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# THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council  
(301) 952-3600

November 26, 2013

**RE: DSP-03089/01 Hanson Palmer Industrial Park, Parcel C  
FCW Justice, Inc., Applicant**

## ***NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL***

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on November 19, 2013.

## ***CERTIFICATE OF SERVICE***

This is to certify that on November 26, 2013, this notice and attached Council Order were mailed, postage prepaid, to all persons of record.

Redis C. Floyd  
Clerk of the Council

Case No. DSP-03089/01  
Hanson Palmer Industrial Park,  
Parcel C

Applicant: FCW Justice, Inc.

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

ORDER OF DENIAL

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 13-67, to approve with conditions a detailed site plan for a combined 12,754.63-square-foot restaurant, car wash and full-service laundromat building within an I-1-zoned property known as Parcel C, located on the west side of Lottsford Vista Road, approximately 1,125 feet south of its intersection with Martin Luther King Highway (MD 704), within Planning Area 70, Council District 5, in the Developing Tier, is:

REVERSED and DENIED pursuant to §§27-132, 27-290 of the Zoning Ordinance, and §25-210 of the Land Use Article, Md. Ann. Code (2013), for the reasons stated in Attachment A, which pursuant to §27-141 of the Zoning Ordinance, the District Council adopts as its findings of basic facts and conclusions in this case.

ORDERED this 19<sup>th</sup> day of November, 2013, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson  
Toles and Turner.

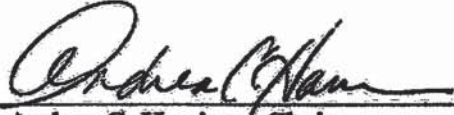
Opposed:

Abstained:

Absent:

Vote: 9-0

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:   
Andrea C. Harrison, Chair

ATTEST:

  
Redis C. Floyd  
Clerk of the Council

**ATTACHMENT A**

**ORDER OF DENIAL FOR DSP-03089/01**

**PROCEUARL HISTORY, FINDINGS AND CONCLUSIONS**

**A. Procedural History**

This case involves a request for an approval of a detailed site plan (DSP-03089) for a combined 12,754.63-square-foot restaurant, car wash and full-service laundromat building within an I-1-zoned property known as Parcel C, located on the west side of Lottsford Vista Road, approximately 1,125 feet south of its intersection with Martin Luther King Highway (MD 704), within Planning Area 70, Council District 5, in the Developing Tier.

On October 2, 2012, application DSP-03089, filed by applicant FCW Justice Inc., was accepted by the Prince George's County Planning Department, Development Review Section.

On May 22, 2013, the Planning Board Technical Staff issued its staff report recommending approval of DSP-03089.

On June 6, 2013, the Planning Board held a public hearing to consider evidence regarding DSP-03089.<sup>1</sup> After the evidentiary hearing, the Planning Board adopted the findings of its Technical Staff. (6/6/13 Tr.)

On June 27, 2013, the Planning Board adopted resolution 13-67 (PGCPB No. 13-67), which approved DSP-03089, with conditions. PGCPB No. 13-67.

On July 2, 2013, the Planning Board transmitted its decision, PGCPB No. 13-67, to the District Council.

On July 8, 2013, the District Council, pursuant to §27-290 of the Zoning Ordinance,<sup>2</sup> and §25-210 of the Land Use Article, Md. Ann. Code (2013), elected to review DSP-03089.

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<sup>1</sup> Approximately two hundred and ten (210) persons of record, mainly surrounding residents to the subject development, were registered against DSP-03089.



On September 23, 2013, the District Council, pursuant to §27-132 and §25-210 of the Land Use Article, held oral arguments on DSP-03089. At the conclusion of oral argument, the District Council took this matter under advisement. (9/23/13 Tr.)

On October, 28, 2013, the District Council, pursuant to §27-132 and §25-210 of the Land Use Article, referred DSP-03089 (9-0) to staff for a preparation of an order of denial as its final decision.

**B. Applicable Law**

The Maryland General Assembly has delegated zoning power for most of Prince George's County to the Prince George's County District Council. Pursuant to §22-104 of the Land Use Article, Md. Ann. Code (2013), the District Council may by ordinance adopt and amend the text of the zoning ordinance and may by resolution or ordinance adopt and amend the map or maps accompanying the zoning ordinance text to regulate, in the portion of the regional district lying within its county the size of lots, yards, courts and other open spaces. *See Prince George's County v. Ray's Used Cars*, 398 Md. 632, 635-36, 922 A.2d 495, 497 (2007).

Requirements for site plans, including detailed site plans, are provided for in Subtitle 27, Division 9, Subdivision 3 of the Zoning Ordinance. The following sections of the Zoning Ordinance are relevant to this application.

**§27-281. Purpose of Detailed Site Plans.**

**(a) Examples.**

**(1) Because the detailed design of land development significantly affects the health, safety, and welfare of the general public, and because regulation of land development through fixed standards can result in monotonous design and lower quality development, certain types of land development are best**

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<sup>2</sup> See Prince George's County Code, Subtitle 27, Zoning Ordinance, (2008-09 ed., as amended) (hereinafter "§27-\_\_").

See also §27-141 (The 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 the approval of a preliminary plat of subdivision).

regulated by a combination of development standards and a **discretionary review of a Detailed Site Plan**. Such cases include:

- (A) Attached housing, such as townhouses and multifamily dwellings;
- (B) Planned employment parks;
- (C) Planned mixed-use developments;
- (D) Large parking compounds;
- (E) Recreational community developments;
- (F) Screening or buffering as a necessary design element;
- (G) Large single-use developments;
- (H) Environmentally sensitive land, or land that contains important natural features that are particularly worthy of attention;
- (I) **Development which is potentially incompatible with land uses on surrounding properties; and**
- (J) **Buildings or land uses that are a part of particularly sensitive views as seen from adjacent properties or streets.**

(b) **General purposes.**

(1) The general purposes of Detailed Site Plans are:

- (A) **To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;**
- (B) **To help fulfill the purposes of the zone in which the land is located;**
- (C) **To provide for development in accordance with the site design guidelines established in this Division; and**
- (D) **To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.**

(c) **Specific purposes.**

(1) The specific purposes of Detailed Site Plans are:

- (A) **To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;**
- (B) **To show specific grading, planting, sediment control, woodland conservation areas, regulated environmental features and storm water management features proposed for the site;**
- (C) **To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and**
- (D) **To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.**

(Emphasis added.)



**§27-282. Submittal requirements.**

(a) The Detailed Site Plan shall be submitted to the Planning Board by the owner of the property or his authorized representative.

**(b) The Detailed Site Plan shall be prepared by an engineer, architect, landscape architect, or urban planner.**

(c) Upon filing the Plan, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the Plan. The scale of fees shall be determined by the Planning Board, except that the filing fee for a day care center for children shall not exceed the Special Exception filing fee for a day care center for children as set forth in Section 27-297(b)(1.1). A fee may be reduced by the Planning Board if it finds that payment of the full amount will cause an undue hardship upon the applicant.

(d) If more than one (1) drawing is used, all drawings shall be at the same scale (where feasible).

**(e) A Detailed Site Plan shall include the following:**

- (1) Location map, north arrow, and scale;
- (2) Boundaries of the property, using bearings and distances (in feet); and either the subdivision lot and block, or liber and folio numbers;
- (3) Zoning categories of the subject property and all adjacent properties;
- (4) Locations and types of major improvements that are within fifty (50) feet of the subject property and all land uses on adjacent properties;
- (5) An approved Natural Resource Inventory;
- (6) Street names, right-of-way and pavement widths of existing streets and interchanges within and adjacent to the site;
- (7) Existing rights-of-way and easements (such as railroad, utility, water, sewer, access, and storm drainage);**
- (8) Existing site and environmental features as shown on an approved NRI;
- (9) A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or a Standard Letter of Exemption;
- (10) A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible;**
- (11) An approved stormwater management concept plan;**
- (12) Proposed system of internal streets including right-of-way widths;
- (13) Proposed lot lines and the dimensions (including bearings and distances, in feet) and the area of each lot;
- (14) Exact location and size of all buildings, structures, sidewalks, paved areas, parking lots (including striping) and designation of waste collection storage areas and the use of all buildings, structures, and land;
- (15) Proposed grading, using one (1) or two (2) foot contour intervals, and any spot elevations that are necessary to describe high and low points, steps, retaining wall heights, and swales;
- (16) A landscape plan prepared in accordance with the provisions of the Landscape Manual showing the exact location and description of all**



**plants and other landscaping materials, including size (at time of planting), spacing, botanical and common names (including description of any plants that are not typical of the species), and planting method;**

(17) Exact location, size, type, and layout of all recreation facilities;

**(18) Exact location and type of such accessory facilities as paths, walks, walls, fences (including widths or height, as appropriate), entrance features, and gateway signs (in accordance with Section 27-626 of this Subtitle);**

**(19) A detailed statement indicating the manner in which any land intended for public use, but not proposed to be in public ownership, will be held, owned, and maintained for the indicated purpose (including any proposed covenants or other documents);**

(20) Description of the physical appearance of proposed buildings (where specifically required), through the use of architectural elevations of facades (seen from public areas), or through other illustrative drawings, photographs, or renderings deemed appropriate by the Planning Board; and

(21) Any other pertinent information.

(f) The submittal requirements in (e) may be modified in accordance with Section 27-286.

(Emphasis added.)

Pursuant to §27-283, a detailed site plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan pursuant to §27-274.

**§27-274. Design guidelines.**

(a) The Conceptual Site Plan shall be designed in accordance with the following guidelines:

**(1) General.**

(A) The Plan should promote the purposes of the Conceptual Site Plan.

(B) The applicant shall provide justification for, and demonstrate to the satisfaction of the Planning Board or District Council, as applicable, the reasons for noncompliance with any of the design guidelines for townhouses and three-family dwellings set forth in paragraph (11), below.

**(2) Parking, loading, and circulation.**

(A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site. As a means of achieving these objectives, the following guidelines should be observed:

(i) Parking lots should generally be provided to the rear or sides of structures;

(ii) Parking spaces should be located as near as possible to the uses they serve;

(iii) Parking aisles should be oriented to minimize the number



of parking lanes crossed by pedestrians;

(iv) Large, uninterrupted expanses of pavement should be avoided or substantially mitigated by the location of green space and plant materials within the parking lot, in accordance with the Landscape Manual, particularly in parking areas serving townhouses; and

(v) **Special areas for van pool, car pool, and visitor parking** should be located with **convenient pedestrian access** to buildings.

(B) **Loading areas** should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians. To fulfill this goal, the following guidelines should be observed:

(i) Loading docks should be oriented toward service roads and away from major streets or public view; and

(ii) Loading areas should be clearly marked and should be separated from parking areas to the extent possible.

(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:

(i) The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary;

(ii) Entrance drives should provide adequate space for queuing;

(iii) Circulation patterns should be designed so that vehicular traffic may flow freely through the parking lot without encouraging higher speeds than can be safely accommodated;

(iv) Parking areas should be designed to discourage their use as through-access drives;

(v) Internal signs such as directional arrows, lane markings, and other roadway commands should be used to facilitate safe driving through the parking lot;

(vi) Drive-through establishments should be designed with adequate space for queuing lanes that do not conflict with circulation traffic patterns or pedestrian access;

(vii) Parcel pick-up areas should be coordinated with other on-site traffic flows;

(viii) Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;

(ix) Pedestrian and vehicular circulation routes should generally be separated and clearly marked;

(x) Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques; and

(xi) Barrier-free pathways to accommodate the handicapped should be provided.

**(3) Lighting.**

(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site's design character. To fulfill this goal, the following guidelines should be observed:

(i) If the development is used at night, the luminosity, orientation, and location of exterior light fixtures should enhance user safety and minimize vehicular/pedestrian conflicts;

(ii) Lighting should be used to illuminate important on-site elements such as entrances, pedestrian pathways, public spaces, and property addresses. Significant natural or built features may also be illuminated if appropriate to the site;

(iii) The pattern of light pooling should be directed on-site;

(iv) Light fixtures fulfilling similar functions should provide a consistent quality of light;

(v) Light fixtures should be durable and compatible with the scale, architecture, and use of the site; and

(vi) If a variety of lighting fixtures is needed to serve different purposes on a site, related fixtures should be selected. The design and layout of the fixtures should provide visual continuity throughout the site.

**(4) Views.**

(A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.

**(5) Green area.**

(A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use. To fulfill this goal, the following guidelines should be observed:

(i) Green area should be easily accessible in order to maximize its utility and to simplify its maintenance;

(ii) Green area should link major site destinations such as buildings and parking areas;

(iii) Green area should be well-defined and appropriately scaled to meet its intended use;

(iv) Green area designed for the use and enjoyment of pedestrians should be visible and accessible, and the location of seating should be protected from excessive sun, shade, wind, and noise;

(v) Green area should be designed to define space, provide screening and privacy, and serve as a focal point;

(vi) Green area should incorporate significant on-site natural features and woodland conservation requirements that enhance the physical and visual character of the site; and

(vii) Green area should generally be accented by elements such as landscaping, pools, fountains, street furniture, and decorative paving.

(B) The application shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest



extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

**(6) Site and streetscape amenities.**

(A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site. To fulfill this goal, the following guidelines should be observed:

(i) The design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture should be coordinated in order to enhance the visual unity of the site;

(ii) The design of amenities should take into consideration the color, pattern, texture, and scale of structures on the site, and when known, structures on adjacent sites, and pedestrian areas;

(iii) Amenities should be clearly visible and accessible, and should not obstruct pedestrian circulation;

(iv) Amenities should be functional and should be constructed of durable, low maintenance materials;

(v) Amenities should be protected from vehicular intrusion with design elements that are integrated into the overall streetscape design, such as landscaping, curbs, and bollards;

(vi) Amenities such as kiosks, planters, fountains, and public art should be used as focal points on a site; and

(vii) Amenities should be included which accommodate the handicapped and should be appropriately scaled for user comfort.

**(7) Grading.**

(A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts. To fulfill this goal, the following guidelines should be observed:

(i) Slopes and berms visible from streets and other public areas should appear as naturalistic forms. Slope ratios and the length of slopes should be varied if necessary to increase visual interest and relate manmade landforms to the shape of the natural terrain;

(ii) Excessive grading of hilltops and slopes should be avoided where there are reasonable alternatives that will preserve a site's natural landforms;

(iii) Grading and other methods should be considered to buffer incompatible land uses from each other;

(iv) Where steep slopes cannot be avoided, plant materials of varying forms and densities should be arranged to soften the appearance of the slope; and

(v) Drainage devices should be located and designed so as to minimize the view from public areas.

