



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 13-84

File No. DSP-96026/01

## RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on July 11, 2013, regarding Detailed Site Plan DSP-96026/01 for Bates Trucking and Trash Removal, the Planning Board finds:

- Request:** The subject application requests the demolition of a 6,000-square-foot building on the site, construction of a new 8,254-square-foot building, renovation and enlargement of an existing building into a 7,750-square-foot building, attendant parking and loading, truck storage, and landscaping.
- Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	I-1/I-D-O	I-1/I-D-O
Use(s)	Trucking and Trash Removal	Trucking and Trash Removal
Acreage	1.5	0.63 with addition of Windom Road
Lots in Block 7	1-4, 9-16, 23-32	1-4, 9-16, 23-32
Building Square Footage/GFA	11,880	16,004

### OTHER DEVELOPMENT DATA

	<b>REQUIRED</b>	<b>PROVIDED</b>
Total parking spaces	33	13*
Total loading spaces	1	1

\*Note: A departure from parking and loading standards has been approved in companion case DPLS-388 (PGCPB Resolution No. 13-85) to deal with this deficiency.

- Location:** The site is in Planning Area 69, Council District 5. More specifically, it is located in the northwestern quadrant of the intersection of 49<sup>th</sup> and Webster Streets.
- Surrounding Uses:** The subject site is surrounded to the north by I-2-zoned (Heavy Industrial) property utilized as a storage yard beyond; to the west by 48<sup>th</sup> Street with I-1-zoned land beyond, used industrially by the Hour Glass Joint Venture; to the south by I-1-zoned property owned and

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 2

utilized as a school bus storage yard by the Prince George's County Board of Education; and to the east by 49<sup>th</sup> Street with I-1-zoned property beyond utilized as a warehouse and owned by United Rentals, Inc.

5. **Previous Approvals:** The site was the subject of DSP-96026, approved by the Planning Board on July 11, 1996 (PGCPB Resolution No. 96-219). A standard letter of exemption for the site was issued on May 13, 2013 and will remain in effect until its expiration date, May 13, 2015. The project also has a Stormwater Management Concept Approval (14385-2011-00) approved June 15, 2011 and which will remain in effect until its expiration date, June 15, 2014.
6. **Design Features:** The subject property is accessed from 49<sup>th</sup> Street to the east and from 48<sup>th</sup> Street to the west. Both accesses lead into parking and loading areas that serve the two buildings approved for the project. The first building, located in the western part of the site, is an existing 20.7-foot-tall, one-story 5,880-square-foot brick and block building as a result of this approval which is to be renovated into 7,750 square feet of office space for the project. The other existing building on the site measuring 6,000 square feet is as a result of this approval going to be removed and replaced with the second building for the project, a truck maintenance building containing four service bays plus one wash bay area for a total of a 7,480-square-foot footprint and proposed gross floor area of 8,254 square feet, with a height not to exceed 30 feet. A single loading space is provided for the project on the northern side of the new building, while vehicle parking is provided mainly on the western side of the site, more proximate to the office building to be renovated for office space. An area has been designated for outdoor truck storage is to be provided on the eastern portion of the site and interior parking lot landscaping is not required for the site because the parking area for cars falls below the 7,000 minimum.

Landscaping required by Section 4.2 of the 2010 *Prince George's Landscape Manual* (Landscape Manual) has been indicated along the project's 48<sup>th</sup>, Webster, and 49<sup>th</sup> Street frontages. Tree canopy contained on the vacated right-of-way has been counted toward the project's conformance with tree canopy coverage requirements. In a companion case before the Planning Board today, the applicant is requesting that the unimproved right-of-way of Windom Road be vacated and its land area together with its tree cover consolidated with the subject site, validating its use in meeting tree canopy requirements.

Variances are herewith approved for the proposed building's location partially within the required setback from 49<sup>th</sup> Street and because the project is located within 1,000 feet of residentially-zoned land in contravention of a requirement of the Zoning Ordinance. A third variance is herewith approved for the existing building's intrusion into the required setback from 48<sup>th</sup> Street.

In addition, an alternative compliance application to be able to include evergreens in the Section 4.2 commercial/industrial landscape strip along 49<sup>th</sup> Street instead of the combination of shade trees and shrubs required for a Section 4.2 commercial/industrial landscape strip is herewith approved.

