

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 September 6, 2007 regarding Detailed Site Plan DSP-07016 for Walker Pontiac, Parcel A, the Planning Board finds:

1. **Request:** This application requests approval of a detailed site plan for infrastructure only, as per Section 27-286 (b). The site is proposed for future use as an auto dealership.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	C-M	C-M
Use(s)	Vacant	(Future auto dealership)
Acreage	5.58	5.58
Lots	0	0
Parcels	1	1
Square Footage/GFA	0	0

3. **Location:** The site is located on the west side of US 301 (Crain Highway). It is directly east of the city limits of Bowie, in Council District 4, Planning Area 74B, within the Developing Tier.
4. **Surroundings and Uses:** To the north of the subject property are the Honda of Bowie and Walker Pontiac automobile dealerships. An access driveway on the pipestem of the subject property currently connects to the driveway of the Honda dealership. On the east side, the site borders a cul-de-sac development of single-family homes within the City of Bowie.

To the south is vacant land in the C-M and R-R Zones. The property to the south has an approved preliminary plan of subdivision, 4-05148, for 14 residential lots in the R-R Zone and 2 commercial parcels in the C-M Zone that are proposed as automobile dealerships. A condition of approval for 4-05148 calls for these two commercial parcels to access US 301 via a service road along an easement on the pipestem of the subject property. The present application does not obstruct the path of this future shared access.

5. **Previous Approvals:** In 2004, the Planning Board approved Preliminary Plan of Subdivision 4-04046, which provided for the development of Parcel A as an auto dealership, subject to eight conditions.
6. **Design Features:** The site is flag-shaped, with a large rectangular portion to the west accessing US 301 by a 75-foot-wide pipestem. The application proposes grading, water and sewer connections, and stormwater management infrastructure for the site. The site currently has a small hillock in its

center with slopes generally descending towards the west. The proposed grading would remove the hillock and even out slopes over the center of the site. The application proposes to run a water line along the pipestem from US 301, to serve a future building on the northern part of the site. A proposed sewer line from the center of the site would connect to the existing WSSC sanitary sewer line that runs along the western edge of the site. Finally, a system of stormdrains and pipes would capture and isolate stormwater in a series of hydrodynamic water quality devices and holding pipes before releasing it into a riprap swale at the northwest corner of the site.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The site is zoned C-M. The proposed vehicle sales lot is a permitted use in the C-M Zone. The Zoning Ordinance provides for setbacks and landscaping requirements that will be applied when the site is further developed.
8. **Preliminary Plan 4-04046:** The following condition of approval warrants discussion at this time.
 4. **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, and the visual relationship between the proposed development and adjoining residentially developed properties.**

This condition, like the other conditions of the preliminary plan, will remain in effect. The subject application does not address the required points so detailed site plan approval will be required for any buildings developed on the site.

REFERRAL COMMENTS

9. In a memorandum dated June 27, 2007 (Abraham to Lindsay), the Department of Public Works and Transportation noted that the location of the property on US 301 would require coordination with the Maryland State Highway Administration, and that the site has an approved stormwater concept plan.
10. In a memorandum dated June 25, 2007 (Thacker to Lindsay), the Washington Suburban Sanitary Commission noted the following:
 - a. Water and sewer is available.
 - b. Existing WSSC facilities are located on the site. Submission should be made to the WSSC.
 - c. Onsite plan review package should be submitted.
 - d. Any grading or construction over existing WSSC main will require approval from the WSSC Relocations Unit.
11. In a memorandum dated May 29, 2007 (Stabler to Lindsay), the Historic Preservation and Public Facilities Section stated the following:

Phase I archeological survey is not recommended on the above-referenced 5.58-acre property located

at 2250 Crain Highway in Bowie, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. However, the applicant should be aware that there are 15 prehistoric sites and one historic archeological site within a one-mile radius of the subject property. In addition, one National Register property (Hamilton House, 74B-7), two historic sites (Carroll Chapel, 74B-6 and Mitchellville Storekeeper's House and Store Site, 71B-7), and one historic resource (Mitchellville Cemetery, 71B-8) are located within a one-mile radius of the subject property.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

12. On June 11, 2007 the Prince George's County Soil Conservation District offered no comment on the plan.
13. On June 4, 2007, the City of Bowie offered no comment on the plan.
14. In a memorandum dated August 3, 2007, the Subdivision Section stated the following:

The subject property is a single lot that was the subject of Preliminary Plan 4-04046, which was approved by the Planning Board on September 9, 2004. The resolution adopting that action, PGCPB No. 04-210, was approved by the board on October 21, 2004. Although this approval was subject to numerous conditions, none of them are called into question by this site plan for infrastructure. The lot layout and access are consistent with that shown on the plan approved by the Planning Board. The applicant has been granted a one year extension on that approval, which takes the validity period for this preliminary to October 21, 2007, or until a final plat is submitted, whichever occurs first. However, it does not appear that the applicant has obtained signature approval of the preliminary plan, or the approved plan has been removed from the file. An approved plan must be obtained prior to any approval of this DSP.