**(8) Service areas.**

(A) Service areas should be accessible, but unobtrusive. To fulfill this goal, the following guidelines should be observed:

(i) Service areas should be located away from primary roads, when possible;

(ii) Service areas should be located conveniently to all buildings served;

(iii) Service areas should be effectively screened or enclosed with materials compatible with the primary structure; and

(iv) Multiple building developments should be designed to form service courtyards which are devoted to parking and loading uses and are not visible from public view.

**(9) Public spaces.**

(A) A public space system should be provided to enhance a large-scale commercial, mixed-use, or multifamily development. To fulfill this goal, the following guidelines should be observed:

(i) Buildings should be organized and designed to create public spaces such as plazas, squares, courtyards, pedestrian malls, or other defined spaces;

(ii) The scale, size, shape, and circulation patterns of the public spaces should be designed to accommodate various activities;

(iii) Public spaces should generally incorporate sitting areas, landscaping, access to the sun, and protection from the wind;

(iv) Public spaces should be readily accessible to potential users; and

(v) Pedestrian pathways should be provided to connect major uses and public spaces within the development and should be scaled for anticipated circulation.

**(10) Architecture.**

(A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.

(B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.

(C) These guidelines may be modified in accordance with Section 27-277.

**(11) Townhouses and three-family dwellings.**

(A) Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate to the satisfaction of the Planning Board or the District Council, as applicable, that specific site conditions warrant the clearing of the area. Preservation of individual trees should take into account the viability of the trees after the development of the site.

(B) Groups of townhouses should not be arranged on curving streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to each other, and should facilitate a courtyard design. In a more urban environment, consideration should be given to fronting the units on roadways.



(C) Recreational facilities should be separated from dwelling units through techniques such as buffering, differences in grade, or preservation of existing trees. The rears of buildings, in particular, should be buffered from recreational facilities.

(D) To convey the individuality of each unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. In lieu of this individuality guideline, creative or innovative product design may be utilized.

(E) To the extent feasible, the rears of townhouses should be buffered from public rights-of-way and parking lots. Each application shall include a visual mitigation plan that identifies effective buffers between the rears of townhouses abutting public rights-of-way and parking lots. Where there are no existing trees, or the retention of existing vegetation is not practicable, landscaping, berming, fencing, or a combination of these techniques may be used. Alternatively, the applicant may consider designing the rears of townhouse buildings such that they have similar features to the fronts, such as reverse gables, bay windows, shutters, or trim.

(F) Attention should be given to the aesthetic appearance of the offsets of buildings.

#### **§27-284. Referral.**

(a) **Prior to taking action on the Detailed Site Plan**, the Planning Board shall refer the plan to the Historic Preservation Commission (Part 14), when appropriate, and to all agencies which the Planning Board deems appropriate for review and comment. The agencies shall include all of those whose action is likely to have a substantive effect on the plan under review. The Planning Board shall maintain a list of referral agencies. **The plan shall also be referred to:**

(1) the Prince George's County Police Department for review and comment at the time of Subdivision and Development Review Committee. The Police Department may comment on issues relevant to their mission, including opportunities to implement crime-prevention measures, and to enhance the safety and security of residents, employees and other users of a project through implementation of the principles of Crime Prevention Through Environmental Design (CPTED); and

(2) the Prince George's County Health Department at the time of the Subdivision and Development Review Committee. The Health Department shall perform a health impact assessment review of the proposed development identifying the potential effects on the health of the population, and the distribution of those effects within the population, including recommendations for design components to increase positive health outcomes and minimize adverse health outcomes on the community.

(Emphasis added.)



**§27-285. Planning Board procedures.**

**(a) General.**

(1) Prior to the issuance of any grading, building, or use and occupancy permit for the development or use of any land for which a Detailed Site Plan is required, the applicant shall obtain approval of a Detailed Site Plan from the Planning Board.

**(2) The Planning Board shall review the Detailed Site Plan for compliance with this Division.**

(3) The Planning Board shall give due consideration to all comments received from other agencies.

(4) The Planning Board shall only consider the plan at a regularly scheduled meeting of the Planning Board after a duly advertised public hearing.

(5) The Planning Board shall approve, approve with modification, or disapprove the Detailed Site Plan, and shall state its reasons for the action.

(6) The Planning Board's decision shall be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Detailed Site Plan approval process) and the District Council.

**(b) Required findings.**

**(1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.**

(2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).

(3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

**(c) Time limits for action.**

(1) The Planning Board shall take action on the Detailed Site Plan within seventy (70) days of its submittal. The month of August and the period between and inclusive of December 20 and January 3 shall not be included in calculating this seventy (70) day period.

(2) If no action is taken within seventy (70) days, the Detailed Site Plan shall be deemed to have been approved. The applicant may (in writing) waive the seventy (70) day requirement to provide for some longer specified review period.



(3) A decision to approve a zoning case or subdivision plat subject to a condition requiring site plan approval may include a reduction in the time limit for action on the site plan, but may not include an increase in this time period.

**(d) Notification of applicant.**

(1) If a Detailed Site Plan is not approved, the Planning Board shall notify the applicant (in writing), stating what changes are required for approval. (Emphasis added.)

**§27-290. Appeal of Planning Board's decision.**

(a) The Planning Board's decision on a Detailed Site Plan may be appealed to the District Council upon petition by any person of record. The petition shall specify the error which is claimed to have been committed by the Planning Board and shall also specify those portions of the record relied upon to support the error alleged. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice. A copy of the petition shall be sent by the submitter to all persons of record (by regular mail), and a certificate of service shall accompany the submission to the Clerk.

(b) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the Detailed Site Plan, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the Plan, and any additional information or explanatory material deemed appropriate.

(c) The District Council shall schedule a public hearing on the appeal or review.

**(d) Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return the Detailed Site Plan to the Planning Board to take further testimony or reconsider its decision. Where the Council approves a Detailed Site Plan, it shall make the same findings which are required to be made by the Planning Board.** If the Council fails to act within the specified time, the Planning Board's decision is automatically affirmed.

(e) The Council shall give its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to all persons of record, and the Planning Board.

(Emphasis added.)

Because the proposed combined 12,754-square foot restaurant, car wash and full-service laundromat building is within an the I-1 Zone (Light Industrial), the subject application must also comply with the requirements of the I-1 Zone.<sup>3</sup> Subtitle 27, Part 7, Divisions 1-3 define the

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<sup>3</sup> A restaurant, car wash and laundromat are permitted uses within the I-Zone. See §27-243, Table of Uses,



general and specific industrial zones, permitted uses, and regulations for the I-1 zone. The following regulations apply to the I-1 zone:

**§27-465. Fences and walls.**

(a) Unless otherwise provided, fences and walls (including retaining walls) more than six (6) feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings. (See Figure 42.)

(b) Walls and fences more than four (4) feet high (above the finished grade, measured from the top of the fence to grade on the side of the fence where the grade is the lowest) shall be considered structures requiring building permits.

(c) In the U-L-I Zone, barbed wire shall be prohibited where visible from any street with a right-of-way width of at least eighty (80) feet, or land in a residential zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, any approved Conceptual or Detailed Site Plan, or M-U-TC Zone Development Plan).

**§27-466.01. Frontage.**

Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

**§27-469. I-1 Zone (Light Industrial).**

(a) **Purposes.**

(1) The purposes of the I-1 Zone are:

(A) **To attract a variety of labor-intensive light industrial uses;**

(B) **To apply site development standards which will result in an attractive, conventional light industrial environment;**

(C) **To create a distinct light industrial character, setting it apart from both the more intense Industrial Zones and the high-traffic-generating Commercial Zones; and**

(D) **To provide for a land use mix which is designed to sustain a light industrial character.**

(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

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Division 3. Pursuant to §27-107.01, Definitions, the following definitions apply to uses of the proposed development:

(41) **Car Wash:** Facilities for the commercial washing of motor vehicles, regardless of whether mechanical devices are used.

(81.2) **Eating or Drinking Establishment:** An establishment that provides food or beverages for consumption on or off premise, which may be developed freestanding, on a pad site or attached to another building, or located within another building or located within a group of buildings, which may include a drive-through service, carryout, outdoor eating, music of any kind, patron dancing, or entertainment, excluding adult entertainment uses.

(127) **Laundromat:** An establishment where coin-operated automatic washing machines, clothes dryers, or dry-cleaning machines are provided for use by the general public.



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.

(3) A vehicle towing station permitted in the I-1 Zone shall be screened by a wall or fence at least six (6) feet high, or by an evergreen screen, unless the adjoining property is used for a vehicle towing station or a vehicle salvage yard.

(c) **Outdoor storage.**

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

(d) **Uses.**

(1) The uses allowed in the I-1 Zone are as provided for in the Table of Uses (Division 3 of this Part).

(e) **Regulations.**

(1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the I-1 Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual. (Emphasis added.)

**§27-612. Departures from Sign and Design Standards. Authorization and procedures.**

(a) Except for signs exempt from permit requirements, as provided in Section 27-602, departures from sign design standards may be permitted by the Planning Board or Planning Director, or by a municipality if this authority has been delegated by the District Council to a Municipal Corporation or through the establishment of a Revitalization Overlay District.

(b) No departures from design standards shall be permitted for any sign erected in violation of this Subtitle, and for which a sign permit was not obtained at the time the sign was erected.

(c) No departures from design standards shall be permitted for any sign in the U-L-I Zone.

(d) The Planning Board is authorized to approve departures from sign design standards, under procedures and requirements in Part 3, Division 5.

(e) The Planning Director is authorized to approve administratively, without public hearing, limited departures from sign design standards, for a maximum of ten percent (10%) of standard requirements. The Director shall follow procedures and make the findings required in Part 3, Division 5.

**§27-613. On-Site Signs. Attached to a building or canopy.**

(a) **Location.**

(1) In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs may be attached to the walls or roof of a building or to a canopy that is located at least ten (10) feet behind a street line. No signs may be erected on the top of a canopy. No sign shall be erected on a rear wall or canopy attached to



a rear wall so that it is visible from any land in any Residential Zone or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan.

(2) In the I-3 Zone, the signs may be located anywhere on a building that the Planning Board deems appropriate, subject to the height limitations below.

(3) In the U-L-I Zone, the signs shall be located in accordance with Section 27-474.01(g).

**(b) Height.**

(1) In all Commercial and Industrial Zones (except the I-3 Zone), no sign shall extend more than twelve (12) feet above the roof line or parapet wall (whichever is higher) of that part of the building to which the sign is attached. (See Figure 65.)

(2) In the I-3 Zone the sign shall not extend above the lowest point of the roof of the building to which it is attached. (See Figure 65.)

(3) In the U-L-I Zone, the height of signs shall be in accordance with Section 27-474.01(g).

**(c) Area.** (See Figure 66.)

**(1) In general.**

(A) The maximum permissible area of building and canopy signs is dependent upon the building or canopy width, the distance between the edge of the canopy and the street line toward which the sign faces, and whether the permissible sign area is divided between the building and the canopy.

**(2) C-O Zone.**

(A) In the C-O Zone, if all of the permissible sign area is to be used on a building, the area of all of the signs on a building shall be not more than one (1) square foot for each two (2) lineal feet of width along the front of a building (measured along the wall facing the front of the lot or the wall containing the principal entrance to the building, whichever is greater) to a maximum of one hundred (100) square feet. If the building is on a corner lot, a portion of the allowed sign area may be displayed on the side street; however, it shall be limited to fifty (50) square feet if the front lot line of any residentially zoned lot or lot land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan is located on either side of the street between the subject property and the next intersecting street.

(B) If all of the permissible sign area is to be used on a canopy which is located at least thirty (30) feet behind the street line, the provisions of subparagraph (A), above, shall apply, measured along the front wall of the building or the front edge of the canopy (whichever has the greater width).

(C) If all of the permissible sign area is to be used on a canopy that is located less than thirty (30), but at least ten (10), feet behind the street line, the total area of all signs on any one (1) canopy shall not exceed one (1) square foot for each four (4) lineal feet of building or canopy width (whichever has the greater width) to a maximum of fifty (50) square feet. If the canopy is on a corner lot, a portion of the allowed sign area may be displayed on the side street;



however, it shall be limited to twenty-five (25) square feet if the front lot line of any residentially zoned lot or lot land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan is located on either side of the street between the subject property and the next intersecting street.

(D) If the permissible sign area is to be divided between a building and a canopy, the provisions of subparagraphs (A), (B), and (C), above (as applicable to the particular building and canopy on the subject property), shall be used to determine the permissible sign area on each structure on a prorated basis. (For example, if the permissible sign area on a building is one hundred (100) square feet and the permissible sign area on a canopy is fifty (50) square feet and the applicant chooses to allocate fifty percent (50%) of the permissible sign area to each structure, the permissible sign area on the building would be fifty (50) square feet and the permissible sign area on the canopy would be twenty-five (25) square feet. As the percentage of total permissible sign area allocated to each structure varies, the permissible sign area on each structure varies, accordingly.)

(3) Commercial Zones (except the C-O Zone) and Industrial Zones (except the I-3 and U-L-I Zones).

(A) In all Commercial Zones (except the C-O Zone) and all Industrial Zones (except the I-3 Zone), if all of the permissible sign area is to be used on a building occupied by two (2) or more uses that are not located within an integrated shopping or industrial center or office building complex, the following applies:

(i) Each building shall be allowed a sign having an area of at least sixty (60) square feet.

(ii) Except as provided in (i), above, the area of all of the signs on a one (1) story building shall be not more than two (2) square feet for each one (1) lineal foot of width along the front of the building (measured along the wall facing the front of the lot or the wall containing the principal entrance to the building, whichever is greater), to a maximum of four hundred (400) square feet.

(iii) Except as provided in (i), above, the area of all of the signs on a two (2) or three (3) story building shall be not more than three (3) square feet for each one (1) lineal foot of width along the front of the building (measured as in (ii), above), to a maximum of four hundred (400) square feet.

(iv) For a building containing more than three (3) stories, one (1) additional square foot of sign area (to that allowed in (iii), above) for each additional one (1) to three (3) stories shall be allowed, to a maximum of four hundred (400) square feet of total sign area for each building. (For example, the sign area for a four (4) to six (6) story building is based on four (4) square feet for each one (1) lineal foot of building width, the sign area for a seven (7) to nine (9) story building is based on five (5) square feet for each one (1) lineal foot of building width, and so on, to a maximum of four hundred (400) square feet for each building.)



(B) In all Commercial Zones (except the C-O Zone) and all Industrial Zones (except the I-3 and U-L-I Zones), if all of the permissible sign area is to be used on any building occupied by only one (1) use that is not located within an integrated shopping or industrial center or office building complex, the following applies:

(i) Each building shall be allowed a sign having an area of at least sixty (60) square feet.