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 3

7. **Zoning Ordinance:** The project conforms to the requirements of Section 27-473 of the Zoning Ordinance regarding permitted uses in the I-1 Zone. The proposed truck and trash removal use is permitted in the I-1 Zone. The project also conforms to the requirements of Section 27-474 regarding regulation of uses in the I-1 Zone, except with respect to the required building setback along 49<sup>th</sup> Street and 48<sup>th</sup> Street, and for its location within 1,000 feet from residentially-zoned land, for which variances are approved herewith.

The previously unimproved right-of-way of Windom Road which was vacated by Planning Board action in Vacation Petition V-12005, Linwood, to become part of the subject site is located in the Chesapeake Bay Critical Area Overlay Zone. Specifically, it is located in the Intense Development Overlay Zone defined in Section 27-548.13 of the Zoning Ordinance, with uses permitted enumerated in Section 27-548.16 and regulations contained in Section 27-548.17.

As no impacts are proposed for this area, the Conservation Plan normally required by Section 27-548.11 is not for the subject project. By condition of this approval the Planning Board or its designee shall review the plans prior to issuance of the first building permit to ensure that no development is shown in that area. Noting that the IDO has no lot coverage maximum, the Planning Board then suggested that a condition that the applicant, prior to certification of the plans for the project, correctly identify the Intense Development Overlay of the Chesapeake Bay Critical Area Overlay Zone and that prior to issuance of the first building permit, the Planning Board or its designee review the plans to ensure that there is no development in the Intense Development Overlay Zone.

The approval is also subject to Section 27-475.06 of the Zoning Ordinance which contains additional requirements for Trash Removal Services. Each Requirement of this section is included in **[boldface]** type below:

The Planning Board has also approved a Departure from Parking and Loading Standards for the site for 20 of the 33 required spaces in a separate action necessary to find the approval in conformance with requirements of the Zoning Ordinance.

**(1) Requirements**

- (A) Trash collected by this business shall not be brought to or stored upon the property.**

The applicant's representative in a prepared Statement of Justification for the project stated the applicant is proposing to use the site only for offices and for the storage, maintenance and repair of trucks and other equipment for the business, not as a location to bring trash to or for its storage. Therefore, it may be said that the application meets this requirement.

- (B) The subject property shall be more than one thousand (1,000) feet from any land in a Residential Zone, or land used for residential purposes or proposed**

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 4

**to be used for residential purposes on an approved Basic Plan, Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan.**

As seven residential lots and a portion of a church property, both zoned R-55, are located 724 feet from the property on the opposite side of Kenilworth Avenue, (MD 201), and some undeveloped floodplain, zoned R-O-S, is within 1,000 feet of the site to the northwest, the application does not meet this requirement. A variance from this requirement is herein approved. As the Planning Board approved that requested variance, conformance to this requirement is no longer necessary.

- (C) The subject property shall not be adjacent to, or across an industrial right-of-way from, an office consisting of at least ten thousand (10,000) square feet, and which is occupied by at least three (3) unrelated tenants.**

The subject project conforms to this requirement as there are no offices, much less office use of 10,000 square feet or more adjacent to, or across an industrial right-of-way from the subject site.

**(2) Site Plan**

- (A) Detailed Site Plan shall be approved for the use, in accordance with Part 3, Division 9, of this Subtitle, to ensure compliance with the provisions of this Section.**

- (B) In addition to the requirements of Part 3, Division 9, the following requirements shall be complied with:**

- (i) Driveways for ingress and egress shall be identified on the site plan, and shall be located so as not to endanger pedestrians or create traffic hazards;**

As the subject DSP has been approved, the first subpart of this requirement is conformed to. As a 22-foot-wide driveway for ingress and egress is clearly identified on the plan to 49<sup>th</sup> Street and as the Planning Board has stated that "given that the location is at the rear of an industrial area, and given that there are not nearby uses that would be expected to generate nonindustrial traffic or pedestrian activity, it can be found that the proposed driveways do not endanger pedestrians or otherwise create hazards to traffic." Therefore, it may be said that the applicant has conformed to the second subpart of this requirement.

- (ii) The applicant shall identify measures that shall be taken to control noxious and offensive odors.**

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 5

The applicant stated in the Statement of Justification for the subject project that he established a specific policy to control noxious and offensive odors: This policy includes the following measures:

- a. All the trash and recycle vehicles shall be washed weekly.
- b. The contents of all trash trucks shall be dumped every day before they return to the facility at the end of the day.
- c. Returned dumpsters shall be power-washed upon return to the facility and placed back in inventory

A condition of this approval requires that the policy be added as a general note to the DSP.

