



The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

Note: Staff reports can be accessed at <https://www.mncppc.org/883/Watch-Meetings>

Detailed Site Plan

Reza Auto Body

DSP-95029-01

| REQUEST | STAFF RECOMMENDATION |
|--|---------------------------------|
| <p>This case was continued from the Planning Board hearing date of July 27, 2023 to September 7, 2023.</p> <p>Revision to add the entire land area of Parcel A to the site plan, to permit the additional use of vehicle storage yard; and delete Conditions 1.a. and 6 of Detailed Site Plan DSP-95029.</p> | <p>APPROVAL with conditions</p> |

| | |
|--|--------------------|
| Location: In the southwest quadrant of the intersection of MD 704 (Martin Luther King Jr Highway) and I-95/495 (Capital Beltway). | |
| Gross Acreage: | 1.07 |
| Zone: | C-S |
| Prior Zone: | C-M |
| Reviewed per prior Zoning Ordinance: | Section 27-1704(b) |
| Dwelling Units: | 0 |
| Gross Floor Area: | 2,824 sq. ft. |
| Planning Area: | 72 |
| Council District: | 05 |
| Municipality: | N/A |
| Applicant/Address: Golamreza Sheibaniagdam 202 Heil Road Silver Spring, MD 20905 | |
| Staff Reviewer: Te-Sheng (Emery) Huang Phone Number: 301-952-4534 Email: tesheng.huang@ppd.mncppc.org | |



| | |
|------------------------------|------------|
| Planning Board Date: | 09/07/2023 |
| Planning Board Action Limit: | 10/03/2023 |
| Staff Report Date: | 08/10/2023 |
| Date Accepted: | 05/10/2023 |
| Informational Mailing: | 11/19/2021 |
| Acceptance Mailing: | 05/05/2023 |
| Sign Posting Deadline: | 06/27/2023 |

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-95029-01
Reza Auto Body

The Urban Design Section has reviewed the detailed site plan for the subject property and recommends APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

EVALUATION CRITERIA

The subject property is within the Commercial, Service (CS) Zone and was previously located within the Commercial Miscellaneous (C-M) Zone. This application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1903(c) of the Zoning Ordinance that allows certain development applications to obtain approvals utilizing the prior Zoning Ordinance. The application is being processed as an amendment to Detailed Site Plan DSP-95029 because the 0.64-acre subject property is already developed and being used as a unified and coordinated development with the 0.43-acre property currently subject to DSP-95029. The DSP was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the prior Prince George's County Zoning Ordinance for the Commercial Miscellaneous (C-M) Zone;
- b. The requirements of Detailed Site Plan DSP-95029;
- c. The requirements of the 2010 *Prince George's County Landscape Manual*;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- f. Referral Comments; and
- g. Community Feedback.

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommend the following findings:

1. Request: The detailed site plan (DSP) requests a revision to DSP-95029, to add the land area of Parcel A (previous adjoining Lots 1–3) to the site plan area for use as a vehicle storage yard. This application also proposes the elimination of Conditions 1.a. and 6, set forth in the Prince George's County District Council's Order of Approval for DSP-95029. These two conditions are related to transportation improvements, but are no longer relevant.

2. Development Data Summary:

| | EXISTING | PROPOSED |
|---------------------|---|--|
| Zone (s) | CS (prior C-M) | CS (prior C-M) |
| Use(s) | Vehicle lubrication or tune-up facility | Vehicle lubrication or tune-up facility and vehicle storage yard |
| Gross Tract Acreage | 0.43 | 1.07 |
| Parcels | 1 | 1 |
| Gross Floor Area | 2,824 | 2,824 |

Parking Requirements (Per Section 27-568(a) of the prior Zoning Ordinance)

| | Number of Spaces Required | Number of Spaces Provided |
|---|----------------------------------|--|
| Vehicle lubrication or tune-up facility | 12 | Standard (9.5 feet x19 feet): 11 Compact (8 feet x16.5 feet): 1 Handicap van-accessible: 1 |
| Vehicle storage yard | 0 | 0 |
| Total | 12 parking spaces | 13 parking spaces |

Loading Spaces (Per Section 27-582(a) of the prior Zoning Ordinance)

| | Required | Provided |
|--|-----------------|-----------------|
| Loading spaces* (12 feet x 33 feet) | 1 | 1 |

Note: *The one provided loading space is located inside the existing vehicle lubrication or tune-up facility.

3. Location: The subject site is located in the southwest quadrant of the intersection of MD 704 (Martin Luther King Jr Highway) and I-95/495 (Capital Beltway). The property is 1.07 acres, within Planning Area 72 and Council District 5.

4. **Surrounding Uses:** The land use in the immediate vicinity of the subject site includes industrial use to the west and north, across MD 704 and I-95/495, and a portion of the Springdale Gardens residential subdivision to the east. Southwest of the subject property is a CVS Pharmacy store and two churches to the south, beyond Ardwick-Ardmore Road.
5. **Previous Approvals:** DSP-95029 was approved by the Prince George's County Planning Board on September 7, 1995 (PGCPB Resolution No. 95-257). On November 20, 1995, the District Council reviewed and approved DSP-95029, with conditions.

Detailed Site Plan DSP-03066 was approved on April 28, 2005 (PGCPB Resolution No. 05-87), for a monopole. No construction commenced, and the plan expired on November 28, 2005. The site had an approved Stormwater Management (SWM) Concept Plan, 17291-2003.

Vacation V-05011 was approved on December 1, 2005, to allow the vacation of part of Brightseat Road in the Dixie-Dale Subdivision, with the reversion of ownership to Golamreza Sheibaniagdam, the adjacent property owner (PGCPB Resolution No. 05-257). This vacation application was the result of Conditions 2 and 3 of DSP-03066, that require a new final plat be recorded to consolidate Lots 1-3, Lot 16, a part of Brightseat Road, and other vacated rights-of-way (ROW). A new final plat was recorded on February 16, 2006, in Plat Book Rep 210, page 82, to reflect the vacation and to consolidate the above-referenced lots into existing Parcel A.

6. **Design Features:** The applicant proposes to amend DSP-95029 and include the eastern portion of Parcel A, for development of a vehicle storage yard, covered with gravel and macadam. Chain-link fences with wood boards will be installed around the perimeter of this area.

The western portion of Parcel A is currently developed with an existing vehicle lubrication or tune-up facility and its associated parking lot. Pursuant to Section 27-461(b) of the prior Zoning Ordinance, this use is permitted, but all sales and installation operations provided are required to be conducted in a wholly enclosed building, with no outdoor storage. This western portion of the land is currently enclosed with 6-foot-high chain-link fences.

A fence that separates the eastern and western portions will have a 15-foot-wide gate to allow people to access the proposed vehicle storage through the parking lot of the existing vehicle lubrication or tune-up facility. Both areas share one entry point, located on MD 704, for ingress and egress. Labeling of the fences, with or without wood boards and what is existing or newly added fencing, is not clearly demonstrated on the plan. Conditions are included herein requiring the applicant to clearly specify and label these fences. Based on the site photos submitted, the existing fences are covered with vines and some of the sections seem to be in disrepair. A condition is included herein requiring the applicant to replace the broken fences and remove the overgrown vines on the fences.

No additional buildings are proposed in the application. No additional lighting or signage is being added to the proposed auto storage. However, a few of the scattered signs that are currently mounted on the existing building are required to be removed, since appropriate sign permits were not obtained. To improve the site, conditions are included herein requiring the applicant to provide evidence of the removal of these signs. Any new signage

shall be in conformance with the subject requirements and shall be shown on the DSP, prior to certification.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George’s County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of Part 6, Division 3, regarding uses permitted in the commercial zones, of the prior Zoning Ordinance; Section 27-459, which governs development in the C-M Zone; Section 27-285, regarding the Planning Board procedures, with respect to DSPs, including required findings; and, Section 27-274, regarding design guidelines.
- a. This application is subject to the requirements of Section 27-459 of the prior Zoning Ordinance as follows:
- (b) **Landscaping and screening.**
- (1) **Landscaping and screening shall be provided in accordance with Section 27-450.**
- In accordance with Section 27-450 of the Zoning Ordinance, “Landscaping, screening, and buffering of all development in the Commercial Zones shall be in accordance with the provisions of the Landscape Manual.” Evaluation of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) has been addressed in Finding 9 below.
- (c) **Uses**
- (1) **The uses allowed in the C-M Zone are as provided for in Table of Uses I (Division 3 of this Part).**
- This application proposes to develop the eastern portion of the site for a vehicle storage yard. Per Section 27-461(b), the use of vehicle or camping trailer storage yard is permitted in the C-M Zone. Because use of the existing vehicle lubrication or tune-up facility in the western portion of the subject property cannot have outdoor storage, the proposed auto storage yard cannot be part of this facility. A condition is included herein, requiring the applicant to note on the coversheet that a separate use and occupancy permit is required for use of the proposed auto storage.
- (d) **Regulations.**
- (1) **Additional regulations concerning the location, size, and other provisions for all buildings and structures in the C-M Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Table (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The subject DSP is in conformance with these regulations because this application does not propose additional buildings and structures on the subject site. There is an existing one-story vehicle lubrication or tune-up facility located in the western portion of the site. This facility is approximately 25 feet in height and has a building footprint of 2,824 square feet. A condition is included herein, requiring the applicant to label the setback requirements of the existing building on the plan, to show its conformance.

Evaluations on off-street parking and loading have been discussed in Finding 2 above, showing that 13 parking spaces and one loading space are provided for the existing vehicle facility. No parking spaces are required for the proposed vehicle storage use, which is located on the eastern portion of the site.

Discussions on signs and the Landscape Manual are addressed in Finding 6 above and Finding 9 below.

- b. Section 27-274(a) of the prior Zoning Ordinance provides site design guidelines for a DSP. The applicable design guidelines are described as the following:

Section 27-274(a)

(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.**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.**
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.**

The application is being filed in response to a zoning violation issued by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), indicating that the site is not in conformance with the DSP. The zoning violation (CSD Case 21-00016186) is that the property owner is using the eastern portion of Parcel A for a vehicle storage yard, without obtaining a use and occupancy permit. This DSP is to address the violation and bring the site into conformance.

Existing access to the site is provided via a driveway from MD 704, which will serve as access to the two uses on the site. One use is the existing vehicle lubrication or tune-up facility on the western portion of the site, and the other use is the vehicle storage yard this application proposes, which will be located on the eastern portion of the site.

The applicant proposes to maintain the existing 13 parking spaces and one loading space for the existing vehicle lubrication or tune-up facility use, which exceeds the minimum required for the use.

Since the entire site is mostly for vehicle uses, pedestrian circulation within the site would be rare. Discussion on the provision of sidewalks and bike racks are addressed in Finding 12 below.

(3) Lighting.

(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site's design character.

There is no additional lighting being added for the proposed auto storage. All existing lighting was previously approved for the use of the existing vehicle lubrication or tune-up facility. To ensure adequate illumination for the entire site, a condition is included herein requiring the applicant to provide a photometric plan.

(4) Views.

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

The applicant proposes to install chain-link fences with wood boards along the perimeter of the proposed auto storage. Inside the fence, a 10-foot-wide landscape strip will be provided for buffering and screening from public areas. To ensure better and enhanced screening, a condition is included herein requiring that the minimum size of the proposed shade trees shall be 3–3.5 inches caliper, and 14–16 feet in height. The planting size of evergreen trees shall be 8–10 feet in height. Additional evergreen trees shall be added to the rear of the existing building, to screen public views from MD 704. Other detailed discussions on this have been addressed in Finding 9, below.

(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.

No grading is proposed for the auto storage use because the subject site is relatively flat. This minimizes any additional disruption to the existing topography.

(8) Service areas.

(A) Service areas should be accessible, but unobtrusive.

The proposed auto storage will be used as a service area. This area is located away from MD 704 and is accessible through the entry point on MD 704 and through the parking lot of the existing vehicle lubrication or tune-up facility. A loading space is currently located within the existing vehicle lubrication or tune-up facility.

8. **Detailed Site Plan DSP-95029:** Detailed Site Plan DSP-95029 was approved by the District Council on November 20, 1995 (PGCPB Resolution No. 95-257), for a vehicle lubrication or tune-up facility. The conditions of DSP-95029 are listed in **bold** text, followed by staff comment, in plain text. Staff recommend that the conditions contained within this technical staff report supersede those contained in DSP-95029.

1. **Prior to certificate approval, the following modifications or revisions shall be made to the Detailed Site Plan:**

- a. **The plan shall show a proposed 70-foot right-of-way, for and connection to the future reorientation of Brightseat Road that provides for common access to the Beltway Tract. The exact location of a cul-de-sac with an entrance from MD 704 will be determined by DPW&T. The plan shall show a temporary entrance off MD 704 and details on how the entrance will be used for parking and landscaping once the entrance is closed.**

DSP-95029 was reviewed for conformance under the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity* (Planning Area 72) (1993 Master Plan), which required DSP review by the District Council for the subject site, and adjacent properties identified as the "Beltway Tract." The 1993 Master Plan, at the time, required that DSP approval shall be obtained from the District Council for all phases of development. DSPs were required to address the unified access and circulation views from I-95/495 and MD 704, signs and building materials, and compatibility with residential and institutional uses to the south and east.

DSP-95029 was approved, subject to several conditions, in consideration that Brightseat Road would be re-oriented, widened from its intersection with Ardwick-Ardmore Road, and terminated into a cul-de-sac to provide the unified access as required in the above condition.

The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (2010 Master Plan) replaced the 1993 Master Plan and did not carry forward the recommendations relating to the Beltway Tract.

The construction of Brightseat Road is no longer believed necessary for access and circulation to conform to the 2010 Master Plan. This is consistent with the findings of the adjoining property to the southwest, which was subdivided pursuant to Preliminary Plan of Subdivision PPS 4-12001 (PGCPB Resolution No. 12-113) and was also located within the 1993 Master Plan and the Beltway Tract.

Given that the 2010 update to the 1993 Master Plan, which did not recommend the widening of Brightseat Road, and the fact that the portion of Brightseat Road that previously impacted the subject site has been vacated, staff find that Condition 1.a. of DSP-95029 is no longer relevant to the current application and shall not be carried forward as a condition of this approval.

- b. A detail of the proposed light fixture shall be provided. The applicant shall replace existing fixtures with a fixture that is attractive and can be used throughout the development.**

The above lighting requirements appear to have been met, and this condition has been satisfied. For DSPs, however, a photometric plan with details and specifications of any lighting fixtures is required to ensure that light will not spill over to the adjoining properties in residential zones and that the quality of development is compatible to the surroundings. A discussion on lighting has been addressed in Finding 7 above, with a condition requiring the submittal of a photometric plan to show conformance with the previously approved plan.

- c. The Landscape Plan shall be revised per staff Exhibit "A". This will upgrade the appearance from the Beltway, Brightseat Road and MD 704.**

The above condition, regarding landscape requirements, has been met. For this DSP, a certificate of landscape maintenance shall be required to determine conformance to the previously approved landscape plan. Such discussion has been addressed in Finding 9 below.

- d. The parking schedule in the notes, and the site plan shall be revised to provide one loading space and any requirements of the Maryland Accessibility Codes.**

The above parking requirements have been met because there is one loading space provided for the vehicle lubrication or tune-up facility. This condition has been satisfied.

- 2. Prior to the issuance of any sign permits the applicant shall provide details and specifications for proposed signs. Any signs shall be approved by the Planning Department and shall meet the guidelines set forth in the Approved Master Plan.**

The Prince George's County Department of Public Works and Transportation (DPW&T) shall provide an area within the right-of-way, along existing or reoriented Brightseat Road, at the main entrance to the business park for the property owners association to construct a common sign. On-site signage shall be limited to a façade sign on a building wall facing a street, the area of which shall not be more than one square foot for each lineal foot of building width facing that street. No freestanding signs shall be permitted.

Per the discussion of Condition 1.a. of DSP-95029 above, the construction of Brightseat Road is no longer proposed and enforceable. This condition shall not be carried forward as a condition of approval.

- 3. At the time of Final Plat for a minor lot line adjustment, prior to the issuance of the Use and Occupancy Permit, the applicant, his heirs, successors and/or assigns, shall dedicate his portion of the 70-foot right-of-way for the Brightseat Road widening. This would include a portion of the cul-de-sac, its location to be determined by the Department of Public Works and Transportation (DPW&T), that determines in the southern portion of the subject property.**

Per Finding 5 and the discussion of Condition 1.a. of DSP-95029 above, this condition shall not be carried forward as a condition of approval.

- 4. Prior to issuance of the Use and Occupancy Permit, the applicant shall obtain a permit from the State Highway Administration (SHA) to channelize the entrance and make frontage improvements along MD 704.**

This condition is no longer applicable because the 2010 Master Plan does not include the connection from Brightseat Road to MD 704, as discussed above, in response to Condition 1.a. of DSP-95029. In addition, the subject site has an existing entry point located on MD 704. Staff find that this condition should not be carried forward as a condition of approval.

- 5. This Detailed Site Plan is required to be reviewed and approved by the District Council per CR-57-1993.**

Council Resolution CR-57-1993 adopted the sectional map amendment associated with the 1993 Master Plan, which was replaced by the 2010 Master Plan. Therefore, this condition is no longer applicable.

- 6. Prior to Use and Occupancy permit, the applicant shall provide the equitable monetary contribution that he is responsible for, in order to reorient and improve Brightseat Road to a 70-foot commercial road, to be determined by DPW&T. DPW&T shall use these funds to improve existing and/or proposed Brightseat Road in order to assure a unified access for the overall development of the Beltway Tract. DPW&T shall consider placement of the construction of reoriented Brightseat Road in the Six-Year County Improvement Program as the unified access is in the public interest. DPW&T shall consider improvement of existing Brightseat Road with access off of Ardwick-Ardmore Road as a temporary measure as subsequent site plans are received. This entrance shall be closed when the permanent entrance off of MD 704 is opened.**

Prior to issuance of the Use and Occupancy Permit, the applicant, his heirs, successors and/or assigns, shall provide a bond or letter of credit (as approved by the Commission's Legal Department) to the Planning Department or the Department of Public Works and Transportation (DPW&T) if that agency will accept the bond) to insure that the existing access to the subject

property from Martin Luther King, Jr. Highway be closed at such time as the unified access via Brightseat Road is constructed to a minimum pavement width of 18 feet and accepted for maintenance by the DPW&T. The bond or letter of credit shall be in the amount of \$15,000 and shall be established for an initial period of five (5) years and renewed in five (5) year increments if determined to be necessary. If the temporary access point is not closed within 30 days following improvement of Brightseat Road and its acceptance for maintenance by DPW&T, the applicant shall forfeit the bond or letter of credit which shall be used to close the temporary access.

Evaluation of this condition has been discussed above, in response to Condition 1.a. of DSP-95029. Staff find this condition is no longer relevant to the current application and shall not be carried forward as a condition of approval.

7. The applicant shall ensure the preservation of the two specimen Oak trees on the subject property.

The submitted site plan does not show the location of the two preserved specimen Oak trees. This condition might have been met at the time when the applicant obtained approval of DSP-95029; however, aerial images from PGAtlas show that these two trees appear to no longer exist on-site. A condition is included herein, requiring the applicant to confirm if the two specimen trees exist.

8. Prior to issuance of the next permit of any type subsequent to the pending Use and Occupancy Permit for the subject property, the applicant shall join a Property Owners' Association (POA), which the next applicant for building permits in the business park will be required to form, and which other owners will be required to join when subsequent site plans are submitted. The purpose of the POA is to collect appropriate monetary contributions for construction and maintenance of temporary and/or permanent common signage. The POA bylaw shall be reviewed by the Planning Department prior to approving subsequent site plans to determine the adequacy of the contributions for construction and maintenance of the common signage. At such time as a site plan is approved for a lot which does not have frontage on MD 704 or Ardwick-Ardmore Road, that owner will be required to erect a temporary entrance sign entitled "Dixiedale Business Park" using funds collected by the POA. The design and materials of the sign shall be approved by the Planning Department. At such time as a site plan is approved, which constitutes that 25% of the land area of that site plan shall erect a permanent sign, design and materials to be approved by the Planning Department. Funding for the common signage shall be the responsibility of the individual owner who may use POA funds if available or be reimbursed by future contributions to the fund.