(ii) Except as provided in (i), above, the area of all of the signs on a building shall be not more than two (2) square feet for each one (1) lineal foot of width along the front of the building (measured along the wall facing the front of the lot or the wall containing the principal entrance to the building, whichever is greater), to a maximum of four hundred (400) square feet.

(C) In all Commercial Zones (except the C-O Zone) and all Industrial Zones (except the I-3 and U-L-I Zones), if all of the permissible sign area is to be used on any building that is located within an integrated shopping or industrial center or office building complex, the following applies:

(i) The area of all of the signs on a building shall be not more than two (2) square feet for each one (1) lineal foot of width along the front of the building measured along the wall containing the principal entrance of each individual place of business to a maximum of four hundred (400) square feet.

(ii) If there is more than one (1) use sharing the same building width along the entrance wall, such as on two (2) floors, the sign area shall be the same as if only one (1) business was using the width.

(D) In the case of subparagraphs (A), (B), and (C), above, if the building is on a corner lot, a portion of the allowed sign may be displayed on the side street; however, it shall be limited to fifty (50) square feet if the front lot line of any residentially zoned lot is located on either side of the street between the subject property and the next intersecting street.

(E) If all of the permissible sign area is to be used on a canopy which is located at least thirty (30) feet behind the street line, the provisions of subparagraph (A), (B), or (C) and of subparagraph (D), above, shall apply, measured along the front of the building or the front edge of the canopy (whichever has the greater width).

(F) If all of the permissible sign area is to be used on a canopy that is located less than thirty (30), but at least ten (10), feet behind the street line, the total area of all signs on any one (1) canopy shall not exceed one (1) square foot for each lineal foot of building or canopy width (whichever has the greater width), to a maximum of two hundred (200) square feet. In the case of a shopping center, office building complex, or industrial center, the canopy width, measured along the front edge of the canopy in front of each individual place of business, shall be used. If the canopy is on a corner lot, a portion of the allowed sign area may be displayed on the side street; however, it shall be limited to twenty-five (25) square feet if the front lot line of any residentially zoned lot or lot land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan is located on either side of the street between the



subject property and the next intersecting street.

(G) If the permissible sign area is to be divided between a building and a canopy, the provisions of subparagraphs (A) through (F), above (as applicable to the particular building and canopy on the subject property), shall be used to determine the permissible sign area on each structure on a prorated basis. (For example, if the permissible sign area on a building is four hundred (400) square feet and the permissible sign area on a canopy is two hundred (200) square feet and the applicant chooses to allocate fifty percent (50%) of the permissible sign area to each structure, the permissible sign area on the building would be two hundred (200) square feet and the permissible sign area on the canopy would be one hundred (100) square feet. As the percentage of total permissible sign area allocated to each structure varies, the permissible sign area on each structure varies, accordingly.)

(4) I-3 Zone.

(A) In the I-3 Zone, the area of all of the signs on a building wall facing a street shall be not more than one (1) square foot for each one (1) lineal foot of building width facing that street.

(5) In the U-L-I Zone, the area of all signs shall be in accordance with Section 27-474.01(g).

(d) **Projecting signs.** (See Figure 67.)

(1) In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs may project from walls or canopies, in accordance with the following:

(A) The signs shall project not more than forty-two (42) inches from the vertical plane of the wall or canopy to which they are attached;

(B) The signs on buildings shall extend not closer than two (2) feet to the vertical plane of the street curb line;

(C) The signs on canopies shall extend not closer than ten (10) feet to the vertical plane of the street line;

(D) The signs may extend over public property only where there is no required building setback. In this case, the sign may extend not more than forty-two (42) inches beyond the property line or closer than ten (10) feet to a curb line. These signs shall have a minimum clearance of ten (10) feet above the finished grade of a public sidewalk and eighteen (18) feet above driveways or alleys;

(E) Only one (1) projecting sign shall be permitted on a building or canopy;

(F) Projecting signs are prohibited on the side of a building facing a side street, if the majority of the street frontage in that block is for properties in Residential Zones or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan on either side of the street.

(2) In the I-3 Zone, the signs shall be located in any manner the Planning Board deems appropriate, subject to the height limitations in (c), above.

(3) In the U-L-I Zone, projecting signs shall be prohibited, except in



accordance with Section 27-474.01(g).

(e) **Design.**

(1) In the I-3 Zone, signs shall be either:

(A) Designed as a part of the architectural design of the building; or

(B) Approved as an element of the proposed development on the lot, taking into account its relationship to the other proposed improvements.

(f) **Mixed Use Zones.**

(1) In the Mixed Use Zones, the design standards for all signs attached to a building shall be determined by the Planning Board for each individual development at the time of Detailed Site Plan review. Each Detailed Site Plan shall be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign attachment, and other information the Planning Board requires. In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the uses to be served, and are in keeping with the remainder of the Mixed Use Zone development and, in the M-X-C Zone, are in conformance with the sign program as set forth in Section 27-546.04(j).

(g) **Comprehensive Design Zones.**

(1) In the Comprehensive Design Zones, the design standards for all on-site signs attached to a building shall be determined by the Planning Board for each individual development at the time of Specific Design Plan review. Each Specific Design Plan shall be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign attachment, and other information the Planning Board requires. In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the uses to be served, and are in keeping with the remainder of the development. As a guide, the Planning Board shall consider how on-site signs are regulated in the Commercial and Industrial Zones.

**§27-614. Freestanding signs.**

(a) **Location.**

(1) In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs shall only be located on property where the main building associated with the sign is located at least forty (40) feet behind the front street line. This shall not apply to integrated shopping centers, other commercial centers with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial centers, or office building complexes.

(2) In the C-O Zone, signs shall not be located within fifty (50) feet of any land in any Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan.

(3) In the I-3 Zone, signs may be located anywhere that the Planning Board deems appropriate, subject to the height limitations below.



(4) Notwithstanding any other provisions of this Subtitle addressing setbacks and yards, in all Commercial and Industrial Zones (except the I-3 Zone), signs need only be located ten (10) feet behind the street line. Where the street line is situated behind the actual existing street right-of-way line, freestanding on-site signs may be temporarily located within the area between the street line and the existing street right-of-way line (the area of proposed future widening of an existing street), provided that:

(A) The land area involved has not been, and is not in the process of being, acquired for street purposes;

(B) The sign is located at least ten (10) feet behind the existing street right-of-way line; and

(C) A written agreement between the owner and the Department of Environmental Resources assures that the sign will be removed, at the owner's expense, at the time of acquisition of that area for street purposes.

(5) In the R-10 and R-H Zones, where general business and professional offices are allowed by Special Exception, the location of signs shall be approved as a part of the Special Exception approval (Section 27-386).

(6) Gas station price signs shall be affixed to the same freestanding structure that supports the sign containing other advertising matter. A freestanding price sign erected in accordance with this Section shall not be permitted on the premises if other price signs erected in accordance with Section 27-623 are present on the premises.

**(b) Height.**

(1) The maximum height of signs shall be as shown in the following table. Measurements are from the finished grade at the base of the sign to the top of the sign. (See Figure 65.)

ZONE	MAXIMUM HEIGHT (IN)
C-O	8
Commercial Zones (except C-O)	25
Industrial Zones (except I-3)	25
I-3 Zone	Not greater than the lowest point of the roof of any building in the employment park

(2) In the R-10 and R-H Zones, where general business and professional offices are allowed by Special Exception, the height of the sign shall be approved as a part of the Special Exception approval (Section 27-386).

**(c) Area.** (See Figure 66.)

(1) The area of freestanding on-site signs is in addition to that allowed for any other signs on a specific property.

(2) In the C-O Zone, the area of a freestanding sign shall be not more than one (1) square foot for each eight (8) lineal feet of street frontage of the property occupied by the use associated with the sign. The area of the sign shall generally be not more than twenty-five (25) square feet. On a lot having frontage on a divided highway with an existing right-of-way of at least one hundred (100) feet, the maximum size of the sign shall be fifty (50) square feet.

(3) In all Commercial Zones (except the C-O Zone) and all Industrial Zones (except the I-3 Zone), the area of the sign shall be not more than either:

(A) One (1) square foot for each two (2) lineal feet of street frontage, to a maximum of two hundred (200) square feet for each sign, if the building is located in an integrated shopping center, other commercial center with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial center, or office building complex. The street frontage shall be measured on the property occupied by the center or complex associated with the sign; or

(B) One (1) square foot for each four (4) lineal feet of street frontage, to a maximum of two hundred (200) square feet for each sign, if the business is not located in an integrated shopping center, other commercial center with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial center, or office building complex. The street frontage shall be measured on the property occupied by the use associated with the sign.

(4) In the I-3 Zone, the area of the sign shall be not more than one (1) square foot for each five (5) lineal feet of street frontage along the street on which the sign faces.

(5) In the R-10 and R-H Zones, where general business and professional offices are allowed by Special Exception, the area of the sign shall be approved as a part of the Special Exception approval (Section 27-386).

(6) Freestanding gas station price signs shall meet the following standards:

(A) If the sign reflects the price of only leaded regular and unleaded regular gasoline, it shall not exceed twenty-five (25) square feet in area, except as provided for in subparagraph (C), below;

(B) If the sign reflects the price of three (3) or more types of gasoline, it shall not exceed fifty (50) square feet in area, except as provided for in subparagraph (C), below;

(C) Any unused freestanding sign area authorized under other provisions of this Section may be added to the permissible sign area for gasoline prices;

(D) The total combined area of freestanding gasoline price and other on-site signs on one (1) support structure shall not exceed two hundred (200) square feet.

(d) **Quantity.**

(1) In the C-O Zone, only one (1) freestanding on-site sign shall generally be permitted for each office building complex or single office building.



If the property has frontage on two (2) parallel (or approximately parallel) streets, one (1) freestanding sign shall be permitted on each street.

(2) In all Commercial Zones (except the C-O Zone) and all Industrial Zones (except the I-3 Zone), there are two (2) options (subparagraphs (A) and (B), below) which may be used to calculate the number of signs allowed. Option One can be used for any property which has the specified minimum frontage on one (1) or more streets. Option Two may be used only for property which has the specified minimum frontage on each of two (2) parallel (or approximately parallel) streets. Both options can apply to either a business located within an integrated shopping center, other commercial center with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial center, or office building complex, or a business not located in a center or complex. In the case of a center or complex, the street frontage is that which the entire center or complex has, and the number of signs permitted are the total number for the entire center or complex.

**(A) Option One:**

<b>TOTAL STREET FRONTAGE ON ALL STREETS</b>	<b>NUMBER OF SIGNS PERMITTED</b>
<p>If in an integrated shopping center, other commercial center with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial center, or office building complex:</p> <p>    0 to under 100 feet</p> <p>    100 to 1,100 feet</p> <p>    Each additional 1,000 feet (or fraction)</p> <p>If not in an integrated shopping center, other commercial center with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial center, or office building complex:</p>	<p>None</p> <p>1.0</p> <p>1.0</p>

0 to under 40 feet	None
40 to 1,100 feet	1.0
Each additional 1,000 feet (or fraction)	1.0

**(B) Option Two:**

<b>TOTAL STREET FRONTAGE ON ALL STREETS</b>	<b>NUMBER OF SIGNS PERMITTED</b>
<p>If in an integrated shopping center, other commercial center with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial center, or office building complex:</p> <p>0 to under 100 feet on each of two parallel (or approximately parallel) streets</p> <p>100 to 1,100 feet on each of two parallel (or approximately parallel) streets</p> <p>Each additional 1,000 feet (or fraction) on one of the streets</p> <p>Each additional 1,000 feet (or fraction) on each of the streets</p> <p>If not in an integrated shopping center, other commercial center with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial center, or office building complex:</p>	<p>None</p> <p>One on each street</p> <p>One on each street</p> <p>One on each street</p>



0 to under 40 feet on each of two parallel (or approximately parallel) streets	None
40 to 1,100 feet on each of two parallel (or approximately parallel) streets	One on each street
Each additional 1,000 feet (or fraction) on one of the streets	One on each street
Each additional 1,000 feet (or fraction) on each of the streets	One on each street

(3) In the I-3 Zone, the number of freestanding on-site signs permitted shall be determined by the Planning Board at the time of Detailed Site Plan review.

(4) In the R-10 and R-H Zones, where general business and professional offices are permitted by Special Exception, one (1) freestanding sign shall be permitted if approved as a part of the Special Exception approval (Section 27-386).

(5) For the purpose of this Section, "approximately parallel" means that the angle between the two (2) streets is less than forty-five (45) degrees.

**(e) Mixed Use Zones.**

(1) In the Mixed Use Zones, the Design Standards for freestanding on-site signs shall be determined by the Planning Board for each development at the time of Detailed Site Plan review. Each Detailed Site Plan shall be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign support, and other information the Planning Board requires. In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the use to be served, and are in keeping with the remainder of the Mixed Use Zone development and, in the M-X-C Zone, are in conformance with the sign program as set forth in Section 27-546.04(j).

**(f) Comprehensive Design Zones.**

(1) In the Comprehensive Design Zones, the Design Standards for all freestanding on-site signs shall be determined by the Planning Board for each individual development at the time of Specific Design Plan review. Each Specific Design Plan shall be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign support, and other information the Planning Board requires. In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the uses to be served, and are in keeping with the remainder of the development. As a guide, the Planning Board shall consider how on-site signs are

regulated in the Commercial and Industrial Zones.

In addition to the above sections of the Zoning Ordinance which govern DSP-03089, the site plan is also subject to the recommended goals, policies, strategies, and actions pertaining to development patterns, zoning, environmental infrastructure, transportation systems, public facilities, parks and recreation, economic development, historic preservation, and community character of the 2010 *Approved Glenn Dale-Seabrook-Lanham & Vicinity Sector Plan & Sectional Map Amendment* (The 2010 Plan).<sup>4</sup>

### C. Findings and Conclusions

The Planning Board failed to address DSP-03089 for conformance with the land use recommendation of the 2010 Plan. Planning Board and Planning Board Technical Staff stated, without any analysis, that DSP-03089 is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and conform to the land use recommendations of the 2010 *Approved Sector Plan and Approved Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity*. They found:

The subject property is across the street from two single-family detached homes and adjacent to a storage facility and other light industrial office uses. Townhomes are located further south on the east side of Lottsford Vista Road. The subject property is within 300 feet of Home Depot (less than 150 feet from a back/service entrance to the Vista Gardens Marketplace Shopping Center). The hours of operation will be limited to 8:00 a.m. to 6:00 p.m. Monday through Sunday for the car wash, 8:00 a.m. to 9:00 p.m. Monday through Sunday for the laundromat, and 10:00 a.m. to 9:00 p.m. Monday through Sunday for the restaurant. The use appears compatible with the surrounding area. The Planning Board finds that the proposed uses will not impact the residents of nearby homes in an adverse way, particularly since the car wash portion of the site will be screened by a brick wall and the hours of operation are limited. The architectural elements are compatible with the sector plan recommendations. However, in response to various issues raised by citizens at the hearing, the applicant agreed to additional conditions of approval regarding site design and future maintenance.

