

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 13-128

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File No. DSP-13017

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 November 7, 2013, regarding Detailed Site Plan DSP-13017 for 1800 Prosperity Way, the Planning Board finds:

1. **Request:** The subject application is for approval of a contractor's storage yard in the Light Industrial (I-1) Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	I-1	I-1
Use	Vacant	Contractor's storage yard
Acreage	0.7248	0.7248
Lots	1	1
Gross Floor Area (sq. ft.)	0	0

OTHER DEVELOPMENT DATA

Parking/Loading Spaces Required	0 spaces*
Parking/Loading Spaces Approved	0 spaces*

*Due to the proposed use and no proposed building, no parking or loading spaces are either required or provided at this time.

3. **Location:** The subject site is located in the southeast quadrant of the intersection of Prosperity Way and Prosperity Court, within Council District 7, Planning Area 75B, of the Developed Tier.
4. **Surrounding Uses:** The site is located within the platted Walker Mill Business Park. The subject site is bounded to the north and west by public rights-of-way, with I-1-zoned business park properties beyond, and to the east and south by properties in the business park developed with contractor's storage yards.
5. **Previous Approvals:** The 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* (Subregion 4 Master Plan and SMA) retained the subject site in the I-1 Zone. The subject site contains Lot 4, Block A, of a larger development known as the Walker Mill Business Park. The Planning Board approved Preliminary Plan of Subdivision 4-87194 for Walker Mill

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Business Park (via PGCPB Resolution No. 88-6) on January 7, 1988, which was recorded in Plat Book NLP 141-11. The site also has a Stormwater Management Concept Approval, 39407-2012-00, which is valid until April 9, 2016.

6. **Design Features:** The subject DSP has been submitted to construct a contractor's storage yard on a currently vacant graded lot. The plan proposes to develop a 30-foot-wide commercial driveway entrance off of Prosperity Court for vehicular access to the lot. The majority of the lot is proposed to be covered in gravel for the storage area use; no building of any type is proposed. A six-foot-high, board-on-board, wooden fence is proposed to enclose the entire property, but it is set back ten feet from the Prosperity Court right-of-way on the north and 32 feet from the Prosperity Way right-of-way on the west to allow for required landscaping, green area, and tree canopy coverage. A proposed private bioretention facility is located within the northwest corner of the property, behind the fencing, to accommodate stormwater. No signage is proposed.
7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-1 Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The DSP is in conformance with the requirements of Section 27-473, which governs development in industrial zones. The proposed contractor's storage yard is a permitted use in the I-1 Zone.
 - b. The DSP is in general conformance with Section 27-474, Regulations in Industrial Zones, regarding setbacks and green area. There are no buildings, fences, or walls over six feet high that need to meet required setbacks. Also, the proposed plan shows conformance to the required ten percent green area requirement, with 20 percent green area provided.
 - c. Section 27-469, I-1 Zone (Light Industrial), establishes parameters for landscaping, screening, and buffering of development in the I-1 Zone. The following parameters are applicable to the subject application:
 - (b) **Landscaping, screening, and buffering of development in the I-1 Zone shall be provided in accordance with the provisions of the Landscape Manual. In addition, the following applies:**
 - (1) **At least ten percent (10%) of the net lot area shall be maintained as green area.**
 - (2) **Any landscaped strip adjacent to a public right-of-way required pursuant to the provisions of the Landscape Manual shall not be considered part of the required green area.**

The plan shows 20 percent green area provided on-site, exclusive of the landscape strip adjacent to the public right-of-way required by the 2010 *Prince George's County*

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Landscape Manual. The additional areas include the bioretention facility, along with additional areas inside and outside of the fencing along the rights-of-way.

(c) **Outdoor storage.**

(1) **Outdoor storage shall not be visible from a street.**

The subject plan indicates a proposed six-foot-high, board-on-board, wooden fence, with a vehicular entrance gate, surrounding the entire proposed use area. Typically, the use of a wooden fence in a commercial or industrial setting would not be supported due to maintenance concerns. However, there are already multiple industrial uses developed within the business park that have wooden fences along their street frontages, similar to what is being proposed with this application. Therefore, the proposed wooden fence is acceptable.