This condition was established, based on CR-57-1993, for a unified signage for the Beltway Tract, which would be located on Parcel 269 or 271, where Brightseat Road meets Ardwick-Ardmore Road. As discussed above, the construction of Brightseat Road is no longer enforceable.

The discussion of V-05011 in Finding 5, shows that the section of Brightseat Road across the subject property has been vacated. The site is proposed to be accessed only from MD 704, and no access is proposed to Brightseat Road.

In addition, the Community Planning Division and DPIE did not recommend this condition be carried forward. Therefore, this condition is no longer applicable.

- 9. 2010 Prince George’s County Landscape Manual:** Per Section 27-459(d)(1) of the prior Zoning Ordinance, the proposed development is subject to the provisions of the Landscape Manual. Conformance is required with the following sections: Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements.

The appropriate schedules have been provided for the relevant sections, and the submitted plans are in conformance with the requirements, except for several technical errors. Conditions are incorporated herein, requiring the applicant to revise the landscape plan, with the provision of a certificate of landscape maintenance to determine conformance with the previously approved landscape plan.

- 10. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** Per prior approvals DSP-95029 and DSP-03066, the subject site is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property contains less than 10,000 square feet of woodland and does not have a previously approved tree conservation plan. The conditions of the site have not changed, since the approval of these DSPs. An updated WCO exemption letter shall be obtained, prior to certification of the DSP, which is included herein as a condition.

- 11. Prince George’s County Tree Canopy Coverage Ordinance:** The subject site is located in the CS Zone, and a 10 percent tree canopy coverage (TCC) requirement applies, per Section 25-128(b) of the Prince George’s County Code. This amounts to approximately 0.107 acre, or 4,661 square feet, to be provided in TCC. The subject DSP provides the appropriate schedule, demonstrating an adequate number of plants on-site to comply with the requirements; however, there are discrepancies on the size and height of the existing trees. A condition is included herein for technical correction to be made.

- 12. Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are adopted herein by reference and main points are summarized, as follows:

- a. **Historic Preservation and Archeological Review**—In a memorandum dated May 22, 2023 (Stabler, Smith, and Chisholm to Huang), the Historic Preservation Section offered the following comments:

- (1) The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* contains goals and policies related to historic preservation (pages 287–296). However, these are not specific to the subject site or applicable to the proposed development.

(2) A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low.

b. **Community Planning**—In a memorandum dated June 27, 2023 (Nair to Huang), the Community Planning Division provided an evaluation of the application stating that, pursuant to Subtitle 27, Part 3, Division 9, Subdivision 3, of the prior Zoning Ordinance, master plan conformance is not required for this application.

c. **Transportation Planning**—In a memorandum dated June 30, 2023 (Patrick to Huang), the Transportation Planning Section offered the following comments:

Master Plan Right of Way

The subject site has access and frontage along MD 704, which is identified in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) as a master plan arterial roadway. ROW was previously dedicated and recorded under ROW Plat 28847. This is adequate and consistent with other dedications along this roadway, and staff are not seeking additional ROW as part of this application.

Master Plan Pedestrian and Bicycle Facilities

Staff recommend that a 6-foot-wide sidewalk be constructed, with designated bike lanes along MD 704, as it connects to the existing Washington, Baltimore and Annapolis (WB&A) Trail outside of I-95/495. The trail construction along MD 704 will serve as an extension of the existing WB&A Trail to provide a continuous east/west trail connection through central Prince George’s County, as found on page 28 of the MPOT. Conditions are included herein requiring the applicant to provide one inverted-U style bicycle parking rack for two bikes, located near the building, and a 6-foot-wide sidewalk along the site’s frontage of MD 704.

d. **Subdivision**—In a memorandum dated June 26, 2023 (Heath to Huang), the Subdivision Section provided an evaluation of the application and indicated that the DSP is in conformance with the approved final plat. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected.

e. **Environmental Planning**—In a memorandum dated June 9, 2023 (Rea to Huang), the Environmental Planning Section recommends approval of DSP-95029-01, with the following summarized comments:

Natural Resources Inventory

A natural resources inventory is not required for this application, as a grading permit is not required.

Stormwater Management

The site has an approved SWM Concept Plan, 51438-2021-00. This project is exempt from SWM requirements, as less than 5,000 square feet will be disturbed on-site.

- f. **Permit Review Section**—In a memorandum dated June 12, 2023 (Shaffer to Huang), the Permit Review Section provided comments regarding setback dimensions for the existing vehicle lubrication or tune-up facility be noted on the plans, which are incorporated as conditions of approval, as relevant.
 - g. **Prince George’s County Department of Parks and Recreation (DPR)**—At the time of the writing of this technical staff report, DPR did not offer comments on this application.
 - h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated May 16, 2023 (Branch to Huang), DPIE offered comments regarding the 2018 *Water and Sewer Plan* designation and the existing water line that traverses the property.
 - i. **Price George’s County Police Department**—At the time of the writing of this technical staff report, the Police Department did not offer comments on this application.
 - j. **Prince George’s County Fire/EMS Department**—In an email dated May 15, 2023 (Reilly to Huang), the Fire/EMS Department had no comments on this application.
 - k. **Prince George’s County Health Department**—In a memorandum dated May 17, 2023 (Adepoju to Huang), the Health Department offered comments addressing potential air pollution, construction activity impacts, and dust extending into adjacent properties during construction.
 - l. **Washington Suburban Sanitary Commission (WSSC)**—At the time of the writing of this technical staff report, WSSC did not offer comments on this application.
 - m. **Maryland State Highway Administration (SHA)**—At the time of the writing of this technical staff report, SHA did not offer comments on this application.
 - n. **Public Utilities**—The subject DSP application was referred to Verizon, BG&E, Comcast, AT&T, and Washington Gas for review and comments on June 15, 2023. At the time of the writing of this technical staff report, no correspondence has been received from these public utility companies.
 - o. **City of Glenarden**—The subject property is located within 0.5 mile of the geographical boundary of the City of Glenarden. The DSP application was referred to the City for review and comments on June 15, 2023. In an email dated July 7, 2023 (Habada to Huang), the City of Glenarden indicated that this property is not within its corporate boundaries. Therefore, they will not be providing input on this application.
- 13. Community Feedback**—As of the writing of this report, staff did not receive any inquiries regarding the subject DSP from the community.
- 14.** Based on the foregoing analysis, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3,

Division 9, of the Prince George's County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

15. As required by Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:

(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).

No regulated environmental features (REF) will be impacted by the proposed development, and it is determined that the REF has been preserved and/or fully restored in a natural state, to the fullest extent possible, in accordance with the requirement.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-95029-01, Reza Auto Body, subject to the following conditions:

1. Prior to certification of this detailed site plan (DSP), the applicant shall:
 - a. Provide documentation demonstrating the removal of signs that are not permitted.
 - b. Note on the plan that a separate permit shall be required for the use of the proposed vehicle storage yard.
 - c. Note on the plan the required setbacks for the existing building and label the provided setbacks on the plan.
 - d. Provide a 6-foot-wide sidewalk along the subject property's frontage of MD 704 (Martin Luther King Jr Highway), subject to approval of the operating agency, and label them on the plan with details.
 - e. Provide a striped crosswalk and associated American with Disabilities Act (ADA) ramps crossing the site access along MD 704 (Martin Luther King Jr Highway), subject to approval of the operating agency, and indicate it on the plan with details.
 - f. Provide an inverted-U or similar style bike rack at a location convenient to the entrance of the existing building and indicate it on the plan with details.
 - g. If proposed, show signage in accordance with Subtitle 27, Part 12, of the prior Prince George's County Zoning Ordinance.
 - h. Provide a photometric plan to show adequate illumination, and label their location on the plan, with details, if additional lighting fixtures are needed.

2. Prior to certification of this detailed site plan (DSP), the applicant shall revise the landscape plan, as follows:
 - a. Correct the symbols for 6-foot-high chain-link fences, with or without wood boards, to be consistent on the plan.
 - b. Provide an inset to clearly show the location of the existing 6-foot-high fences and the 6-foot-high fences that will be added, and which section of the fences will be incorporated with wood boards. The fences with wood boards located along the southern boundary shall extend to the west side of Brightseat Road, to ensure that wood board fencing be provided along the entire exterior perimeter of the storage yard area of Parcel A.
 - c. Revise Schedule 4.9-1, Sustainable Landscaping Requirements, to include existing ornamental trees.
 - d. Update the number of ornamental trees in the tree canopy coverage schedule, to be consistent with the size of the existing ornamental trees shown on the plan.
 - e. Add the height of American Holly trees to the landscaping schedule.
 - f. Provide a certificate of landscape maintenance on the landscape plan for the entire subject property, to ensure the existing landscaping is in compliance with the previously approved landscape plans. If plants are missing, they must be shown as proposed with this landscape plan.
 - g. Provide evidence to show the replacement of broken fences and the removal of overgrown vines that cover the existing fences.
 - h. Confirm the existence of the two preserved specimen Oak trees and, if they exist, indicate them on the plan.
 - i. Provide shade trees and evergreen trees whose caliper and height are larger than what the applicant originally proposed and add additional evergreen trees to the rear of the existing building.
 - j. Replace existing chain-link fencing with wood boards.
3. Prior to certification of this detailed site plan, an approved Woodland Conservation Ordinance exemption letter shall be obtained.

REZA AUTO BODY

Detailed Site Plan

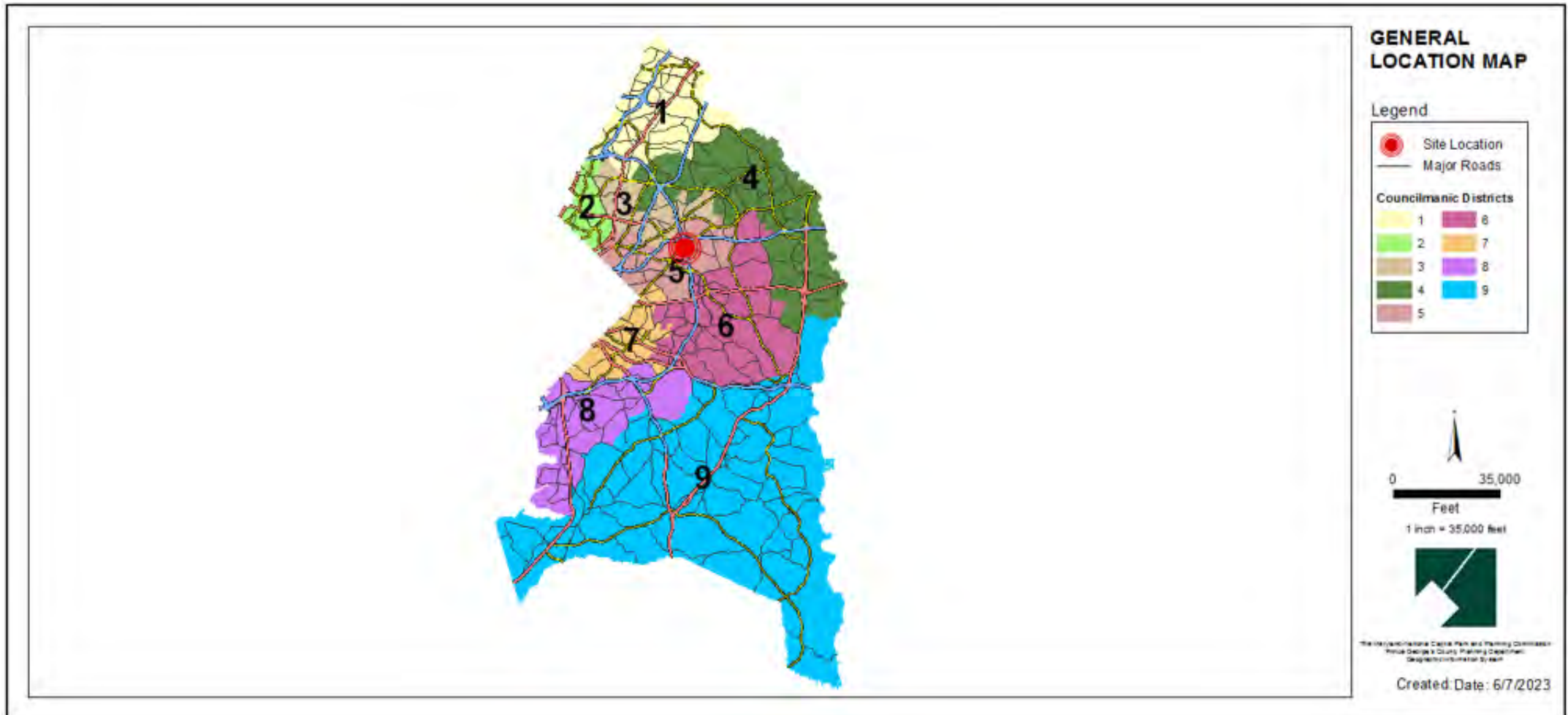
Staff Recommendation: APPROVAL with conditions



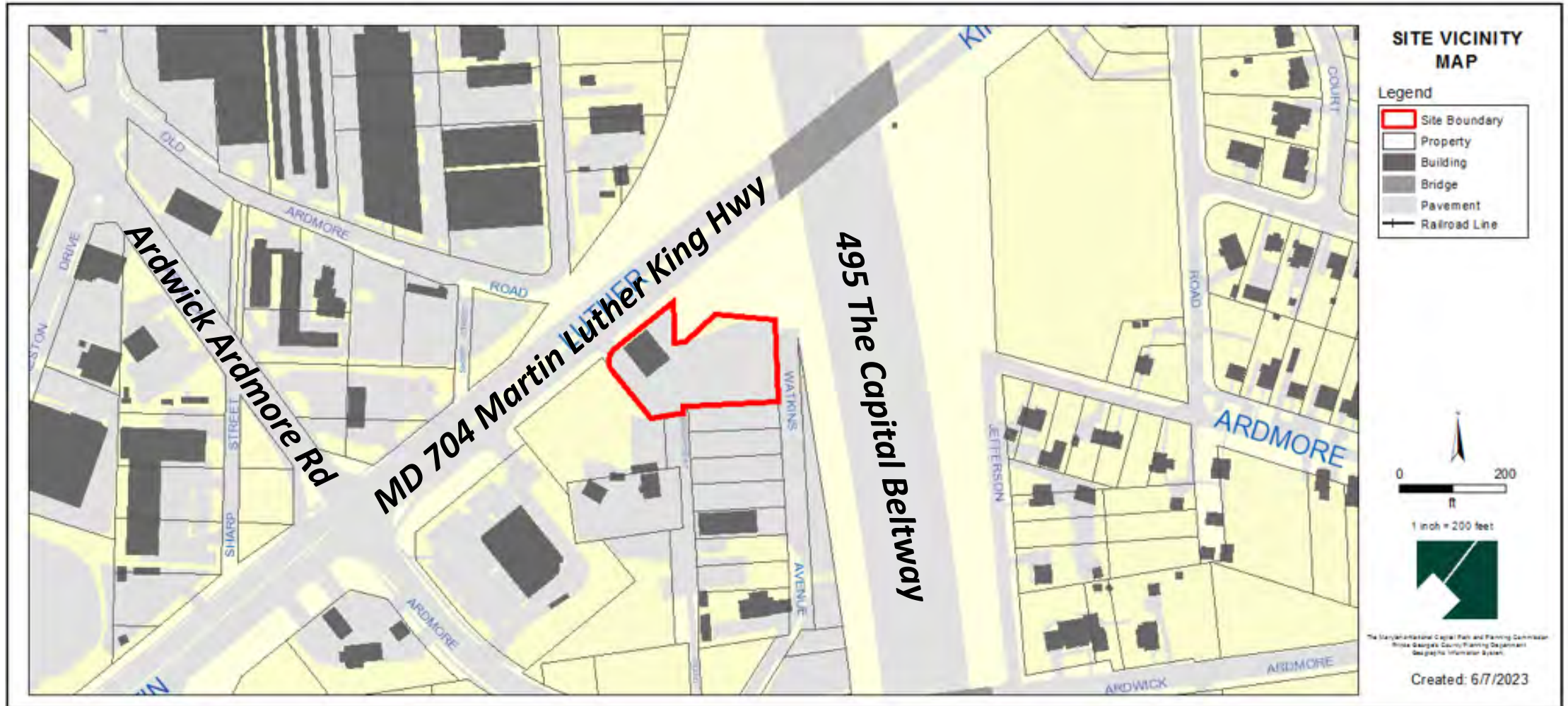
GENERAL LOCATION MAP

Council District: 05

Planning Area: 72



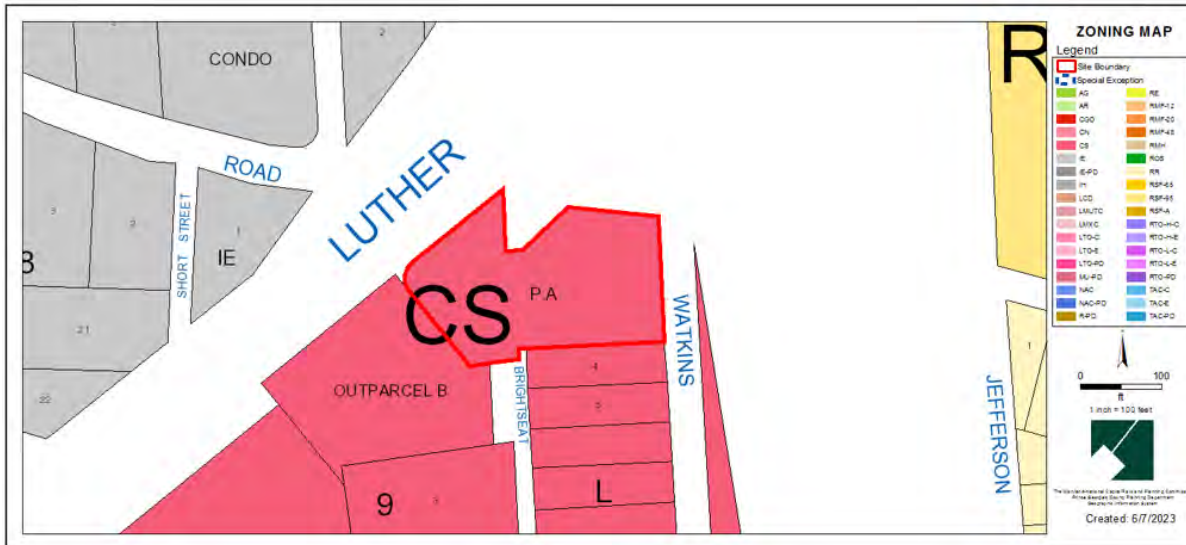
SITE VICINITY MAP



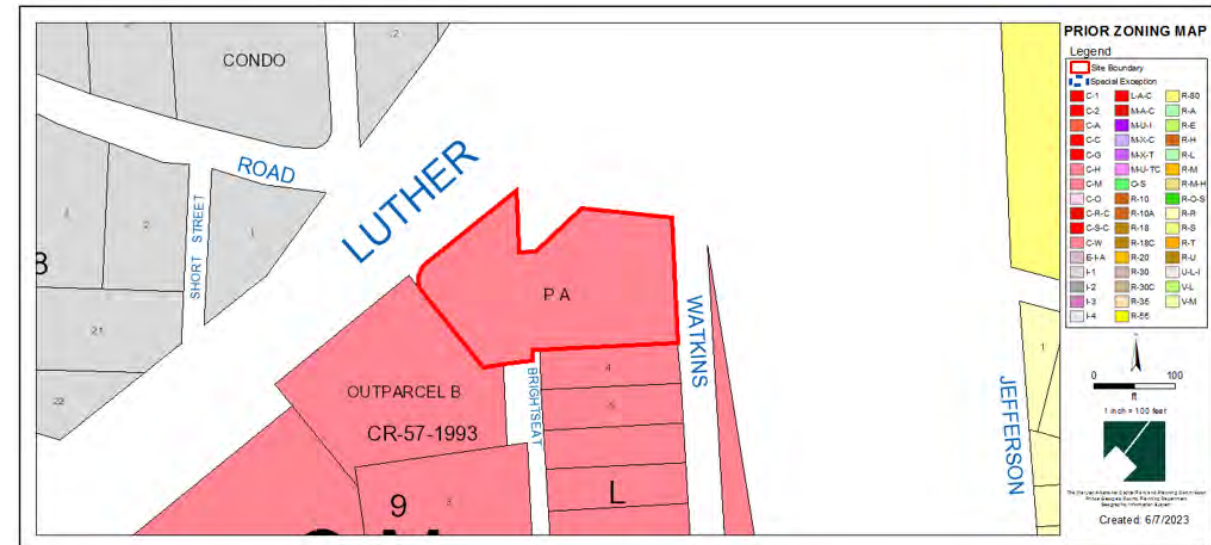
ZONING MAP (CURRENT & PRIOR)