15. In a memorandum dated July 27, 2007 (Shirley to Lindsay), the Environmental Planning Section stated the following:

The Environmental Planning Section has reviewed the Detailed Site Plan submitted for Walker Pontiac, DSP-07016, and the Type II Tree Conservation Plan, TCPII/64/07, stamped as received June 1, 2007. The Environmental Planning Section recommends approval of DSP-07016 and TCPII/64/07 subject to conditions.

BACKGROUND

The Environmental Planning Section previously reviewed two Preliminary Plans of Subdivision, 4-91054 and 4-04046, respectively. Both preliminary plans were approved with conditions by the

Planning Board. The Board's conditions of approval are found in PGCPB No. 91-393(C) and PGCPB No. 04-210, respectively.

A Type I Tree Conservation Plan, TCPI/40/91, was included in the approval of Preliminary Plan 4-91054. A Type II Tree Conservation Plan, TCPII/07/91, was signed subsequent to the approval of Preliminary Plan 4-91054. Both the TCPI and TCPII cover a larger area than Lot 7 at the Walker Pontiac site. A detailed site plan, DSP-01009, was reviewed in 2001 for a portion of the overall 19.09-acre site for a second automobile dealership. The Planning Board's conditions of approval for DSP-01009 are found in PGCPB No. 01-62.

The scope of review in DSP-07016 is only for Lot 7 to allow grading and infrastructure improvements. Because the subject DSP is for one lot at the 19.09-acre site, it has been assigned a new TCPII number and will no longer be a part of TCPII/07/91.

SITE DESCRIPTION

This 5.58-acre site in the C-M Zone is located on the west side of US 301, and approximately 2,000 feet north of Mitchellville Road. Regulated environmental features are not associated with this portion of the overall 19.09-acre Walker Pontiac site. US 301 is an existing major arterial and a traffic noise generator. Traffic noise impacts are not anticipated in relation to the proposed commercial use. One soil series is found to occur at the site according to the Prince George's County Soil Survey. This soil series is Monmouth fine sandy loam and at this location there are five soil types in this series. All five soils have K-factors of 0.43. Some of these soils have limitations with respect to steep slopes that are sometimes associated with these soil types when parking lots are a proposed use. Based on available information, Marlboro clay is not found at this location. There are no designated scenic or historic roads in the vicinity of the site. According to available information from the Maryland Department of Natural Resources Natural Heritage Program staff, rare, threatened and endangered species are not found in the vicinity of the site. According to the Countywide Green Infrastructure Plan, the site is not within the designated network. The site is located in the Mill Branch watershed of the Patuxent River Basin. The site is also in the Bowie and Vicinity Planning Area and the Developing Tier as reflected in the approved General Plan.

SUMMARY OF PRIOR PLAN APPROVALS

Planning Board Resolution No. 91-393(C) for 4-91054 included ten conditions of which, two are environmentally-related and PGCPB No. 04-210 for Preliminary Plan 4-04046 contains eight conditions of which, two that are environmentally-related, and are to be addressed at the time of detailed site plan review. The respective conditions are in **bold** typeface, the associated comments, additional information, plan revisions and recommended conditions are in standard typeface.

CONFORMANCE WITH PGCPB NO. 91-393(C) FOR 4-91054

2. **A Type II Tree Conservation Plan shall be approved for this site by the Planning Board at the time of Detailed Site Plan approval.**

The Type II Tree Conservation Plan, TCPII/07/91 was originally approved in 1991. This condition has been addressed.

3. **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.**

The current plan submittal included a copy of the Stormwater Management concept approval letter issued on June 4, 2004. The DER case number on the letter is #8247-2004-00. The concept approval letter expired on June 4, 2007. A current concept plan approval letter must be submitted.

Recommended Condition: Prior to certificate approval of DSP-07016, a copy of the current Stormwater Management concept plan approval letter for an -01 revision to #8247-2004 shall be submitted.

CONFORMANCE WITH PGCPB NO. 04-210 FOR PRELIMINARY PLAN 4-04046

4. **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, and the visual relationships between the proposed development and adjoining residentially developed properties.**

The current submittal did not include a lighting plan. A subsequent DSP review is required to include proposed buildings and parking lots. At the time of the /01 review of the DSP, a lighting plan must be included for consideration of the use of full cut-off optic light fixtures in the proposed commercial parking lots to minimize light pollution in relation to the adjacent residential areas.

Information regarding traffic-generated noise impacts from US 301 is not required in relation to the proposed commercial use. It is possible that the proposed use in the future may include loud speakers. It appears at least one proposed building is planned due to the location of public water and sewer lines shown on the TCPII. At the time of subsequent DSP review for any proposed building and parking lot, information must be submitted to describe how noise intrusion from loud speaker systems, etc., will be minimized in relation to adjacent residential areas to the west of the subject property.

Recommended Condition: At the time of acceptance of the detailed site plan for buildings and parking, the acceptance package shall include a lighting study and layout plan showing no more than 0.5 foot candles at all commercial property lines adjacent to residential uses and the use of full cut-off optics. The package shall also include a description of any proposed noise intrusions or a statement that there will be none.