8. **Preliminary Plan of Subdivision 4-87194 and Record Plat NLP141-11:** Preliminary Plan of Subdivision 4-87194 for Walker Mill Business Park, which includes the subject site, was approved by the Planning Board on January 7, 1988, subject to ten conditions. It was subsequently recorded in Plat Book NLP141-11 on September 16, 1988 with three notes, which are also addressed by the preliminary plan conditions. The following preliminary plan conditions are applicable to the review of this DSP:

3. **Detailed site plans for individual lots shall be approved by the Planning Board prior to buildings permits. These site plan reviews shall address, but not be limited to, the items listed in the Area Planning Division's (N/SE) memorandum dated September 16, 1987.**

The subject DSP was submitted in conformance with this condition. The referenced memorandum included the following comments that are applicable to the review of this DSP:

- a. All projects within this property shall be subject to site plan review by the Prince George's County Planning Board. The site plan shall contain a landscaping plan.

The subject DSP, along with a landscaping plan, was submitted per this comment.

- b. The Planning Board shall review the development to assure its compliance with the following design guidelines:

- (1) An effective visual buffer created by substantial berms and landscaping shall be provided along Walker Mill Road, Rollins Avenue, and Addison Road and along abutting areas which are planned or developed for residential purposes in order to maintain the residential character of surrounding properties.

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The subject site is not adjacent to Walker Mill Road, Rollins Avenue, Addison Road, or residentially-zoned or developed areas. Therefore, this requirement does not apply to the subject DSP.

(2) The internal organization of the site shall address the following:

(A) Minimizing the views of parking, loading, storage and service areas.

The subject DSP proposes a six-foot-high, sight-tight, board-on-board fence around the entire storage yard area, which will minimize the views of the storage area on the subject site.

(B) Providing architectural elevations consistent in materials and treatment on all sides, and with all mechanical equipment enclosed or screened. Screening and enclosures shall be treated as integral elements of building design.

The subject DSP does not propose any buildings or mechanical equipment; therefore, this requirement does not apply.

(C) Signs shall not be placed above the roof or parapet line. No moving or flashing signs, or signs projecting significantly from a building, shall be permitted. Low ground-mounted and landscaped signs in keeping with the scale of the buildings and the site shall be encouraged in lieu of building-mounted signs.

The subject DSP does not propose any signage; therefore, this requirement does not apply.

10. Review of a methane study by the Natural Resources Division prior to the issuance of grading permits.

This study is required due to the various types of fill material used to reclaim the site. Because the various materials have broken down or decomposed over the years, methane gas emissions could be a concern.

At this time, no structures are shown for this development, but grading for the storage yard area and bioretention facility is proposed. Methane is a gas that could be released as part of the on-site grading activities. It is well known that the presence of methane gas can be highly hazardous to human health. Methane is considered to be a low-toxicity gas, but can result in asphyxiation due to its ability to exclude oxygen. The fact that methane is a colorless odorless gas means that there is no simple indicator of its presence until such a time as explosive limits are reached and an incident occurs. For this reason, it is vital that sources of methane are identified prior to any work on a

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construction site commencing, and that measures are put in place to prevent a dangerous build-up of gas within buildings or dispersion of gas in another direction from compaction of the soil on this property. Therefore, a condition has been included in this approval requiring this study be submitted prior to issuance of any grading permits.

