

R E S O L U T I O N

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 July 21, 2005 regarding Detailed Site Plan DSP-05013 for Bowie Nissan (Formerly Route 301 Realty Corporation), the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for a new automobile dealership in the C-M Zone.
2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-M	C-M
Use(s)	Vacant/wooded	New automobile dealership
Acreage	6.29	6.29
Total square footage	-	29,700

OTHER DEVELOPMENT DATA

	REQUIRED	PROPOSED
Total parking spaces	118	370
Of which		
Office	24	91
Service bay	84	28
Indoor display	8	6
Outdoor display	2	42
Rooftop and basement storage		203
Spaces for the handicapped	5 (1 van accessible)	6 (2 van accessible)
Loading space	1	1

3. **Location:** The subject property is located on the west side of Crain Highway (US 301), approximately 400 feet south of its intersection with Mount Oak Road, in Planning Area 74B and Council District 4.
4. **Surroundings and Use:** The subject site is bounded to the east by the right-of-way of US 301 (Crain Highway) and bounded to the south by a 20-foot-wide private access easement. Across US 301 to the east is property in the C-M Zone and across the private easement to the south is the property of Walker Pontiac, an existing car dealership in the C-M Zone. To the north of the property are an outlot in the R-R Zone and a developed parcel in the C-M Zone with a hospital

use. To the west of the property are two existing single-family detached residences in the C-M Zone and an existing subdivision in the R-R Zone.

5. **Previous Approvals:** The subject site has an approved Preliminary Plan of Subdivision 4-04047, including a Type I Tree Conservation Plan (TCPI/32/04), which was approved by the Planning Board (PGCPB No. 04-177) on July 22, 2004, subject to 13 conditions. The site also has an approved stormwater management concept plan 8254-2004-01.
6. **Design Features:** The subject property consists of approximately 6.29 acres of land in the C-M Zone. There are streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur in the north and northwest of the property. The proposed dealership building, in a rectangular footprint, is located in the southeast part of the site and is surrounded with various types of parking lots. A continuous retaining wall has been shown along the northern boundary of the developed envelope of the site, but no height and wall details information have been provided on the site plan. A condition of approval has been proposed in the recommendation section of this report.

One access point off US 301 in the southeast corner of the site provides a vehicular right-in/right-out connection to US 301. Another access point off US 301, which is approximately 50 feet south of the first one, connects to the existing 20-foot-wide access easement leading to two existing single-family detached residences to the west of the subject property. The second private access easement branches into the subject detailed site plan site after traveling approximately 120 feet along the existing 20-foot-wide access easement, then cuts through the southwest corner of the site and merges back into the existing 20-foot-wide access easement.

The proposed one-story building is the new Nissan prototype dealership building with an underground storage facility. The building is oriented in an east-west direction with the main/eastern elevation facing US 301. The east elevation features a horizontal layout with a combination of storefront glass, solid concrete manufactured units in different textures, and aluminum composite material panels. Various internally illuminated building-mounted signs, such as the Nissan brand symbol, Nissan word mark, and dealer name signs are shown on the elevation. The main section of the east elevation is finished with silver-colored aluminum composite material panels. The main entrance is accented with red aluminum composite panel columns and the storefront is covered with fixed aluminum louvers. The service area canopy is finished with silver metallic horizontal ribbed panels. The south and north elevations use similar materials and treatments. The west elevation is simple and is finished with two types of concrete manufactured units. The elevations that can be viewed from US 301 in general are modern and attractive, except for the visible portion of the north elevation, which needs more elaborate treatments because US 301 is a divided freeway and the north elevation will be viewed by most passengers in the southbound traffic. A condition of approval has been proposed in the recommendation section to require the applicant to submit a full north elevation to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.

A complete sign package including a freestanding sign and various building-mounted signs has

been submitted and reviewed. The proposed signage package is in general compliance with the requirements of Section 27-613 and 614 for both building-mounted signs and freestanding signs.

No information regarding possible use of an outdoor speaker system/public address system (PA) has been provided with this application. A condition of approval has been proposed in the recommendation section of this report.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of Zoning Ordinance in the C-M (Commercial Miscellaneous) Zone:** The subject site plan has been reviewed for compliance with the requirements of the C-M Zone and site design guidelines.