Property Zone: C-S
 Prior Property Zone: C-M

CURRENT ZONING MAP



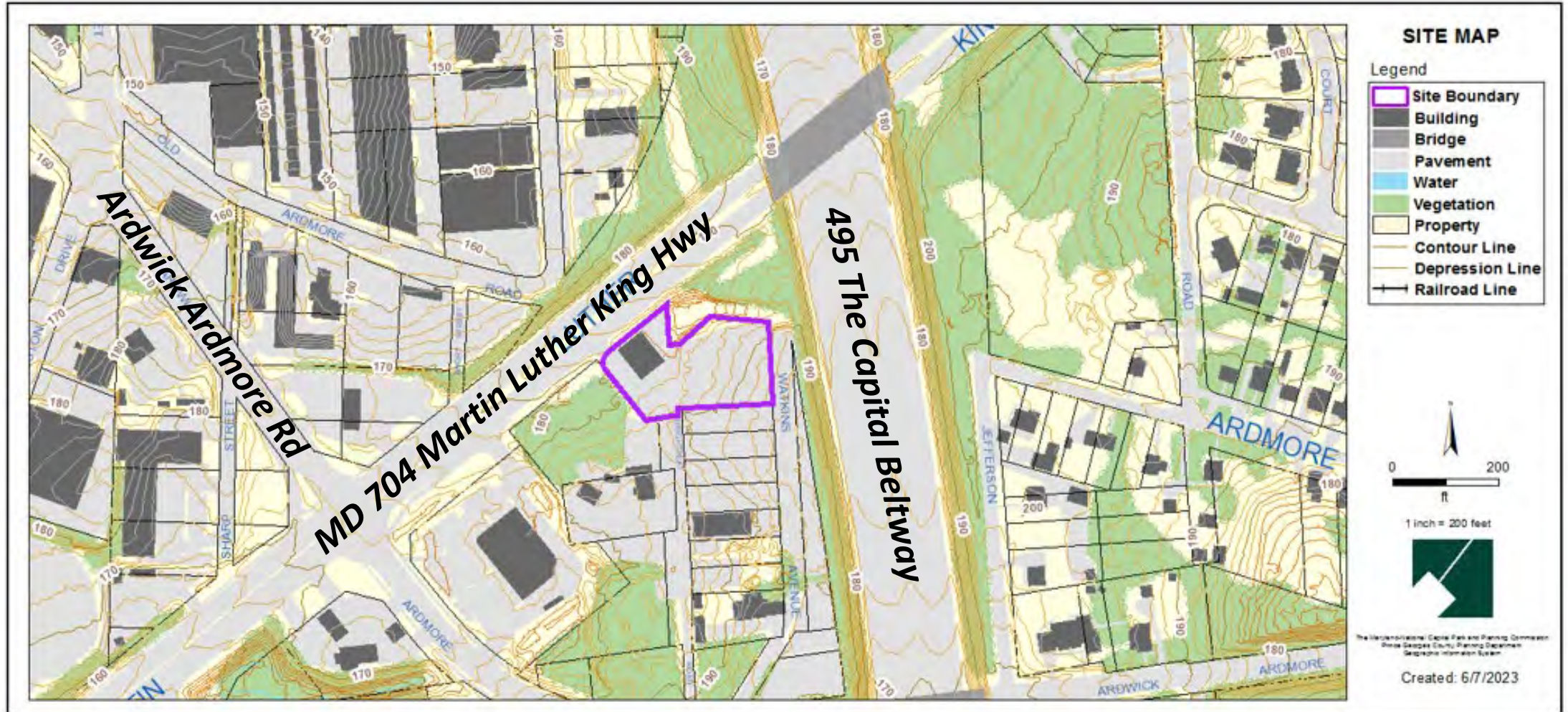
PRIOR ZONING MAP



AERIAL MAP



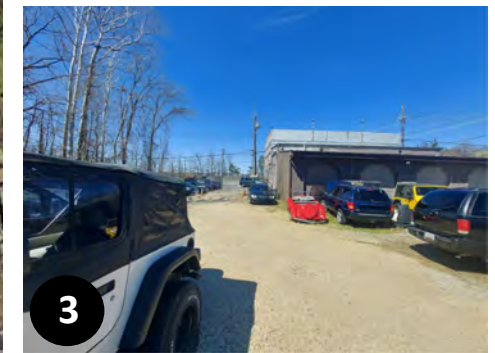
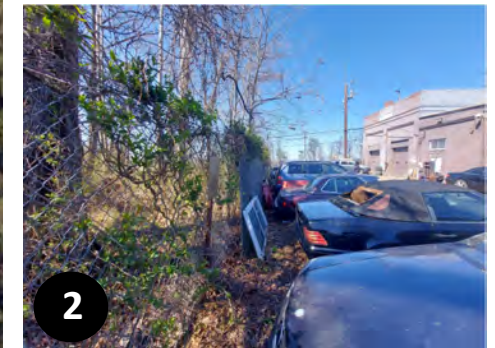
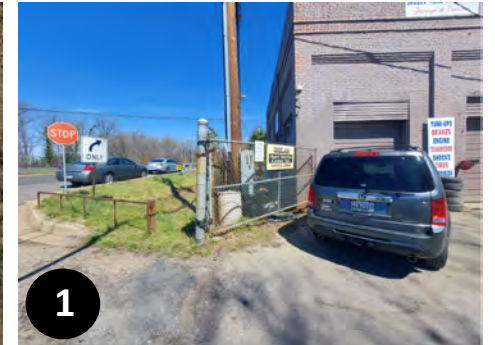
SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



STAFF RECOMMENDATION

APPROVAL with conditions

- DSP-95029-01

[Major/Minor] Issues:

- None

Applicant Required Mailings:

- Information Mailing: 11/19/2021
- Acceptance Mailing: 05/05/2023

REVISED STATEMENT OF JUSTIFICATION

DETAILED SITE PLAN DSP-95029-01

REZA AUTO SERVICE

APRIL 17, 2023

OWNER/ APPLICANT: Golamreza Sheibaniagdam
202 Heil Road
Silver Spring, MD 20905

ATTORNEY/AGENT: Law Offices of Norman D. Rivera, Esq., LLC
17251 Melford Blvd., Suite 200
Bowie, MD 20715
301-352-4973

CIVIL ENGINEER: Applied Civil Engineering
9470 Annapolis Road, Suite 414
Lanham, MD 20706
301-459-5932

REQUEST: A revision to Detailed Site Plan DSP-95029 to add the land area of previous adjoining Lots 1-3 to the site plan area for use as additional auto storage and the elimination of Conditions 1.a. and 6 relating to transportation improvements that are no longer relevant. This revision addresses a DPIE violation.

I. Description of Property:

1. Location — The subject property is located in the southwest quadrant of the intersection of Martin Luther King Highway (MD-704) and I-95, within the area of the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*.
2. Use—The subject application proposes an additional gravel parking area on the land area that was previously Lots 1-3 and a fence. No revisions are proposed to the existing building, which is used as an auto body shop.
3. Incorporated Area —None
4. Council District — 5
5. Existing Lot — Parcels A, Dixie-Dale at Ardmore

6. Total Area — 1.07 acres
7. Tax Map/Grid — 52/C3
8. Zone: Previous C-M, Current C-S (proposing to develop under C-M)
9. WSSC Grid — 205NE08

II. Applicant's Proposal

The subject application is for the purpose of adding the land area of previous adjoining Lots 1-3 to the site plan area for use as automobile storage which is a permitted use in the C-M Zone and the elimination of Conditions 1.a. and 6 relating to transportation-related improvements that are no longer relevant. The revision application is submitted in response to a Zoning Violation notice indicating that the site is not in conformance with the approved Detailed Site Plan. Approval of the requested plan revisions along with the elimination of conditions that are no longer relevant will achieve such conformance.

A condition of approval of the 1993 Planning Area 72 Sectional Map Amendment required (enclosed) Detailed Site Plan review by the District Council for the subject site and adjacent properties identified as the "Beltway Tract" and further stipulated that: "site plan review shall address, among other things, unified access and circulation, views from the Beltway and Maryland 704, signs and building materials and compatibility with residential and institutional uses to the south and east." This was accomplished through the approval of Detailed Site Plan DSP-95029 for the auto use. DSP-95029 was approved subject to several conditions of approval in response to the recommendation of the 1993 Landover Master Plan that Brightseat road be re-oriented, widened from its intersection with Ardwick-Ardmore Road and terminated in a cul-de-sac to provide the united access called for in the above condition via Brightseat Court. The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* replaced the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity* (Planning Area 72) and did not carry forward these recommendations.

During the review of Preliminary Plan 4-12001 for CVS Lanham which directly adjoins this site to the south and which is located within the area designated by the 1993 Master Plan as the "Beltway Tract," the Associate General Counsel of the M-NCPPC concluded that the 1993 Master Plan was no longer applicable and that unless Brightseat Court was incorporated into the new Master Plan (*which it was not*), the requirement for its construction could not be enforced (See PGCPB Resolution No. 12-113 Finding 12 on Pages 19-20).

It should be noted that a subsequent Detailed Site Plan (DSP-03066) was approved for a monopole; however, no construction commenced, and that plan expired on

November 28, 2005. Conditions 1 and 2 of DSP-03066 required that a new final plat be recorded to consolidate Lots 1-3 and Lot 16 and part of Brightseat Road and other vacated rights-of way. Vacation Petition V-05011 was subsequently approved and a new Final Plat was recorded (Rep 210 @ 82) to reflect that vacation and to consolidate the above-referenced lots into existing Parcel A.

The subject application proposes to amend DSP-95029 to include the total land area of Parcel A. The area of Lots 1-3 is proposed as additional gravel parking with a fence to be installed around the perimeter. The subject application also proposes the removal of the conditions of approval of DSP-95029 relating to unified access and the re-orientation of Brightseat Road. Specifically, the applicant is requesting the elimination of conditions 1.a. and 6 set forth in the District Council's Order of Approval for DSP-95029.

III. Conformance to the requirements of the C-M Zone

The proposed project complies with the purposes stated in Section 27-459 (p.442) of the Zoning Ordinance for the C-M Zone (Commercial Miscellaneous). The Table of Uses I specifies a vehicle lube and tune up facility as a permitted use in the C-M Zone. The subject property also complies with Section 27-462, regulations applicable in the C-M Zone. The new land area which is the subject of this revision is for automobile storage which is also a permitted use in the C-M Zone but not permitted in the new C-S Zone. Therefore, we request this DSP be processed under the prior Ordinance.

IV. Conformance to DSP-95029

The subject application proposes to expand the land area included in DSP-95029 to include all of existing Parcel A (Lots 1-3). The application is in conformance with the conditions of approval of DSP-95029. The applicant requests that the following conditions of approval be removed. Justification for each request is discussed below:

1.a. Prior to certificate approval, the following modifications or revisions shall be made to the Detailed Site Plan:

a. The plan shall show a proposed 70-foot right-of-way, for and connection to the future reorientation of Brightseat Road that provides for common access to the Beltway Tract. The exact location of a cul-de-sac with an entrance from MD 704 will be determined by DPW&T. The plan shall show a temporary entrance off MD 704 and details on how the entrance will be used for parking and landscaping once the entrance is closed.

6. Prior to Use and Occupancy permit, the applicant shall provide the equitable monetary contribution that he is responsible for, in order to reorient

and improve Brightseat Road to a 70-foot commercial road, to be determined by DPW&T. DPW&T shall use these funds to improve existing and/or proposed Brightseat Road in order to assure a unified access for the overall development of the Beltway Tract. DPW&T shall consider placement of the construction of reoriented Brightseat Road in the Six-Year County Improvement Program as the unified access is in the public interest. DPW&T shall consider improvement of existing Brightseat Road with access off of Ardwick-Ardmore Road as a temporary measure as subsequent site plans are received. This entrance shall be closed when the permanent entrance off of MD 704 is opened.

Prior to issuance of the Use and Occupancy Permit, the applicant, his heirs, successors and/or assigns, shall provide a bond or letter of credit (as approved by the Commission's Legal Department) to the Planning Department or the Department of Public Works and Transportation (DPW&T) if that agency will accept the bond) to insure that the existing access to the subject property from Martin Luther King, Jr. Highway be closed at such time as the unified access via Brightseat Road is constructed to a minimum pavement width of 18 feet and accepted for maintenance by the DPW&T. The bond or letter of credit shall be in the amount of \$15,000 and shall be established for an initial period of five (5) years and renewed in five (5) year increments if determined to be necessary. If the temporary access point is not closed within 30 days following improvement of Brightseat Road and its acceptance for maintenance by DPW&T, the applicant shall forfeit the bond or letter of credit which shall be used to close the temporary access.

COMMENT: As noted above, The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* replaced the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity* (Planning Area 72) and did not carry forward the 1993 Master Plan's recommendations relating to the "Beltway Tract".

During the review of Preliminary Plan 4-12001 for CVS Lanham, which is located within the area designated by the 1993 Master Plan as the "Beltway Tract," the Associate General Counsel concluded that the 1993 Master Plan was no longer applicable and that unless Brightseat Court was incorporated into the new Master Plan (which it was not), the requirement for its construction could not be enforced (See PGCPB Resolution No. 12-113 Finding 12 on Pages 19-20).

Therefore, the Applicant requests that the above conditions be removed as this is an identical situation.

V. Conformance to the Prince George's County Landscape Manual

The plans continue to demonstrate conformance to the requirements of the Prince George's County Landscape Manual. The site is subject to Section 4.2 where the property

is adjacent to Martin Luther King Jr. Highway. Conformance to Section 4.2 Requirements for Landscape Strips was evaluated with the review of the previous DSP and U&O site plan for the existing auto body use. Updated landscaping and schedules have been added to the plans to fully demonstrate conformance to Section 4.2 of the Landscape Manual. No new asphalt is proposed. A Section 4.7 bufferyard has been added to the southern property line, adjacent to the existing Construction Yard located to the south on Lot 4. The landscape schedules demonstrate conformance with Section 4.9 Sustainable Landscaping Requirements in identifying native species, avoidance of invasive species, avoidance of planting on steep slopes, etc.

Some landscaping consistent with the previous DSP approval is shown on the plans as proposed since such landscaping is not existing on site. This plat material will be installed in accordance with approved plans prior to issuance of permits.

VI. Tree Canopy Coverage Ordinance

The plans demonstrate conformance to the Tree Canopy Coverage Ordinance. Per the Ordinance, 10% tree canopy coverage is required, or 5,489 square feet. The plans and schedules indicate that a total of 7,750 square feet of tree canopy coverage will be provided.

VII. Conclusion

Based on the foregoing analysis, as well as the plans and supporting documentation filed in conjunction with this application, the applicant respectfully requests the approval of the above requested detailed site plan with the conditions revised as detailed.

]

Norman D. Rivera, Esq.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

Countywide Planning Division
Historic Preservation Section

301-952-3680

May 22, 2023

MEMORANDUM

TO: Emery Huang, Urban Design Section, Development Review Division

VIA: Thomas Gross, Supervisor, Historic Preservation Section, Countywide Planning Division **TWG**

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**
Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division **AGC**

SUBJECT: DSP-95029-01 Reza Auto Body

The subject property comprises 1.07 acres and is located in the southwest quadrant of the intersection of Martin Luther King Highway (MD-704) and I-95. The subject property is zoned CS and is within the 2010 *Approved Subregion 4 Master Plan* area. The subject application proposes a revision to add Parcel A to the site plan, permit additional use of auto storage, and delete conditions 1. A and 6 of DSP-95029 related to transportation improvements.

The property contains the Street Railway Service Building (PG:72-3), which was documented by a Maryland Historical Trust NR-Eligibility Review Form in 2000. The form states that the vernacular service structure is eligible for the National Register of Historic Places under Criterion A for its association with the streetcar line that served the African American community in Prince George's County, and thereby contributes significantly to the transportation theme in local history. No changes to the building are proposed, and no further documentation will be recommended.


The 2010 *Approved Subregion 4 Master Plan* contains goals and policies related to Historic Preservation (287-296). However, these are not specific to the subject site or applicable to the proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low.


Historic Preservation Section staff determined the subject application will not impact any Historic Sites, historic resources, or known archeological sites. The Historic Preservation staff recommends approval of DSP-95029-01, Reza Auto Body, with no conditions.

June 27, 2023

MEMORANDUM

TO: Emery Huang, Planner III, Urban Design Review Section, Development Review Division

Via: David A. Green, MBA, Planner IV, Long-Range Planning Section, Community Planning Division 

FROM: Anusree Nair, Planner II, Neighborhood Revitalization Section, Community Planning Division 

SUBJECT: DSP-95029-01 Reza Auto Body

FINDINGS

Community Planning Division staff finds that, pursuant to Section 27-281(c)(1)(A) of the prior zoning ordinance, Purpose of Detailed Site Plans-Specific Purposes, this application conforms to the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conforms to the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Master Plan) because the Subregion 4 Master Plan replaces the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity (Planning Area 72)* (The 1993 Master Plan) (Master Plan, p. 6) and pursuant to PGCPB Resolution No. 12-113, "In particular, attention was given to the District Council regarding Detailed Site Plan DSP -95029 for Dixie dale, Lot 16, Block 9. This action approved unified access to dixie dale to involve a new street, Brightseat Court connection MD 704 across existing Lot 17 Block 19. When presented with all relevant information, the Associate General Counsel concluded that the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity Master Plan (Planning Area 72)* is no longer applicable, and that unless the new street was include on some subsequent plan, it cannot be enforced" (PGCPB Resolution No. 12-113, p.20).

BACKGROUND

Application Type: Detailed Site Plan for property located outside of an overlay zone.

Location: Southwest quadrant of the intersection of Martin Luther King Highway (MD 704) and I-95/I-495 (Capital Beltway)

Size: 1.07 Acres

Existing Uses: Partially cleared; partially wooded.

Proposal: Add land area of previous lots 1-3 to DSP. Addition of gravel parking area on area of previous lots 1-3 for use as outdoor storage. Add fencing. Eliminate conditions 1. a. and 6 of DSP-95029

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: *Plan Prince George's 2035 Approved General Plan* (Plan 2035) places this application within the Established Communities policy area. Plan 2035 describes Established Communities as areas “appropriate for context-sensitive infill and low-to-medium density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met”. (p. 20. Also refer to Map 1. Prince George’s County Growth Policy Map, p. 18.).

Master Plan: The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Master Plan) recommended Commercial as the Future Land Use for the subject property (see map below, p. 62). The proposed use is consistent with the recommended land use.

The Master Plan recommends the following (goals, strategies, or policies) to help advance the intent and purpose of the plan.