9. **Prince George's County Landscape Manual:** This application is subject to Sections 4.2, 4.3, 4.4, 4.7, and 4.9 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because it is a new development requiring grading permits on a vacant property.
 - a. Section 4.2, Requirements for Landscape Strips along Streets, requires that a landscape strip be provided on a property for all nonresidential uses in any zone abutting all public and private streets. The applicant chose Option 1, which is a ten-foot-wide landscape strip that requires one shade tree and ten shrubs to be planted per 35 linear feet of street frontage, excluding driveway openings. The applicant provides the ten-foot-wide landscape strip as required and has provided the appropriate schedule showing conformance with the requirements of this section.
 - b. Section 4.3, Parking Lot Requirements, requires parking lots over 7,000 square feet to provide interior planting and a perimeter landscape strip, when located within 30 feet of an adjacent property where there is no intervening building and interior parking lot planting area. The proposed plan has no parking areas proposed and is, therefore, exempt from this section.
 - c. Section 4.4, Screening Requirements, requires that loading spaces, outdoor merchandise storage, trash facilities, mechanical equipment, and vehicle-related uses be screened from various areas and adjacent uses. The submitted DSP only proposes an outdoor storage area, which is required by this section to be screened from adjacent residential uses or zones. The subject property and all adjacent properties have industrial uses. Therefore, the subject property is not required to provide screening pursuant to the Landscape Manual; however, the storage area is proposed to be enclosed by a sight-tight fence, which will screen it.
 - d. Section 4.7, Buffering Incompatible Uses, requires a landscape buffer to be planted between incompatible adjacent uses. The proposed use, a contractor's storage yard, is the same as the existing use on the two adjacent properties. Therefore, no bufferyard is required under this section.
 - e. Section 4.9, Sustainable Landscape Requirements, requires a certain percentage of plant material proposed to be native species. The submitted DSP lists that 100 percent of all proposed plant materials are native. However, neither of the proposed shrub species is native as required by the Landscape Manual. A condition requiring the necessary revisions has been included in this approval.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** In regard

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to grandfathering, the project is subject to the environmental regulations of Subtitle 27 that came into effect on September 1, 2010 because there are no previously approved development plans.

The site is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because, although the property is greater than 40,000 square feet in size, it contains less than 10,000 square feet of existing woodland and has no previously approved tree conservation plans. A standard letter of exemption was issued for the subject property on November 26, 2012 and was submitted with the application.

11. **Conformance to the Tree Canopy Coverage Ordinance:** The project is subject to the requirements of Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, because it will require a grading or building permit for more than 5,000 square feet of disturbance. The requirement for the subject property is ten percent of the gross tract area, or 3,136 square feet, based on the site's I-1 zone designation. The subject application provides the required tree canopy coverage (TCC) schedule on the landscape plan and the plan provides a sufficient amount of proposed trees to meet the requirement. However, the numbers and types of proposed trees listed in the TCC schedule do not match the plant list or plan; for instance, red maples are counted as columnar shade trees when they can be counted as major shade trees. Therefore, a condition of approval has been included in this approval requiring the applicant to revise the TCC schedule.
12. **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. **Transportation Planning**—The site is subject to the general requirements of site plan review, which include attention to parking, loading, on-site circulation, etc. No traffic-related findings are required.

Preliminary Plan 4-87194, approved by the Planning Board in PGCPB Resolution No. 88-6, required DSPs for individual lots within Walker Mill Business Park prior to building permits. The requirements include architectural compatibility and screening related to adjacent residential properties, and are not transportation related. The DSP is for a contractor's storage yard. No buildings or structures are being proposed. This is a permitted use in the I-1 Zone.

A four-foot-wide sidewalk is shown on the plan and a 30-foot-wide commercial driveway entrance per the Department of Public Works and Transportation (DPW&T) standards. Prosperity Way and Prosperity Court are both shown with 70-foot rights-of-way. There are no master plan roadways in the immediate vicinity of the property. No parking is required or proposed by the applicant.

The site plan is found to be acceptable.

- b. **Subdivision Review**—The Planning Board reviewed an analysis of the applicable

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preliminary plan of subdivision and final plat, which is incorporated into Finding 8 above. The bearings and distances on the site plan are consistent with the record plat. The DSP should clearly show and label the 10-foot-wide public utility easement as reflected on the record plat. Failure of the site plan and record plat to match will result in grading and building permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time. A condition has been included in this approval requiring the missing label.

