

Case No.: DSP-15043
4100 Laurel Road
(Hidden Village)

Applicant: 4100 Laurel Road LLC

COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

FINAL DECISION—APPROVAL OF DETAILED SITE PLAN

Pursuant to Section 25-210 of the Land Use Article (“LU”), Md. Ann. Code (2012 & Supp. 2016), as well as Section 27-290 of the Zoning Ordinance for Prince George’s County, Maryland, being also Subtitle 27 of the Prince George’s County Code (2015 Ed., as amended) (“PGCC”), we have jurisdiction to issue the final decision in this Detailed Site Plan Application Number 15043, (“DSP-15043”).¹ For the reasons set forth below, the decision of the Prince George’s County Planning Board of the Maryland-National Capital Park and Planning Commission embodied within Planning Board Resolution No. 16-103 (“PGCPB No. 16-103”) to approve a detailed site plan for a one-story, 246 square-foot office structure and associated parking and landscaping and the proposed construction of a 720 square-foot garage for maintenance of company vehicles on approximately 0.896 acres of land, with a zoning classification within the I-1 (Light Industrial) Zone, and having a street address identified as 4100 Laurel Road, Temple Hills, Maryland, be and the same is hereby AFFIRMED.

¹ See Md. Code Ann. LU §25-210 (2012 & Supp. 2016). See also *County Council of Prince George’s County v. Zimmer Dev’t Co.*, 444 Md. 40, 120 A.3d 677 (2015) (stating that Prince George’s District Council is expressly authorized to review final decision of the county planning board to approve or disapprove a detailed site plan, and District Council’s review results in a final decision).

FINDINGS OF FACT AND CONCLUSIONS OF LAW²

On or about May 26, 2016, pursuant to the requirements set forth in the local zoning laws, the Development Review Division of the Maryland-National Capital Park and Planning Commission accepted for review a detailed site plan application filed by Applicant, 4100 Laurel Road LLC (“Applicant”). *See* 05/2016 Statement of Justification. DSP-15043 seeks approval for validation and relocation of an existing one-story, 246 square-foot office shed with associated parking and landscaping, as well as future construction of a 720 square-foot garage to be used for the maintenance of company vehicles, for a Towing Company Office with Storage Yard use. *See* PGCPB No. 16-103, at 1; 07/15/2016 Technical Staff Report, at 1.

On July 15, 2016, the Development Review Division completed its review of the subject application and submitted its Technical Staff Report recommending approval of the detailed application with conditions to Planning Board for its review. *See* 07/15/2016 Technical Staff Report, at 1.

On July 28, 2016, the Planning Board reviewed DSP-15043 at a public hearing conducted in accordance with requirements of the County Zoning Ordinance and, upon conclusion of the hearing, Planning Board voted to approve the subject application subject to certain conditions. *See* PGCPB No. 16-103, at 1, 12; (07/28/2016 Tr.).

By correspondence dated September 13, 2016, Planning Board issued a Notification of Planning Board Action and transmitted its decision embodied within PGCPB No. 16-103 as to

² The District Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property, including ad the approval of a preliminary plan of subdivision. *See* PGCC §27-141. The District Council may also take administrative notice of facts of general knowledge, technical or scientific facts, laws, ordinances, and regulations. It shall give effect to the rules or privileges recognized by law. The District Council may exclude incompetent, irrelevant, immaterial or unduly repetitious evidence. *See* District Council Rules of Procedure, Rule 6(f).

DSP-15043 to the Clerk of the District Council and to all persons of record. *See* 09/13/2016 Notification Ltr., at 1.

We elected to review DSP-15043 by a vote of 8–0 at the September 19, 2016, public meeting of the District Council. *See* Zoning Agenda, 09/19/2016. On November 7, 2016, the District Council reviewed DSP-15043 in accordance with the procedures and requirements of law. *See* (11/07/2016, Tr.). At the conclusion of oral argument, the District Council took the matter under advisement. *See* (11/07/2016, Tr.).