While the subject property is not located within the Living Area A (Zone 1), the property will be impacted by the following recommended transportation policies, and strategies in Living Area A (Zone 1):

- Policy 1- Develop bicycle-friendly roadways to improve connectivity throughout Zone 1
 - Strategies: Long-Term -Martin Luther King Jr Highway: Implement bike lanes and a sidepath from Sheriff Road to the Capital Beltway. This sidepath, in conjunction with the existing WB&A Trail, will provide a cross-county connection from the Patuxent River to the District of Columbia (p.85).

The applicant should work with the Transportation Planning Section to ensure that the above transportation policies are implemented.

Planning Area: 72

Community: Landover & Vicinity

Aviation/MIOZ: The subject property is not located within an Aviation Policy Area or Military Installation Overlay Zone.

SMA/Zoning: *The 2010 Approved Subregion 4 Master Plan and Sectional Map Amendment* retained the subject property into the C-M (Commercial Miscellaneous) zone. On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment (CMA) which reclassified the subject property from C-M to CS (Commercial, Service).

MASTER PLAN CONFORMANCE ISSUES: There are no master plan conformance issues.

OVERLAY ZONE CONFORMANCE ISSUES: There are no overlay zone conformance issues.

cc: Long-Range Agenda Notebook
Frederick Stachura, Planning Supervisor, Neighborhood Revitalization, Community Planning
Division

June 30, 2023

MEMORANDUM

TO: Emery Huang, Development Review Division

FROM: *BAP* Benjamin Patrick, Transportation Planning Section, Countywide Planning Division

VIA: *CSH* Crystal Saunders Hancock, Transportation Planning Section, Countywide Planning Division

SUBJECT: **DSP-95029-01: Reza Auto Body**

Proposal:

The subject application proposes a revision to the site plan to include additional land area and removal of conditions of approval related to transportation improvements. The subject property is located in the southwest quadrant of the intersection of Martin Luther King Highway (MD-704) and I-495. The subject property is within the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* area. The transportation planning section's (TPS) review of the referenced DSP application was evaluated under Section 27 of the prior Zoning Ordinance.

Prior Conditions of Approval:

DSP-95029

1. Prior to certificate approval, the following modifications or revisions shall be made to the Detailed Site Plan:
 - a. The plan shall show the proposed 70-foot right-of-way, its location as determined by Department of Public Works and Transportation (DPW&T), for the future widening of Brightseat Road.
6. The applicant shall obtain an agreement from all of the property owners within the "Beltway Tract" to provide a pro rata share for the improvement costs of widening Brightseat Road. If this cannot be achieved within a four-week time frame (prior to the District Council review), then the applicant shall provide the equitable monetary contribution that this owner is responsible for, in order to improve the road to a 70-foot commercial road, to be determined by DPW&T prior to Use and Occupancy permit. The applicant shall use these funds to improve the entire length of the road to whatever width the money will allow. This shall ultimately, through subsequent owner contributions, result in a minimum 18-foot pavement section with 3-foot

shoulders within the existing 30-foot right-of-way. This will provide the necessary assurance that a unified access for the overall development shall be provided.

Prior to issuance of the Use and Occupancy Permit, the applicant, his heirs, successors and/or assigns, shall provide a bond or letter of credit (as approved by the Commission's Legal Department) to the Planning Department (or the Department of Public Works and Transportation [DPW&T] if that agency will accept the bond) to insure that the existing access to the subject property from Martin Luther King, Jr. Highway be closed at such time as the unified access via Brightseat Road is constructed to a minimum pavement width of 18 feet and accepted for maintenance by the DPW&T. The bond or letter of credit shall be in the amount of \$15,000 and shall be established for an initial period of five (5) years and renewed in five (5) year increments if determined to be necessary. If the temporary access point is not closed within 30 days following improvement of Brightseat Road and its acceptance for maintenance by DPW&T, the applicant shall forfeit the bond or letter of credit which shall be used to close the temporary access.

Comment: DSP-95029 was reviewed for conformance under the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity* (Planning Area 72) which required the Detailed Site Plan review by the District Council for the subject site and adjacent properties identified as the "Beltway Tract". The area master plan at the time considered the unified access and circulation, views from the Beltway and Maryland 704, signs and building materials and compatibility with residential and institutional uses to the south and east. DSP-95029 was approved subject to several conditions in consideration that Brightseat Road would be re-oriented, widened from its intersection with Ardwick-Ardmore Road and terminated into a cul-de-sac to provide the united access called for in the above condition via Brightseat Road. The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* replaced the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity* (Planning Area 72) and did not carry forward these recommendations.

The applicant is requesting these conditions be removed under the current DSP application, as they are no longer relevant and were not recommended in the most recent area master plan. Brightseat Road was planned to terminate into a cul-de-sac at the subject site. After the implementation of the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*, the widening and construction of Brightseat Road for the purposes of circulation and unified access, in the area formerly known as the "Beltway Tract", was not included as a priority improvement. Staff believes that the construction of Brightseat Road is no longer enforceable and is not necessary for access and circulation to conform to the current area master plan.

The subject site is accessed via a driveway from MD 704. Staff evaluated the current proposal for circulation and recommends bicycle and pedestrian improvements along the subject site's frontage, which will improve the site circulation and conform to the master plan recommendations for the subject site. Conditions related to the vacation of this right of way were further evaluated and satisfied with DSP-03066 as discussed below. Staff is in agreement with the applicant that

Conditions 1a and 6 be removed as this is consistent with recently approved development in the immediate area. Access and circulation were reviewed in conformance with Section 27-274(a)(2)(C) for the current application. If the conditions of approval are satisfied, staff believe the subject site will provide adequate circulation to ensure safe and efficient movements for both pedestrians and vehicles accessing the site.

DSP-03066

2. Prior to the issuance of any permits, the applicant shall record a final plat of subdivision in accordance with Section 24-108, for which no preliminary plan is required, to consolidate Lots 1-3 and Lot 16 and part of Brightseat Road and other appropriately vacated rights-of-way into one parcel.
3. Prior to the issuance of building permits, the applicant shall file a petition to vacate, in accordance with Section 24-112 of the Subdivision Regulations, that portion of Brightseat Road abutting the western property line of Lot 1, Block L, as delineated on the DSP. Portions of Ardwick- Ardmore Road to the north, and Watkins Avenue to the east, abutting this site shall be included in the petition to vacate, as determined appropriate by DPW&T.

Comment: DSP-03066 was approved for a monopole that was ultimately never constructed however, the resolution included conditions related to the right of way for Brightseat Road. Conditions 2 and 3 of DSP-03066 required that a new final plat be recorded and part of Brightseat Road and other vacated rights-of way. Vacation Petition V-05011 was subsequently approved and a new final plat was recorded under Liber Rep 210 page 82 to reflect that vacation and to consolidate the lots into existing Parcel A.

Master Plan Compliance:

Master Plan Right of Way

The subject site has access and frontage along MD 704. MD 704 is identified in 2009 *Approved Countywide Master Plan of Transportation* (MPOT) as a master plan arterial roadway. Right-of-way was previously dedicated and recorded under right of way plat number 28847. This is adequate and consistent with other dedications along this roadway and staff is not seeking additional right-of-way as part of this application.

Master Plan Pedestrian and Bicycle Facilities

A side path or wide sidewalk construction with designated bike lanes is recommended along MD 704 as it connects to the existing WB&A Trail outside I-495. Trail construction along MD 704 will serve as an extension of the existing WB&A Trail to provide a continuous east/west trail connection through central Prince George's County as found on page 28 of the 2009 MPOT. Staff recommends providing one inverted U style bicycle parking rack for 2 bikes located near the building and a six-foot sidewalk be provided along the site's frontage of MD 704 as conditions of approval.

Transportation Planning Review:

Zoning Ordinance Compliance

Section 27-283 provides guidance for detailed site plans. The section references the following design guidelines described in Section 27-274(a):

(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:
 - (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;
- (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:
 - (viii) Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;
 - (ix) Pedestrian and vehicular routes should generally be separate 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

Comment: The application is being filed in response to a Department of Permits, Inspection and Enforcement (DPIE) violation indicating that the site is not in conformance with the detailed site plan. Existing access to the site is provided via a driveway from MD 704. The applicant is proposing a total of 13 parking spaces and 1 loading space which exceeds the minimum required for the use.

As mentioned above, the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* replaced the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity* (Planning Area 72) and did not carry forward the recommendations relating to the "Beltway Tract". This is consistent with the findings of the adjoining property to the south which was subdivided pursuant to preliminary plan of subdivision (PPS) 4-12001 (PGCPB Resolution No. 12-113) and was also located within the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity* (Planning Area 72) and the "Beltway Tract".

Given that the update to the area master plan, which did not recommend the widening of Brightseat Road, and the fact that the applicant has vacated the portion of Brightseat Road that previously impacted the subject site, staff finds that conditions 1a and 6 of DSP-95029 are no longer relevant to the current application and shall not be carried forward as a condition of approval.

In order to fulfill the recommendations of the 2009 MPOT for bicycle and pedestrian facilities, staff is requesting a six-foot sidewalk be provided along the site's frontage. The 2009 MPOT recommends a bike lane in conjunction with a wide sidewalk. However, bike lane striping can be considered by DPW&T at the time of roadway resurfacing. The construction of bicycle and pedestrian facilities along MD 704 will serve as an extension of the existing WB&A Trail. These improvements are necessary to provide a continuous east/west trail connection through central Prince George's County.

Conclusion:

In consideration of the scope of this application, the transportation staff can make a finding that the subject property is in general conformance with previous approved development applications and Section 27 of the prior zoning ordinance and recommends approval if the following conditions are met:

1. Prior to certification of the detailed site plan (DSP), the DSP should be revised to include the following:
 - a. Provide six-foot sidewalks along the subject property's frontage of MD 704.
 - b. Provide a striped crosswalk and associated ADA ramps crossing the site access along MD 704.
 - c. Provide an inverted U or similar style bike rack at a location convenient to the entrance of the building.

June 26, 2023

MEMORANDUM

TO: Te-sheng Huang, Planner III, Urban Design Section
VIA: Mridula Gupta, Planner IV, Subdivision Section *MG*
FROM: Antoine Heath, Planner II, Subdivision Section *AH*
SUBJECT: DSP-95029-01; Reza Auto Body

The subject property is located on Tax Map 52 in Grid C3, and consists of 1.07 acres. The property is recorded in Prince George's County Land Records as Parcel A in Plat Book REP 210, page 82. The property is located within the Commercial Service (CS) Zone. However, the detailed site plan (DSP) has been filed pursuant to the property's prior Commercial Miscellaneous (C-M) zoning and pursuant to the prior Zoning Ordinance.

There is no preliminary plan of subdivision (PPS) approval applicable to this property. Note 3 of the record plat requires that development on Parcel A to conform to DSP-03066 which was approved for the development of a communication tower which was never constructed. DSP-03066 has since expired. Parcel A was recorded via a minor plat for lot consolidation, exempt from a PPS, and created by resubdivision of lots recorded prior to October 27, 1970 and parts of a tax parcel subdivided by deed prior to January 1, 1982. Development on Parcel A is restricted to 5,000 square feet of gross floor area (GFA) in accordance with Section 24-107(c)(7)(B) and Section 24-111(c)(2) of the prior Subdivision Regulations. The existing development on site consists of a 2,824-square-foot commercial building, constructed prior to 1930. The applicant is not proposing any additional GFA on Parcel A. As such, the 5,000 square foot development cap will not be exceeded and no new PPS or final plat is therefore, required.

Additional Comments:

None.

The referral is provided for the purpose of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. The DSP has been found to be in conformance with the approved final plat. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
Environmental Planning Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

301-952-3650

June 9, 2023

MEMORANDUM

TO: Emery Huang, Planner III, Urban Design Section, DRD

VIA: Tom Burke, Planning Supervisor, Environmental Planning Section, CWPD TB

FROM: Mary Rea, Planner II, Environmental Planning Section, CWPD MAR

SUBJECT: **Reza Auto Body; DSP-95029-01**

The Environmental Planning Section (EPS) has reviewed Detailed Site Plan (DSP-95029-01), received by the EPS on May 10, 2023.

The current application is for an amended DSP for the subject property to add land area of previously adjoining Lots 1-3 to the site plan for use as automobile storage, to add fencing, and to remove previous transportation conditions.

A natural resource inventory (NRI) is not required for this application as a grading permit is not required for this application.

The previously approved development review cases, DSP-95029 and DSP-03066, for this site stated that the site is exempt from the requirements of the Woodland Conservation Ordinance (WCO) because the property contains less than 10,000 square feet of woodland and does not have a previously approved tree conservation plan. The conditions of the site have not changed since the approval of these DSPs. An updated WCO exemption letter shall be obtained prior to certification of the DSP.

The site has received an approved stormwater management concept approval, #51438-2021. This project is exempt from stormwater management requirements as less than 5,000 square feet will be disturbed on-site.

SUMMARY OF RECOMMENDED FINDINGS AND CONDITIONS

The Environmental Planning Section recommends approval of DSP-95029-01, subject to the following findings and conditions.

Recommended Findings:

1. The property does not contain any regulated environmental features.

Recommended Conditions:

1. Prior to certification of the DSP, a woodland conservation ordinance exemption letter shall be obtained.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

June 12, 2023

MEMORANDUM

TO: Tesheng Huang, Urban Design

FROM: Kelsey Shaffer, Permit Review Section, Development Review Division

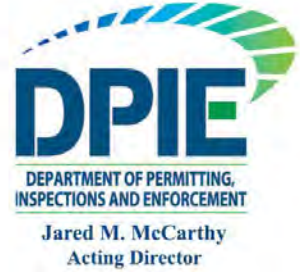
SUBJECT: Referral Comments for DSP-95029-01 – Reza Auto Body

1. The setbacks of the existing building on site shall be demonstrated on the site plan.
2. The dimensions of the entry gate off of Martin Luther King Jr. Highway shall be demonstrated on the site plan.
3. The area to be used as the vehicle storage yard shall be labeled on the site plan.
4. This is a revision to a previously approved Detailed Site Plan. All conditions from the previously approved Detailed Site Plan shall be met.
5. This review does not include the review of any signage.



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Office of the Director



MEMORANDUM

May 16, 2023

TO: Tesheng Huang, Subdivision Review Section
Maryland-National Capital Park & Planning Commission

FROM: Shirley Anthony Branch, Water and Sewer Plan Coordinator *SAB*
Site/Road Plan Review Division, DPIE

RE: SDRC Comments – Reza Auto Body, DSP-95029-01

Below are my comments on a detailed site plan that is scheduled for review at the Planning Director level, with comments having an SDRC review date of **May 26, 2023**. This is a first response for this project. Should you have any questions regarding the attached information, please feel free to call me at 301.636.2060.

DSP-95029-01 Reza Auto Body
Tax ID: 3733045
Tax map: 52 C-3; Parcel A
Acres: 1.07; Zoned: CS
WSSC Grid: 205NE08

1. The 2018 Water and Sewer Plan designates platted Parcel A in Water and Sewer Category 3, inside the Sewer Envelope, in the Growth Tier, and within Tier 1 under the Sustainable Growth Act, to be developed on the public sewer system. The property appears developed with a commercial structure in the aerial views.
2. A water line in Brightseat Road extends onto and traverses the property. A sewer line is within 100 feet of the developed commercial structure. The Washington Suburban Sanitary Commission (WSSC) has confirmed that the property is served by the public water and sewer system.

*The Department of Permitting, Inspections and Enforcement (DPIE) determines the validity in category designations of the Prince George's County Water and Sewer Category Maps. Information reflects the category designated by the 2018 Water and Sewer Plan and its amendments deemed accurate as of **January 5, 2023**. Any dispute of the designated category or comments herein may be addressed to the Site/Road Plan Review Division, Water and Sewer Plan Coordinator, at 301.636.2060.*

cc: Mary C. Giles, P.E., Associate Director, S/RPRD, DPIE
Steven G. Snyder, North District, S/RPRD, DPIE

9400 Peppercorn Place, Suite 500, Largo, Maryland 20774
Phone: 301.636.2020 ♦ <http://dpie.mypgc.us> ♦ FAX: 301.636.2021



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Office of the Director



Jared M. McCarthy
Acting Director

9400 Peppercorn Place, Suite 500, Largo, Maryland 20774
Phone: 301.636.2020 ♦ <http://dpie.mypgc.us> ♦ FAX: 301.636.2021

Huang, Te-sheng (Emery)

From: Reilly, James V <JVReilly@co.pg.md.us>
Sent: Monday, May 15, 2023 11:16 AM
To: Huang, Te-sheng (Emery)
Cc: PPD-PGReferrals; Reilly, James V
Subject: FW: ACCEPTANCE REFERRAL: DSP-95029-01 REZA AUTO BODY (PB)
Attachments: DSP-95029-01 SUMMARY.pdf

Importance: High

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good Morning Mr. Huang,

The Office of the Fire Marshal has reviewed the referral for DSP-95029-01 Reza Auto Body (PB). At this time we have no comments. Regards. Jim

James V. Reilly

Contract Project Coordinator III



Office of the Fire Marshal
Division of Fire Prevention and Life Safety
Prince George's County Fire and EMS Department
6820 Webster Street, Landover Hills, MD 20784
Office: 301-583-1830
Direct: 301-583-1838
Cell: 240-508-4931
Fax: 301-583-1945
Email: jvreilly@co.pg.md.us

To pay for a fire inspection by credit card go to:

<https://www.velocitypayment.com/client/princegeorges/fire/index.html>



Division of Environmental Health/Disease Control

Date: May 17, 2023

To: TESHENG HUANG, Urban Design, M-NCPPC

From: Adebola Adepoju, Environmental Health Specialist, Environmental Engineering/ Policy Program

Re: DSP-95029-01 REZA AUTO BODY

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health review of the detailed site plan submission for Reza Auto Body located in the intersection of Brightseat Road and Ardwick-Ardmore roads and has the following comments/recommendations:

1. The applicant should assure that all sources of air pollution have been registered with the Maryland Department of the Environment, Air and Radiation Management Administration. Such sources include gasoline underground storage tanks, degreasing tanks and paint spraying operations. Contact MDE – ARMA at 800-633-6101.
2. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
3. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

If you have any questions or need additional information, please contact me at 301-883-7677 or aoadepoju@co.pg.md.us.



Angela Adebodebo
County Executive

Environmental Engineering/Policy Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health

From: [Beverly Habada](#)
To: [Huang, Te-sheng \(Emery\)](#)
Cc: [Grigsby, Martin](#); [Hunt, James](#); [Kosack, Jill](#); [Summerlin, Cheryl](#); [Cashenna Cross](#); [CASHENNA CROSS](#); [City Council](#); [Council Clerk](#)
Subject: RE: SDRC: DSP-95029-01 REZA AUTO BODY (PB)
Date: Friday, July 7, 2023 6:16:34 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Thank you for contacting me as the representative for the City of Glenarden about the Detailed Site Plan for Reza Auto Body. However, this property is not within the corporate boundaries of the City of Glenarden. Therefore, we won't be providing input on the DSP application for the staff report.

Message for Planning staff supervisors - -

This is the first time I have received a request for input from MNCPPC staff as part of an effort by MNCPPC to reach out to the City for input on a DSP and staff report and I appreciate Emery Huang's effort to reach out.

That has not been the case with a recent, very important Detailed Site Plan, Alta Woodmore, that was just heard yesterday on July 6th by the Planning Board. No staff person reached out to the City, by email or phone, for input on the staff report for this multi-family project prior to the Planning Board meeting. And, this property, Alta Woodmore, located in Woodmore Towne Centre, **is in the City.**

I attended yesterday's Planning Board meeting and listened to the presentation. No information was shared by the Planning staff member presenting the staff report on the DSP for Alta Woodmore as to the City's position because we were never contacted for input into the staff report like what Emery Huang just did. What I heard during the Planning Board presentation by Planning staff was that MNCPPC had old information about who was to be contacted at the City. In fact, as shown below in the email sent by Donald Townsend, the notice about this DPS **located outside the City** went to an email for former City Manager Eddie Tobias (who was with the City from about 2015-2017) and to former Mayor Estes (who was Mayor from 2017-2021). Any emails sent (as noted below and referenced as the wrong email addresses yesterday in the staff comments on the Alta Woodmore DSP) to these two email addresses would have not reached anyone at City Hall.