<sup>4</sup> The 2010 *Approved Glenn Dale-Seabrook-Lanham & Vicinity Sector Plan & Sectional Map Amendment* may be viewed at: [http://issuu.com/mncppc/docs/approved\\_glenndale-seabrook-lanham?e=2864017/3323972#search](http://issuu.com/mncppc/docs/approved_glenndale-seabrook-lanham?e=2864017/3323972#search) (last visited on 11/17/13).



See PGCPB at 10, April 18, 2013, Memorandum from Community Planning Division.

We have conducted an extensive review of the 2010 Plan land use recommendations, goals, policies and strategies, as part of our review of DSP-03089, and found that several chapters of the 2010 Plan land use recommendations were not considered or analyzed by Planning Staff or Planning Board in its recommendation of approval of DSP-03089. For the reasons set forth below, we find, among other reasons, that, DSP-03089 does not provide for, pursuant to §27-281(b)(1)(A), development in accordance with the principles for orderly, planned, efficient and economical development contained in the 2010 Plan and the Zoning Ordinance. We highlight below, significant and relevant land use recommendations, goals, policies, and strategies of the 2010 Plan because we view the plan as a regulatory document during the development review process. See *2010 Approved Glenn Dale-Seabrook-Lanham & Vicinity Sector Plan & Sectional Map Amendment*, Chapters 4, 6, and 8. See *HNS Dev., LLC v. People's Counsel*, 425 Md. 436; 42 A.3d 12 (2012) affirming *HNS Development, LLC v. People's Counsel for Baltimore County, et al.*, 200 Md. App. 1, 24 A.3d 167 (2011), citing *Mayor & City Council of Rockville v. Rylyns Enters., Inc.*, 372 Md. 514, 814 A.2d 469, (2002) (holding that that when statutes link planning and zoning, Master Plans are elevated to the level of true regulatory devices). The Court also held that plans that did not conform to the Master Plan must be rejected. *Id.*, citing *Maryland-National Capital Park & Planning Commission v. Greater Baden-Aquasco Citizens Association*, 412 Md. 73, 985 A.2d 1160 (2009), *Coffey v. Maryland-National Capital Park & Planning Commission*, 293 Md. 24, 441 A.2d 1041 (1982).

The 2010 plan's residential and commercial design principles value such things as gridded streets with sidewalks and trees, neighborhood centers containing retail and civic spaces,

and new residential development that possess a sense of place. Application of these design principles to new development and property improvements within the sector plan area can help establish a strong community design identity.

#### **Chapter 4 - Community Design and Identity**

##### **Key Findings**

- The majority of the sector plan area comprises groups of stable residential neighborhoods constructed after World War II.
- Pre-World War II neighborhoods tend to possess gridded streets and mature street trees.
- The eastern portion of the sector plan area contains lower residential densities and has a more rural identity.
- Many subdivisions do not connect to adjacent residential neighborhoods and community green spaces.
- The majority of sector plan area neighborhood lack continuous sidewalks.
- Residential infill development is occurring in several neighborhoods throughout the sector plan area, but some of this recent development is out of scale with existing neighborhood character.
- Some townhouse and multifamily development is disconnected from surrounding neighborhoods.
- Transitions between residential and commercial areas often are abrupt and do not protect homes from negative impacts of adjacent commercial uses.
- Most of the sector plan area's commercial centers have a suburban, auto-oriented design that features prominent surface parking lots.
- Pedestrian amenities, such as street trees, street furniture, human-scaled lighting, and covered bus shelters, are missing from most commercial corridors within the sector plan area.

##### **Major Challenges**

- Transforming disconnected subdivisions into neighborhoods with defined centers and edges.
- Improving the appearance of commercial areas along arterial corridors.
- Connecting existing higher-density residential development to surrounding neighborhoods and commercial areas.
- Developing safe and comfortable pedestrian connections between neighborhoods, public open space/recreational amenities, and other community destinations.

Major residential urban design issues within the Glenn Dale-Seabrook-Lanham sector plan area include:



**1. Limited connections to adjacent neighborhoods and community destinations.**

The self-contained nature of some sector plan area neighborhoods limits residents' access to adjacent areas. "One-way-in, one-way-out" subdivisions have no street connections to neighboring residential areas, commercial centers, or public spaces, and residents must make longer car trips to these destinations because there are no direct roadways or pedestrian routes. In addition, many of the sector plan area's medium-density residential units (i.e., townhouses and multifamily complexes) are isolated from their surrounding neighborhoods, due in part to concerns about the effects on nearby single-family units.

The lack of continuous sidewalks throughout the sector plan area also contributes to poor residential connectivity and unsafe pedestrian conditions. Some neighborhoods have piecemeal sidewalks, but many have vegetated swales or curb-and-gutter streets that do not include sidewalks. The lack of sidewalks forces pedestrians to walk in the street or discourages pedestrian activity altogether.

**2. Lack of distinct neighborhood identity in newer developments.**

Many of the sector plan area's newer residential developments are subdivisions with homogeneous designs that lack well-defined centers found in older neighborhoods, such as a public green space or community facility (e.g., a school or community center). Newer developments also generally lack physical ties to a broader community history, which can help create neighborhood identity. The sector plan area's newer subdivisions tend to be similar in nature, with few distinguishing features that give a unique character with which residents can identify.

**3. Inadequate buffering from incompatible uses.**

Although not a widespread problem throughout the sector plan area, some neighborhood edges are not well-buffered from adjacent commercial or employment areas. In many cases, rear or side yards abut commercial parking or loading areas, and little screening exists.

**4. Incompatible residential infill.**

Some sector plan area neighborhoods are beginning to see infill on vacant lots or demolition and replacement units. In recent decades, residential trends have tended toward the construction of larger units, with more individual bedrooms and bathrooms, larger kitchen and family areas, and multicar garages. Smaller units from the 1940s, 1950s, and 1960s often are seen as inadequate for the needs of contemporary families. New homes in existing neighborhoods, thus, tend to be larger than those around them, which can create juxtapositions that detract from neighborhood character. Moreover, many newer housing units have modern designs that contrast sharply with general neighborhood design characteristics. Such variations in scale, massing, and design elements can erode neighborhood design identity.

**5. Limited street trees and green elements in public spaces.**

The majority of the sector plan area's neighborhoods possess attractive private spaces, with yards containing shade trees, ornamental trees, and other landscaping elements. Public streets and publicly owned rights-of-way in residential areas, however, often lack street trees and landscaping that would improve the appearance of the public realm and enhance pedestrian conditions.

**Commercial and Employment Areas**

The sector plan area has a limited number of commercial and employment uses, which generally are confined to major arterial corridors. These include seven shopping centers, a number of office and industrial uses in the Washington Business Park area, small office and retail uses in the Greenbelt Executive Center off Good Luck Road, and several properties zoned Commercial Miscellaneous (C-M) along Lanham Severn Road (MD 564), Annapolis Road (MD 450), and Glenn Dale Boulevard (MD 193) near the shopping centers. Most shopping centers and employment areas were built before 1990 and follow standard suburban forms for office buildings, retail centers, and light industrial uses. Like the sector plan area's residential neighborhoods, these commercial and industrial properties are *products of their time, designed mainly to accommodate users arriving by automobile.* (Emphasis added.)

Major urban design issues within the sector plan area's commercial and employment areas include:

**1. Buildings set back from the street.**

Most sector plan area commercial and industrial properties, including shopping centers, office uses, and small commercial operations, contain one- or two-story buildings set back from a major roadway behind a front parking or landscaped area. In the case of shopping centers, these parking areas may be very large, as the zoning code requires them to construct one space per 250 square feet of floor space. For example, Vista Gardens Marketplace, the largest shopping center in the sector plan area, has 2,127 spaces in a surface parking lot. Parking ratios generally are meant to accommodate cars on the busiest shopping days of the year (i.e., the days after Thanksgiving and Christmas) and typically result in partially empty lots at most other times. In addition to being visually unappealing,



these large surface parking areas discourage pedestrian access and fail to create a defined street wall that would give the commercial area a stronger sense of place.

**2. Minimal landscaping along parking lot edges and within parking lots.**

Parking lots on commercial and industrial properties in the sector plan area often contain minimal landscaping. The obvious result of this practice is a bare, harsh hardscape area along major roadways that detracts from the sector plan area's appearance. The absence of street trees or shrubs to screen the parking area also creates an unfriendly environment for pedestrians and discourages access to the centers on foot. The lack of shade and the increased heat effects from asphalted areas tend to make these surface parking areas uncomfortable for all users.

**3. Numerous curb cuts along busy roadways.**

Particularly in the case of Annapolis Road (MD 450) near the Capital Beltway and Lanham Severn Road (MD 564) near the Seabrook MARC station, individual commercial properties contain driveways (and sometimes multiple driveways) connecting directly to arterial roadways. Individual curb cuts increase traffic congestion, as cars on higher-speed arterials must slow to accommodate users entering and exiting driveways that are located very close to each other. This is particularly problematic in the MD 450 corridor just east of the Capital Beltway, where multiple driveways complicate an already difficult traffic situation created by an unusual roadway configuration and interstate interchange (see Chapter 8 on page 137).

**4. Lack of human-scaled design.**

All of the sector plan area's shopping centers and most of its larger office and industrial properties are built at a scale designed for automobiles. These shopping centers have large front parking areas, little landscaping, and signage designed to be read from passing vehicles. The scale of these open areas overwhelms the pedestrian. In addition, individual stores often are assimilated into boxy "blocks" with minimal façade articulation (i.e., doors and windows). Large expanses of blank walls at ground level decrease pedestrian comfort.

**5. Limited pedestrian connections.**

The scale of the sector plan area's shopping centers and employment centers may discourage pedestrian access, but the lack of sidewalks and pedestrian pathways within these areas also detract from their walkability. As discussed above, many parts of the sector plan area do not have continuous sidewalks, and when sidewalks exist, they often lack street trees, pedestrian-scale lighting, and other amenities that promote pedestrian comfort. Additionally, individuals using public transportation to access these business centers often find themselves confronted with poor connections between bus stops (or, in the case of the Seabrook MARC station, the train platform) and the business areas (see Chapter 8 on page 137).



**6. Unattractive signage within shopping centers and commercial areas.**

Signage is one way that businesses distinguish themselves within commercial areas. Signage should reflect a business' unique identity; however, signage for multiple businesses within a shopping center or those located closely together along a linear corridor can create visual disharmony if their sizes, styles, and colors are not compatible. In addition, signs at a scale designed to be read from passing vehicles can contribute to visual clutter along arterial roadways. Signs within some shopping centers, such as Cipriano Square and along Annapolis Road (MD 450) near the Capital Beltway, often are inconsistent and visually unappealing.

**7. Poor buffering from adjacent residential uses.**

As discussed above, many commercial and employment areas directly border the edges of residential subdivisions or neighborhoods. The transition between uses may be very abrupt. In some cases, no buffering is provided; in others, a fence exists, but parking/loading areas extend out to the property line. Neighboring residential properties are not substantially protected from the noise, lighting, and other effects of activities occurring on the commercial or industrial property.

**Recommendations**

The following recommendations reflect design principles that should be applied to address issues identified in the sector plan area.

**Commercial/Employment Center Design Principles**

**Site and Street Design**

**Orient buildings to the public street.**

Commercial and employment development should frame a network of public streets, creating a well-defined street wall that encourages pedestrian activity. Buildings should be built to or close to the front lot line to maximize pedestrian interaction with ground-floor uses. Buildings that turn away from the street or are located behind large parking areas discourage pedestrian access and diminish the design character of the commercial/employment area.

**Place parking areas to the rear of commercial/employment properties.**

Parking areas are accessory features and should be relegated to secondary spaces in the site design. Rear parking areas are preferable, as they reduce the parking area's visibility from a public street and allow buildings to form a distinct street wall on the front of the lot. If a commercial/employment property is large enough to justify structured parking (i.e., a parking deck), the parking structure should be lined with small retail or office units along the street frontage.



**Provide landscaped parking areas.**

Parking areas should not occupy prominent spaces in a site's design due to their secondary, supportive function. This, however, does not mean that they should not receive design treatment. Landscaping should be incorporated into parking areas to soften edges and screen surface lots from public streets and internal pathways, making these pedestrian areas more attractive and comfortable for users. Landscaping also can visually break up large areas of empty space and reduce heat effects in summer months. Landscaping elements can include trees, shrubs, and ornamental plantings; however, no landscaping elements should obscure building entrances or walkways.

Special attention should be paid to moving pedestrians safely from parking areas to building entrances. Traditional parking lot design forces pedestrians to walk along parking aisles, creating potential conflicts with vehicles trying to exit and enter parking spaces. Separate pathways should be provided to remove pedestrians from the vehicular aisle area. These pathways should connect directly to pedestrian crosswalks and sidewalks that lead to building entrances.

**Incorporate internal access drives to reduce the number of curb cuts onto major roadways.**

Internal traffic should be considered in the context of circulation patterns on adjacent properties and roadways. Access points for vehicles should be minimized to reduce the number of driveways connecting to roadways, which often lead to traffic hazards. Internal connections should be provided to allow vehicles to travel between adjacent commercial properties without having to enter a major roadway, then exit again within a short distance. These internal access drives should, like parking areas, include appropriate landscaping elements.

**Provide adequate screening for utility and service features.**

Commercial and employment uses require service and utility areas that, like parking areas, are secondary elements of a property. These areas should not be visible from the public right-of-way and should not block building access, views, or pedestrian pathways. Screening devices, such as walls and fences, may be used, but these should be compatible with the design character of the commercial/employment area and adjacent properties.

**Create small areas of accessible open space as a public amenity.**

A small public green space or plaza can be an important amenity within a commercial or employment area. This outdoor space invites pedestrian use and creates a small center for the commercial/employment development. Small plazas or green spaces with seating areas can provide important spaces for impromptu outdoor dining and socializing, community activities, or public art. These areas should easily be visible from a public street (which will help attract users to the private development), with good sidewalk connections and nearby pedestrian crosswalks.