**(iii) The Planning Board shall find that:**

- (aa) The proposed hours of operation and anticipated traffic, odor, and noise levels will not be detrimental to the use of adjacent properties and in the general neighborhood; and**

In the Justification Statement prepared for the project, it states that the maintenance shop associated with the facility operates from 6 AM to 10 PM, Monday through Friday, that commercial trucks (front loaders) leave the garage between 3 AM and 4 AM and return before 4 PM and that residential trucks (rear loaders) leave the garage at 6 AM and return by 6 PM. It is expected that these proposed hours of operation, with any anticipated traffic, odor, and noise levels will generally not be detrimental to the use of the adjacent properties and in the general neighborhood. However, in deference to the residential properties and residentially zoned land within 1,000 feet of the subject site, a condition of this approval requires that the applicant add a note to the plans stating that the trucks be routed away from the residential use and residentially zoned properties that lie within 1,000 feet of the subject project. Therefore, the applicant may be said to have conformed to this requirement.

- (bb) The location of the proposed use is appropriate, given the nature of the development and uses on adjoining properties and in the general neighborhood.**

The subject property's location in an existing industrial park, immediately surrounded by similar industrial uses supports a finding of conformance with this requirement. The residential land use and residentially-zoned property earlier noted in this approval are within 1,000 feet of the subject

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 6

site, but still a great distance away and for the most part on the other side of Kenilworth Avenue (MD 201). A trash removal service is permitted in the I-1 Zone subject to the approval of a Detailed Site Plan. The subject property is located in an existing industrial park surrounded by other industrial uses of similar intensity. The Planning Board agrees that this use is appropriate given the nature of the surrounding uses in the neighborhood.

- 8. **The 2010 Prince George's County Landscape Manual:** The project is subject to the requirements of Sections 4.2, 4.3, 4.4, 4.7, and 4.9 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). A review of the plans indicates that the applicant has conformed to the requirements of Sections 4.4, 4.7, and 4.9. An Alternative Compliance application, AC-11029, was submitted for review and was recommended for approval by the Planning Director together with the subject DSP. The Planning Board approves the alternative compliance application together with the subject DSP. Therefore, note that interior parking lot landscaping pursuant to the requirements is not necessary because the revised parking area measures less than 7,000 square feet, it may be said that the application conforms to the relevant requirements of the Landscape Manual.

This detailed site plan is subject to Sections 4.2, 4.3, 4.4, and 4.9 of the 2010 *Prince George's County Landscape Manual*. The applicant has filed this request for Alternative Compliance from Section 4.2, Landscape Strips along Streets, along the eastern property line which is adjacent to 49<sup>th</sup> Street to allow for the use of evergreen trees in the required landscape strip.

REQUIRED: 4.2 Landscape Strips along Streets, along 49<sup>th</sup> Street.

Length of Street Frontage	172 feet
Width of Landscape Strips	10 feet
Shade Trees	5
Shrubs	50

PROVIDED: 4.2 Landscape Strips along Streets, along 49<sup>th</sup> Street.

Length of Street Frontage	172 feet
Width of Landscape Strips	10 feet
Shade Trees	5
Shrubs	8
Evergreen Trees	14

**Justification of Recommendation:**

The Planning Board is herein approving Alternative Compliance for Section 4.2, Landscape Strips along Streets, of the 2010 *Prince George's County Landscape Manual* in order to substitute shrub planting with evergreen trees. Section 4.2 requires the use of one shade tree and ten shrubs per 35

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 7

linear feet of street frontage in a ten-foot-wide landscape strip. The approval allows the applicant to plant the required 5 shade trees, 8 of the 50 required shrubs, and 14 evergreen trees in place of the remaining 42 required shrubs. The evergreen trees will provide the equivalency of 28 additional plant units over normal compliance. The plant substitution is approved along 49<sup>th</sup> Street to screen the storage yard from the right-of-way, and an existing six-foot-high chain-link fence. The Planning Board agrees that the proposed plant material is an overall improvement to the site and detracts from unsightly views into the storage yard. Section 4.4 of the 2010 *Prince George's County Landscape Manual* also requires the screening of storage yards, and the proposed evergreen trees will ensure this requirement is duly met. The Planning Board therefore finds the applicant's proposal to replace a portion of the required shrubs along 49<sup>th</sup> Street with evergreen trees, given the location and screening the trees will provide, to be equally effective to normal compliance with Section 4.2.