The City had a briefing on the Alta Woodmore project by Mr. Ed Gibbs and the developers at the City Council meeting of June 21, 2023. We received NO information on when this project was going to be on the Planning Board's agenda - - not by Mr. Gibbs, nor by notification by Planning staff either as a part of asking for input in a staff report or notification of the Planning Board meeting by email from

MNCPPC or by regular mail.

The horse is out of the barn on the Alta Woodmore project. You screwed up on the notification to the City, the Planning Board has accepted the staff report and now our recourse is to take steps elsewhere to provide input on a major project that will have an impact on the residents of and businesses in the City of Glenarden.

And then....we receive notification by email about a property that is outside of the City and Emery Huang has apparently been provided the correct contact information for the Glenarden City Manager by his supervisors and has followed through with making contact about this DSP for Reza Auto Body. **Applauding Emery Huang for getting it right.... Emery's supervisors not so much.**

Municipal leaders change.... You should have the ability to update your records on a regular basis to provide staff with the correct information for notification purposes.

Beverly Habada
City Manager
City of Glenarden
301-773-2100- ext. 712

Copy to: Mayor Cashenna Cross and Councilmembers of the City of Glenarden, Council Clerk Robin Bailey-Walls, Monay Ward, Social Media for publication

From: Huang, Te-sheng (Emery) <Tesheng.Huang@ppd.mncppc.org>
Sent: Thursday, July 6, 2023 1:24 PM
To: Beverly Habada <BHabada@cityofglenarden.org>
Cc: Grigsby, Martin <Martin.Grigsby@ppd.mncppc.org>; Hunt, James <James.Hunt@ppd.mncppc.org>; Kosack, Jill <Jill.Kosack@ppd.mncppc.org>; Summerlin, Cheryl <Cheryl.Summerlin@ppd.mncppc.org>
Subject: FW: SDRC: DSP-95029-01 REZA AUTO BODY (PB)

Hello Ms. Beverly Habada,

Good afternoon. My name is Emery Huang, the reviewer for DSP-95029-01 Reza Auto Body. Currently I am in the process of drafting the staff report for this application. However, we have not received any comments from the City of Glenarden on this application yet. When you get a chance, could you give me a call or reply to this email? You were not at your desk when I called you earlier.

This application is to propose to add entire land area of Parcel A to the site plan, permit additional use of auto storage, and delete Conditions 1.a. and 6 of DSP-95029 related to transportation improvements. In addition, this application will be presented at the July 27 Planning Board Meeting.

Sincerely,

Emery Huang
301-952-4534

From: Townsend, Donald <Donald.Townsend@ppd.mncppc.org>
Sent: Thursday, June 15, 2023 10:31 AM
To: Smith, Tyler <Tyler.Smith@ppd.mncppc.org>; Gross, Thomas <thomas.gross@ppd.mncppc.org>; Stabler, Jennifer <Jennifer.Stabler@ppd.mncppc.org>; Chisholm, Amelia <Amelia.Chisholm@ppd.mncppc.org>; Green, David A <davida.green@ppd.mncppc.org>; Franklin, Judith <Judith.Franklin@ppd.mncppc.org>; Henderson, Tamika <Tamika.Henderson@ppd.mncppc.org>; Hancock, Crystal <crystal.hancock@ppd.mncppc.org>; Ryan, Benjamin <Benjamin.Ryan@ppd.mncppc.org>; Gupta, Mridula <Mridula.Gupta@ppd.mncppc.org>; Conner, Sherri <sherri.conner@ppd.mncppc.org>; Hacker, Jeff <Jeff.Hacker@ppd.mncppc.org>; PPD-EnvDRDreferrals <ppd-envdrdreferrals@ppd.mncppc.org>; Reilly, James V <JVReilly@co.pg.md.us>; 'Toth, Steven L.' <slttoth@co.pg.md.us>; AMGullickson@co.pg.md.us; 'rsdeguzman' <rsdeguzman@co.pg.md.us>; Giles, Mary C. <mcgiles@co.pg.md.us>; mabdullah@co.pg.md.us; mtayyem@co.pg.md.us; nwformukong@co.pg.md.us; rlattivor@co.pg.md.us; sgsnyder@co.pg.md.us; SYuen@co.pg.md.us; tltolson@pg.co.md.us; 'Adepoju, Adebola O.' <aoadepoju@co.pg.md.us>; SWthweatt@co.pg.md.us; 'kwoodroffe' <kwoodroffe@sha.state.md.us>; 'Tania Brown' <TBrown13@mdot.maryland.gov>; #DSG Intake <DSGIntake@wsscwater.com>; 'Andreadis, Irene' <Irene.Andreadis@wsscwater.com>; 'kolyan.l.marcus@verizon.com' <kolyan.l.marcus@verizon.com>; 'Martin.w.vermillion@verizon.com' <martin.w.vermillion@verizon.com>; Charles.curry@bge.com; 'kencrouse@comcast.net' <kencrouse@comcast.net>; gw1349@att.com; wi3400@att.com; pmartinez@washgas.com; 'etobias@cityofglenarden.org' <etobias@cityofglenarden.org>; 'eestes@cityofglenarden.org' <eestes@cityofglenarden.org>
Cc: Hurlbutt, Jeremy <Jeremy.Hurlbutt@ppd.mncppc.org>; Kosack, Jill <Jill.Kosack@ppd.mncppc.org>; Grigsby, Martin <Martin.Grigsby@ppd.mncppc.org>; Huang, Tesheng (Emery) <Tesheng.Huang@ppd.mncppc.org>
Subject: SDRC: DSP-95029-01 REZA AUTO BODY (PB)

All,

SDRC COMMENTS (SUBMITTAL)... <https://www.dropbox.com/scl/fo/hnzn3vge2nmdueb2oxzrg/h?dl=0&rlkey=2dro0s4ii1hfz9up9cl75cnsq> 6-15-2023

PB date: **July 27, 2023**

Sign posting: **June 27, 2023**

Referral Due Date: **June 26, 2023**

FOR...

Martin Grigsby

Applications Section | Development Review Division



Teams: 240-573-2214 Office: 301-952-3772

14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

Martin.Grigsby@ppd.mncppc.org



Prince George's County Government
Department of Permitting, Inspections and Enforcement
Enforcement Division
9400 Peppercorn Place, 6th Floor, Largo, MD 20774

Issue Date: March 15, 2021

CSD Case No.: 21-00016186

PREMISE IN VIOLATION:
8703 MARTIN LUTHER KING JR HWY
HYATTSVILLE MD 20785

RESPONSIBLE PARTY:
REZAS AUTOMOBILE SERVICE CENTER INC
8703 MARTIN LUTHER KING JR HWY
HYATTSVILLE, MD 20785

GOLAMREZA SHEIBANIAGDAM ETAL
ELIZABETH SHEIBANIAGDAM
202 HEIL RD
SILVER SPRING, MD 20905

Subdvsn: 328300 Grid: C3
Lot #: Liber: 09880
Parcel: Folio: 123
Block: Elctn Dist: 20
TaxMap: 052 Land Acct: 3733045

GOLAMREZA SHEIBANIAGDAM R.A.
8703 MARTIN LUTHER KING JR HWY
HYATTSVILLE, MD 20785

If you are not the responsible party return this notice with the name and address of the party responsible.

An inspection of the above premises revealed violation(s) of the Zoning Ordinance of Prince George's County as listed below. Compliance with the Provisions of law(s) cited must be completed by March 30, 2021 (or) THIS MATTER WILL BE REFERRED TO THE OFFICE OF THE COUNTY ATTORNEY OR DISTRICT COURT OF MARYLAND FOR LEGAL ACTION. THIS MAY BE YOUR ONLY NOTICE.

Code Section Cited Violation/Corrective Action Required

1. Zoning Code Section 27-253(c)

VIOLATION: Use of the property not in conformance with the use and occupancy permit and/or accompanying site plan.

CORRECTIVE ACTION: Revert property back to the approved use and site plan for the approved Use and Occupancy Certificate # 340-1999-1 including adjoining properties and right of way area.

2. Property Maintenance Code Section 13-233&23-150(c)(d)

VIOLATION: Maintenance Requirements - All improved and unimproved property shall be maintained in a clean, safe, secure, and in sanitary condition and in conformance with this Division so as not to create a public nuisance or adversely affect the public health, safety, or welfare.

CORRECTIVE ACTION: Remove all rubbish, litter, trash, debris, unlicensed, wrecked or dismantled vehicles, any signs, banners and attraction items not having permits from the property including to the edge of the concrete curb and gutter adjoining the roadway. Maintain the property in a clean, safe, secure and sanitary condition.

3. Property Maintenance Code Section 13-234

VIOLATION: Disposal of Garbage and Rubbish - All garbage, vegetable waste, or other putrescible materials, or rubbish shall be placed

<https://princegeorges-csrprod.motorolasolutions.com/SRManagement/UI/SRLetterEditor.a...> 3/15/2021

Capital Beltway, on the south by Central Avenue and East Capitol Street, and on the west by the District of Columbia.

WHEREAS, the County Council, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, adopted CR-11-1993 on February 9, 1993, pursuant to the provisions of Part 3, Division 4, of the Zoning Ordinance of Prince George's County, approving the Landover & Vicinity Master Plan, and directing the Maryland- National Capital Park and Planning Commission to prepare and transmit to the District Council a proposed Sectional Map Amendment (SMA) for Planning Area 72, the boundaries of which are described in Section 27-661 of the Zoning Ordinance; and

WHEREAS, the Prince George's County Planning Board adopted a resolution (PGCPB No. 93-71) on March 25, 1993, transmitting the SMA to the District Council for consideration and adoption; and

WHEREAS, the SMA was transmitted to the District Council on April 9, 1993, and the District Council, adhering to the procedures set forth in Section 27-226 of the Zoning Ordinance, held a duly advertised public hearing on the SMA on June 8, 1993, and conducted worksessions on July 7, 1993, and July 13, 1993; and

WHEREAS, the District Council, having reviewed supporting materials submitted as part of the Sectional Map Amendment proposal and examined the testimony presented, finds that the

accumulated record along with County plans and policies justifies the zoning changes, including the downzoning recommendations, within this Sectional Map Amendment; and

WHEREAS, the District Council, recognizes the importance of the comprehensive rezoning process as a legislative device for managing land development in accordance with the recommendations contained in the Adopted and Approved Master Plan; and

WHEREAS, the Adopted and Approved Master Plan for Landover & Vicinity provides a framework for future development to enhance the character, quality, and livability of the area; and

WHEREAS, the Master Plan defines long-range land use and development policies that should be utilized as a guide for subsequent zoning actions prior to the next comprehensive rezoning; and

WHEREAS, the principal objective of the SMA is protection of the health, safety and general welfare of the citizens of Prince George's County; and

WHEREAS, it is the intent of the SMA to ensure that future development will be in accordance with the principles of orderly land use planning and staged development and, toward that end, the District Council found it necessary to change the zoning on properties which in its judgment were in conflict with the Master Plan's land use recommendations and policies; and

WHEREAS, the SMA process provides for a periodic comprehensive review of the zoning in an area, taking into

account applicable County plans and policies, existing land use and zoning in the affected communities and surrounding planning areas, and pending zoning petitions; and

WHEREAS, in regard to three properties in Planning Area 72 (identified in Section 2 of this resolution), the transmitted Sectional Map Amendment proposed several zoning alternatives and indicated that a specific zoning category would be determined upon SMA adoption; and

WHEREAS, in regard to West Brothers Brickyard, the District Council wishes to retain the existing zoning and the findings applicable to this zoning as noted in CR-100-1977 (the resolution which approved the 1977 Model Neighborhood Area SMA).

SECTION 1. NOW, THEREFORE, BE IT RESOLVED by the 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, that the Sectional Map Amendment for Planning Area 72, as transmitted by the Prince George's County Planning Board on April 9, 1993, containing a zoning map at a scale of one inch equals 1,000 feet and an accompanying text identifying the zoning changes, is hereby adopted.

SECTION 2. BE IT FURTHER RESOLVED, that in regard to certain properties recommended by the Planning Board for alternative zones in the transmitted SMA, the District Council specifies the following zoning categories:

- (a) The Beltway Tract (change E-2-2) containing 9.1± acres,

located between Martin Luther King Jr. Highway (MD 704), the Capital Beltway, and Ardwick-Ardmore Road is classified in the C-M Zone. Because of the site's important location adjacent to the Capital Beltway and near the entrance to the Town of Glenarden, Detailed Site Plan Approval shall be obtained from the District Council for all phases of development. Site plan review shall address, among other things, unified access and circulation, views from the Beltway and MD 704, signs and building materials, and compatibility with residential and institutional uses to the south and east. (Property description: Tax Map 52, Grids C-3 and C-4: Parcels 35, 27, 187, 139, 233, 234, and 269; Plat BDS 1-40 Dixie-Dale, Block 9, Lots 1-7, 13 and 14; Plat 1-83 Ardmore, Block L, Lots 1-11, and Block K, part of Lots 1-13; Plat WWW 75-77 Dixie-Dale, Block 9, Parcel A.)

(b) The Central Avenue Frontage at Randolph Village (change H-6-3), containing 5.4+ acres on the north side of Central Avenue (MD 214) at Norair Avenue is classified in the C-O Zone.

To insure that development is served by shared access to Central Avenue, Detailed Site Plan Approval shall be obtained from the District Council for all phases of development. Site plan review shall incorporate the following: 1) provision for combined access between groups of lots both now and in the future; 2) reciprocating ingress/egress easements for the block; and 3) provision for the closing of existing access points after combined access is implemented. Property description: Tax Map 67, Grids B-4 and C-4; Plat 9-5 Randolph

Village, Block 6, Lots 22-27, Block 7, Lots 19-22; Plat 22-66 Randolph Village, Block 4, Lots 11-15, 28, Outlots A, B, and C, Block 6, Lot 38.)

(c) The Hampton Lot (change S-1-1) containing 0.1± acre on the west side of Nash Street approximately 150 feet north of its intersection with Sheriff Road, is retained in the C-S-C Zone. (Property description: Tax Map 65, Grid F-1, Plat BB 9-98, Chapel Oaks, Block L, Lot 13).

SECTION 3. BE IT FURTHER RESOLVED that the District Council imposes the following requirements on certain properties:

(a) The Washington Homes Site (change E-5-5), containing 7.6± acres located on the south side of Brightseat Road, approximately 400 feet east of Sheriff Road shall be subject to recordation of the covenants as submitted by the owner and identified as Exhibit 5 in the SMA public hearing record. (Property description: Tax Map 60, Grid C-4, part of Parcel 86, as described on an American Engineering, Inc., survey dated December 10, 1992, and identified as Exhibit 74 from the Landover & Vicinity Master Plan joint public hearing record.)

(b) The Norair Property containing 91.9± acres and located on both sides of Summerfield Boulevard, north of Central Avenue (MD 214) is appropriate for mixed-use development phased in accordance with approvals for Metro station development as explained in Attachment C of CR-11-1993. The SMA retains the L-A-C Zone for the property, but recognizes that an expanded development potential could accrue to the future Hill Road

Metro Station area when the station is funded. Any expansion should be preceded by a TDOZ or small area plan which includes both the Ridgely and Norair properties. Consideration of an expanded development potential should occur through a comprehensive evaluation of the entire transit district area. The timing of these plans and the funding of Metro should be coordinated. Consideration should be given to the M-X-T Zone, the M-A-C Zone, or an appropriate combination of other zones. Any development which takes place prior to the re-evaluation of the transit district area should be planned in a manner that will allow for the possibility of greater intensification of all or part of the transit district area at a later date.

Note: The zoning map shall be annotated to call attention to this policy guidance. (Property description: Tax Map 67, Grid B-3, part of Parcel 16; Plat 161-77, Summerfield, Outlot 1, Plat 161-78 Summerfield, Outlot 2.)

(c) The former West Brothers Brickyard area, containing 117⁺ acres located in the northwest quadrant of Sheriff Road and Cabin Branch Drive is intended to be developed as an industrial park with possible long-term marketing of the property as related to the nearby Cheverly Metro Station. The District Council encourages the continued improvement and upgrading of the West Brothers Brickyard Area through the coordinated action of the owners, the community and the County government. Further, a one hundred (100) foot width of natural tree cover should be left abutting existing residentially zoned

land and fifty (50) feet adjacent to the remainder of 62nd Avenue; only one point of access should be allowed to Sheriff Road; a twenty-five (25) foot building restriction line should be established from any roads, including internal roads; and a twenty-five (25) foot green area (as described in the Zoning Ordinance) should be established from the curb line of all roads. Further, Detailed Site Plan approval shall be obtained from the District Council for all phases of development.

(Property description: Tax Map 59, Grids A-4 and B-4, and Tax Map 66, Grids A-1 and B-1, Parcels 32, 197, 312, 328 and 333; Plat 96-9, Marvaco Industrial Park, Parcel A; Plat 101-40, Marvaco Industrial Park, Parcels B and E; Plat 144- 61, Prince George's Business Center, Lot 1.)

SECTION 4. BE IT FURTHER RESOLVED that conditions which have been attached to previously approved zoning, and findings contained in previously approved SMAs, are considered to be a part of this Sectional Map Amendment where the previous zoning category has been maintained.

SECTION 5. BE IT FURTHER RESOLVED that the official Zoning Map shall be annotated with appropriate references to this resolution calling attention to development standards or guidelines which are applicable to specific properties.

SECTION 6. BE IT FURTHER RESOLVED that appropriate notification, in accordance with the Zoning Ordinance, be given concerning the adoption of this Sectional Map Amendment.

SECTION 7. BE IT FURTHER RESOLVED that this Sectional Map Amendment revises the official Zoning Map for that portion of

the Maryland-Washington Regional District in Prince George's County described as Planning Area 72. The zoning adopted by this Ordinance shall be depicted on zoning maps at a scale of 1 inch equals 200 feet and shall constitute the official Zoning Map for this Planning Area.

SECTION 8. BE IT FURTHER RESOLVED that the provisions of this Ordinance are severable and if any zone, provisions, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Act or their application to other zones, persons or circumstances. It is hereby declared to be the legislative intent that the Act would have been adopted as if such illegal, invalid, or unconstitutional zone, provision, sentence, clause, section or part had not been included therein.

SECTION 9. BE IT FURTHER RESOLVED that this Ordinance shall take effect on the date of its enactment.

Adopted this 27th day of July, 1993.

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

BY:

Hilda R. Pemberton
Chairwoman

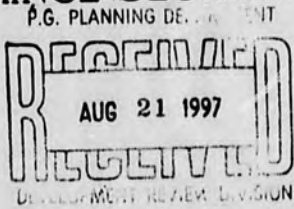
ATTEST:

Joyce T. Sweeney
Clerk of the Council

FILE



THE PRINCE GEORGE'S COUNTY GOVERNMENT



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

December 12, 1995

ZONING SECTION

RE: SP-95029 (Dixie Dale, Lot 16, Block 9)

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 your case on November 20, 1995.

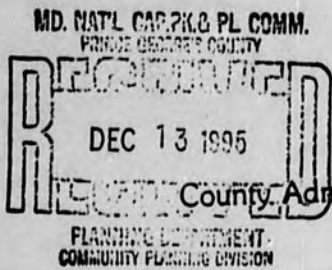
CERTIFICATE OF SERVICE

This is to certify that on December 12, 1995, this notice and attached Council Order were mailed, postage prepaid, to all persons of record.

