

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed RO SP SE-245/06 requesting replacement of existing natural gas storage tanks with a new liquefied natural gas storage tank and addition of two concrete pads in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on Thursday, September 22, 2005, the Prince George's County Planning Board finds:

**FINDINGS:**

A. **Location and Field Inspection:** The subject property is located on the northwest side of Chillum Road approximately 135 feet east of Longford Drive, known as 2130 Chillum Road. The property is improved with an existing natural gas storage facility. The existing structures on the site consist of boilers, tanks, compressor buildings, and other accessory structures. The property has approximately 1,735 feet of frontage on Chillum Road. Vehicular access to the property is from Chillum Road.

B. **Development Data Summary:**

|                    | <b>EXISTING</b>              | <b>PROPOSED</b>                        |
|--------------------|------------------------------|--|
| Zone(s)            | O-S                          | O-S                                    |
| Use(s)             | Natural Gas Storage Facility | Liquefied Natural Gas Storage Facility |
| Acreage            | 21                           | 21                                     |
| Lots               | N/A                          | N/A                                    |
| Parcels            | 1                            | 1                                      |
| Square Footage/GFA | 198,140                      | 70,278                                 |

C. **Master Plan Recommendation:** The *Approved Master Plan and Sectional Map Amendment for Planning Area 68* retained public/quasi-public land uses for the subject property recognizing the fact that the gas storage facility existed at the time of the master plan.

D. **Request:** The Chillum Natural Gas facility has been in operation as a gas storage facility for 66 years. In 1999, due to age, condition and maintenance requirements, the existing gas storage tanks were decommissioned and the above ground portions were removed. Advances in gas storage technologies now allow for the construction of replacement facilities that store natural gas in a liquefied state. This will permit a substantial reduction in the size of the tanks, while actually accommodating greater amounts of natural gas for ultimate consumer consumption.

In order to address the continued growth of Washington Gas’s customer base and help meet the customers’ peak demand, the applicant is proposing an enhanced gas storage facility by constructing a liquefied natural gas (LNG) storage facility on the subject property. Compared to the gaseous state in which natural gas was previously stored in the holding tanks, liquefied natural gas reduces the volume requirements of the storage tank by approximately 600:1. The liquefied natural gas will be stored in a custom-designed, highly insulated tank that operates at near atmospheric pressure. During the coldest day of the year, when customer consumption of gas is at its highest, the facility

will supply natural gas by pumping the liquid from the tank, vaporizing it, and introducing it into the Washington Gas pipeline system.

The previous two holding tanks at the Chillum Facility were each 303 feet in diameter and 171 feet tall. The proposed liquefied natural gas storage tank will be substantially smaller in size (approximately 144 feet in diameter and 153 feet tall). The proposed tank will be located within the footprint of one of the prior gas holding tanks. The existing buildings housing eight gas compressors will remain on site. The compressors are required to compress gas before flowing it into the Washington Gas distribution system. The existing building containing two steam boilers adjacent to the compressor building will also remain on site. The boilers are required to produce steam to melt the snow off of the roof of the gas storage tanks in winter.

The existing gas transmission and distribution pipelines that traverse the property will remain on site. Additional piping and gas processing equipment are proposed for the new liquefied gas storage facility.

The applicant is also adding two concrete pads (20 feet x 20 feet and 100 feet x 60 feet) to accommodate the additional equipment and accessory facilities.

**E. Neighborhood and Surrounding Uses:** The property is surrounded with the following uses:

North—Stream valley park and parkland in the R-O-S Zone.

South—Chillum Road and single-family residences across Chillum Road in the R-55 Zone.

East—Public storage building in the C-M Zone.

West—Park in the R-O-S Zone and duplex residential in the R-35 Zone.

The applicant offers the following neighborhood boundaries:

North—Ager Road

South—District of Columbia

East—Queens Chapel Road

West—Riggs Road

The Planning Board agrees with the neighborhood boundaries offered by the applicant.

**F. Zoning History:**

On September 5, 1933, the County Commissioners of Prince George's County, acting as the District Council, issued an order granting a petition submitted by Prince George's Gas Corporation to use the subject property as a gas storage and compressor station.

On January 2, 1940, the County Commissioners of Prince George's County, acting as the District

Council, issued an order granting a petition by Prince George's Gas Corporation to erect an additional gas storage tank.

On November 29, 1949, Planning Area 68, which includes the subject property, was incorporated into the Regional District and the subject property was zoned R-55 and R-R (eastern one-third of site).