**Provide functional and attractive outdoor lighting.**

Outdoor lighting should provide adequate illumination for building entrances, walkways, and parking areas. Lighting, however, should be sensitive to impacts on adjacent properties and have minimal spillage onto neighboring areas or into the sky. Lighting standards and fixtures should be humanscaled and compatible with the design character of the commercial/employment area.

**Ensure security and safety.**

Site design should include consideration of safety issues for all areas. All parking lots and building entrances should have high degrees of visibility, along with appropriate lighting and walkways. **The use of Crime Prevention Through Environmental Design** techniques is strongly encouraged. Consideration also should be given to accessibility by public safety or emergency personnel and equipment. (Emphasis added.)

**Provide streetscape improvements that enhance the character of the public realm and support private investment.**

Streetscape improvements promote an active public realm, as continuous sidewalks, crosswalks, street trees, planting strips, ornamental vegetation, lighting, and street furniture create a safe and pleasant environment for users who wish to shop, dine, and socialize in commercial/employment areas. Streetscape improvements encourage private investment, providing an attractive framework that supports the private buildings, spaces, and activities of commercial and employment centers. Streetscape improvements for commercial/employment areas also should include covered bus shelters and underground utility lines, where feasible.

**Building Design****Use high-quality materials with compatible colors and textures.**

Buildings should be constructed of high quality, durable materials that are appropriate for the regional context and complement the design character of nearby properties. Colors and textures should create visual interest and contribute to a harmonious design. Materials may vary according to the importance of a particular façade in the overall design. For example, a less expensive material may be used on façades not readily visible from the public right of way. Vinyl siding, stucco, plastic, fiberglass, plywood, or false veneers are strongly discouraged.

**Employ consistent design on all façades.**

Although it is permissible to vary materials on different façades, the overall design should have internal compatibility. Façades receiving lesser degrees of design treatment should continue basic design elements found on the more public façades. *All façade design should be compatible with the character of neighboring properties.* (Emphasis added.)



**Use design elements to break up long façades.**

Varying design elements help break the monotony of long street façades. Long, blank façades are unfriendly to pedestrians, discourage street-level activity, and should be avoided. Windows, doors, changes in textures, varying rooflines, and vertical elements can be used to break long façades into smaller units that see more porous and inviting to pedestrians. These units should not be overly repetitive, however, as this tends to diminish the identity of individual commercial/employment uses.

**Outdoor dining areas can enhance street life in commercial centers.**

Allow for areas in which building activities “spill out” onto the sidewalk. Transitional areas between building interiors and the public sidewalk often provide important activity areas for commercial uses. Minor setbacks from the front lot line can be used to create small exterior spaces for merchandise displays or outdoor dining areas. This outside activity often has the effect of drawing users into a retail store or restaurant.

**Create a unified signage system in commercial and employment centers.**

Buildings that are part of the same shopping center or employment park should have coordinated signage that emphasizes the visual design character of the center. Signs do not have to have the same lettering but should be of similar sizes and shapes and allow the display of the business name and/or logo. Signs for ground-floor commercial uses should be attached flat to the front façade or project a minimal number of inches into the public right-of-way. In some instances, awnings displaying business names or logos may be appropriate. Additionally, a monument sign bearing the name of the commercial or employment center may be desirable at each center entrance. Signs should not obscure design features, windows, or entrances. Signs with internal illumination, LCD screens, or flashing/scrolling effects are not appropriate for commercial or employment uses. Promote energy-efficient design. If feasible, building design should incorporate energy-saving elements, such as solar panels, wastewater recycling, water-saving fixtures, and energy-efficient windows, insulation, and HVAC systems. Certification by the United States Green Building Council’s Leadership in Energy and Environmental Design program or a similar program is strongly encouraged (see Chapter 6 on page 101).

*See 2010 Approved Glenn Dale-Seabrook-Lanham & Vicinity Sector Plan & Sectional Map Amendment, Chapter 4.*

**DSP-03089 – Design Features**

According to the record, the applicant proposes to develop a 27.33-foot-high, one-story, flat-roofed, 12,754.63-square-foot commercial building with combined restaurant, car wash and

full-service laundromat uses, each with a separate entrance door and internal connectivity, on existing Parcel C. The building is placed in the center of the southern portion of the site, set back 30 feet from the southern property line, and approximately 140 feet from the eastern and western property lines. The two-aisle car wash use, with an associated two-bay detail shop, at approximately 8,520 square feet, is inside the southern half of the building, with garage doors providing access. The laundromat use, at approximately 3,057 square feet, is located in the northeastern corner of the building, and the 36-seat restaurant use, at approximately 1,176 square feet, is located in the northwestern corner of the building.

Two, one-way, two-lane, driveway entrances are located along the eastern property line providing access to the site from Lottsford Vista Road. The northern entrance, one-way in, leads directly to an outer drive aisle that runs to the western edge of the site, turns south and then turns back east leading to the overhead door entrances to the car wash at the southwestern corner of the building. The detail bays, associated with the car wash use, are located in the northwestern corner of the building, between the car wash drive aisles and the loading and trash area. Two overhead doors at the southeastern corner of the building provide the exit location from the car wash. Pedestrian doors along the eastern and western façades, adjacent to the overhead doors, provide customer access to the interior car wash part of the building. A widened pavement area in front of the building, along the eastern façade, serves as the wipe down/pick-up area, with temporary parking, for the car wash use. A one-way drive aisle then leads from this area and connects to the one-way-out driveway entrance onto Lottsford Vista Road. A nine-foot-high brick frontage screen wall is located between this area and the road right-of-way to screen the vehicles. The Planning Board finds that pilasters should be added to this wall to enhance its articulation. The proposed 61-space parking area is located in the middle of the site, directly



north of the building, between it and the outer drive aisle to the car wash. Separate doors on the northern façade of the building, facing the parking area, provide access to the interior laundromat and restaurant uses. A small courtyard, enclosed with an eight-foot-high perforated block screen wall, is located adjacent to the northwest corner of the building for outdoor seating associated with the restaurant. Another eight-foot-high brick wall screens the loading/trash area from the courtyard and the adjacent parking area.

Stormwater from the site is proposed to be treated in a bioretention area located along the northern portion of the property. Some existing woodlands are proposed to be preserved along the northern, western and southern property boundaries. One eight-foot-high brick freestanding sign is located adjacent to Lottsford Vista Road, and three, approximately four-foot-high, freestanding signs serve to direct vehicles through the site to the various uses. Three building-mounted, white, back-lit, lettered signs, reading "Car Wash," "Laundromat," and "Restaurant," are located above the exterior doors providing access to the separate uses.

The building itself is proposed to be fully faced in red brick, with two horizontal gray brick stripes serving as accents. Black metal framed storefront doors and windows are evenly arranged along with column bump-outs on the eastern and northern façades, facing the road and the parking area. The southern and western façades contain no windows, only metal doors providing employee access to the service areas. Additionally, there are two overhead doors on the eastern and western façades for vehicular access to the car wash use. A white cornice piece provides some enhancement to the roofline. Additionally, a raised roof portion, approximately in the middle of the eastern façade, adds some variety to the roofline. The Planning Board included some architecture-related conditions of approval to add more details and features to the building design to further enhance its overall appearance.

See PGCPB No. 13-67, 2-4, Technical Staff Report, 5-6, Rendered Site Plan (Slides 10), East Elevation (Slide 11), North Elevation (Slide 12), West Elevation (Slide 13), South Elevation (Slide 14), Floor Plan and Signage (Slide 15), View Looking West From Lottsford Vista Road (Slide 16), View Looking South From Lottsford Vista Road (Slide 17), and View Looking South From Lottsford Vista Road (Slide 18).

Based on our review of the recommended goals, policies, strategies, and actions pertaining to development patterns, zoning, environmental infrastructure, transportation systems, economic development and community character of the 2010 Plan, and the applicant's proposed designed features for DSP-03089, we reject the Planning Board's recommendation that of approval that DSP-03089 represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. See §27-285(b). See also *Richmond Corp. v. Board of County Commissioners*, 254 Md. 244, 255 A.2d 398, 408 (1969) (An administrative decision is not controlling upon the reviewing board. Even if the Planning Commission and the Department of Inspection and Permits *had* rendered an opinion that the uses, or any of them, were in harmony with the purpose and intent of the General Plan, the District Council would not have been bound by such opinions); *City of Baltimore v. Muller*, 242 Md. 269, 279, 219 A.2d 91, 97 (1966) (the Court of Appeals discussed the effect that favorable reports of other agencies have upon the Baltimore Board of Municipal and Zoning Appeals stated that favorable reports of the Fire Commissioners, the Commissioner of Health and the Department of Transit and Traffic are not controlling) *cf. Cf. Shell Oil Co. v. City of Baltimore*, 225 Md. 463, 472, 171 A.2d 234, 238 (1961).

#### DSP-03089 – Architecture

The application contains no statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and style. See



§27-274, Applicant's Statement of Justification. We find that the one-story, flat-roofed 12,754.64 square-foot commercial building with a **combined** restaurant, car wash and full-service laundromat lacks conformance with the 2010 Plan land use recommendations. The proposed building is not sufficiently oriented to the street or front line to maximize pedestrian interaction with ground-floor uses. The building is placed in the center of the southern portion of the site. The proposed red brick building with horizontal gray brick stripes, or architectural-related conditions of Planning Board, is not construction of high quality and does not compliment the design character of nearby properties. The proposed building façade is also incompatible with the character of the neighboring properties, and lacks use of design elements to break the monotony of its long street facades. Other than a raised roof portion, the proposed renderings of the site show no varying rooflines, and vertical elements that can be used to break long facades into smaller units that see more porous and inviting to pedestrians. *See* Rendered Site Plan (Slides 10), East Elevation (Slide 11), North Elevation (Slide 12), West Elevation (Slide 13), South Elevation (Slide 14), Floor Plan and Signage (Slide 15), View Looking West From Lottsford Vista Road (Slide 16), View Looking South From Lottsford Vista Road (Slide 17), and View Looking South From Lottsford Vista Road (Slide 18), (6/6/13 Tr.). We also find that the proposed architecture fails to satisfy the purposes of the I-1 Zone because it does result in an attractive, conventional light industrial environment. *See* §27-469.

#### DSP-03089 – Signage

According to the record, the signage within the DSP-03089 has been reviewed for conformance with Section 27-613, which governs signs attached to a building or canopy. **The submitted plans did not provide dimensions or square footages for the proposed building-mounted signage.** The signage within the DSP-03089 has also been reviewed for conformance

with Section 27-614, which governs freestanding commercial signs. The submitted plans propose one main free-standing sign located close to Lottsford Vista Road and three smaller directional signs to guide customers through the site to whichever use they wish to access. Dimensions and basic material labels were provided for these signs; however, **no chart was provided showing conformance with the regulations of Section 27-614.** PGCPB No. 13-67, 4, Technical Staff Report, 6. (Emphasis added.) We find that the applicant has failed to comply with the signage requirements of the Zoning Ordinance.

#### DSP-03089 – Nine Foot Brick Wall

The subject plan proposes a nine-foot-high brick wall that starts at the southeastern corner of the building and follows the drive aisle around to the east and ends between the building and Lottsford Vista Road near the southern driveway entrance. Initially Technical Staff found that this 9-foot wall effectively screened the vehicle-related car wash use from the street. PGCPB No. 13-67, 5, Technical Staff Report, 7-8. Although Planning Board proposed a condition to revise the nine-foot-high frontage screen wall to include pilasters, spaced evenly, approximately 20 feet apart, on the outer side of the wall facing Lottsford Vista Road and the southern property line, the reduced height of the wall to a maximum height of six feet within 25 feet of the Lottsford Vista Road right of way will not provide effective screening of the vehicle-related car was use, including the drying area, from Lottsford Vista Road. *See* §27-274 Site Guidelines.

#### DSP-03089 – Parking

The proposed 61-space parking area, for the combined restaurant, car wash, and full-service laundromat, which is considered a high impact use and adjacent to self-storage which is also considered a high impact use, is located in the **middle of the site, directly north of the building, between it and the outer drive aisle to the car wash.** The design guidelines in our



zoning ordinance require that parking lots should generally be provided to the rear or sides of structures. §27-274(a)(2). And the design principles of the 2010 Plan also recommend to place parking areas to the rear of commercial and employment properties to address issues identified in the Plan. We agree with this recommendation because the Plan found that rear parking areas are preferable, as they reduce the parking area's visibility from a public street and allow buildings to form a district street wall on the front of the lot. *See* Rendered Site Plan (Slides 10).

#### DSP-03089 – Buffering Development From Streets

Section 4.6 of the 2010 Prince George's County Landscape Manual requires a buffer between any use and the right-of-way of a special roadway. Lottsford Vista Road is classified as a designated historic roadway adjacent to the subject property; therefore, a Section 4.6 buffer is required, which, within the Developing Tier, includes a minimum 20-foot-wide buffer planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. The landscape plan currently shows the provision of a Section 4.2 landscape strip along Lottsford Vista Road, **which does not fully meet the requirements of Section 4.6.** *See* PGCPB No. 13-67, 8, Technical Staff Report, 10. Because Section 4.6 of the Landscape Manual has not been satisfied, the applicant did not amend its application or to submit and gain approval of an Alternative Compliance application.

#### DSP-03089 – Lighting

The hours of operation for the combined restaurant, car wash, and full-service laundromat are:

- a. Car wash: 8 A.M. to 6 P.M.
- b. Laundromat: 8 A.M. to 9 P.M.
- c. Restaurant: 10 A.M. to 9 P.M.

PGCPB No. 13-67, 16, Technical Staff Report, 11-12. A design principle recommended strongly encouraged, by the 2010 Plan to address issues identified in the Sector Plan for this development area is to ensure security and safety through the use of Crime Prevention Through Environmental Design (CPTED). This application was referred to the Police Department, pursuant to §27-284, for comments, but none were provided. PGCPB No. 13-67, 12. The applicant has provided no security plan through the use of CPTED to shown conformance with the 2010 design principles of the sector plan. Neither the applicant, Planning Board Staff or the Planning Board has addressed a light plan for nighttime activities pursuant to §27-274.