As the basis for this final decision, and as authorized expressly within Titles 22 and 25, Land Use, Md. Ann. Code, and Subtitle 27 of the Prince George’s County Code, we hereby adopt the findings and conclusions of Planning Board set forth within PGCPB No. 16-103 as the findings and conclusions of the District Council in this case, except as stated herein. Approval of DSP-15043 is subject to the following conditions:

1. Prior to certification, the applicant shall revise the detailed site plan (“DSP”) as follows or provide the specified documentation:
 - a. Revise the plans to include the new Maryland-National Capital Park and Planning Commission (“M-NCPPC”) approval block on all plan sheets. Approval blocks shall be filled in with the appropriate information regarding the project name and number.
 - b. Remove all schedules, details, etc., from the approval sheet with the exception of inclusion of the M-NCPPC approval block. This page shall be left blank for the placement of all approvals.
 - c. Revise the plan to indicate the correct “Use” and “Impact” of each adjoining property.
 - d. Revise the plan to include an additional note along the southern edge of the property indicating the removal of gravel in the landscape buffer.

- e. Revise the Green Space data to include the value of green space “provided” for the site.
- f. Revise the Parking Schedule and associated calculation to indicate the correct parking requirements associate with the office.
- g. Revise the note in the Parking Schedule to correct the area of the proposed parking lot.
- h. Revise the length and dimensions shown on the Parking Schedule for van-accessible spaces to read eight feet by 19 feet rather than 16 feet by 19 feet.
- i. Revise the plan to note the correct area of the Limit of Disturbance for the site.
- j. Revise the plan to remove the proposed future garage.
- k. The proposed structure (office shed) shall be moved to the southeast portion of the sight. Appropriate guidelines for the setbacks shall be adhered to.
- l. Revise the landscape plan and appropriate schedules to account for all existing trees and shrubs.
- m. Revise the 4.2 schedule to show the correct value for linear footage of street frontage along the southern edge of the property, excluding the driveway entrance.
- n. Provide appropriate stabilization for proposed landscaping.
- o. Revise the plan to add additional evergreen trees along the bufferyard at the north property to provide a more substantial buffer between the site and adjoining residential properties. Revise associated landscape schedules and charts accordingly.
- p. Revise the plan to replace the chain-link fence and barbed wire with a true sight-tight fence and provide associated details on the plan. The new fence shall be a minimum of six feet as previously approved.

- q. Revise the plan to show a detail and associated sign face calculations of the sign shown on the plan. The proper permits shall be obtained for a sign in conformance with the Zoning Ordinance.
- r. Revise the plan to include architecture of the office shed. Architecture shall include front, rear, and side elevations, including height, width, and materials.
- s. Revise the plans to show the location of portable potties on the site properly sized and dimensioned.
- t. An amended detailed site plan shall be submitted subject to the review by the Planning Board once the applicant has obtained the appropriate architectural elevations. The elevations shall include front, rear, and side elevations, including height, width and materials.
- u. Prior to certificate of approval, Applicant must register 4100 Laurel Road LLC and provide written proof from State of Maryland Department of Assessments and Taxation that 4100 Laurel Road LLC has been registered, no longer forfeited, and in good standing in the State of Maryland.
- v. Prior to certificate of approval, Applicant must provide written proof that any and all pending County Code violations have been satisfied.
- w. Prior to certificate of approval, Applicant must provide sufficient security measures, including placement of security cameras and sufficient lighting, based on the architecture required in condition 1(r), above, for the relocated 246 square-foot, existing office shed structure.
- x. In order to protect adjacent property owners, any violation of the conditions of approval shall be subject to revocation procedures and proceedings in accordance with the County Code.

ORDERED this 14th day of November, 2016, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Harrison,
Patterson, Taveras, and Turner.

Opposed: Council Members Lehman and Toles.

Abstained:

Absent:

Vote: 7-2

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Derrick Leon Davis, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council