- a. Pursuant to Section 27-461, which governs permitted uses in all commercial zones, the proposed new automobile dealership is a permitted use in the C-M Zone.
- b. The site plan also complies with the requirements of Section 27-462, Regulations, regarding various setbacks and site design guidelines.

8. **The requirements of Preliminary Plan of Subdivision 4-04047:** Preliminary Plan of Subdivision 4-04047 was approved by the Planning Board subject to 13 conditions.

- a. The following conditions applicable to the review of this detailed site plan warrant discussion:

- 1. **Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/32/04). The following note shall be placed on the Final Plat of Subdivision:**

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/32/04), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply 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.”

Comment: A Type II Tree Conservation Plan TCPII/89/05, which is based on the approved Type I Tree Conservation Plan TCPI/32/04, has been submitted with this detailed site plan. Per the review by the Environmental Planning Section, TCPII/89/05 is consistent with TCPI/32/04 and is in conformance with the Prince George’s County Woodland Conservation Ordinance. The Environmental Planning Section recommends approval of TCPII/89/05 subject to three conditions.

- 4. The applicant shall provide sufficient and uninterrupted access to Parcels 103 and 164, either along the existing ingress/egress easement or through some other means mutually agreeable to all parties.**

Comment: The subject property carries a private access easement to an existing single-family detached residence, the Noerling property, to the west of the subject site. The Noerling property is also accessible from an existing 20-foot-wide access easement abutting the southern boundary of the subject site. The site plan shows two access points off US 301 that are approximately 50 feet apart. One is the access to the subject site; the other is the access point to the existing 20-foot-wide easement. From the transportation point of view, it would be preferable to have the two existing single-family detached residences and the subject site share a common access point off US 301 in order to minimize the impact on the heavily traveled freeway. In addition, the Bowie City Council, in its conditions of approval, also calls for the applicant to provide the Noerling property with alternative access that will not require traveling through the auto dealership parking area, if all adjacent easement owners agree. However, at time of the subject detailed site plan review, no agreement on a shared access easement has been reached by the three involved parties. The State Highway Administration has approved the two access points off US 301 as shown on the site plan.

The site plan shows a group of display parking spaces in the southwest corner of the subject property, which will attract traffic onto the private access easement to the Noerling property. The Urban Design Section recommends relocation of the seven display parking spaces to the north of the private access easement and print and stripe the portion of the easement in order to help ensure uninterrupted access to the Noerling property. A condition of approval has been proposed in the recommendation section of this report.

- 8. Prior to the issuance of building permits, the applicant shall obtain detailed site plan approval by the Planning Board. The detailed site plan shall address buffering (including light and noise intrusion), landscaping, access, techniques to further minimize PMA impacts, and the visual relationships between the proposed development and adjoining residentially developed properties.**

Comment: The subject detailed site plan has been filed in order to fulfill this condition. Most parts of the subject site adjacent to the existing subdivision are wooded and will be preserved to fulfill on-site woodland conservation requirements. Only the two existing single-family detached residences will be impacted by the proposed development. A review by the Urban Design Section of this part of the site plan raises concerns regarding screening from the existing residences and the location of dumpster. The main

landscaping material (Pin Oak) proposed in the bufferyard for the screening purpose will not provide the required screening effect. The staff suggests fast-growing evergreen trees such as Leyland Cypress to be used to replace Pin Oak. The location of dumpster should be revisited in order to minimize impact on the existing single-family detached residence. The staff recommends relocating dumpster to the northern part of the site. Several conditions of approval have been proposed in the recommendation section of this report. The subject site plan, if revised pursuant to the recommended conditions of approval regarding light and noise intrusion, landscaping and access, complies with this condition.

9. Development of this subdivision shall be in compliance with the approved stormwater management concept plan (#8245-2004-01) or any approved revision thereto.

Comment: After review of the subject site plan, the Department of Environmental DSP-0513 is consistent with approved stormwater management concept plan 8245-2004-01.

12. Total development within the subject property shall be limited to 29,800 square feet of automobile dealership facilities, or equivalent development that generates no more than 52 AM and 62 PM new peak-hour trips, taking into account estimated pass-by trips. Any development other than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

Comment: The total development proposed with this detailed site plan is 29,700 square feet, which is 100 square feet less than the maximum allowable 29,800 square feet for the site. A review by the Transportation Planning Section (Masog to Zhang, July 11, 2005) indicates that the site plan is acceptable.