DSP-03089 – WSSC Easement

A specific purpose of a detailed site plan is to describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the plan is implemented in accordance with the requirements of the zoning ordinance. *See* §27-281. There is an existing 30-foot-wide WSSC storm drain easement and right-of-way shown on the record plat. DSP-03089 shows improvements within this right-of-way but the applicant has not demonstrated, with evidence, an agreement with WSSC that the proposed improvements are allowed within the easement/right-of-way. While we agree that issues regarding the WSSC easement/right-of-way will be enforced by WSSC; there is no evidence in the record that the applicant has permission to construct the proposed improvements within the easement. *See* PGCPB No. 13-67, 11, Technical Staff Report, 12. We find this lack of evidence in the record does not satisfy the general or specific purposes of a detailed site plan. We also find this lack of evidence substantially affects our discretionary review of DSP-03089. We further find that permission to construct the proposed improvements within the easement is directly relevant to



whether DSP-03089 represents a reasonable alternative for satisfying the site design guidelines. §27-285.

### **Chapter 6 - Natural Resources/Environment**

The Glenn Dale-Seabrook-Lanham sector plan area is, to a large extent, defined by its water and woodland resources. Three major watersheds extend “fingers” through the area, and large tracts of open space provide green infrastructure in the eastern and central portions of the sector plan area. Suburban development over the past five decades has eroded the integrity of many of these resources, and evidence of development impacts can be found throughout the sector plan area in the form of impaired water quality, erosion, and periodic flooding. The rate of new development within the sector plan area, however, will slow over the next decade, as fewer parcels are available for development under existing zoning regulations. Important opportunities exist for implementation of conservation measures that will enhance the ecological functions of natural systems within the Glenn Dale-Lanham-Seabrook sector plan area.

#### **Key Findings**

- All streams within the sector plan area have “poor” or “very poor” water quality ratings due mainly to the lack of stormwater controls and dimentation.
- Large contiguous tracts of woodland cover exist within the sector plan area.
- Areas with both groundwater and surface flooding issues are known to exist, especially within the Folly Branch watershed.
- Area waterways and the existing trails network—particularly the stream valley corridors—provide important wildlife habitat and connectivity for wildlife and human cohabitation.
- The sector plan area is part of the Washington metropolitan region, an Environmental Protection Agency (EPA)-designated nonattainment area for air quality.

#### **Major Challenges**

- Addressing flooding in known problem areas.
- Reducing the amount of stormwater runoff, and retrofitting areas through the use of innovative stormwater management practices.
- Reclaiming and restoring previously disturbed wetlands and stream corridors.

- Maintaining and enhancing the existing tree canopy coverage within the sector plan area.

## **Waterways and Wetlands**

### **Surface Water**

A watershed is the topographic division between two bodies of water, and the Glenn Dale-Seabrook-Lanham sector plan area consists of three major watersheds—**Folly Branch**, Bald Hill Branch, and Lottsford Branch—which all flow to the Patuxent River. The area also contains three watersheds with smaller drainage areas, including Horsepen Branch, Brier Ditch, and Lower Beaverdam Creek. Water quality assessments have been performed by the Prince George’s County Department of Environmental Resources (DER) in all six area watersheds; all watersheds rank as either poor or very poor when evaluated for benthic invertebrates (“small bugs” found in the streams that react to pollutants) and habitat quality (see Table 18 on page 103). The degraded conditions of these streams can be attributed to the high levels of impervious surfaces, such as asphalt and concrete, within their respective watersheds and the fact that much of the area within these watersheds was developed prior to the current stormwater management regulations. These surfaces create an impermeable layer that prevents rainfall from filtering back into the ground and, thus, leads to high volumes of stormwater runoff.

### **Accumulations of runoff have several negative effects:**

- (1) stormwater running across impervious surfaces often picks up pollutants, such as oil, grease, and sediment;
- (2) pollutant-laden stormwater flows off the land into existing stormwater management infrastructure systems (if they exist) and subsequently into streams, degrading water quality; and
- (3) because impervious 1 Scale includes “good,” “fair,” “poor,” and “very poor” ratings.

Prince George’s County has no streams rated “good” areas without stormwater controls lack anything to slow the water’s velocity as it travels downhill, stream systems eventually receiving this influx of water become severely eroded.

## **Wetlands**

### **Folly Branch**

Wetlands comprise 2.3 percent of the Glenn Dale-Seabrook-Lanham land area. These are marshes, wet meadows, bogs, and other natural features that serve as important areas for water filtration and plant and wildlife habitat. Wetlands are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions. These areas aid in flood control and water quality improvement by



trapping and filtering out water pollutants. The sector plan area contains an extensive amount of nontidal wetlands, especially along the stream valley corridors. Folly Branch, Lottsford Branch, and Bald Hill Branch all have large floodplain areas that host wetland fringes, which serve as important habitats for many plants and animals. These environmentally sensitive areas are protected under the Prince George's County Code. During the review of development applications, wetlands are identified and negative impacts are avoided or minimized when avoidance is not an option. Mitigation of negative environmental impacts is also a requirement as part of the state permitting process.

## **Area Environmental Issues**

### **Stormwater Management**

In residential suburban communities like Glenn Dale, Seabrook, and Lanham, the greatest threat to water quality is nonpoint source pollution. This type of pollution does not come from a specific "point," like an industrial discharge; instead, pollutants enter the area's water systems at many points through stormwater runoff. **Impervious surfaces are problematic because they do not allow water to filter into the ground; rather, they cause water to accumulate into runoff flows that can carry large numbers of pollutants, such as oil, fertilizer, and pesticides, into area waterways. Development that creates more impervious surfaces and lawns (instead of trees and other vegetation) results in greater runoff during and after storms and also leads to increased risk of erosion, sedimentation, and flooding in stream valleys. Fertilizers and other chemicals also can increase nitrogen and other nutrients in area waterways and water bodies, leading to harm to animal species and excessive algae growth known as eutrophication. Excessive algae growth is problematic because as the algae decomposes it consumes oxygen, resulting in a disruption of the natural processes in the stream. Surface areas in watersheds that contain more than ten percent impervious surfaces are known to lead to degraded water quality. This sector plan area contains three different watersheds, none of which have an impervious surface number greater than ten percent, but they are approaching this percentage.** The sector plan area contains approximately 1,456 acres of impervious surfaces (approximately 17.5 percent of the sector plan area), which is a misleading calculation because the sector plan area is composed of portions of six watersheds. While it is important to calculate impervious surface percentages, it should be done on a watershed basis and not on a sector plan area basis. Future planning efforts should address the imperviousness within each watershed to better address water quality issues. The sector plan area is affected not only by nonpoint source pollution within its boundary but also by nonpoint source pollution from new development outside the sector plan area (i.e., upstream from the sector plan area within the same watershed). Despite this fact, how impervious surfaces are designed and how stormwater runoff is treated both within and outside the sector plan area can result in positive changes for the receiving streams. Subtitle 4 of the Prince George's County Code requires stormwater management plans for proposed development. Additionally, Subtitle



24 of the County Code requires all properties regulated by the Subdivision Ordinance to provide on-site stormwater management. Each property or group of properties must have a storm drainage and stormwater management concept plan reviewed and approved by the DER. Additionally, special buffers are required for perennial streams and wetlands to reduce the impact of stormwater flows. The stormwater Management Act of 2007 is administered by the Maryland Department of the Environment and affects local county stormwater authority. The Stormwater Management Act will require the use of environmental site design or the use of nonstructural best management practices to the maximum extent practicable on development sites. The new regulations will require Prince George's County to update its stormwater ordinance. (Emphasis added.)

### **Flooding**

**Periodic surface and ground flooding exists in several locations within the sector plan area, with the majority of surface flooding issues occurring within the Folly Branch watershed.** This watershed is extensive, and Folly Branch itself carries a large quantity of water, especially during storms. Aerial photography and field visits by DER staff confirm that large expanses of fringe wetlands line the mainstream of Folly Branch, indicating a large volume of water storage within the stream valley. Many platted lots exist within the floodplain that were created prior to County Code restrictions on subdividing lots that are fully within the floodplain. The county's floodplain ordinance (Subtitle 4) protects areas within the defined 100-year floodplain, which is delineated at the time of development review application. The floodplain used for development review purposes differs from the Federal Emergency Management Agency (FEMA) 100-year floodplain because it considers future development in the floodplain, whereas the FEMA floodplain limits only address existing conditions. New development is required to place buildings above the floodplain elevation, and new residential development is required to provide a 25-foot-wide building setback from all 100-year floodplain limits. Limited renovations/improvements to existing properties in the floodplain are allowed, and these improvements must be elevated.

**Goal 2:** Prevent flooding associated with new and redevelopment.

**Policy 1:** Ensure stream corridors are clear of debris, both manmade and natural, in known flooding areas.

### **Strategy:**

**At the time of a development proposal, evaluate stream corridors for blockages, especially in the Folly Branch watershed.** Keeping stream corridors clear of blockages helps keep water flowing downstream within the stream channel instead of being backed up into the floodplain and potentially into areas adjacent to the floodplain. Culverts, stream banks, and channels shall be assessed for woody debris and trash blockages that could potentially cause flooding in large storm events. The maintenance of stream corridors will help prevent



unnecessary flooding along streams.

**Policy 2:** Ensure that the quantity of stormwater discharged from a site post-development does not exceed predevelopment conditions.

**Strategies:**

Implement stormwater management techniques on development sites to mitigate the negative impacts of development. Techniques such as green roofs, bioretention, rain gardens, and infiltration areas are methods that can be employed to best mimic predevelopment conditions on a site. This should be addressed at time of conceptual stormwater management plan approval. **In the Folly Branch watershed, require verification of typical groundwater levels on-site prior to development.** The grading of a site shall not negatively impact the groundwater hydrology in a manner that increases flooding in below-ground structures. This verification will help guide the best type of development for the site, while preventing flood water damage to the structure. Create an electronic database of flooding complaints in order to identify areas of known flooding to avoid future problems. This comprehensive tool will help guide how development occurs on a property within an area of known flooding and how it should be housed and areas, houses with basements should be limited, or other mitigation techniques should be implemented. (Emphasis added.)

**Goal 4:** Utilize innovative stormwater management best practices to mitigate the negative impacts of stormwater runoff.

**Policy 1:** Require stormwater to be treated nonstructurally to the maximum extent practicable.

**Strategies:** Require environmental site design stormwater management techniques to be used on-site to the maximum extent practicable. Environmental site design techniques build on the idea that stormwater is dealt with on a site either by evapotranspiration through vegetation, infiltration back into the ground, or reused gray water in associated buildings. Techniques such as rain gardens, bioretention and infiltration areas, innovative stormwater outfalls, underground stormwater management, green streets, cisterns, rain barrels, grassed swales, and stream stabilization shall be utilized. The Maryland Stormwater Design Manual shall be utilized for correct design and installation for each project. Require that large tracts of impervious surfaces be disconnected through the use of careful site design. This can be achieved by utilizing areas of alternative (pervious) pavers, soil amendments and conditioning, bioretention islands, rooftop gardens, and other landscaping techniques. These techniques mimic the original predevelopment land conditions and will help mitigate the negative effects of stormwater runoff. Promote use of areas designed to increase infiltration within required open or green space. Open space areas like ball fields and grassed plazas can contain an underground area that can promote infiltration or contain a cistern. These areas are meant to retain rainfall by promoting infiltration back into the



ground instead of conveying the water into the nearby stream systems. Other options for less intensely used open space areas are to create linear wetland cells that can act as treatment for nearby stormwater runoff.

**Goal 5:** Address issues of energy conservation, light pollution, air pollution, and noise impacts within the sector plan area.

**Policy 1:** Increase opportunities for utilizing green building opportunities in the sector plan area.

**Strategies:** Encourage the use of green building techniques as designated by the U.S. Green Building Council or a green building program equivalent. New building designs should incorporate the latest environmental technologies in project buildings and site designs. As redevelopment occurs and where appropriate, existing buildings should be reused and redesigned to incorporate energy and building material efficiencies. These strategies help to create more sustainable conditions of developed areas. Support the development of a countywide green building program that provides incentives for reducing the overall impacts of buildings on the environment and cleaner, healthier buildings to support the health and wellness of county residents and employees. A green building program will not only allow for more sustainable development in the county but also will increase opportunities for the creation of more green jobs.

**Policy 3:** Reduce air pollution to support community health and wellness and champion nonmotorized transportation alternatives.

**Strategies:**

**Design new and redevelopment projects to minimize the need for motor vehicle trips and prevent conditions that may create local air pollution nuisances.** A comprehensive analysis of the surrounding area in the development review process will help to give a bigger picture of the area. Developing in areas that have existing services can help to reduce the need for automobile trips. Provide an improved, continuous network of sidewalks and bikeways to facilitate safe pedestrian use and access. As development sites are reviewed, the surrounding area should be analyzed for comprehensive sidewalk and bikeway connections. Provide park-and-ride lots along major roads for carpools, vanpools, and transit users. These areas are especially important around the Seabrook MARC station, where people are most likely to be commuting. Encourage the use of carpools and vanpools to decrease the amount of automobile traffic within the sector plan area.

*See 2010 Approved Glenn Dale-Seabrook-Lanham & Vicinity Sector Plan & Sectional Map Amendment, Chapter 6.*



DSP-03089 – Stormwater Management

According to the Environmental Planning Section of the Planning Department, this property is located in the Folly Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*. PGCPB No. 13-67, 11, Technical Staff Report, 13.

The submitted application included a copy of the approved Stormwater Management Concept Plan, 16808-2001-03, which expires on May 3, 2016, but prior to approval by Planning Board, the Department of Public Works and Transportation (DPW&T) has not provided comments on the subject application stating whether the DSP-03089 is in conformance with this concept approval. *See* PGCPB No. 13-67, 6.

DSP-03089 is a proposed high impact development of a combined restaurant, car wash, and full-service laundromat. Because the proposed development is located in the Folly Branch Watershed, we are unable to conclude that DSP-03089 represents a reasonable alternative for satisfying the site guidelines. There is no evidence in the record that address the major challenges and key findings of the 2010 Plan concerning the Folly Branch Watershed. The applicant has provided no evidence however, we find that the 2010 Plan adjacent to another high impact self-storage facility and its proximity to the Vista Garden Marketplace will generate more traffic to existing traffic congestion, hazards and accidents.

DSP-03089 is a proposed high impact development of a combined restaurant, car wash, and full-service laundromat. We are simply not persuaded by the lack of evidence concerning the Folly Branch Watershed that the proposed car wash and laundromat and impervious surface of the project will not cause water to accumulate into runoff flows that can carry large number of

pollutants, such as oil and other chemical from the car wash and laundromat into the Folly Branch Stream.

There is also no evidence in the record that DSP-03089 has addressed the recommended strategies of the 2010 Plan to 1) evaluate stream corridors for blockages, especially in the Folly Branch Watershed, 2) require verification of typical groundwater levels on-site prior to development in the Folly Branch Watershed, or 3) that grading of a site shall not negatively impact the groundwater hydrology in a manner that increases flooding in below-ground structures.