9. **Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinances:** The site is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance and a Type 2 tree conservation plan (TCP2) is not required. The tree canopy coverage requirement is being met through the preservation of existing on-site trees and landscaping, including some on the unimproved, vacated right-of-way of Windom Road which has become part of the subject site. A condition of approval requires that the applicant provide proof that the right-of-way has been vacated and deeded to the applicant prior to signature approval of the plans.
10. **Variance Requests:** The Planning Board herein approves three variances. The first is a variance from Section 27-475.06(a)(1)(B) of the Zoning Ordinance, which requires that all trash removal service facilities be located on property at least 1,000 feet from any land within a residential zone. The second and third approved variances from Section 27-474(b) of the Zoning Ordinance, which requires a setback of 25 feet from the street for all property located in the I-1 Zone.

More specifically, the Zoning Ordinance requires that trash removal service facilities be located on property at least 1,000 feet from any land within a residential zone. As the subject project is located 724 feet from land in the R-55 Zone, the Planning Board approved herein a variance for the subject DSP from that requirement (herein "Variance 1"). Also, more specifically, Section 27-474(b), Setbacks, requires 25-foot setbacks from the street for all property located in the Light Industrial (I-1) Zone. The applicant is providing 25 feet from Webster Street; 3.34 feet from 49<sup>th</sup> Street and 0.43 feet from 48<sup>th</sup> Street. The Planning Board herein approves variances of 21.66 feet from 49<sup>th</sup> Street and 24.57 feet from 48<sup>th</sup> Street (herein "Variance 2" and "Variance 3"). These variances are hereby granted pursuant to the requirements of Section 27-239.03 of the Zoning Ordinance which authorizes the Planning Board to grant variances in conjunction with final decisions on site plans. Each required finding for a variance as specified in Section 27-239.03 of the Zoning Ordinance in [boldface] type below:

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 8

The subject property is an "L" shaped through lot. Each leg of the "L" is less than 120 feet in width and thus very narrow.

Both the residential use and the residentially-zoned land in this approval are not immediately adjacent to the subject site, but are located beyond other intervening industrial use, whose proximity to residential use or residentially-zoned land might be of more concern. Further, a condition of this approval requires the subject applicant never bring trash to the site, and route the trucks away from the residentially-used and residentially-zoned land so as to minimize impacts, and abide by a policy that will commit him to keeping the site clean and free of offensive odors.

Further, Section 27-474(b) requires a setback of 25 feet from a "deemed" right-of-way. That is, the Zoning Ordinance states that, in those situations where the street is not shown on an approved master plan, the street shall be deemed to have a right-of-way of at least 70 feet. One of the purposes of this setback provision is to provide for the uniform development of the area. However, most of the existing buildings (including the applicant's building on 48<sup>th</sup> Street) are located within the 25 foot setback area and therefore the Planning Board's approval to construct within the 25 foot setback is consistent with other developed properties in the area. In addition, another purpose of this deemed right-of-way is to preserve an area for the future widening of the street, but no widening of these streets in question is proposed or expected.

**(2) The strict application of this subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

The strict application of the Zoning Ordinance and the absence of approval of the subject variances would cause the owner of the property, who has operated a use permitted by the Zoning Ordinance on the subject property from this site for many years, to be unable to upgrade, renovate and expand the physical improvements on the property for that legal purpose. Further, the strict application of this subtitle would in all likelihood cause the applicant to cease operations from this site, which would be an economic loss to Prince George's County in terms of jobs created and taxes paid by the subject business. In view of the longevity of this business at this site and its economic contribution to Prince George's County, prevention of the applicant from upgrading and expanding the physical improvements on the subject property for his business would cause peculiar and unusual practical difficulties to, and exceptional and undue hardship for the owner of the property. Compliance with the setback would be unnecessarily burdensome and would inhibit the applicant's ability to use the property for the trash removal service. For example, the building closest to 48<sup>th</sup> Street is existing and compliance with the setback would require the removal of the building; thus a variance of 0.43 feet is herein approved. The building on 49<sup>th</sup> Street complies with the setback from Webster Street, but not from 49<sup>th</sup> Street. Compliance would require the reduction in the size of the proposed building or relocation of the building to another area of the site, which would result in an unworkable or inefficient site layout.



PGCPB No. 13-84  
File No. DSP-96026/01  
Page 9

The 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* did not increase the width of the right-of-way for 48<sup>th</sup> or 49<sup>th</sup> Streets and therefore gave the impression that the existing streets were adequate to serve the area. Thus, the approval of variances (2) and (3) is consistent with the spirit of the Bladensburg Plan.