- b. Condition 11 of approval of 4-04047 as follows is not applicable to the review of this detailed site plan because the required transportation improvements will not be enforced until issuance of building permit. However, during the public hearing for this detailed site plan, the applicant proffered additional improvements as shown in applicant Exhibit # 2 to primarily fulfill sub-condition d, to prevent weaving movement from the site entrance to the median and unauthorized movements crossing over the median of US Route 301.

11. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with SHA:

- a. **Widen the westbound approach of Queen Anne Bridge Road at US**

301 to provide an exclusive right turn lane and two through lanes. Widen the median to accommodate two through lanes from westbound Queen Anne Bridge Road, to create one left turn lane and one through lane. These improvements shall also include any signal, signage, and pavement marking modifications and additions to be determined by SHA.

- b. Construct a free right turn lane on eastbound Mitchellville Road at US 301 and change from signal controlled movement to free-flow right turn movement. This improvement shall also include any signal, signage, and pavement marking modifications and additions to be determined by SHA.**
- c. The applicant will be responsible for any traffic signal modifications as a result of the proposed intersection improvements.**
- d. The type of material, length and construction of the channelized lane (lane divider), and how the merge of traffic will be handled beyond the channelized lane shall be determined.**

9. ***Landscape Manual:*** The subject application is subject to the requirements of Section 4.2 Commercial and Industrial Landscaped Strip Requirements; Section 4.3 Parking Lot Requirements; and Section 4.7 Buffering Incompatible Uses of the *Landscape Manual*.

- a. The proposed dealership is in the C-M Zone and is fronting US 301 to the east. Per Section 4.2, a landscape strip shall be provided on the property adjacent to all public rights-of-way. In any area where a parking lot is immediately adjacent to a public right-of-way, the provision of Section 4.3(a), Landscaped Strip Requirements, applies. The landscape plan does not identify the Section 4.2 landscape strip because only part of the frontage is occupied by the display parking lot. Even though the Section 4.2 requirement is virtually satisfied by the existing wooded area, a Section 4.2 schedule should be provided on the landscape plan. A condition of approval has been proposed in the recommendation section of this report.
- b. As discussed above, a Section 4.3(a) landscape strip is required along part of the site's eastern frontage onto US 301. The landscape plan provides a schedule, but does not show compliance with the requirement. A condition of approval has been proposed in the recommendation section to require the applicant either to show complete compliance to

Section 4.3 (a) or to seek alternative compliance.

The landscape plan proposes 47,032 square feet of parking area on the site. Per Section 4.3(c), five percent of the total parking lot must be an interior planting area to be planted with one shade tree for each 300 square feet. The landscape plan provides 2,817 square feet of interior planting area, which is approximately six percent of the parking lot, with eight shade trees and, thus, complies with the requirements of Section 4.3(c). But the landscape plan shows two schedules that need to be consolidated into one.

- c. The proposed auto dealership is adjacent to existing residential use to the south and the west. Per Section 4.7, the proposed use is defined as a medium impact use; a Type C bufferyard is required. The Type C bufferyard requires a minimum 40-foot building setback and a minimum 30-foot-wide bufferyard to be planted with 120 plant units per 100 linear feet of property line.

The applicant is requesting alternative compliance along the southern and western property lines. The report of the Alternative Compliance Committee on this application is provided below:

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the southern property line

Length of bufferyard	411 feet
Building setback	40 feet
Landscape yard	30 feet
Plant materials	246 plant units (with 50 percent opaque fence reduction)

PROVIDED:

Building setback	40-95 feet
Landscape yard	5-20 feet
Plant materials	289 plant units (with 50 percent opaque fence reduction)

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the western property line

Length of bufferyard	190 feet
Building setback	40 feet
Landscape yard	30 feet
Plant materials	114 plant units (with 50 percent opaque fence reduction)

PROVIDED:

Building setback	56 feet
Landscape yard	8-28 feet
Plant materials	132 plant units (with 30 percent existing woodlands)

JUSTIFICATION:

The site topography has presented limitations that make it impractical to build on a large portion of the site. In addition, space limitations are created on the site due to the unusual shape of the site, a large WSSC easement, a 20-foot access easement on the site for ingress and egress to the adjacent properties, and a 100-year floodplain that bisects the site creating additional limitations to the area in which the applicant can build. The applicant has provided additional plant units to compensate for the reduced bufferyard width, along with a site-tight fence. The required width of landscape yard has been provided in all areas except where the access easement is present. The committee is of the opinion that the alternative is equal to or better than normal compliance with the requirements of the *Landscape Manual*.