Joyce T. Sweeney

Joyce T. Sweeney
Clerk of the Council

(3/93)



County Administration Building — Upper Marlboro, Maryland 20772

Case No. SP-95029

Applicant: Dixie Dale, Lot 16,
Block 9

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

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED that the Planning Board's decision in Resolution PGCPB No. 95-257, to approve a Detailed Site Plan on property described as approximately 0.43 acres of land, in the C-M Zone, located in the southwest quadrant of the intersection of Martin Luther King, Jr. Highway and Brightseat Road, Landover, be, and the same hereby is,

AFFIRMED, based on consideration of the entire record, for the reasons stated by the Planning Board in its resolution, which is, in addition to the following, hereby adopted as the findings of fact and conclusions of law of the District Council in this case:

1. The District Council finds that the Master Plan's proposed location for unified access utilizing Brightseat Road from its intersection with Ardwick-Ardmore Road and terminating in a cul-de-sac will have a negative effect on the residential and institutional uses to the south and east. This southern access will create truck traffic and commercial signage. Ardwick-Ardmore Road between MD 704 and its crossing over the Beltway is primarily a non-commercial road. Two churches are found at the southwest quadrant of Ardwick-Ardmore Road and Brightseat Road. This section of Ardwick-Ardmore Road provides the main access to portions of the City of Glenarden, Ardmore Village, Randolph Village, and Springdale. Commercialization of this section of roadway will have a detrimental effect on the image which these neighborhoods and churches present. Unified access from the north utilizing a reoriented Brightseat Road from MD 704 near the subject property and terminating in a cul-de-sac is preferable, as MD 704 is an arterial road which can handle commercial traffic without impacting the nearby neighborhoods.

2. The District Council finds that an entrance sign is appropriate at the reoriented main entrance to the Beltway Tract off MD 704 as an identifying and directional aid. Establishment of a Property Owners' Association can provide a vehicle to collect funds for the construction and maintenance of signage.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certificate approval, the following modifications or revisions shall be made to the Detailed Site Plan:
 - a. The plan shall show a proposed 70-foot right-of-way, for and connection to the future reorientation of Brightseat Road that provides for common access to the Beltway Tract. The exact location of a cul-de-sac with an entrance from MD 704 will be determined by DPW&T. The plan shall show a temporary entrance off MD 704 and details on how the entrance will be used for parking and landscaping once the entrance is closed.
 - b. A detail of the proposed light fixture shall be provided. The applicant shall replace existing fixtures with a fixture that is attractive and can be used throughout the development.
 - c. The Landscape Plan shall be revised per Staff Exhibit "A". This will upgrade the appearance from the Beltway, Brightseat Road and MD 704.
 - d. The parking schedule in the notes, and the site plan shall be revised to provide one loading space and any requirements of the Maryland Accessibility Codes.
2. Prior to the issuance of any sign permits the applicant shall provide details and specifications for proposed signs. Any signs shall be approved by the Planning Department and shall meet the guidelines set forth in the Approved Master Plan.

DPW&T shall provide an area within the right-of-way along existing or reoriented Brightseat Road at the main entrance to the business park for the Property Owners' Association to construct a common sign. On-site signage shall be limited to a facade sign on a building wall facing a street, the area of which shall not be more than one (1) square foot for each one (1) lineal foot of

building width facing that street. No freestanding signs shall be permitted.

3. At the time of Final Plat for a minor lot line adjustment, prior to the issuance of the Use and Occupancy permit, the applicant, his heirs, successors and/or assigns, shall dedicate his portion of the 70-foot right-of-way for the Brightseat Road widening. This would include a portion of the cul-de-sac, its location to be determined by the Department of Public Works and Transportation (DPW&T), that terminates in the southern portion of the subject property.
4. Prior to issuance of the Use and Occupancy Permit the applicant shall obtain a permit from the State Highway Administration (SHA) to channelize the entrance and make frontage improvements along MD 704.
5. This Detailed Site Plan is required to be reviewed and approved by the District Council per CR-57-1993.
6. Prior to Use and Occupancy permit, the applicant shall provide the equitable monetary contribution that he is responsible for, in order to reorient and improve Brightseat Road to a 70-foot commercial road, to be determined by DPW&T. DPW&T shall use these funds to improve existing and/or proposed Brightseat Road in order to assure a unified access for the overall development of the Beltway Tract. DPW&T shall consider placement of construction of reoriented Brightseat Road in the Six-Year County Improvement Program as the unified access is in the public interest. DPW&T shall consider improvement of existing Brightseat Road with access off of Ardwick-Ardmore Road as a temporary measure as subsequent site plans are received. This entrance shall be closed when the permanent entrance off of MD 704 is opened.

Prior to issuance of the Use and Occupancy Permit, the applicant, his heirs, successors and/or assigns, shall provide a bond or letter of credit (as approved by the Commission's Legal Department) to the Planning Department or the Department of Public Works and Transportation [DPW&T] if that agency will accept the bond) to insure that the existing access to the subject property from Martin Luther King, Jr. Highway be closed at such time as the unified access via Brightseat Road is constructed to a minimum pavement width of 18 feet and accepted for maintenance by the DPW&T. The bond or letter of credit shall be in the amount of \$15,000 and shall be established for an initial period of five (5) years, and renewed in five (5) year increments if determined to be necessary. If the temporary access point is not closed within 30 days following improvement of Brightseat Road and its acceptance for maintenance by DPW&T, the applicant shall forfeit the bond or letter of credit

which shall be used to close the temporary access.

7. The applicant shall ensure the preservation of the two specimen Oak trees on the subject property.
8. Prior to issuance of the next permit of any type subsequent to the pending Use and Occupancy Permit for the subject property, the applicant shall join a Property Owners' Association (POA), which the next applicant for building permits in the business park will be required to form, and which other owners will be required to join when subsequent site plans are submitted. The purpose of the POA is to collect appropriate monetary contributions for construction and maintenance of temporary and/or permanent common signage. The POA bylaws shall be reviewed by the Planning Department prior to approving subsequent site plans to determine the adequacy of the contributions for construction and maintenance of the common signage. At such time as a site plan is approved for a lot which does not have frontage on MD 704 or Ardwick-Ardmore Road, that owner will be required to erect a temporary entrance sign entitled "Dixiedale Business Park" using funds collected by the POA. The design and materials of the sign shall be approved by the Planning Department. At such time as a site plan is approved, which constitutes that 25% of the land area of the Beltway Tract has approved site plans, the owner of that site plan shall erect a permanent sign, design and materials to be approved by the Planning Department. Funding for the common signage shall be the responsibility of the individual owner who may use POA funds if available or be reimbursed by future contributions to the fund.

Ordered this 20th day of November, 1995.

In Favor: Council Members MacKinnon, Del Giudice, Estepp, Gourdine, Maloney, Russell, Scott and Wilson

Opposed:

Abstained:

Absent: Council Member Bailey

Vote: 8-0

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: *Anne T. MacKinnon*
Anne T. MacKinnon, Chairwoman

ATTEST:

Joyce T. Sweeney
Joyce T. Sweeney
Clerk of the Council

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 7, 2005, regarding Detailed Site Plan DSP-03066 for Reza Auto Body, the Planning Board finds:

1. **Request:** The subject application requests permission to install a monopole on the subject property for use as a telecommunications facility.
2. **Development Data Summary**

| | EXISTING | PROPOSED |
|-----------------------------|-----------------|--|
| Zone | C-M | C-M |
| Use(s) | Auto Body Shop | Telecommunications Facility/ Auto Body Shop |
| Lots | 3 | 3 |
| Parcels | None | None |
| Building Square Footage/GFA | 3,562 | 3,617 |

3. **Location:** The site is in Planning Area 72, Council District 5. More specifically, it is located in the southwest quadrant of the intersection of Martin Luther King Highway (MD 704) and I-95.
4. **Surroundings and Use:** The land use in the immediate vicinity of the subject site includes industrial use to the north, I-95 and portions of Springdale Gardens residential subdivision to the east, a Baptist Church to the south, and gas stations to the west.
5. **Previous Approvals:** CB-57-1933, adopted July 27, 1993, requires for the “Beltway Tract” that “site plan review shall address, among other things, unified access and circulation, views from the Beltway and Maryland 704, signs and building materials and compatibility with residential and institutional uses to the south and east.”
6. **Design Features:** The proposed monopole and its ancillary equipment box are proposed to be located in a 50-foot by 50-foot compound in the extreme southeastern corner of the site. A seven-foot tall, board-on-board fence will surround the compound. The monopole will measure 150 feet tall and will accommodate a minimum of three operators. The pole will not be lit and will be constructed of galvanized steel material so as to best blend in with its surroundings.

The antenna design of monopole telecommunication towers falls into three general categories. The first, platform antennas, are the most visually intrusive as they have antennas that extend out on a platform from the monopole itself. The second general category is flush-mounted antennas,

where they are external to the tower, but mounted “flush” to the tower. The third type, recommended by staff in the subject application, is called “stealth design.” The antennas on stealth towers are internal to the monopole, not visible on its exterior and are the least visually intrusive monopole tower design.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The proposed project generally complies with the purposes stated in Section 27-459 (p.442) of the Zoning Ordinance for the C-M Zone (Commercial Miscellaneous). The Table of Uses I specifies a “tower, pole or antenna” as a permitted use in the C-M Zone. The subject property also complies with Section 27-462, regulations applicable in the C-M Zone. The subject application is in accordance with Division 5, Section 27-464.03, Wireless Telecommunications Facilities, except the plans need to be certified by a registered engineer that the structure will meet applicable standards for the wind load standards of the Electronic Industries Association for Prince George’s County.
8. **Landscape Manual:** The proposed development meets the requirements of the *Landscape Manual*.
9. **Woodland Conservation Ordinance:** The Environmental Planning Section has stated that the site is exempt from the requirements of the Woodland Conservation Ordinance because the property is less than 40,000 square feet in size, contains less than 10,000 square feet of woodland, and does not have a previously approved tree conservation plan. Furthermore, since the submitted site plan and an examination of air photos confirm that no classifiable forest exists on the property, a tree conservation plan is not required.
10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Historic Preservation Planning Section**—In comments made December 24, 2003, the Historic Preservation Planning Section stated that the proposed project would have no effect on historic resources.
 - b. **Community Planning Section**—The Community Planning Section stated that though the proposed application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier and conforms to the land use recommendation of the 1993 approved master plan and sectional map amendment for Landover and vicinity (Planning Area 72), the project is also subject to District Council’s approval of the 1993 SMA for the Landover and vicinity master plan. That plan specifically noted that, because of the site’s location adjacent to the Capital Beltway and near the entrance to the Town of Glenarden, detailed site plan approval by the District Council would be required for all phases of the development. Furthermore, it was stipulated that site plan review shall address, among other things, unified access and circulation, views from the Beltway and MD 704, signs and building materials, and compatibility with residential and institutional uses to the south and east. Staff is recommending stealth monopole design,

the least visually intrusive of all monopole antenna designs, so that visual impacts from the Beltway and MD 704 are minimized and compatibility with residential and institutional uses is maximized.

- c. **Transportation Planning Section**—In comments offered January 26, 2004, the Transportation Planning Section stated that they had no objection to the location of the proposed monopole.
- d. **Subdivision Section**—In their initial comments dated January 14, 2004, the Subdivision Section noted a purported but unsubstantiated abandonment of right-of-way, the apparent lack of access to Lots 1, 2 and part of Lot 3, Block L, and the lack of congruity between the site plan and the record plat. In subsequent comments dated October 11, 2004, however, the Subdivision Section stated that, since recordation of the plat occurred prior to 1908, the roads were not dedicated, they were simply reserved. Therefore, a filing of a consolidation plat for the existing lots and street area would be required rather than a vacation of “platted” rights-of-way, together with a letter of consent from DPW&T. Such a condition has been included in the recommended conditions below.
- e. **Permit Review Section**—In a memorandum dated December 31, 2003, the Permit Review Section made numerous comments and suggestions regarding the proposed project. All concerns have either been addressed through revisions to the plans or in the recommended conditions below.
- f. **Environmental Planning Section**—The Environmental Planning Section, in a memorandum dated January 12, 2003, stated that the site is exempt from the requirements of the Woodland Conservation Ordinance and that a tree conservation plan is not required. They suggested that the applicant request and obtain a standard letter of exemption from the Environmental Planning Section, required prior to the issuance of any permit. Additionally, they noted that the applicant must submit a stormwater management concept approval letter and concept plan before certification of the detailed site plan. Please note that the required letter of exemption granting a standard exemption for the proposed project from the Prince George’s County Woodland Conservation Ordinance, dated November 6, 2003, has been received and made part of the case file.
- g. **State Highway Administration**—In a letter dated December 31, 2003, the State Highway Administration stated that the commercial driveway currently on the site would adequately serve existing and future uses. Therefore, the State Highway Administration has no objection to Detailed Site Plan DSP-03066 approval.
- h. **Department of Environmental Resources**—In comments received January 12, 2004, the Department of Environmental Resources stated that the site plan for Reza Auto Body, DSP-03066, is consistent with approved stormwater concept plan #17291-2003.
- i. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated January 25, 2005, DPW&T stated that abandonment of the publicly dedicated

rights-of-way of Watkins Avenue and Brightseat Road within the frontages of the property will be required before the proposed entrance off of MD 704 can be authorized. In this process, Lots 1,2,3 and 16 as shown on the detailed site plan would have to be consolidated and fee-in-lieu payment made in the amount of \$10,000 for the cost of relocation of the entrance and road construction. DPW&T'S conditons would be met through their separate permitting process.

- j. **The City of Glenarden**—In comments dated February 15, 2005, the City of Glenarden stated that the City's Permit Review Board does not have any objections to the structure, but they do have some concerns with it being placed at the Reza Auto Body site. In staff's report dated January 20, 2005, these concerns included safety considerations and that the city and its residents were not fully informed of various aspects regarding the tower and because the city believes that Reza Auto Body is in violation regarding land use and access to the subject site. In subsequent conversation between staff and Kimberly O'Neil, however, the current city manager for the City of Glenarden narrowed their concerns to include the status of zoning violations on the site and its impact on the City of Glenarden.
11. The detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use pursuant to Section 27-285(b)(1).

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-03066, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall:
 - a. Have the plan certified by a registered engineer that the structure will meet applicable standards for wind loads of the Electronic Industries Association for Prince George's County.
 - b. The applicant shall add a note to the plans that tower design shall be of a "stealth tower."
 - c. Revise the plans to indicate "no parking" or "emergency parking only" signage along the subject property's Martin Luther King Highway frontage, either on the subject property or in the right-of-way if approved by the State Highway Administration (SHA). Such signs shall be paid for and perpetually maintained by the applicant or property owner and installed either by the applicant, property owner or SHA.
 - d. Applicant shall request and provide evidence to staff that the Department of Public Works & Transportation (DPW&T) has granted the property owner or applicant the right

to acquire or utilize the 25 feet of right-of-way on the north side of lots 1,2 and 3 (“Ardwick-Ardmore Road (Abandoned)”) and the 25 feet of right-of-way on the east side of lot 3 (“Watkins Avenue (Abandoned)”) to plant a fast growing evergreen tree such as Leyland Cypress to serve as transitional screening from Martin Luther King Boulevard and from the development on the east side of Route 495. However, should the vacation and transfer to the property owner of the portions of Ardwick Ardmore Road and Watkins Avenue to be utilized for the subject plantings take place as part of the action required by condition 3 below, permission from DPW&T would no longer be necessary. If, for any reason, the applicant is unable to plan the above buffer off-site, a 25-foot buffer shall be planted on site along the northerly boundaries of lots 1,2 and 3 and the easterly side of lot 3.

2. Prior to the issuance of any permits, the applicant shall record a final plat of subdivision in accordance with Section 24-108, for which no preliminary plan is required, to consolidate Lots 1-3 and Lot 16 and part of Brightseat Road and other appropriately vacated rights-of-way into one parcel.
3. Prior to the issuance of building permits, the applicant shall file a petition to vacate, in accordance with Section 24-112 of the Subdivision Regulations, that portion of Brightseat Road abutting the western property line of Lot 1, Block L, as delineated on the DSP. Portions of Ardwick- Ardmore Road to the north, and Watkins Avenue to the east, abutting this site shall be included in the petition to vacate, as determined appropriate by DPW&T.
4. Prior to the issuance of a use and occupancy permit for the monopole on the subject property, the applicant shall remove all stored materials from the property that are not directly related to the operation of the service repair business including stored parts, abandoned vehicles, etc. Such clean-up shall be to the satisfaction of the Ardmore Springdale Civic Association as evidenced in a letter to be submitted from them to the Urban Design Section.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following the final notice of the Planning Board=s decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Harley, with Commissioners Vaughns, Harley, Eley and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 7, 2005, in Upper Marlboro, Maryland.

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

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:rmk



PGCPB No. 12-113

File No. 4-12001

RESOLUTION

WHEREAS, Dixie Dale LLC is the owner of a 4.13-acre parcel of land known as Tax Map 52 in Grid C-3 and is also known as Parcel A, Parcel 35, Lot 1, Lots 4 thru 7, Lots 17, 13, 14, and part of Hayes Street, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned Commercial Miscellaneous (C-M); and

WHEREAS, on September 12, 2012, The Velmeir Companies filed an application for approval of a Preliminary Plan of Subdivision for 1 parcel and 2 outparcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-12001 for CVS Lanham was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on December 20, 2012, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on December 20, 2012, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-12001, CVS Lanham, including a Variation from Section 24-121(a)(3) for 1 parcel and 2 outparcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Add a note for the total acreage of the gross and net tract area for the site.
 - b. Add a note of the acreage of each proposed parcel, outparcel and road dedication.
 - c. Add a note for the acreage and ownership information for each of the existing parcels and lots.
 - d. Show the ten-foot public utility easement (PUE) along all public rights-of-way.
 - e. Show the dedication to public use of right-of-way of 35 feet from centerline the Brightseat Road along the frontage of Outparcel A and Outparcel B.

PGCPB No. 12-113
File No. 4-12001
Page 2

- f. Add a note that states the following:

“A variation request to Section 24-121(a)(3) has been granted for direct vehicular access to MD 704 with a condition upon a denial of access along the site’s frontage of the Martin Luther King Jr. Highway (MD 704) except where access is permitted by SHA. An access easement area shall be established to allow Outparcel B access to MD 704 through Parcel 1. The liber/folio of the easement shall be reflected on the final plat for Parcel 1.”
 - g. Delineate area of access easement on proposed Parcel 1 to Outparcel B.
 - h. Show an eight-foot-wide sidepath along Parcel 1’s entire frontage of Martin Luther King Jr. Highway (MD 704).
 - i. Show a sidewalk connection with appropriate curb cuts and crosswalk markings from the proposed sidepath at the intersection of Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road to the proposed CVS building.
 - j. Show marked crosswalks along the site’s ingress/egress points along both Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 30554-2010-00 and any subsequent revisions.
 3. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-008-12). The following note shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-008-12 or most recent revision), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of County Council Bill CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George’s County Planning Department.”
 4. Total development within proposed Parcel 1 shall be limited to uses that would generate no more than 19 AM and 75 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

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5. Prior to the Planning Board approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Along Parcel 1, dedicate to public use right-of-way of 96.5 feet from baseline along Martin Luther King Jr. Highway (MD 704), as shown on the approved preliminary plan of subdivision.
 - b. Along Parcel 1, dedicate to public use right-of-way of 40 feet from centerline along Ardwick-Ardmore Road, as shown on the approved preliminary plan of subdivision.
 - c. Dedicate to public use right-of-way of 35 feet from centerline along the Brightseat Road frontage of Outparcel A and Outparcel B as shown on the approved preliminary plan of subdivision.
 - d. The final plat shall reflect that direct vehicular access to Martin Luther King Jr. Highway (MD 704) from Outparcel B is denied.
 - e. Delineate the area of access easement which will extend to the common property line with Outparcel B to allow Outparcel B access to Martin Luther King Jr. Highway (MD 704) through Parcel 1 and provide the Liber Folio of the document.
 - f. Add a note that states the following:

"A variation request to Section 24-121(a)(3) has been granted for direct vehicular access to MD 704 from Parcel 1. An access easement is established to allow Outparcel B access to MD 704 through Parcel 1."
6. Prior to the issuance of any building permit, the applicant shall submit an acceptable traffic signal warrant study to the County Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Brightseat Road and Ardwick-Ardmore Road. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If signalization or other traffic control improvements are deemed warranted at that time, DPW&T shall determine the scope of the improvement, to be funded by the Applicant prior to the release of any building permit.
7. The applicant and/or the applicant's heirs, successors, or assignees shall obtain any necessary easement and clear the wooded area to the south and east of the proposed entrance on Ardwick-Ardmore Road for the purpose of improving the sight distance in accordance with a 40 miles per hour design speed. The Department of Public Works and Transportation (DPW&T) shall determine the extent of clearing needed to meet sight distance requirements prior to street construction permits.