**(3) The variance will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan.**

The subject application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier and that approval of the application would not violate the General Plan's growth goals for the year 2025 upon review of the Prince George's County current General Plan Growth Policy Update. Further, the application conforms to the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* and the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* for industrial uses. Therefore, the granting of these variances will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan.

11. **Further Planning Board Findings and Comments from Other Entities Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**—The subject approval will have no effect on identified historic sites, resources, or districts.
- b. **Archeological Review**—A Phase I archeological survey is not required on the above-referenced 1.5-acre property located at 4814 Webster Street in Bladensburg, Maryland. The proposal includes additions and renovations on the site of an existing trash removal business. This site plan allows the construction of a vehicle maintenance building on the foundation of an existing storage building that is to be razed, and interior renovations to another building to provide additional office space. 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 approval will not impact any historic sites, historic resources, or documented properties.
- c. **Community Planning**—The subject approval is not inconsistent with the 2002 *Prince George's County Approved General Plan (General Plan) Development Pattern* policies for the Developed Tier. The application conforms to the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* and the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* for industrial uses.

Both the Port Towns sector plan and Bladensburg-New Carrollton and Vicinity plans recognize the importance of the industrial areas, but emphasize the need to improve their

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 10

appearance. For example, the Street Character Section of the Fundamental Urban Design Chapter of the Port Towns Plan states that, "All streets in the Port Towns area will function as civic places that are safe, welcoming and encourage pedestrian use. Lighting, furnishing and landscaping will contribute to the overall street character" (p. 109). Therefore and in an effort to achieve these objectives, the Planning Board has herein required the removal of the existing razor wire from all fencing visible from a roadway to improve the appearance of the site.

d. **Transportation Planning—**

- (1) The site encompasses much of the block between 48<sup>th</sup>, 49<sup>th</sup>, and Webster Streets, and Windom Road within the Town of Bladensburg, and it appears that the town maintains those streets (Windom Road is platted but un-built). None of these streets have master plan recommendations. The standard width for streets adjacent to industrially-zoned properties is 70 feet. Therefore, all four streets are substandard. Close coordination with the town will be needed to determine if the town can deem these streets to be acceptable as platted. The "deemed" right-of-way is accurately shown on the plan.
- (2) The approval involves razing and replacing one building on the site, and renovating a second building to serve a trash removal service. The existing gross floor area is 11,880 square feet and, after the approved changes, the square footage would be 16,004 square feet. The access would continue to be from 48<sup>th</sup> and 49<sup>th</sup> Streets.
- (3) Trash removal services are permitted in the I-1 Zone subject to detailed site plan approval. Detailed site plan review focuses on the location of driveways and requires that driveways not endanger pedestrians or create traffic hazards. Also, review covers control of odors, noise levels, hours of operation, and general appropriateness of the use in consideration of adjacent properties and the neighborhood. Given that the location is at the rear of an industrial area, and given that there are not nearby uses that would be expected to generate nonindustrial traffic or pedestrian activity, it can be found that the proposed driveways do not endanger pedestrians or otherwise create hazards to traffic.
- (4) The subject approval is acceptable from a transportation-related perspective.

- e. **Subdivision Review—**The property is known as Lots 1-4, Lots 9-16, Lots 23-32, and the to-recently-be-vacated Windom Road (V-12005), located on Tax Map 50 in Grid C-2, and is in the I-1 Zone. The property was recorded in Plat Book RNR 2@1 in 1911. The site plan shows the boundary of the lots as reflected on the record plat. The site is 1.63 acres and is improved with 5,888-square-foot office and a 6,000-square-foot warehouse.

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 11

Section 24-111 of the Subdivision Regulations provides for exemptions from the requirement of filing a preliminary plan of subdivision for parcels with a record plat. Specifically, in this instance Parcels 1 and 2 are subject to Section 24-111(c)(4) which provides:

- (c) **A final plat of subdivision approved prior to October 27, 1970, shall be resubdivided prior to the issuance of a building permit unless:**
  - (4) **The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of the site, has been constructed pursuant to a building permit issued on or before December 31, 1991.**

The property has a record plat approved prior to October 27, 1970. The total land area for the site is 71,221 square feet based on General Note 4 of the DSP and the existing development GFA (gross floor area) on the property is 11,888 square feet (16.7 percent of the total land area). Based on the archive aerial photos of the site on PGAtlas, the office and warehouse existed prior to 1991. The property is exempt from the requirement of filing a preliminary plan of subdivision by Section 24-111(c)(4) of the Subdivision Regulations based on the existing conditions, information contained in the application, and PG Atlas.