RECOMMENDATION:

The Alternative Compliance Committee recommends approval of alternative compliance pursuant to Section 4.7 of the *Landscape Manual*, along the southern and western property lines.

The northwest corner of the site, which is wooded, is adjacent to the existing residential uses. Since Section 4.7 treats the entire site as one entity, this part of the site is also subject to Section 4.7, which will be met 100 percent by the existing woodland. A landscape schedule should be provided on the landscape plan. A condition of approval has been proposed in the recommendation section of this report.

- d. During the public hearing on July 21, 2005, the Planning Board approved an Alternative Compliance from the Type "D" bufferyard (instead of the above-recommended Type "C" bufferyard) after discussion, due to the fact that the proposed car dealership has a service component. Pursuant to the *Landscape Manual*, the proposed car dealership is a high impact use. A Type "D" bufferyard is required when a high-impact use is adjacent to a single-family detached residence. The Planning Board determined that the revised alternative is equal to or better than normal compliance with the requirements of the *Landscape Manual*. The required and provided landscaping measures have been modified as follows:

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the southern property line

Length of bufferyard	312 feet
Building setback	50 feet
Landscape yard	40 feet
Plant materials	250 plant units (with 50 percent opaque fence reduction)

PROVIDED:

Building setback	51- 92+ feet
Landscape yard	5-30 feet
Plant materials	250 plant units (with 50 percent opaque fence reduction)

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the western property line

Length of bufferyard	226 feet
Building setback	50 feet
Landscape yard	40 feet
Plant materials	181 plant units (with 50 percent opaque fence reduction)

PROVIDED:

Building setback	54 feet
Landscape yard	20-30 feet
Plant materials	274 plant units (with 30 percent existing woodlands)

10. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on site, and there is a Type I Tree Conservation Plan, TCPI/32/04.
 - a. A forest stand delineation (FSD) submitted with the preliminary plan of subdivision was found to satisfy the requirements for a FSD in accordance with the Prince George's County Woodland Conservation Ordinance and Tree Preservation Policy Document and Technical Manual. No further information regarding the FSD is required with this DSP application.
 - b. The Type II Tree Conservation Plan TCPII/89/05 submitted with this DSP is in general conformance with the requirements of the Woodland Conservation Ordinance except for several revisions. The plan proposes to fulfill the requirement primarily on site with only 0.06 acre of off-site mitigation. The Environmental Planning Section recommends approval of TCPII/89/05 subject to three conditions.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. In a memorandum dated July 8, 2005, the Community Planning Division noted that the application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier and conforms to the land use policy of the 1991 Bowie-Collington-Mitchellville and Vicinity Master Plan.
- b. The Transportation Planning Section, in a memorandum dated July 11, 2005, noted that the site plan is acceptable.

In a separate memorandum from the Transportation Planning Section dated June 6, 2005, on detailed site plan review for master plan trail compliance, the trails planner stated that there are no master plan trails issues identified in the 1991 Bowie-Collington-Mitchellville and Vicinity Master Plan that impact the subject site.

- c. The Subdivision Section, in a memorandum dated May 27, 2005, provided a detailed discussion on the conditions of approval attached to Preliminary Plan of Subdivision 4-04047, which requires the subject detailed site plan approval prior to issuance of any building permit for the subject property. See the above Finding 8 for discussion on the applicable conditions. The Subdivision Section staff also indicates that the applicant has not yet completed the signature approval of the Preliminary Plan of Subdivision. A condition of approval has been proposed in the recommendation section to require the applicant to complete the signature approval process of the preliminary plan prior to certification of this detailed site plan.
- d. The subject application was also referred to the Department of Environmental Resources. In a memorandum dated May 27, 2005, the staff noted that the site plan for Bowie Nissan is consistent with approved stormwater management concept plan #8254-2004-01.
- e. The Environmental Planning Section, in a memorandum dated June 24, 2005, provided a comprehensive review on the Type II tree conservation plan and other environmental planning-related issues such as possible noise associated with the public address system and lighting intrusion. The Environmental Planning Section recommends approval of this detailed site plan subject to three conditions, which have been incorporated into the recommendation section of this report.
- f. The Permit Section, in a memorandum dated May 31, 2005, provided 11 comments on the subject site plan regarding compliance with the *Landscape Manual* and Zoning Ordinance. The comments have either been addressed by the applicant through the revised plan or will be addressed by conditions of approval.
- g. The State Highway Administration (SHA), in a memorandum dated April 17, 2005, noted that SHA has no objection to Detailed Site Plan DSP-05013 approval.
- h. The Bowie City Council, City of Bowie, in a letter dated April 19, 2005 (G. Frederic