- c. **Environmental Planning**—The Planning Board reviewed an analysis of the property's conformance with the Woodland and Wildlife Habitat Conservation Ordinance and applicable plat notes, which are incorporated into Findings 8 and 10 above, respectively.

According to mapping research, and as documented on the approved natural resources inventory (NRI) equivalency letter, there are no regulated environmental features present on-site, such as wetlands and streams. The site is currently a vacant lot with no woodlands or structures. This site drains to Oxon Run within the Potomac River Basin. No steep slope areas occur on-site. The predominant soil found to occur on-site, according to the US Department of Agriculture (USDA), Natural Resource Conservation Service, Web Soil Survey, is the Udorthents-Urban Land Complex. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. According to the Sensitive Species Project Review Area (SSSPRA) layer by the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property. No specimen trees were identified on-site through the NRI process. There are no nearby noise sources and the proposed use is not expected to be a noise generator. There are no designated scenic or historic roads adjacent to or within the site area. The site is located in the Developed Tier of the *Prince George's County Approved General Plan*. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains evaluation and network gap areas within the designated network of the plan.

Aerial photographs from PGAtlas identify the site and surrounding area as part of a sand and gravel mining operation that ended between 1968 and 1977. The site is currently a vacant lot with no woodlands or structures. The entire business park went through a reclamation process with various types of fill to restore the area to a developable area.

An approved Natural Resources Inventory Equivalency Letter, NRI-146-12, was submitted with the application. The site does not contain any regulated environmental features, such as nontidal wetlands, streams, and specimen trees.

The stormwater management design is conceptually and technically required to be reviewed and approved by the DPW&T to address surface water runoff issues in accordance with Subtitle 32, Water Quality Resources and Grading Code, which requires that environmental site design be implemented to the maximum extent practicable. The subject lot has an approved Stormwater Management Concept Plan (39407-2012-00). One

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small bioretention stormwater management facility is proposed. A fee of \$1,823.00 for on-site attention is required.

- d. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated October 18, 2013, DPIE provided standard comments regarding necessary improvements, standards, and specifications that will be enforced at the time of permits, along with the following specific comment:

The proposed site development is consistent with approved Stormwater Management Concept Plan 39407-2012.

- e. **Prince George's County Police Department**—In a memorandum dated September 10, 2013, Corporal Richard Kashe of the Police Department indicated that there are no crime prevention through environmental design (CPTED) related issues with the subject application.
- f. **Prince George's County Health Department**—In a memorandum dated September 11, 2013, the Health Department indicated they had no comments or recommendations on the subject application.
- g. **Town of Capitol Heights**—The Town of Capitol Heights did not provide comments on the subject application.
- h. **City of District Heights**—The City of District Heights did not provide comments on the subject application.

13. Based on the foregoing analysis, and as required by Section 27-285(b)(1) of the Zoning Ordinance, 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.
14. Section 27-285(b)(4) of the Zoning Ordinance requires that a detailed site plan demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. Because the site does not contain any regulated environmental features, this required finding does not apply to the review of this detailed site plan.

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 Detailed Site Plan DSP-13017, subject to the following conditions:

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1. Prior to certification, the applicant shall revise the detailed site plan (DSP) to:
 - a. Revise the tree canopy coverage schedule to reflect the number and type of proposed trees.
 - b. Change both proposed shrub types to native species as required by the 2010 *Prince George's County Landscape Manual*.
 - c. Clearly show and label the ten-foot-wide public utility easement as reflected on the record plat.
2. Prior to issuance of any grading permits, a methane survey shall be completed and submitted to the Environmental Planning Section and the Prince George's County Health Department. If methane is encountered on-site, a mitigation plan shall be required for the development. All required remediation activities shall be completed to the satisfaction of the Health Department prior to issuance of any grading permit.

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Shoaff, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, November 7, 2013, in Upper Marlboro, Maryland.

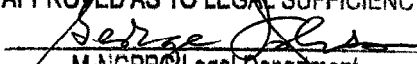
Adopted by the Prince George's County Planning Board this 5th day of December 2013.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 11/13/13