While the grandfathering of the existing development is not required, after 1991 the development of more than 5,000 cumulative square feet of GFA (gross floor area) would require the filing of a preliminary plan. To ensure that the exemption will apply to the future development of property, and because the applicant proposes to raze the existing structures, the Planning Board would recommend that the applicant file a final plat for property in accordance with Section 24-108 of the Subdivision Regulations for which no preliminary plan is required. The final plat would include a note to grandfather the site from the requirement to file a preliminary plan pursuant to Section 24-111(c)(4) as described above.

f. **Trails—**

- (1) The subject property abuts four roads that are neither County nor State maintained roads, but they are owned and maintained by the Town of Bladensburg, MD. There are no county or state funded capital improvement projects that would be affected by the subject approval. The Town of Bladensburg maintains the right-of-way in of the subject roads.
- (2) The subject approval includes new landscaping, and other property frontage improvements, but no sidewalks are proposed. The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) contains the County's recommended

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 12

bikeways, but the local roads, 48<sup>th</sup> Street, 49<sup>th</sup> Street, Webster Street, and Windom Road are not recommended for bikeways or sidewalks in the plan.

- (3) The 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* is the local area master plan that is applied to the subject property. The subject property is not in one of the character areas that are described in the plan, and there are no specific recommendations for sidewalks or bikeways that would affect the property.

Though there are no specific plan recommendations or code requirements for sidewalks or bikeways that affect the subject approval. The Planning Board has considered whether we should have required sidewalks along all frontages consistent with the approved complete streets policies. However, in view of the industrial zoning of the site and surrounding area, the existing land uses in the vicinity of the site, and the lack of any sidewalks (within the industrial area) to connect into, the Planning Board has agreed with its initial assessment that sidewalks are not necessary here. Included below is a paragraph describing the existing situation around the subject site, the industrial land uses, and the lack of sidewalks on any of the connecting roads.

The subject approval is located within a heavily developed area that is zoned primarily industrially. Currently all of the roads in the immediate vicinity of the subject site are open section with no sidewalks. Land uses are largely industrial and auto-oriented, with substantial truck traffic. The frontages of the subject site are open section with no sidewalks, and each of these roads (Windom Road, Webster Street, 48<sup>th</sup> Street, and 49<sup>th</sup> Street) is open section along the frontage of the subject site. Furthermore, each of these roads is open section with no sidewalks throughout the entire industrial area between Kenilworth Avenue and the CSX railroad tracks. The approved Port Towns sector plan and the approved master plan and sectional map amendment for Bladensburg-New Carrollton Vicinity sector plan identifies "priority sidewalk corridors" throughout the area of the sector plan, but these are within residential neighborhoods, within designated town centers, and near schools. Also, the sector plan recommends sidewalks within the various designated town centers and character areas within the Port Towns. However, the industrial area is not included in any of these areas designated for comprehensive streetscape improvements. Due to the existing industrial uses and the lack of connecting pedestrian facilities within the industrial area, the Planning Board concludes that sidewalks are not appropriate along the frontages of the subject site.

Further, a review of aerial photographs of the area below shows the industrial land uses and existence of open section roads throughout the industrial area. It also shows the lack of connecting sidewalks anywhere in the industrial zone. In this case the existing land uses and road network (and lack of any connecting sidewalks) make sidewalks inappropriate here as they would probably never connect into any sidewalks on either side due to the lack of right-of-way and existing uses.

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 13

- g. **Permit Review**—The Permit Review comments have either been addressed by revisions to the plans or by conditions of this approval.
- h. **Environmental Planning**—NRI Equivalency Letter NRI-128-12 ,was issued for the subject property on September 21, 2012, and a standard letter of exemption from the Woodland and Wildlife Habitat Conservation Ordinance was issued on May 13, 2013, because the site has less than 10,000 square feet of woodlands and no previous TCP approvals. Further, the current application is subject to the provisions of Subtitles 24, 25, and 27 that went into effect September 1, 2010 because there are no previous land development approvals to provide grandfathering.

According to PGAtlas .com, the site has no wetlands or associated 100-year floodplain. A portion of the property is located within the Intense Development Overlay Zone of the Chesapeake Bay Critical Area along with an intermittent stream channel. There are no woodlands or specimen trees on-site. According to the *Prince George's County Soil Survey* the principal soils on this site are in the Urban land Zekiah complex, which has a high water table, frequent flooding and alluvial soils. The site is not located in a Sensitive Special Protection Review area based on a review of the SSPRA GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources. Forty-Eighth Street and 49<sup>th</sup> Street are considered collector roadways and are not regulated for noise. The property is located in the Anacostia Watershed and drains into the Potomac River basin and is in the Developed Tier of the 2002 *Prince George's County Approved General Plan*. The subject property contains regulated areas within the 2005 *Approved Countywide Green Infrastructure Plan* network areas.

