and the Intense Development Overlay (I-D-O) Zone within the Chesapeake and Atlantic Coastal Bays Critical Area (CBCA) and is bounded to the north by Decatur Street, and beyond by an automotive repair use, a single-family detached home, and a contractor's business all in the M-X-T Zone; to the south and west by the CXS railroad right-of-way in the Light Industrial (I-1) Zone; and to the east by a contractor's business in the M-X-T Zone. All of the adjacent and abutting properties are also located within the CBCA Intense Development Overlay (I-D-O) Zone.

5. **Previous Approvals:** The subject property was rezoned from the Urban Light Industrial (U-L-I) Zone to the M-X-T Zone through the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* (Port Towns Sector Plan and SMA). The property is the subject of Record Plat A-14, Wells and Wells Subdivision of Palestine Farm, which was recorded among the Prince George's County Land Records on November 13, 1903. The existing building was constructed in 1949.

A Stormwater Management Concept Plan (37947-2015-00) was approved on September 28, 2015 and is valid until September 28, 2018.

6. **Design Features:** The existing two-story 29,022-square-foot contractor's building is located on Lots 38 and 39, with parking provided on Lot 41. Loading for the site is currently provided off-site along Decatur Street. Lot 40, which previously was developed with a single-family home that has since been demolished, now includes the proposed expanded parking area between the existing building and existing parking area. The site plan shows two access driveways from Decatur Street, separated by a landscape buffer and a bioretention area. A six-foot-high, black, ornamental fence is provided along the front of the parking area. Loading is proposed on-site, adjacent to the building. An outdoor storage area for the dumpster, three sea containers, and a wash rack is proposed at the rear of the site, adjacent to the CSX railroad right-of-way.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Chesapeake and Atlantic Coastal Bays Critical Area (CBCA) Ordinance:** The site is located within the CBCA I-D-O Zone; therefore, the site is subject to the CBCA regulations. The purposes of the I-D-O Zone, as outlined in Section 27-548.13 of the Prince George's County Zoning Ordinance, are to accommodate existing residential, commercial, or industrial land uses within the CBCA; to promote new residential, commercial, and industrial land uses in accordance with development intensity limits designated for the I-D-O Zone in this Subtitle; to conserve and enhance fish, wildlife, and plant habitats; and to improve the quality of runoff that enters the tributary streams of the Chesapeake Bay from developed areas. The regulations concerning the impervious surface ratio, density, slopes, and other provisions for new development in the I-D-O Zone are contained in Subtitle 5B of the Prince George's County Code, as follows:

Section 5B-113. – Intense Development Overlay (I-D-O) Zones.

- (e) **Development standards. The following development standards must be demonstrated within the I-D-O Zone:**

- (1) **For redevelopment plans, opportunities to reduce impacts on water quality generated by existing development shall be analyzed;**

The applicant is providing bioretention and micro-bioretention areas in accordance with their approved stormwater management concept plan.

- (2) **Urban Best Management Practices (BMPs) for stormwater treatment shall be considered and, where appropriate, implemented as part of all plans for development and redevelopment;**

As noted above, the site plan shows bioretention areas that will address quality control for stormwater runoff.

- (3) **Stormwater shall be addressed in accordance with the following provisions:**

- (A) **Development or redevelopment projects shall use technologies as required by applicable ordinances in order to minimize adverse impacts to water quality caused by stormwater.**
- (B) **In the case of redevelopment, if these technologies do not reduce pollutant loadings measured by use of the keystone pollutant method by at least 10 percent below the level of pollution on the site prior to redevelopment, then offsets shall be provided.**

Guidance for compliance with this requirement is provided in the *Critical Area 10% Rule Guidance Manual – Fall 2003* and as may be subsequently amended.

- (C) **In the case of new development, offsets shall be used if they reduce pollutant loadings by at least 10 percent of the pre-development levels. Guidance for compliance with this requirement is provided in the *Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance – Fall 2003* and as may be subsequently amended.**
- (D) **Offsets may be provided either on or off site, provided that water quality benefits are equivalent, that the benefits are obtained within the same watershed, and that the benefits can be determined through the use of modeling, monitoring or other computation of mitigation measures. Guidance regarding offsets is provided in the *Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance – Fall 2003*.**

A copy of the approved Stormwater Management Concept Plan (37947-2015-00), approved September 28, 2015 and valid until September 28, 2018, was submitted with the subject application. This approval demonstrates that the application meets the requirements of the applicable ordinances. The concept plan appears to show stormwater directed to two new on-site bioretention areas/infiltration trenches that are ultimately conveyed to a County stormdrain system. According to the approval letter, no quantity controls are required. The conservation plan is consistent with the approved concept plan.

A final review of the ten percent CBCA worksheet has been completed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and was found to be correct in showing the existing and proposed conditions for pollutant removal at the Baltimore Avenue (US 1) site.

- (4) **There is no Critical Area lot coverage maximum in the I-D-O, however, where practicable, permeable areas shall be established in vegetation, and whenever possible, redevelopment shall reduce existing levels of pollution.**

The applicant has provided landscaping in accordance with the 2010 *Prince George's County Landscape Manual* requirements and provided a gravel surface for the outdoor storage area.

- (5) **Areas of public access to the shoreline, such as foot paths, scenic drives and other public recreational facilities, should be maintained and, if possible, encouraged to be established within the I-D-O.**

The above development standard does not apply because the site does not have direct access to any shore line.

In conclusion, the Planning Board found that the proposal meets the development standards for the I-D-O Zone, subject to the conditions in the approval of this application.

8. **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. **Environmental Planning**—Comments on the subject conservation plan are summarized as follows:

- (1) The applicant proposes to expand the existing parking area and provide an outdoor storage area within the CBCA. No changes to the existing building or increases of GFA are proposed. There are no development plans or conservation plans previously reviewed for this site.
- (2) A Chesapeake and Atlantic Coastal Bays Conservation and Planting Agreement is required to be recorded for development of the site. Review of the Conservation and Planting Agreement falls under the purview of DPIE; however, recordation of this document is the responsibility of the property owner. No additional information is needed by M-NCPPC with respect to the Conservation and Planting Agreement. No conservation easement is required because there are no regulated environmental features or existing woodlands on-site.

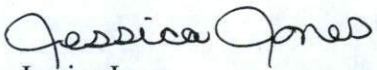
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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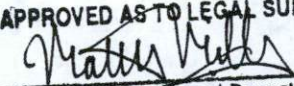
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 23, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of July 2016.

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

PCB:JJ:CF:rpg

APPROVED AS TO LEGAL SUFFICIENCY.

M-NCPPC Legal Department
Date 7/5/16