We find these deficiencies in DSP-03089 to warrant our reversal of the Planning Board's recommendation to approve the application as a reasonable alternative for satisfying the site design guidelines. *See* §27-285.

### **Chapter 8 - Transportation**

An excellent transportation system will provide multimodal opportunities and take the needs of cars, trucks, buses, bicycles, and pedestrians into account in the planning process for all projects. Trade-offs between mobility and access are necessary, as choices must be made between enhancing regional travel and ensuring access to community destinations. The planning process also will recognize the key relationship between transportation and land use. Transportation policies and investments should be integrated with strategic land use choices to ensure efficient use of existing pedestrian facilities, roadways, and transit systems; reduced commuting times; fewer vehicle miles traveled; lower capital costs; and improved public health.

#### **Key Findings**

- Speeding occurs on neighborhood streets and main roadways throughout the sector plan area.
- The area defined by the joining of the Capital Beltway (I-95/I-495), Lanham Severn Road (MD564), and Annapolis Road (MD 450) has a high degree of traffic congestion and poses operational challenges.



- Limited pedestrian crossings exist within the sector plan area.
- Much of the sector plan area has discontinuous and/or poorly-maintained sidewalks.
- Roadways throughout the sector plan area lack bicycle lanes.
- The sector plan area contains the beginnings of an extensive trail network.

### **Major Challenges**

- Area priority projects, especially on roadways maintained by the State Highway Administration, must compete with other federal and state projects for funding.
- Transit service improvements are limited by the sector plan area's low residential densities.
- Development occurring in nearby communities may continue to increase traffic passing through the sector plan area.

### **Existing Conditions**

The Glenn Dale-Seabrook-Lanham sector plan area contains a multilayered transportation network composed of regional highways, local streets, public transportation routes, sidewalks, and local and regional trails. Bordered on the west by the Capital Beltway, on the south by US 50 (John Hanson Highway), and bisected by the MARC rail line, this network serves local traffic, along with commuters to Washington, D.C., and Baltimore who pass through the sector plan area (see Map 22 on page 139). The sector plan area's road network is heavily utilized during peak periods, with many major arterials at or near capacity, especially in the Lanham area. Congestion arises from commuters trying to access employment areas and the Capital Beltway, along with the area's MARC rail station and the New Carrollton Metro Station. Other transportation issues include continued traffic growth within neighboring sector plan areas and the region as a whole, cutthrough and speeding traffic on local streets, poor pedestrian connections to area destinations, limited bicycle facilities, and infrequent transit service.

### **Traffic Volumes**

The Maryland State Highway Administration (SHA) records traffic counts for major roadways throughout the state. Several roadways and intersections in the sector plan area have been measured over time, allowing for an examination of the rate of traffic growth along area roadways. The most recent traffic count data available from SHA are from 2008. Map 23 on page 142 shows 2008 traffic counts for sector plan area roadways. The volume of vehicles in the sector plan area each day must be taken into account when planning for future transportation and public facilities infrastructure. Comparison of data from 2000 to 2007 shows an increase in average daily traffic (ADT) within the sector plan area.

Table 29 on page 143 shows that average daily traffic counts along major sector plan area roadways have increased annually between 2000 and 2007. With the exception of the MD 450 (Annapolis Road)/MD 564 (Lanham Severn Road)/Princess Garden Parkway intersection just east of the Capital Beltway, traffic has increased the most in the southern and eastern parts of the sector plan area. This change can be attributed to the number of residential subdivisions that have been developed in these areas over the past decade. Overall traffic growth may arise from increases in "cut-through" traffic originating

outside the sector plan area. New residential development in other communities east and southeast of the sector plan area, as well as employment growth areas to the west and northwest, may account for additional commuters using sector plan area roadways to access the Capital Beltway and US 50.

**Levels of Service**

A roadway’s level of service (LOS) measures the ability of a road network to handle traffic (see Table 30). This classification is based on a roadway’s number of lanes and traffic volumes. Levels of service typically are divided into six categories, with “A” representing the highest LOS and “F” representing the lowest—and generally unacceptable—LOS. The 2002 General Plan identifies LOS D as the minimum acceptable level of service for all roadways within the Developing Tier. Levels of service for the area’s major roadways as of 2008 are shown in Table 31 on page 145. Most of the roadways had a “passing” level of service. Only the Capital Beltway rates an “F.”

**Table 31 - Roadway Levels of Service, 2008**

<b>Roadway</b>	<b>Level of Service</b>
Greenbelt Road (MD 193)	D
Glenn Dale Boulevard (MD 193)	C
Annapolis Road (MD 450)	A
Martin Luther King Jr Highway (MD 704)	C
Lanham Severn Road (MD 564)	D
Good Luck Road	C
Cipriano Road	C-D
Capital Beltway (I-95/I-495)	F

**Source:** Transportation Section, M-NCPPC, 2008.

*See 2010 Approved Glenn Dale-Seabrook-Lanham & Vicinity Sector Plan & Sectional Map Amendment, Chapter 8.*

**DSP-03089 – Traffic Issues**

The proposed development of a combined restaurant, car wash, and full-service laundromat is considered a high impact use which is adjacent to a self-storage which is also considered a high impact use. The subject property is bounded to the north by a self-storage facility in the I-1 Zone; to the west and south by commercial/industrial office buildings in the I-1 Zone, which are part of the Hanson Palmer Business Park; and to the east by the public right-of-way of Lottsford Vista Road and beyond it by single-family homes in the R-T Zone. The



recently developed Vista Gardens Marketplace Shopping Center in the C-S-C Zone is across Lottsford Vista Road to the northeast. *See* PGCPB No. 13-67, 2, 8, Technical Staff Report, 4.

According to the Transportation Planning Section it is estimated that the proposed restaurant will generate 27 PM peak-hour trips and that the automated car wash will generate 92 PM peak-hour trips. With pass-by trip rates applied at 35 percent and 50 percent, respectively, these two uses will generate 18 and 46 new PM trips, respectively. The associated laundry is expected to generate five or fewer PM peak-hour trips. Therefore the 12,755-square-foot building is expected to generate a maximum of 69 PM peak-hour trip; 46 trips below the PM peak-hour trip cap of 115 trips. With regard to the AM peak-hour trip generation, **no data is available to estimate AM peak-hour trips for a car wash. Given that one would expect few AM peak-hour trips for a car wash, and similar trip generation for the other uses, the site will generate fewer than 124 AM peak-hour trips.** *See* PGCPB No. 13-67, 6-8, Technical Staff Report, 8-9 (Emphasis added.) The Transportation Planning Section also recommended that the two one-way commercial driveways will provide access/egress to the proposed building and associated uses. The outside driveway around the proposed building will be used by car wash patrons. **Vehicle queuing from the car wash onto Lottsford Vista Road does not appear to be an issue.** The outer driveway leading to the vacuum areas and car wash bays is approximately 500 feet long. Parking and onsite circulation **appears to be adequate.** (Emphasis added.) *See* PGCPB No. 13-67, 10, Technical Staff Report, 12.

We reject the recommendations of the Planning Staff and Planning Board that the proposed high impact development will not generate more traffic or is not an issue because there is substantial evidence in the record to demonstrate that the proposed development will generate more traffic and there is substantial data available in the record to estimate the AM peak-hour

trips for the car wash. We have reviewed the entire 202 pages of transcript testimony from the Planning Board, and we have also reviewed the written testimony in the record. *See* (6/6/13) and consolidated written testimony; August 25, 2012 – Barbara R. Winston to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 26, 2012 – Darlene T. Robinson to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 27, 2012 – Lorna McKenzie to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 28, 2012 – Jerome Smallwood, Paul Horton, Rachel Stroud, June Watson, Vicky Orem and Joan Oxedine to M-NCPPC Development Review, Attention Planning Director; August 29, 2012 – Linda Tolbert to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 29, 2012 – Clifford M. Wilborn, LCDR USN to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 30, 2012 – Terry Speigner to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 30, 2012 – Edward Holley to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 30, 2012 – Joel Brown to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 30, 2012 – Lisa T. Long, Esquire to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 30, 2012 – Janet Branch to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 30, 2012 - Kimberly Williams, Vista Gardens HOA, to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 30, 2012 – Antonio Mannino to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 30, 2012 – Deborah L. Sutton to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 30, 2012 – Thelma Queen to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 30, 2012 – Helen



B. Newman to Planning Director, M-NCPPC Development Review; August 30, 2012 – Katrina F. Lyles to Planning Director, M-NCPPC Development Review; August 30, 2012 – Vicky Orem & Margaret A. Boles to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 31, 2012 – Annetta Washington to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 31, 2012 – Jane Branch to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 31, 2012 – Christal Lancaster to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 31, 2012 – Chasity & Philip Ludd to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; August 31, 2012 – Christian L. Pulley to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; September 1, 2012 – Ismael L. Garcia to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; September 1, 2012 – Felecia Younger to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; September 2, 2012 – Esther G. Britt to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; September 2, 2012 – Zara & Larry Gerald to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; September 3, 2012 – Christopher Cole to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; September 3, 2012 – Lisa Anderson to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; September 3, 2012 – Daniel W. Glenn to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; September 4, 2012 – Wanda Ghant-Mooney to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; September 4, 2012 – Lillie M. Smallwood to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; September 4, 2012 – Lillie L. Hay to

Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 5, 2012 – LaTonya Fields to Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 5, 2012 – Ernestine Darby to Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 5, 2012 – Tamara Moore to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 5, 2012 – Steven D. Leftwod, Jr., to Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 5, 2012 – Ed Colbert to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 5, 2012 – Karen D. Young to Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 5, 2012 – Ryan & Joi Howard to Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 5, 2012 – Ardelia Davis-Dorsey, Ronnie Dorsey & Gwendolyn Alexis to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 6, 2012 – Brenda I. Harris to Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 7, 2012 – Steve Thorn to Council Chair Andrea Harrison Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 7, 2012 – Derrick Lark to Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 8, 2012 – William J. Ross, Jr., to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 10, 2012 – S. Timona Ross to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 11, 2012 – Charles Stanley & Ann M. Ames to Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 11, 2012 – Christian L. Pulley to Elizabeth M. Hewlett, Chair, Prince George's County Planning Board; September 12, 2012 – Christina E. Orticke to Elizabeth M. Hewlett, Chair, Prince George's



County Planning Board; September 16, 2012 – Carlos Valverde to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; September 17, 2012 – Arnita Stroud to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; October 17, 2012 – Kevin C. Burns to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; October 17, 2012 – Rev. Starlene Joyner Burns to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; November 13, 2012 – Barbara R. Winston to Planning Director, M-NCPPC Development Review; November 19, 2012 – Marissa Ramos to Planning Director, M-NCPPC Development Review; December 3, 2012 – Maria Hammond to Planning Director, M-NCPPC Development Review; December 7, 2012 – Jill Kosack, Senior Planner, MNCPPC to Marissa Ramos; April 18, 2013 – Philip & Chasity Ludd to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; April 18, 2013 – Michelle Royster to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; April 19, 2013 – Anjeleque Williams to Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; May 7, 2013 – Peter and Angela Benson to Reyna Kosla, M-NCPPC; May 8, 2013 – The Honorable Alonzo T. Washington, Delegate, 22<sup>nd</sup> Legislative District, Maryland House of Delegates, to Alan Hirsch, Division Chief, Development Review Division, M-NCPPC Planning Board; May 9, 2013 – Shellie M. Monroe to Council Chair Andrea Harrison and Elizabeth M. Hewlett, Chair, Prince George’s County Planning Board; May 22, 2013 – Catherine Cardinez to M-NCPPC Development Review, Attention Planning Director.

For example, Ms. Tere Meads, a resident in the Vista Gardens Community provided compelling testimony of her observations of traffic, echoing those of other residents, in the area of the proposed development.

**Ms. MEADS:**

“...one of my primary areas of concern is the anticipated impact to traffic along Lottsford Vista Road. Those of us living in the communities along the Lottsford Vista Road corridor have observed and have been impacted by the increased volume of traffic along Lottsford Vista Road for over 10 years. I have lived in the community for 12 years and I was a first time homeowner in the Vista Gardens Community and I’ve seen the traffic congestion along Lottsford Vista Road increase. The volume has increased significantly over the last 7 or so years, since the development of the Vista Garden Marketplace, located within walking distance of the proposed Hanson Palmer Industrial Park Development.

Lottsford Vista Road is primarily a two lane road which has become a very popular thoroughfare traveled by residents living in the communities along Lottsford Vista Road. It is also traveled by vehicles or individuals who travel from as far as the Upper Marlboro area for access to Route 704 which is Martin Luther King Junior Highway, Interstate 495 and Route 50 as a shortcut to travel to their homes or other establishments within the area.

According to statistics from the Department of Public Works and Transportation and the State Highway Administration that I’ve researched, average daily traffic has increased on Lottsford Vista Road by more than 50 percent since 1999. Approximately 6,100 up to nearly 12,000 as of 2012. It’s average daily traffic, but I’m pretty sure it’s 2013, it has increased more. For those of us who must use Lottsford Vista Road to enter, exit our communities, we have experienced increased periods of waiting over the last several years as a result of the increased traffic volume.

For example, it’s now very common for me to have to wait there to five minutes to safely exist my community because of increased traffic volume traveling along Lottsford Vista Road. Cars actually drive above the speed limit on Lottsford Vista Road, there are major safety concerns and precautionary travel measures that I have to take into consideration when entering and existing my community.

From time to time I have to travel from MLK to Forbes Boulevard, to avoid the traffic from MLK into Lottsford Vista Road to get to my community. Unfortunately, I’ve sat at the intersection of Forbes and Lottsford Vista Road for more than five minutes or more when attempting to turn onto Lottsford Vista Road just to get into my community. The traffic volume is heavy. Most recently in early may I was unable to exist my community to turn onto Lottsford Vista Road to get to Route 50 or MLK to 50 on a Sunday morning as early as 10:15 a.m. because the national law enforcement officers memorial bike route was taking place. I am stuck, held up in my community for more than 20 to 25 minutes, because of a bike ride, and I was late for church.

These examples clearly demonstrate what I’ve stated earlier. Lottsford Vista Road has become a very popular thoroughfare over the last several years resulting in increased traffic congestion. So far those of us living along the corridor we know what the increased traffic volume that currently impacts our communities today will increase with this proposed development moving forward.