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8. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of one "Share the Road with a Bike" signage along Ardwick-Ardmore Road. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
9. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following, unless modified by the Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA):
 - a. Provide an eight-foot-wide sidepath along Parcel 1's entire frontage of Martin Luther King Jr. Highway (MD 704).
 - b. Provide a sidewalk connection with appropriate curb cuts and crosswalk markings from the proposed sidepath at the intersection of Martin Luther King Jr. Highway (MD 704) and Ardwick Ardmore Road to the proposed CVS building.
 - c. Provide marked crosswalks along the site's ingress/egress points along both Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road.
10. At the time of final plat, the applicant shall grant a ten-foot-wide public utility easement (PUE) along the public rights-of-way of Martin Luther King Jr. Highway (MD 704), Ardwick-Ardmore-Road, and Brightseat Road as delineated on the approved preliminary plan of subdivision.
11. Residential development shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
12. Building permit plans shall be consistent with the approved Special Exception SE-4695 site plan, landscape plan, sign plan, lighting plan, type II tree conservation plan (TCP II), and architecture elevations, and include the tree canopy calculations. Substantive subsequent changes to the building permit plans would require a detailed site plan to be approved by the Planning Board or the Planning Board's designee.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is located on Tax Map 52 in Grid C-3 and is known as Parcel A, Parcel 35, Lot 1, Lots 4 thru 7, Lots 17, 13, 14, and part of Hayes Street. The property consists of 4.13 acres within the Commercial Miscellaneous (C-M) Zone. Hayes Street was created by a plat

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of subdivision prior to 1908 and it was not constructed, therefore, the right-of-way is considered as abandoned and a vacation of the right-of-way is not required. Parcel A was recorded in Plat Book WWW 75-77 on November 25, 1970. Parcel 35 is a deed parcel which has never been the subject of a preliminary plan of subdivision. Lot 1, Lots 4 thru 7, Lot 13 and Lot 14 were recorded in Plat Book BDS 1-40 on November 26, 1907. The current configuration of Lot 1 is the result of resubdivision of Lot 2 and 15 that created Lot 17. Lot 17 was recorded in Plat Book VJ 184-32 on August 27, 1998 in accordance to Section 24-107(a)(7)(B), Section 24-107(d), and Section 24-108(a) of the Subdivision Regulations, therefore, a preliminary of subdivision was not required. Note 3 on the plat provide a development restriction for Lot 17 as follows:

3. **Lots 16 and 17, Block 9 created hereby, are restricted to 5,000 square feet maximum gross floor area of development each. Development in excess of 5,000 square feet of gross floor area for either lot will require submission and approval of a new preliminary plan of subdivision.**

The applicant has submitted a new preliminary plan of subdivision on the subject site which includes Lot 17. The applicant is proposing to consolidate eight lots and two parcels into one parcel and two outparcels. The proposed Parcel 1 is 2.15 acres for the development a 13,225-square-foot variety retail store (CVS Pharmacy). Proposed Outparcel A is 0.913 acres and proposed Outparcel B is 1.005 acres and no development is proposed for the outparcels. Any development on Outparcel A and B will require submission and approval of a new preliminary plan of subdivision.

A Department or Variety Store and Food or Beverage Store was permitted by special exception in the C-M Zone in accordance with Section 27-348.02 of the Zoning Ordinance. The site is subjected to Special Exception SE-4695 which was approved by the Zoning Hearing Examiner on June 25, 2012. However, the County Council of Prince George's County adopted County Council Bill CB-64-2012 for Department or Variety Stores which became effective on November 7, 2012. County Council Bill CB-64-2012 created a new subsection 27-461(1)(E)(iii), stating that Department or Variety Stores not exceeding 85,000 square feet of gross floor area (GFA) is permitted by right within the C-M Zone and that a special exception is not required. As such, the Zoning Ordinance no longer requires a special exception for the variety store use in C-M Zone on the subject property; therefore the SE approval is no longer valid for subject site.

3. **Setting**—The property is located at the southeast corner of Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road. It is bounded to the southwest by Ardwick-Ardmore Road, with a gas station in the C-M Zone and a church in the C-O Zone. To the northwest of the site is MD 704, with a gas station in the I-1 Zone and to the northeast is vacant land. To the east of the site is a contractor's office, shop and outdoor storage in the C-M Zone and vacant land to the southeast.
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

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| Zone | EXISTING | APPROVED |
|------------------------------|-------------------------------|--|
| | C-M | C-M |
| Use(s) | Office (3,334 square feet) | Retail/Variety Store (13,225 square feet) |
| Acreage | 4.13 | 4.13 |
| Lots | 8 | 0 |
| Outparcels | 0 | 2 |
| Parcels | 2 | 1 |
| Dwelling Units | 0 | 0 |
| Public Safety Mitigation Fee | No | No |
| Variance | No | No |
| Variation | No | Yes |

(Section 24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on September 28, 2012. The requested variation to Section 24-121(a)(3) of the Subdivision Regulations was accepted on September 12, 2012, as discussed further in the Transportation Section and was heard on September 28, 2012 at SDRC as required by Section 24-113(b) of the Subdivision Regulations.

5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* (General Plan) designates the subject site within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit supporting, mixed-use pedestrian-oriented, medium- to high-density neighborhoods. Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of the current Prince George's County General Plan Growth Policy Update. There are no General Plan issues raised by this preliminary plan.

The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* replaced the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity* (Planning Area 72) but retained the C-M Zone for the subject property. The preliminary plan is in conformance with the commercial development land use recommendation of the master plan by proposing a variety retail store.

6. **Zoning**—Department or Variety Store and Food or Beverage Store was permitted by special exception in the C-M Zone in accordance with Section 27-348.02 of the Zoning Ordinance. Additionally, all special exceptions must meet the requirements of Section 27-317 of the Zoning Ordinance. The applicant filed Special Exception SE-4695 for the site and it was approved by the Zoning Hearing Examiner on June 25, 2012 for permission to use site for a Department or Variety Store combined with a Food and Beverage Store.

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The approved Special Exception SE-4695 requested an access drive along MD 704 with the full understanding by the applicant that a variation would be required at the time of subdivision for access to an arterial. The applicant has submitted a variation request and is discussed further in Transportation Section. The small discrepancy in acreage between the approved special exception site plan and the preliminary appear to be caused by the area of roadway dedication, which was anticipated at the time of special exception approval.

The approval of Special Exception SE-4695 included the approval of Variance VSE-4695 for a 50-foot building setback requirement, a Type II Tree Conservation Plan TCPII-15-11, and a Variance to Section 25-122(b)(1)(G) for the removal of six specimen trees, subject to the following conditions:

1. **Prior to the issuance of any building permits the Site Plan shall be relabeled as the "Special Exception Site Plan"; and be submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record.**
2. **At the time of building permit review, the Applicant shall submit an acceptable traffic signal warrant study to SHA for signalization at the intersection of MD 704 and Reed Street/Dellwood Avenue. The Applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agency. If a signal or other traffic control improvements are deemed warranted at that time, the Applicant shall bond the signal with the appropriate agency prior to the release of any building permits.**
3. **At the time of building permit review, the Applicant shall submit an acceptable traffic signal warrant study to DPW&T for signalization at the intersection of Ardwick-Ardmore Road and Brightseat Road. The Applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agency. If a signal or other traffic control improvements are deemed warranted at that time, the Applicant shall bond the signal with the appropriate agency prior to the issuance of any building permits.**

The Prince George's County Council adopted County Council Bill CB-64-2012 for Department or Variety Stores which became effective on November 7, 2012 after the approval of Special Exception SE-4695. County Council Bill CB-64-2012 created a new subsection 27-461(1)(E)(iii), stating that Department or Variety Stores "not exceeding 85,000 square feet of gross floor area (GFA), without regard to percentage of gross floor area for food and beverage component" is permitted by right in the C-M Zone and that a special exception is not required. As such, the Zoning Ordinance no longer requires a special exception for the variety store use in C-M Zone on the subject property; therefore the SE approval is no longer valid for the subject site.

The approval of Special Exception SE-4695 for this site (approved in June 25, 2012) included the approval of Variance VSE-4695 from a 50-foot setback requirement and a Variance to Section

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25-122(b)(1)(G) for the removal of six specimen trees. In this case, the Variance VSE-4695 from Section 27-348.02(a)(5)(B) of the Zoning Ordinance prescribes that all buildings, structures, off-street parking compounds, and loading areas shall be located at least 50 feet from all other adjoining property and street lines. This requirement is specifically set forth for department or variety stores permitted by Special Exception. As such the use no longer requires an SE, this setback requirement is no longer necessary. The Variance to Section 25-122(b)(1)(G) of the Subdivision Regulations for the removal of six specimen trees is not a requirement that is specifically set forth for department or variety stores permitted by Special Exception, therefore the Variance to Section 25-122(b)(1)(G) approved by Zoning Hearing Examiner for the subject site is still valid.

The Special Exception SE-4695 was evaluated and approved with a site plan, landscape plan, sign plan, lighting plan, type II tree conservation plan (TCPII) and architecture evaluations. The site is at a highly- visible location at a major intersection between Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road. The evaluation and coordination of the design features and the layout of the proposed development is warranted regarding the use of the site since the site is at highly-visible location. Therefore, the evaluation and approval of the site plan, landscape plan, sign plan, lighting plan, TCPII, and architecture evaluations from the Special Exception SE-4695 should be carried forward through a detailed site plan approved by the Planning Board's designee. Since the SE is no longer valid on subject site, the detailed site plan will ensure that site plan, landscape plan, sign plan, lighting plan, TCPII, and architecture evaluations that was approved by the Planning Board and Zoning Hearing Examiner will be implemented on the site. The purpose of the detailed site plan is only to certify the approved SE plans as a DSP and not for a re-evaluation of the design and layout of the proposed development.

Pursuant to Section 27-270 of the Zoning Ordinance, Order of Approvals the detailed site plan is normally required prior to the approval of the final plat of subdivision. However, in this case, approval of the DSP will have no bearing on the lotting pattern; therefore, a detailed site plan should occur prior to building permits and not prior to final plat.

7. **Urban Design**—The 2010 *Prince George's County Landscape Manual* and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the development of this property.

2010 Prince George's County Landscape Manual

The C-M-zoned parcel, with the proposed variety retail store, is subject to the following requirements of *2010 Prince's George's County Landscape Manual (LM)*: Section 4.2 Commercial and Industrial Landscaped Strip, Section 4.3 Parking Lot Requirements, Section 4.4 Screening Requirements, Section 4.7 Buffering Incompatible Uses and Section 4.9 Sustainable Landscaping Requirements.

The requirements of the *2010 Prince's George's County Landscape Manual* were fully evaluated at time of the special exception approval. During review of the special exception, the Zoning

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Hearing Examiner found that the subject site meets the requirements of Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual* as follows:

“An opaque 6-foot-high fence will be erected along the eastern property line, in compliance with the Landscape Manual. There was some controversy as to whether the neighboring owner of Lot 3 operates some type of commercial business on site or uses the building as a residence. The use changes the type of buffer required by the Landscape Manual. Applicant maintained that the owners of Lot 3 are operating a construction storage yard of some nature, evidenced by pictures taken on the site, conversations with the occupant of the site, and yellow page advertisements for the site. (Exhibit 64(a)-(c)) In an abundance of caution Applicant has also obtained a “Landscape and Buffer Easement Agreement” whereby Panagiotis and Garfallia Glekas (owners of Lot 3) has agreed to grant a perpetual landscape easement for the portion of Lot 3. Accordingly, one could find that all provisions of the Landscape Manual have been addressed in Applicant’s Landscape Plan.”

That plan approval should be carried forward with the approval of the recommended DSP or building permit plans.

8. **Environmental**—This preliminary plan has been reviewed for conformance to the environmental regulations within Division 5 of the Subdivision Regulations, the Woodland and Wildlife Habitat Conservation Ordinance, and the appropriate area master plan. A signed Natural Resource Inventory (NRI-032-10) and Type 1 Tree Conservation Plan (TCP1-008-12) for the subject property has been received and reviewed. The project is subject to the environmental regulations that came into effect on September 1, 2010 because the application is for a new preliminary plan of subdivision.

The Environmental Planning Section previously reviewed Special Exception plan SE-4695 for 3.31 acres and Type 2 Tree Conservation Plan TCP2-015-11 for 4.13 acres, including the subject site. The conditions of approval for Special Exception SE-4695 are found in PGCPB Resolution No. 11-10 dated December 8, 2012. The special exception review process included the variance request to Section 25-122(b)(1)(G) to remove six on-site specimen trees. This variance was reviewed and approved as part of the special exception process. The Notice of Final Decision of the District Council for the special exception case was approved on June 25, 2012. The current application is for the subdivision of a 4.13 acre site in the C-M Zone to combine eight lots and two parcels into one parcel and two outparcel for a CVS drug store operation.

Conformance to the Master Plan

The master plan for this area is the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (SMA). In the approved master plan and sectional map amendment, the Environmental Infrastructure section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

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Policy 1: Protect, preserve and enhance the green infrastructure network in Subregion 4.

The approved Natural Resource Inventory NRI -032-10 does not show any regulated environmental feature within or adjacent to the subject property. No Green Infrastructure Network areas were represented on PGAtlas.com for the subject property.

Policy 2: Minimize the impacts of development on the green infrastructure network and SCA's.

The subject property is not located within the 2005 *Approved Countywide Green Infrastructure Plan* and will not directly impact SCA's (Special Conservation) area with Subregion 4.

Policy 3: Restore and enhance water quality in areas that have been degraded, and preserve water quality in areas not degraded.

The approved stormwater concept should be implemented to address water quality issues on-site. According to the submitted TCP1 and stormwater management concept plan, water quality will be addressed by four bio-retention ponds within the project area. No impacts are proposed to regulate environmental features for the proposed development on or off-site.

Policy 4: Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.

The subject property does not have regulated environmental features on-site or adjacent to the property.

Policy 5: Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.

The project proposes four bio-retention ponds, non-rooftop disconnects and permeable pavers to handle stormwater management. This stormwater concept has been approved by Prince George's County Department of Public Works and Transportation (DPW&T).

Policy 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.

The subject property does not have regulated environmental features on-site or adjacent to the property.

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Policy 7: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.

Air Quality is a regional issue that is currently being addressed by the Council of Governments.

Policy 8: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.

The project proposes to construct a CVS store with surface parking. This use may generate noise from added vehicular traffic. The site is bounded on the north by Martin Luther King Jr. Highway (MD 704), the east by various automotive uses, the south and west by Ardwick-Ardmore Road. The project area is located in a densely developed commercial and industrial zoned area with some residential lots south of the site. Martin Luther King Jr. Highway (MD 704) is identified as an arterial road that has enough traffic to produce noise levels above 65 dBA Ldn. Because no residential uses are proposed, noise mitigation is not required.

Policy 9: Implement environmental sensitive building techniques that reduce overall energy consumption.

Policy 10: Implement land use policies that encourage infill and support TOD and walkable neighborhoods.

Policy 11: Increase the county's capacity to support sustainable development.

The current plan, as shown on the TCP1, proposes one building, surface parking, and some on-site woodland conservation. The surrounding area is heavily developed with commercial and residential uses. The land within the subject application is one of the last remaining undeveloped areas within a quarter mile and was previously known as the "Beltway Track." Existing infrastructure surrounds the subject property.

The development applications for the subject property should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged implemented to the greatest extent possible.

Policy 12: Ensure that the Chesapeake Bay Critical Area is protected to the maximum extent possible through the implementation of water quality and other related measures.

The subject property is not located in the Chesapeake Bay Critical Area (CBCA).

Policy 13: Preserve, restore, and enhance the exiting tree canopy.

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Policy 14: Improve the county's capacity to support increases in the tree canopy.

Subtitle 25 Division 3 requires the site to provide a ten percent tree canopy coverage. Tree Canopy Coverage should be addressed at the time of detailed site plan if required or building permits. Woodland Conservation is discussed in the Environmental Review Section.

The overall project area currently consists of woodlands including ten specimen trees. The plan proposes to develop a portion of this area and remove six specimen trees which were analyzed at the time of SE approval. No woodland replacement is proposed at this time; however some existing woodlands will be retained on the overall site. Woodland Conservation is discussed in the Environmental Review Section.

Conformance with the Green Infrastructure Plan

The site's entire 4.13 acres is located in an area with no regulated environmental features and not found in the 2005 *Approved Countywide Green Infrastructure Plan*.

Environmental Review

A signed Natural Resource Inventory, NRI-032-10, was submitted with the review package. The NRI indicates that there no regulated environmental features, wetlands, streams or 100-year floodplain on the site. The Forest Stand Delineation (FSD) identifies two stands of woodland totaling 3.48 acres and includes ten specimen trees. No additional information is required with respect to the NRI.

The site drains into Lower Beaverdam Creek in the Anacostia River Basin. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. According to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), the predominant soils found to occur on-site include the Christiana-Dower complex, Christiana-Dower-Urban land complex, Russett-Christiana- Urban land complex and Udorthents. According to available information, Marlboro clay is not identified on-site, but Christiana complexes are found to occur on this property. No designated scenic or historic roads are affected by this proposal. John Hanson Highway (US 50) is an adjacent source of traffic-generated noise. The proposed use is not expected to be a noise generator. This property is located in the Developed Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site is greater than 40,000 square feet and contains more than 10,000 square feet of woodland. A type 1 tree conservation plan (TCP1) has been submitted showing all the parcel lines that comprise the total 4.13 acres. The TCP1 shows 1.71 acres of woodlands cleared and 1.77 acres of woodlands retained on the subject property as woodland preservation not credited. The total woodland conservation requirement is 1.45 acres. This project proposes to meet the requirement with off-site woodland conservation credits to offset the on-site woodland requirements. The woodland conservation on Outparcels A and B are

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proposed to be preserved but not credited. Future development of these outparcels will require a preliminary plan of subdivision where tree conservation will be further analyzed.

Section 25-122(b)(1)(G) of the Subdivision Regulations requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.”

The site contains ten specimen trees. A variance request to Section 25-122(b)(1)(G) was received August 22, 2011 for the removal of six specimen trees located on the subject property in reference to Special Exception SE-4695 and Type 2 Tree Conservation Plan TCP2-015-11. A memorandum dated September 21, 2011 for the referenced special exception (SE) plan, approved the variance to remove the subject six specimen trees and this approval is still valid for this review process. No additional information is required with regards to Specimen Tree removal. The TCP2 will be certified as a part of the recommended DSP, with the TCP1 being approved with the application.

9. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 30554-2012-00, was approved on March 31, 2011, and is valid until March 31, 2014. The approval letter states that project will pay a fee of \$7,360.00 in lieu of providing on-site attenuation/quality control measures. The concept plan shows the approval of four bio-retention ponds for infiltration purposes. These bio-retention ponds drain to a piped storm drain system along Ardwick-Ardmore Road. Development must be in accordance with the approved plan or any subsequent revisions.