Additional environmentally-related Planning Board comments are as follow:

- (1) There are no specimen trees located on the site.
- (2) Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on properties that require a tree conservation plan or Letter of Exemption. Properties zoned I-1 are required to provide a minimum of 10 percent of the gross tract area in tree canopy. Compliance with Subtitle 25, Division 3, the Tree Canopy Ordinance is demonstrated in the Tree Canopy Coverage Schedule provided on the landscape plan.
- (3) Since the site contains no regulated environmental features that are required to be protected pursuant to the requirements of Section 27-285(b)(4) of the Zoning Ordinance, the required finding of "fullest extent possible" is not required to be made for the subject project.
- (4) No county delineated 100-year floodplain is located on the subject parcel as defined in Section 24-129 of the County Code. The site has a drainage area of less

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 14

than 50 acres and an improved Stormwater Management Concept Plan 14385-2011-00.

- (5) The subject site has no and is not adjacent to any historic or scenic roads which are regulated pursuant to County Code Section 24-152.
- (6) A portion of the site is located within the Chesapeake Bay Critical Area – Intense Development Overlay Zone (IDO). This area is located along the northern boundary and is comprised of a vegetative greenway which also contains a stream system that has drainage from stormwater management systems and roadways. This area shall by condition of this approval be identified on the detailed site plan prior to signature approval.

No impacts or clearing is proposed to this on-site vegetated IDO-zoned area. Since there are no impacts proposed in this area, a Conservation Plan is not required, however, Planning Board or its designee level review may be required prior to the issuance of the first permit. The IDO has no lot coverage maximum.

- i. **Prince George's County Fire Department**—In a memorandum dated September 25, 2012, the Prince George's County Office of the Fire Marshal offered comment on private road design, needed accessibility, and information regarding the location of and performance of fire hydrants.
- j. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated October 3, 2012, the Department of Public Works and Transportation (DPW&T) offered the following comments with respect to the subject project:
  - (1) The subject site is located in the northwestern quadrant of the intersection of 49<sup>th</sup> and Webster Streets, approximately 500 feet north of the intersection of 49<sup>th</sup> Street and Kenilworth Avenue (MD 201). Webster, 48<sup>th</sup>, and 49<sup>th</sup> Streets are maintained by the Town of Bladensburg. Therefore, coordination with the Town of Bladensburg is required for possible right-of-way dedication and frontage improvements.
  - (2) The proposed project is consistent with approved Stormwater Management Concept Plan 14385-2011-11 dated June 15, 2011.
  - (3) The right-of-way for Windom Road, between 49<sup>th</sup> Street and the railroad tracks, is to be vacated and a 50-foot stormdrain easement is to be recorded in its place.
  - (4) A storm drain easement designed to County standards shall be dedicated for this interceptor.
  - (5) A manhole structure approved by DPW&T shall be constructed at the existing wall at Windom Road and 49<sup>th</sup> Street.

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 15

k. **Prince George's County Health Department**—In a memorandum dated September 21, 2012, the Prince George's Health Department stated that they had completed a health impact assessment review of the detailed site plan submission for Bates Trucking and Trash Removal and had the following comments/recommendations:

- (1) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. The Health Department suggested that all proposed light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.
- (2) The site plan indicates the presence of a monitoring well northeast of the existing building, in an area proposed for regrading and landscaping. The Health Department then stated that if this well is required to be maintained for future groundwater monitoring purposes by any regulatory agency, it must be adequately protected from structural damage. In the alternative, they stated, if the well is no longer necessary and considered "abandoned," it must be backfilled and sealed in accordance with the requirements specified in COMAR 26.04.04.

A proposed condition in the Recommendation Section of this staff report would require that all proposed light fixtures be downward-facing so as to minimize light trespass caused by spill light. Additionally, another proposed condition in the Recommendation Section of this staff report would require that a note be added to the plans stating that "if the well is required to be maintained for future groundwater monitoring purposes by a regulatory agency, it shall be adequately protected from structural damage and if it is no longer necessary and to be 'abandoned,' it shall be backfilled and sealed in accordance with the requirements specified in COMAR 26.04.04."