Robinson, Mayor, to the Honorable Elizabeth M. Hewlett, Chairman, Prince George's County Planning Board) recommended approval of the subject detailed site plan subject to 14 conditions. The applicant has satisfied most of the conditions either by revisions to the plan or by compliance with conditions of approval for this detailed site plan.

- i. The Fire Department of Prince George's County had not responded to the referral request at the time the staff report was written.
12. As required by Section 27-285(b), 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.

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 Type II Tree Conservation Plan (TCPII/89/05) and APPROVED Alternative Compliance No. AC-05015, and further APPROVED Detailed Site Plan 05013 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall
 - a. Complete certification of Preliminary Plan of Subdivision 4-04047.
 - b. Provide information on the proposed hours of operation, indicate if there will be a public address system (PA) and, if so, how it might be used and when. Provide a noise study with projected noise contours to reflect how the PA system might adversely impact the neighboring residential area, if one is proposed.
 - c. Submit a lighting plan with photometric diagram and details of all light fixtures showing full cut-off optics.
 - d. Revise Type II Tree Conservation Plan TCPII/89/05 as follows:
 - (1) Prepare the TCPII and DSP at the same scale.
 - (2) Identify each woodland conservation treatment area to the closest 1/100th of an acre.
 - (3) Use more distinguishable shading or a pattern to better distinguish between the two woodland treatment areas (woodland cleared and woodland preserved) on the plan.
 - (4) Adjust the worksheet to show 0.06-acre of off-site mitigation to be provided by fee-in-lieu payment or the following note should be placed on the plan under the worksheet: "off-site mitigation may be met by using the fee-in-lieu option."

- (5) Show the proposed grading.
 - (6) Add details for the type of tree protection device and woodland conservation signage, including the general notes below each detail.
 - (7) Provide the applicable edge management notes on the plan.
 - (8) After these revisions have been made to the plans, have the qualified professional who prepared it sign and date it.
- e. Replace the proposed white pine with either American holly or red cedar and replace the Pin Oak in the western bufferyard with fast-growing evergreen trees such as Leyland Cypress.
- f. Add site plan notes as follows:
- “All HVAC and other roof-mounted mechanical equipment shall be screened from view.”
- “All rooftop parking shall be fully screened from view.”
- “No flags or banners may be mounted, suspended or otherwise displayed for advertising anywhere on the building.”
- “ All on-and-off loading shall take place on site.”
- g. Provide the height information for the proposed retaining walls and fence details.
- h. Provide a Section 4.2 schedule on the landscape plan
- i. Show complete compliance to Section 4.3(a) along part of the site’s eastern frontage or seek alternative compliance from this requirement.
- j. Provide a standard sidewalk connection to the adjacent commercial property to the south of the subject site.
- k. Provide a Section 4.7 schedule for the northwest portion of the subject property on the landscape plan.
- l. Provide the height information of the building and the proposed retaining wall on the site plan.
- m. Provide retaining wall details on the detail sheet.
- n. Relocate the seven display parking spaces away from the access easement to the Noerling property and stripe and paint the portion of the easement on the site plan. However, the

spaces may be installed if the Noerling easement is relocated off-site.

- o. Relocate the proposed dumpster to the north part of the site, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
 - p. Show the proposed freestanding sign, including all dimensions and sign face area calculation, on the site plan.
- 2. Prior to issuance of any building permits, the applicant shall:
 - a. Provide a complete north elevation demonstrating enhanced visual and architectural interest to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
 - b. Submit certification by a professional engineer with competency in acoustical analysis that demonstrates that noise intrusion from the proposed use shall not exceed 65 dBA (Ldn) at the adjoining residential property line.
 - c. Relocate the existing access easement outside the boundary of the subject Detailed Site Plan or outside the dealership area, and to build the access easement to the Noerling Property at the applicant's expense.

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 Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, July 21, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of July 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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