4. Development of this subdivision shall be in compliance with the approved stormwater management concept plan (#8247-2004-01) or any approved revision thereto.

This condition has been previously addressed and was discussed above in relation to Condition 3 of PGCPB No. 91-393(C).

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when and by whom.

1. A Detailed Forest Stand Delineation (FSD) was conducted in November 2003. The FSD was found to fulfill all technical requirements. No further information regarding the FSD is necessary.

One forest stand (Stand 1) was identified in the FSD. The stand contains 0.16 acres of woodland. No specimen trees were found on-site. This stand has low priority retention due to the lack of environmental features; it is also high in invasive cover and does not contain any specimen trees.

Comment: No further information regarding the FSD is required.

2. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has two approved plans associated with it; a Type I Tree Conservation Plan, TCPI/40/91, and a Type II Tree Conservation Plan, TCPII/07/91. Because the subject DSP is only for Lot 7 at this overall site, it has been given a new TCPII number. In addition, the current woodland conservation regulations apply to this site since it has been separated from the TCPII that was approved under the 1989 regulations.

The current plan has been reviewed and several revisions are necessary. The site has 0.16 acres of existing woodland, all of which is proposed to be cleared. The site has a woodland conservation threshold (WCT) of 15 percent or 0.84 acres and a woodland conservation requirement of 1.00 acres. This requirement is proposed to be met with 1.00 acres of off-site mitigation.

The DSP and the TCPII have been reviewed for purposes of comparison. Both plans show the same proposed grading and infrastructure improvements with the same proposed limits of disturbance.

One proposed woodland treatment is not correctly identified on the plan. Along the south property line the proposed limits of disturbance have a small area of woodland to remain. Label this wooded area outside the limits of disturbance for its intended purpose (i.e., Woodland Saved, Not Counted). Show this proposed treatment to the closest 1/100th of an acre with a graphic symbol in the legend and on the plan. Label the plan as for grading and infrastructure only. In addition, because this TCPII is only for grading and infrastructure improvements for Lot 7 a subsequent /01 revision to the DSP and TCPII is required prior to the issuance of a building permit. Provide a note in the vicinity of the TCPII signature approval block to clarify the purpose of the subject TCPII. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.

Recommended Condition: Prior to certificate approval of DSP-07016, the TCPII shall be revised as follows:

- a. Label the proposed woodland treatment area at the south property that is outside the limits of disturbance for its intended purpose (i.e., Woodland Saved, Not Counted). Show this treatment to the closest 1/100th of an acre with a graphic symbol on the plan and in the legend.
- b. Label the plan on the title block as "TCPII for grading and infrastructure only for Lot 7."
- c. Provide a note in the vicinity of the TCPII signature approval block to clarify the purpose of the subject TCPII to read as follows:

"DSP-07016 and TCPII/64/07 are only for grading and infrastructure improvements for Lot 7. Prior to the issuance of a building permit, DSP-07016 and TCPII/64/07 shall be revised to show proposed buildings and other required information."

- d. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.

16. In a memorandum dated August 8, 2007 (Grey to Foster), the State Highway Administration stated that the long-term plan for US 301 in this area calls for the road to be improved as a six-lane freeway with service roads on one or both sides of the highway. When this plan is implemented, properties along US 301 will be impacted by the expansion of the right-of-way. SHA recommends that no permanent structures should be built in the affected area.

Urban Design comment: The impact on the subject property will be to expand the right-of-way onto the property by approximately 15 feet. This impact will be at the end of the pipestem where the subject property fronts on US 301. There are no permanent structures proposed by this plan, so it poses no obstacle to SHA's improvement program.

17. 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/64/07) and further APPROVED Detailed Site Plan DSP-07016 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of DSP-07016, a copy of the current Stormwater Management Concept Plan Approval Letter for an -01 revision to #8247-2004 shall be submitted.
2. At the time of acceptance of the Detailed Site Plan for buildings and parking, the acceptance package shall include a lighting study and layout plan showing no more than 0.5 foot candles at all commercial property lines adjacent to residential uses and the use of full cut-off optics. The package shall also include a description of any proposed noise intrusions or a statement that there will be none.
3. Prior to certificate approval of DSP-07016, the TCPII shall be revised as follows:
 - a. Label the proposed woodland treatment area at the south property that is outside the limits of disturbance for its intended purpose (i.e., Woodland Saved, Not Counted). Show this treatment to the closest 1/100th of an acre with a graphic symbol on the plan and in the legend.
 - b. Label the title block as "TCPII for grading and infrastructure only for Lot 7."
 - c. Provide a note in the vicinity of the TCPII signature approval block to clarify the purpose of the subject TCPII to read as follows:

"DSP-07016 and TCPII/64/07 are only for grading and infrastructure improvements for Lot 7. Prior to the issuance of a building permit, DSP-07016 and TCPII/64/07 shall be revised to show proposed buildings and other required information."

- d. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.
4. Prior to certificate approval of DSP-07016, the applicant shall demonstrate that Preliminary Plan 4-04046 has been certified.

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.

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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Cavitt and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, September 6, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of September 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:RG:gr