The approved stormwater management concept plan (SWM) is required to be designed in conformance with any approved watershed management plan. Pursuant to Subtitle 32, Water Resources and Protection, Division 3, Stormwater Management Plan, Section 172 Watershed Management Planning of the Prince George’s County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan has been addressed with the approval of the SWM concept plan by DPW&T.

10. **Parks and Recreation**—In accordance with Section 24-134(3)(a) of the Subdivision Regulations, mandatory dedication of parkland requirement is not applicable because the site consists of nonresidential development.
11. **Trails**—This preliminary plan has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, the November 2009 *Approved Countywide Master Plan of Transportation (MPOT)*, and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

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Two master plan trail issues are identified in the area master plan and MPOT. Martin Luther King Jr. Highway (MD 704) is designated as a master plan trail (or sidepath) corridor, while Ardwick-Ardmore Road is a master plan bikeway. The MPOT includes the following wording regarding the recommended facility along MD 704:

A side path or wide sidewalk construction with designated bike lanes is recommended along MD 704 (District of Columbia to I-495). It may be appropriate to use excess capacity along MD 704 to accommodate improved bicycle and pedestrian facilities. MD 704 connects to the existing WB&A Trail outside I-495. Trail construction along MD 704 will provide an extension of the existing WB&A Trail to provide a continuous east/west trail connection through central Prince George's County (MPOT, page 28).

This sidepath should be reflected on the plans along the site's entire frontage of MD 704 in place of the standard sidewalk currently shown.

The MPOT also recommends continuous sidewalks and designated bike lanes along Ardwick-Ardmore Road. There is an existing sidewalk along the site's frontage of Ardwick-Ardmore Road. The provision of bikeway signage is recommended to designate the master plan bikeway. Bike lane striping can be considered by DPW&T at the time of roadway resurfacing.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

Policy 1:

Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

Policy 2:

All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Between the existing sidewalk along Ardwick-Ardmore Road and the master plan trail along MD 704, the site will have pedestrian access along both frontages. However, recommendations for sidewalks and crosswalks are also recommended to provide safe access for pedestrians from the road rights-of-way to the building entrance. One pedestrian route from Ardwick-Ardmore Road to the building entrance is already reflected on the submitted plans. An additional connection is

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recommended from MD 704. Crosswalk striping is also recommended along the site's ingress/egress points.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

- 12. **Transportation**—The application is a preliminary plan of subdivision for a commercial development consisting of a single parcel and two outparcels. The applicant proposes a 13,225-square-foot drive-through pharmacy; this use was approved under Special Exception SE-4695. The table below summarizes trip generation in each peak hour that will be used for the analysis and for formulating the trip cap for the site:

| Trip Generation Summary, 4-12001, CVS – Lanham | | | | | | | | |
|--|--------------|-------------|--------------|----------|-----------|--------------|-----------|-----------|
| Land Use | Use Quantity | Metric | AM Peak Hour | | | PM Peak Hour | | |
| | | | In | Out | Total | In | Out | Total |
| Pharmacy | 13,225 | square feet | 20 | 15 | 35 | 69 | 68 | 137 |
| Less Pass-By – Pharmacy (45 percent) | | | -9 | -7 | -16 | -31 | -31 | -62 |
| Total External Trips | | | 11 | 8 | 19 | 38 | 37 | 75 |

The trip generation is estimated using trip rates and requirements in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (*Guidelines*) and in *Trip Generation* (Institute of Transportation Engineers). Pass-by rates are consistent with *Trip Generation Handbook* (Institute of Transportation Engineers).

The traffic generated by the proposed preliminary plan would impact the following intersections, interchanges, and links in the transportation system:

- Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road (**signalized**)
- Ardwick-Ardmore Road and Preston Drive/West Street (**signalized**)
- Brightseat Road and Ardwick-Ardmore Road (**unsignalized**)
- Martin Luther King Jr. Highway (MD 704) and Reed Street/Dellwood Court (**unsignalized**)
- Martin Luther King Jr. Highway (MD 704) and site access (**future/unsignalized**)
- Ardwick-Ardmore Road and site access (**future/unsignalized**)

The application is supported by a traffic study dated March 2012 provided by the applicant and referred to the Maryland State Highway Administration (SHA) and the County Department of Public Works and Transportation (DPW&T). Comments from DPW&T and SHA have been received. The findings and recommendations outlined below are based upon a review of these

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materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines*.

The subject property is located within the Developed Tier, as defined in the 2002 *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

- **Links and signalized intersections:** Level of Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the *Guidelines*.
- **Unsignalized intersections:** *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic using counts taken in March 2012 and existing lane configurations, operate as follow:

| EXISTING TRAFFIC CONDITIONS | | | | |
|---|--|--------|------------------------------------|----|
| Intersection | Critical Lane Volume (CLV, AM & PM) | | Level of Service (LOS, AM & PM) | |
| | Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road | 1,351 | 1,294 | D |
| Ardwick-Ardmore Road and Preston Dr./West St. | 639 | 551 | A | A |
| Brightseat Road and Ardwick-Ardmore Road | *247.4 | *126.8 | -- | -- |
| Martin Luther King Jr. Highway (MD 704) and Reed Street/Dellwood Court | *931.5 | *318.8 | -- | -- |
| Martin Luther King Jr. Highway (MD 704) and site access | future | | | |
| Ardwick-Ardmore Road and site access | future | | | |
| *In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy. | | | | |

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None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" (CTP) or the Prince George's County "Capital Improvement Program" (CIP). Background traffic has been developed for the study area using a 1.0 percent annual growth rate in through traffic along Martin Luther King Jr. Highway (MD 704) for two years. No approved but unbuilt development was identified within the study area. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follow:

| BACKGROUND TRAFFIC CONDITIONS | | | | |
|---|--|--------|------------------------------------|----|
| Intersection | Critical Lane Volume (CLV, AM & PM) | | Level of Service (LOS, AM & PM) | |
| | Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road | 1,378 | 1,320 | D |
| Ardwick-Ardmore Road and Preston Dr. /West St. | 652 | 562 | A | A |
| Brightseat Road and Ardwick Ardmore Road | *279.1 | *144.3 | -- | -- |
| Martin Luther King Jr. Highway (MD 704) and Reed Street/Dellwood Court | *+999 | *367.2 | -- | -- |
| Martin Luther King Jr. Highway (MD 704) and site access | future | | | |
| Ardwick-Ardmore Road and site access | future | | | |
| *In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy. | | | | |

The following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the *Guidelines*, including the site trip generation as described above and the distribution as described in the traffic study, operate as follow:

| TOTAL TRAFFIC CONDITIONS | | | | |
|---|--|--------|------------------------------------|----|
| Intersection | Critical Lane Volume (CLV, AM & PM) | | Level of Service (LOS, AM & PM) | |
| | Martin Luther King Jr. Highway (MD 704) and Ardwick-Ardmore Road | 1,381 | 1,349 | D |
| Ardwick-Ardmore Road and Preston Dr./West St. | 653 | 569 | A | A |
| Brightseat Road and Ardwick-Ardmore Road | *282.7 | *152.8 | -- | -- |
| Martin Luther King Jr. Highway (MD 704) and Reed Street/Dellwood Court | *+999 | *386.2 | -- | -- |
| Martin Luther King Jr. Highway (MD 704) and site access (proposed) | *11.2 | *16.3 | -- | -- |
| Ardwick-Ardmore Road and site access (proposed) | *12.8 | *12.9 | -- | -- |
| *In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy. | | | | |

It is found that both existing unsignalized critical intersections operate unacceptably under total traffic in either one or both peak hours. As noted earlier, vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency. There is evidence that the needed signal warrant studies have been prepared and at least partially reviewed. The following are noted:

- At the Martin Luther King Jr. Highway (MD 704) and Reed Street/Dellwood Court intersection, written correspondence is attached that indicates that the applicant has provided a traffic signal warrant study to Maryland State Highway Administration (SHA). The study finds that a signal is not warranted at this location, and SHA indicates concurrence with this finding. Therefore, this intersection shall be deemed to be acceptable.
- At the Brightseat Road and Ardwick-Ardmore Road intersection, written correspondence is attached that indicates that the applicant has provided a traffic signal warrant study to SHA. The study finds that a signal is warranted at this location; however, SHA defers the determination to DPW&T, which is the responsible operating agency for that intersection. Therefore, a condition is recommended that requires that the study be provided to DPW&T for their review, with installation if deemed warranted by DPW&T.

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The traffic study was referred to and reviewed by the Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA). The summarized comments are discussed below:

The Department of Public Works and Transportation (DPW&T) Comments:

- a. DPW&T indicates that the sight distance at the proposed entrance on Ardwick-Ardmore Road is not adequate. While this is an issue that can be resolved at the time of obtaining the access permit, a condition is recommended.
- b. DPW&T notes the lack of left-turn movements from Dellwood Court onto the Martin Luther King Jr. Highway (MD 704) and from Brightseat Road onto Ardwick-Ardmore Road. It is agreed, in particular, that showing no site traffic distribution onto Brightseat Road is not reasonable. Although the numbers would be small and would not affect the finding at the Brightseat Road/Ardwick-Ardmore Road intersection, some distribution of site traffic to the south should be shown in the study.
- c. DPW&T states that a traffic signal warrant study should be performed for the intersection of Brightseat Road/Ardwick-Ardmore Road. In accordance with the analysis, the study will be required by condition.

DPW&T concludes that findings regarding two study intersections are under the jurisdiction of the Maryland State Highway Administration (SHA).

The Maryland State Highway Administration (SHA) Comments:

The Maryland State Highway Administration (SHA) concurs with the report findings.

Master Plan and Right-of-Way Dedication

- a. With regard to the master plan for the site, the site is affected by Martin Luther King Jr. Highway (MD 704), which is a planned arterial facility. The applicant has demonstrated adequate right-of-way dedication of 96.5 feet from the baseline of the existing roadway. This is adequate and consistent with other dedications along this roadway. The site is also affected by Ardwick-Ardmore Road, which is a planned collector facility. The plan shows adequate right-of-way dedication of 40 feet from centerline of the existing roadway.
- b. When Special Exception SE-4695 was reviewed, it was noted that the C-M zoning for the site was approved as a part of the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity (Planning Area 72)*. That approval included a condition requiring detailed site plan approval. Among other things, the detailed site plan review is to address issues of unified access and circulation. Given that access is a consideration during preliminary plan review, this condition has been discussed at length. In particular, attention was given to the District Council's action regarding Detailed Site

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Plan SP-95029 for Dixie Dale, Lot 16, Block 9. This action approved ultimate unified access to Dixie Dale to involve a new street, Brightseat Court, connecting to MD 704 across existing Lot 17, Block 9. When presented with all relevant information, the Associate General Counsel concluded that the 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity (Planning Area 72)* is no longer applicable, and that unless the new street was included on some subsequent plan, it cannot be enforced. In light of that determination, it is noted that the applicant proposes two driveways into proposed Parcel 1 one from Ardwick-Ardmore Road and one from MD 704, a master plan arterial. Therefore, the applicant requests a variation pursuant to Section 24-113 of the Subdivision Regulations in order to provide the driveway access onto MD 704.

- c. Notwithstanding that it has been determined that prior conditions regarding unified access to Dixie Dale would no longer apply, access to the outparcels should be addressed at this time. Both outparcels have commercial zoning and limited options for access. The Department of Public Works and Transportation (DPW&T) has advised that future access to Dixie Dale should be provided at Watkins Avenue and Ardwick-Ardmore Road. To that end, both Watkins Avenue and Brightseat Road can provide internal access if an appropriate right-of-way is dedicated and if both streets are constructed to the commercial street standard. Therefore, it is required that Outparcel A and Outparcel B demonstrate dedication of 35 feet from centerline along Brightseat Road to ensure that adequate commercial access is available when these properties are ultimately developed.

Variation to Section 24-121(a)(3)

The preliminary plan is proposing from proposed Parcel 1, one access onto Ardwick-Ardmore Road, a collector facility, and one access onto Martin Luther King Jr. Highway (MD 704), an arterial facility. Pursuant to Section 24-121 of the Subdivision Regulations, for lots that front on arterial roadways, these lots shall be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This requires an applicant to develop alternatives to direct access onto an arterial roadway. Section 24-121(a)(3) of the Subdivision Regulation states:

- (3) When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

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Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. The variation to allow access to a proposed arterial in this case is supported with the following findings:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121(a)(3) could result in practical difficulties to the applicant that could result in the applicant not being able to appropriately develop this property and provide adequate circulation.

1. The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property;

The granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property. There is evidence that the Maryland State Highway Administration (SHA) supports the access point proposed by the applicant along the Martin Luther King Jr. Highway (MD 704), and SHA has indicated the improvements needed to accommodate it safely.

2. The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

With regard to the second criterion, the corner location is unique and not generally applicable to other property. The property is unique in its shape being triangular and its location related to the surrounding properties and streets.

3. The variation does not constitute a violation of any law, ordinance, or regulation;

It does not appear that the access would violate any law, ordinance, or regulation. SHA supports the driveway access to the Martin Luther King Jr. Highway (MD 704). It has been determined that the 1993 *Approved Master Plan and*

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Sectional Map Amendment for Landover and Vicinity (Planning Area 72) is no longer valid, and that the requirements for unified access to Dixie Dale contained therein should no longer apply.

4. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

The property does have an irregular shape and size in addition to other unique characteristics not shared by other properties in this vicinity. There are substantial grade changes on the property where the topography increases 12 feet to 13 feet from northwest corner of the property to the northeast corner. The grade changes and topography surrounding the site have been deemed by the Planning Board (during review of Special Exception SE-4695) to be a particular condition of this property resulting in a hardship to provide alternative access.

Based on the preceding findings, the criteria for approval of a variation has been met for the subject parcel for the proposed access onto the Martin Luther King Jr. Highway (MD 704) and therefore, the variation request from Section 24-124(a)(3) is recommended for approval. This is conditional upon a denial of access along the site's frontage of MD 704 except where access is permitted by SHA. The Martin Luther King Jr. Highway (MD 704) is a high volume arterial roadway. Therefore, the site should be limited to only one access onto MD 704, and access from Outparcel B onto MD 704 should be denied. As a condition of the grant of the variation for direct access from proposed Parcel 1 to MD 704, an access easement should be shown on the preliminary plan and be established with the final plat to allow Outparcel B access to MD 704 through Parcel 1. If Outparcel B is developed in the future, a new preliminary plan will be required. The access easement should be recorded and the liber/folio noted on the final plat for Parcel 1.

13. **Schools**—The proposed preliminary plan has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (County Council Resolutions CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
14. **Fire and Rescue**—The proposed preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations and found to be within the recommended response times:

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| Fire/EMS Company # | Fire/EMS Station Name | Service | Address | Actual Travel Time (minutes) | Travel Time Guideline (minutes) | Within/Beyond |
|--------------------|-----------------------|--------------|------------------------|------------------------------|---------------------------------|---------------|
| 6 | St. Josephs | Engine | 2901 St. Josephs Drive | 2.46 | 3.25 | Within |
| 28 | West Lanham | Ladder Truck | 7609 Annapolis Road | 2.98 | 4.25 | Within |
| 6 | St. Josephs | Ambulance | 2901 St. Josephs Drive | 2.46 | 4.25 | Within |
| 6 | St. Josephs | Paramedic | 2901 St. Josephs Drive | 2.46 | 7.25 | Within |

Capital Improvement Program (CIP)

The Capital Improvement Program for Fiscal Years 2012-2017 provides funding for replacing existing Kentland Fire/EMS Station with anew Fire/EMS Station and renovating West Lanham Fire/EMS Station.

The above findings are in conformance with the March 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

15. **Police Facilities**—The proposed development is within the service area of Police District III, Palmer Park. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2011 (U.S. Census Bureau) county population estimate is 871,233. Using the 141 square feet per 1,000 residents, it calculates to 122,843 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.
16. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System, and will therefore be served by public systems.

17. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision.

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Review of historic aerial photography and permit records indicates there have been service station and automobile repair business operating in the vicinity of the subject property since at least 1977. A comprehensive site inspection was not feasible due to heavy vegetative growth and difficult access. However, two unlabeled drums and numerous five gallon buckets were observed on the downslope side of retaining wall behind the existing building. If these drums and buckets are found to contain hazardous materials, they should be disposed of in an appropriate manner by a licensed hazardous waste contractor.

Due to this history and the potential for petroleum based contamination of both soils and groundwater frequently associated with automobile based operations, it was recommended that an environmental site assessment be complete and the report be submitted for review with this application. A Phase I Environmental Site Assessment report was submitted and reviewed by the Health Department. The Prince George's County Health Department concurs with the report recommendation that no further action is need.

The Department of Environmental Resources will require a raze permit prior to demolition of the existing building.

18. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineates a ten-foot-wide public utility easement (PUE) along the public rights-of-way as requested by the utility companies and will be required on the final plat.

19. **Historic**—Phase I archeological survey is not recommended on the subject property located at 8601 and 8611 Martin Luther King, Jr. Highway in Lanham, Maryland. The application proposes a 13,225-square-foot CVS department/variety store at the southeast intersection of Martin Luther King, Jr. Highway and Ardwick-Ardmore Road. Parcel A is developed with a one-story wood frame building constructed around 1968 and its associated parking lot. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources or documented properties.

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

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- 20. **Residential Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new preliminary plan is recommended. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are considerations for recreational components for a residential subdivision. A new preliminary plan is recommended if residential development is to be proposed.

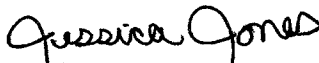
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, December 20, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of January 2013.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 1/2/13

From: [Norman Rivera](#)
To: [Huang, Te-sheng \(Emery\)](#)
Subject: Re: Reza Auto Body to be continued to September 7, 2023
Date: Tuesday, July 11, 2023 3:22:23 PM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Just to make sure, I will agree to waive my 70 day review if Sept. 7 goes beyond.

Sincerely,

Norman

Norman D. Rivera, Esq.
Law Offices of Norman D. Rivera, LLC
17251 Melford Boulevard Suite 200
Bowie, MD 20715
301-352-4973 Direct
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On Tue, Jul 11, 2023 at 3:16 PM Norman Rivera <normanrivera2012@gmail.com> wrote:

I will agree but for the record, these are the same conditions that we requested to be reviewed originally months ago and discussed in our pre-app conference. In fact, Ms. Gupta said at SDRC:

"This application is proposing a revision to Detailed Site Plan DSP-95029 to add the land area of adjoining Lots 1-3 to the site plan area for use as additional auto storage. This application also proposes the elimination of Conditions 1.a. and 6 set forth in the District Council's Order of Approval for DSP-95029. These two conditions are related to transportation improvements but are no longer relevant."

Community Planning said:

"Major Issues

The Community Planning Division has identified no major issues with this application.

Pursuant to Section 27-3605(e)(6) of the Zoning Ordinance, this Detailed Site Plan application is consistent with the 2014 Plan Prince George's 2035 Approved General Plan (Plan 2035) and

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Page 2

conforms to the 2010 Approved Subregion 4 Master Plan and Sectional Map Amendment (Master Plan).

Master Plan: The 2010 Approved Subregion 4 Master Plan and Sectional Map Amendment recommended Commercial as the Future Land Use for the subject property. (See map below, p. 62)

In addition, the Master Plan recommends the following (goals, strategies, or policies) to help advance the intent and purpose of the plan."

I realize it is not your call as a staff report goes through many levels of review. Thanks and will agree to move the case to Sept 7.

Sincerely,

Norman

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On Tue, Jul 11, 2023 at 2:59 PM Huang, Te-sheng (Emery)
<Tesheng.Huang@ppd.mncppc.org> wrote:

Hello Norman,

When you have a chance, please call me back. We would like to request to continue the Reza Auto Body hearing to September 7 because the staff report is still under review.

Best,

Emery

Te-Sheng (Emery) Huang

Planner III | Urban Design Section



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-952-4534 | Teams 240-331-8887

Tesheng.Huang@ppd.mncppc.org