- l. **Maryland State Highway Administration (SHA)**—In an e-mail dated September 12, 2013, SHA stated as there is no access onto the State right-of-way, they had no comment on the project. They noted, however, if the access changes to being on a State road or there is a traffic impact study prepared for the project, or if off-site improvements on a State road are required, we would want the opportunity to comment.
- m. **Washington Suburban Sanitary Commission (WSSC)**—At the time of this writing, the Washington Suburban Sanitary Commission (WSSC) has not provided comment on the subject project.
- n. **Verizon**—At the time of this approval, the Planning Board has not received comment from a representative of Verizon concerning the subject project.
- o. **Potomac Electric Power Company (PEPCO)**—In an e-mail dated September 12, 2012, a representative of Potomac Electric Power Company (PEPCO) stated that they find the

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 16

proposed site design acceptable provided that the public utility easement (PUE) is free and clear of all obstructions and graded at no more than a 4 to 1 slope.

- p. **Towns of Bladensburg, Hyattsville, Edmonston, Colmar Manor, Cottage City, Cheverly, North Brentwood, Brentwood, and Riverdale Park**— In e-mails dated September 28, 2013 and September 29, 2013 respectively, the City of Riverdale Park and the City of Hyattsville stated that they had no comment on the subject project. In a memorandum dated May 10, 2013, a representative of the Town of Bladensburg stated that they had reviewed the current plan and had no objection to the proposal and request for a departure to reduce the parking requirement by 22 spaces. However, at the time of this writing, staff has not received comment from Edmonston, Colmar Manor, Cottage City, Cheverly, North Brentwood, and Brentwood.

12. Based on the foregoing and as required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
13. As required by Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

**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.**

As there are no regulated environmental features on the subject site, this required finding need not be made by the Planning Board in order to approve the subject detailed site plan.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-96026/01 and further APPROVED Alternative Compliance No. AC-11029, and variances from Sections 27-474(b) and 27-475.06(a)(1)(B), subject to the following conditions:

1. Prior to the certificate of approval of this detailed site plan, the applicant shall revise the plans for the project as follows or provide the information specified:
- a. The applicant shall provide proof that the right-of-way (ROW) of Windom Road has been vacated, one-half of the vacated right-of-way adjacent to the site has been deeded to the applicant, and a 50-foot stormdrain easement in favor of the Department of Public Works and Transportation has been recorded in its place.



PGCPB No. 13-84  
File No. DSP-96026/01  
Page 17

- b. The landscape plan shall be revised to demonstrate conformance to Section 4.7 of the 2010 *Prince George's County Landscape Manual*, if appropriate.
- c. Add a note to the General Notes of the DSP stating: "All existing razor wire shall be removed from all fencing that is visible from a roadway."
- d. All light fixtures indicated on the plans shall be full cut-off optics so as to minimize light trespass caused by spill light and a note shall be added to the plans stating that "all proposed light fixtures shall be downward facing so as to minimize light trespass caused by spill light."
- e. If the monitoring well northeast of the existing building on the site is required to be maintained for future groundwater monitoring purposes by a regulatory agency, it shall be adequately protected from structural damage. If, however, the well is no longer necessary and considered "abandoned," it must be backfilled and sealed in accordance with the requirements specified in COMAR 26.04.04, and a note to that effect shall be provided in the plan.
- f. The general notes shall be revised as follows:
  - (1) Indicate that a water reclamation system shall be installed for the proposed wash bay.
  - (2) Add the following note to the General Notes of the DSP "Trucks emanating from the subject trucking and trash removal operation shall be routed away from the residential use and residentially-zoned properties that are located within 1,000 feet of the subject site."
  - (3) Add the following note to the General Notes of the DSP prior to signature approval: "The applicant shall follow the following policy so as to ensure cleanliness of the site and avoid the negative effects of odors emanating off-site:
    - (a) All the trash and recycle vehicles shall be washed weekly.
    - (b) The contents of all trash trucks shall be dumped every day before they return to the facility at the end of the day.
    - (c) Returned dumpsters shall be power-washed upon return to the facility and placed back in inventory."
- g. The detailed site plan shall be revised to identify the Intense Development Overlay Zone (IDO) on the plan with the approved line type and add the symbol and labeling to the legend.

PGCPB No. 13-84  
File No. DSP-96026/01  
Page 18

- 2. Prior to the issuance of the first building permit, the plans shall be reviewed by the Environmental Planning Section to ensure that there is no development in the Intense Development Overlay-zoned portion of the site.


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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Shoaff, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 11, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12<sup>th</sup> day of September 2013.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 7/23/13