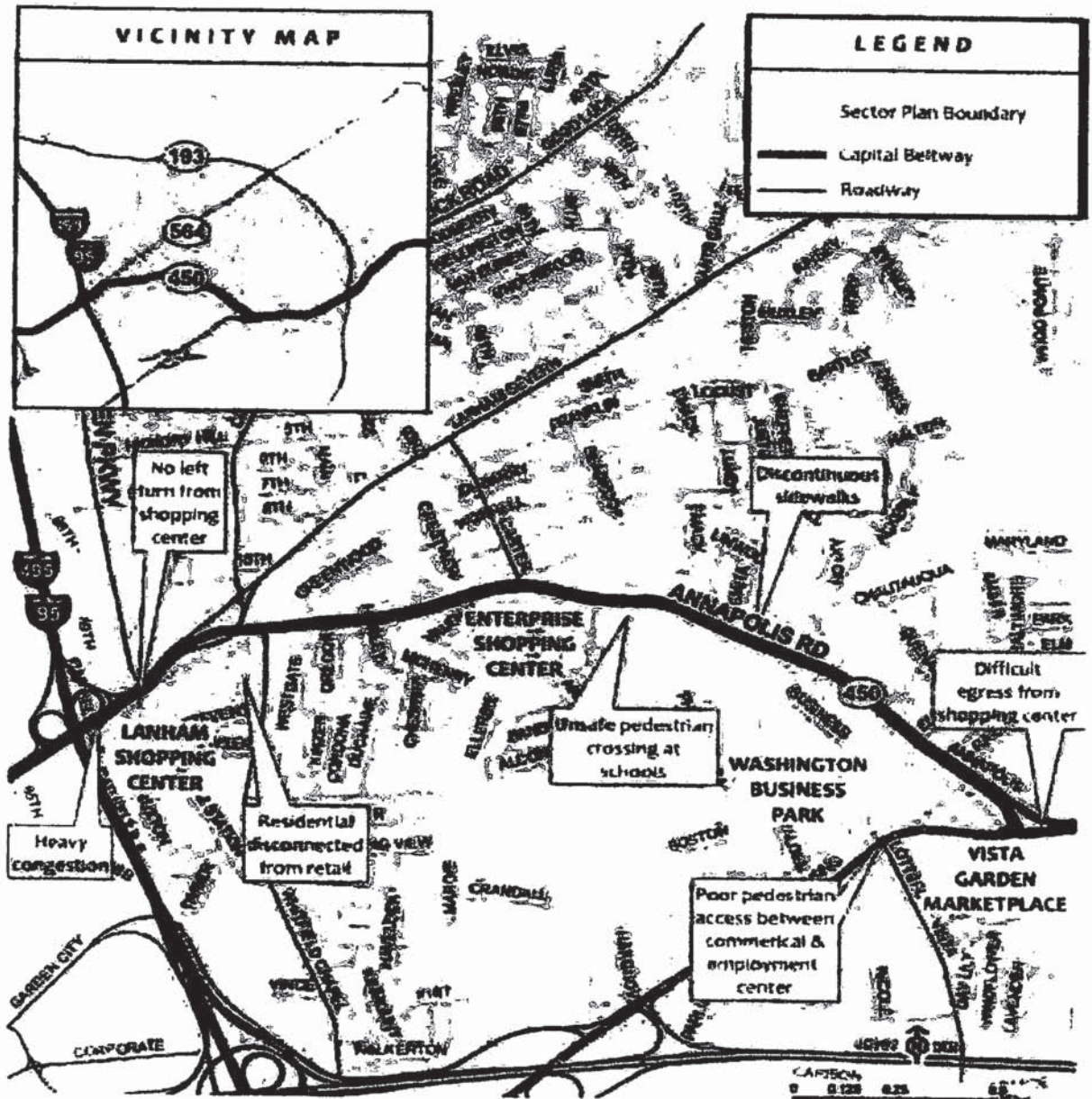


Cars entering and existing the storage facility has impacted travel along Lottsford Vista Road, cars entering and existing Vista Gardens marketplace have impacted travel along Lottsford Vista Road and there's a Metro Bus stopping at the Metro Bus Stop on Lottsford Vista Road that allow passengers to embark and debark. There are approximately 41 daily bus trips on Lottsford Vista Road and a recent study has determined that the average daily bus trips always exceed the schedule run time due to congestion along Lottsford Vista Road. The study also shows that and confirms that congestion along Lottsford Vista Road bus route includes 7 to 17 percent congestion during the a.m. hours, 9 to 29 percent congestion during the p.m. hours. Based on the information that I 've already shared, it's very obvious that the proposed Hanson Palmer Industrial development will definitely contribute to additional traffic woes for those of us living along the Lottsford Vista Road corridor.

(6/6/13 Tr. p. 77-81).

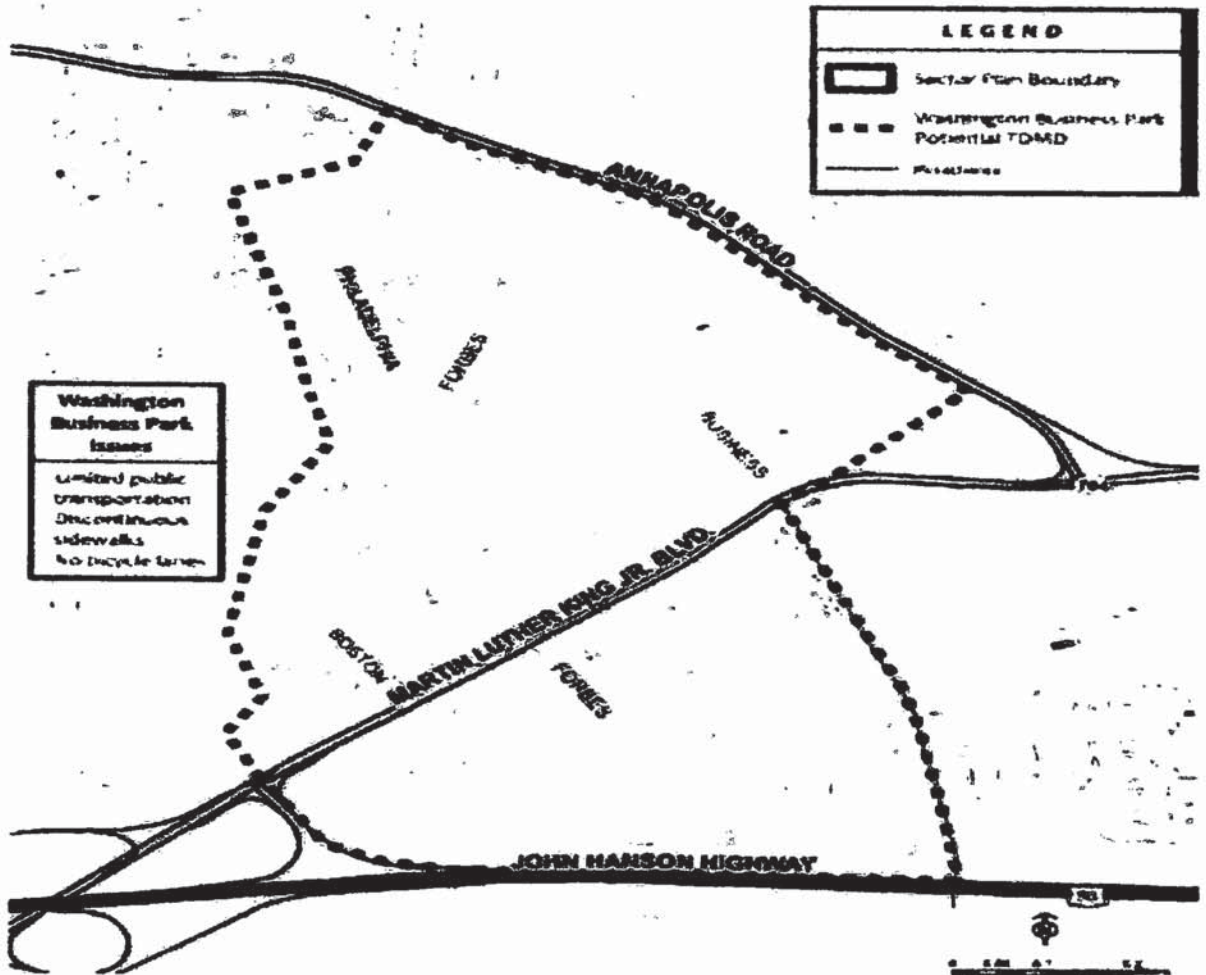
To assess the validity of the citizens' testimony in the record concerning existing traffic Congestion and public safety hazards and exacerbation of traffic flow and increased accidents, we have studied and analyzed vicinity maps 28 and 30 below of the 2010 Plan which cover the area of the proposed high impact development.

**Vicinity Map 28**





**Vicinity Map 30**



We are persuaded by the substantial evidence in the record that the proposed high impact development of a combined restaurant, car wash, and full-service laundromat adjacent to another high impact self-storage facility and its proximity to the Vista Garden Marketplace will generate more traffic to existing traffic congestion, hazards and accidents. We also conclude, based on substantial evidence in the record, that access to the proposed high impact development will exacerbate traffic flow and accident problems on Lottsford Vista Road. *See K.W. James Rochow, et al. v. Maryland National Capital Park and Planning Commission, et al.*, 115 Md. App. 558, 827 A.2d 927 (2003) (Even if the Council were to be satisfied that there are adequate traffic facilities for a plan, it may decide not to approve it if elected officials wished to consider constituent concerns that proposed plan will generate more traffic); *Tauber v. County Bd. of Appeals for Montgomery County*, 257 Md. 202, 262 A.2d 513 (1970) (the testimony of an expert traffic witness for the applicant was sufficiently countered by substantial evidence of lay witness who lived in the neighborhood as to existing congestion and hazards to affirm the Board's denial on this basis). *See also Southland Corporation — 7-11 Stores v. Mayor & City Council of Laurel*, 75 Md. App. 375, 541 A.2d 653 (1988) (through the use of its site plan review procedure, a municipality may reject a proposed use of property generally permitted under the zoning ordinance if a particular proposed building or use would create a public safety hazard such as where there was evidence to the effect that access to the proposed store's parking lot would exacerbate traffic flow and accident problems).

Our decision to reverse the recommendation of the Planning Board in DSP-03089 is also based on our extensive review and study of the 2010 Plan transportation recommendations, which we adopt and incorporate below as part of our decision.



## **Recommendations**

**Goal 1:** Reduce traffic congestion on local streets, collectors, and arterials, especially during peak hours.

**Policy 1:** Continue to support and implement key recommendations of the 1993 Glenn Dale-Seabrook-Lanham and vicinity master plan.

**Strategies:**

Continue to implement most of the recommendations found in the 1993 Glenn Dale-Seabrook-Lanham and vicinity master plan for local roadway improvements. Work with the Maryland State Highway Administration to study the feasibility of reconfiguring the Capital Beltway/MD 450/MD 564 interchange.

**Policy 2:** Coordinate proposed redevelopment and future transportation plans.

**Strategy:**

Ensure that new short- and long-term roadway improvements in the Seabrook MARC station area will complement future redevelopment.

**Policy 3:** Support improved access management and local street connectivity.

**Strategies:**

Promote connectivity of local streets through subdivision review.

**Goal 2:** Improve transportation flow on regional routes.

**Policy 1:** Work with the state and neighboring communities on regional solutions to traffic congestion.

**Strategy:**

Continue to work with the Maryland State Highway Administration and federal transportation agencies to develop regional solutions to congestion on freeways and major arterials.

**Goal 3:** Encourage alternative means of transportation within the sector plan area.

**Policy 1:** Follow complete street principles, which include pedestrian and bicycle considerations, in all new road construction and improvement projects.

**Strategy:**

Adopt complete streets principles when designing roadway improvements in the sector plan area.

**Policy 2:** Support transportation-efficient land use policies and pursue mixed-use development in strategic locations.

**Strategies:**

Promote land use policies that increase density in strategic areas to support public transportation.

Promote land use policies that create walkable “centers” of neighborhood-serving commercial and employment uses.

For the reasons stated above, Planning Board's recommendation of approval in DSP-03089/01 is REVERSED.



IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

PETITION OF )  
FCW JUSTICE, LLC )  
2114 Parkside Drive )  
Bowie, Maryland 20721 )  
  
Petitioner )

*Rec'd 12/10/13  
due Tues 2/11/14*

FOR JUDICIAL REVIEW OF )  
THE DECISION OF THE )  
County Council of Prince )  
George's County, Maryland )  
Sitting as the District Council )  
County Administration Building )  
14741 Governor Oden Bowie Drive, 2<sup>nd</sup> Fl. )  
Upper Marlboro, Maryland 20772 )

Case No. CAL13-37573

IN THE CASE OF: )  
Detailed Site Plan DSP-03089/01 )  
Hanson Palmer Industrial Park, Parcel C )

Clerk of the Court  
Prince George's County  
20000  
1700  
09-00

PETITION FOR JUDICIAL REVIEW

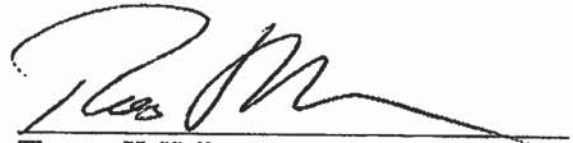
Petitioner, FCW Justice, Inc., ("FCW Justice"), by and through its attorneys, Thomas H. Haller and Gibbs and Haller, requests judicial review of the Order of Denial adopted by the County Council of Prince George's County, Maryland, sitting as the District Council ("District Council"), which Order of Denial reversed the decision of the Prince George's County Planning Board in Detailed Site Plan application DSP-03089/01 (Hanson Palmer Industrial Park, Parcel C) and denied the application. The Order of Denial, a copy of which is marked Exhibit "A" and attached hereto, was enacted by the District Council on November 19, 2013. A copy of the Resolution of the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission (referenced as PGCPB 13-67) approving DSP-03089 is marked Exhibit B and is attached hereto and made a part hereof.

LAW OFFICES  
GIBBS AND HALLER  
1300 CARAWAY COURT  
SUITE 102  
ARGO, MARYLAND 20774  
(301) 306-0033

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Petitioner FCW Justice was the applicant and was a party of record to the proceedings in DSP-03089/01. FCW Justice is aggrieved by the decision of the District Council.

Respectfully submitted,



Thomas H. Haller  
GIBBS AND HALLER  
1300 Caraway Court, Suite 102  
Largo, Maryland 20774  
(301) 306-0033

*Attorney for Petitioner,  
FCW Justice, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of December, 2013, a copy of the foregoing Petition for Judicial Review was delivered both by hand and mailed by first class mail, postage prepaid, to both the Clerk of the Prince George's County Council and to Rajesh A. Kumar, Esquire, Principal Counsel for the Prince George's County Council, sitting as the District Council.



Thomas H. Haller

LAW OFFICES  
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1300 CARAWAY COURT  
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