On August 17, 1955, the County Commissioners of Prince George's County acting as the District Council approved a Special Exception for the existing gas storage facility as a public utility use (Resolution No. 166-1955).

On August 4, 1975, the District Council approved a revision to the special exception (ROSP SE-0245/01) for operating a branch headquarters for Washington Gas on the subject property by constructing an addition to the existing office building facilities.

In September 1975, the Planning Board approved a departure from design standards (DDS-51) for parking requirements.

On July 26, 1982, the District Council approved a revision to the special exception (ROSP SE-0245/02) for adding 3,000 square feet of office space and 6,000 square feet of storage space to the existing office and storage facilities.

On July 29, 1982, the Planning Board approved a departure from design standards (DDS-148) for the required landscaping and entrance requirements.

On January 12, 1984, the Planning Board approved a revision to the special exception (ROSP SE-0245/03) for altering the dimensions of a storage shed and the location of a fence.

On November 13, 1986, the Planning Board approved a revision to the special exception (ROSP SE-0245/04) for a minor change (PGCPB No. 86-452).

On September 28, 1995, a revision to the special exception application (ROSP SE-0245/05) was filed for adding a canopy and a pump island. No action was taken on this application and the application expired.

## G. **Zoning Ordinance Requirements**

### **Sec. 27-324 (a) (2). Major changes.**

- (a) **The District Council may (for good cause) amend any imposed condition or approved site plan without requiring a new application if the amendment does not constitute an enlargement or extension of a Special Exception use.**
  - (2) **In the case of an amendment of an approved Special Exception site plan, the amendment request shall be in the form of an application filed with the Planning Board. The contents of the application shall be determined by the Planning Board. Along with filing the application, the applicant shall submit**

**a revised site plan and shall pay the required fee. The Technical Staff shall analyze the proposed amendment, taking into consideration the requirements of this Subtitle, and shall submit (for the record) a recommendation. The recommendation and the proposed amendment shall be transmitted by the Technical Staff directly to the Zoning Hearing Examiner and the District Council at least fourteen (14) days prior to the public hearing on the request held by the Zoning Hearing Examiner in accordance with Section 27-129. After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council. Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council. Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.**

The subject proposal does not involve the enlargement or extension of the original special exception use. The original special exception was approved for a gas storage facility. The subject proposal will not alter the use of the property as a gas storage facility. However, it will alter the type of gas storage on the subject property. The existing facilities were for storage of vaporized natural gas. The applicant is proposing a liquefied natural gas storage facility. The technology and process involved in a liquefied natural gas storage facility is significantly different from the technology and process used for the existing natural gas storage facility. The proposed facility may pose health and safety concerns not addressed during the original review of the special exception. Therefore, the subject application is considered a major revision to the approved special exception.

**Specific Special Exception Requirements:** A Public Utility Use including a Gas Storage Facility is permitted in the O-S Zone as a Special Exception.

**Sec. 27-397. Public utility use or structure**

- (a) **A public utility use or structure may be permitted, subject to the following:**
- (1) **The use, at the location selected, is necessary for public convenience and service, and cannot be supplied with equal public convenience if located elsewhere;**

The subject site is already being used as a gas storage facility. So, the applicant has proposed the liquefied natural gas storage also at the same location for public convenience and service. The applicant has considered other locations for the proposed facility. However, adequate information has not been provided regarding whether the alternate locations will supply gas with equal public convenience.

- (2) **Public utility buildings and structures in any Residential Zone, or on land proposed to be used for residential purposes, in a Planned Community Zone shall (whenever feasible) have the exterior appearance of residential buildings;**

The applicant has attempted to give a residential appearance to buildings like offices and storage areas on the site by using brick and other building materials. However, it is not feasible to make the proposed tank and accessory buildings have a residential appearance.

**(3) Overhead lines, poles, radio or television transmitter towers, and other towers shall not be located in airport approach areas; and**

The subject property is not located in the airport approach areas.

**(4) In Residential Zones, or on land proposed to be used for residential purposes on an approved basic plan for a Comprehensive Design Zone, approved official plan for an R-P-C Zone, or any approved conceptual or detailed site plan, telephone, radio, or television transmission towers shall be set back (from the boundary line of the special exception) a distance equal to its height (measured from its base) plus 50 feet.**

The applicant is not proposing telephone, radio, or television transmission towers.

**H. Parking Regulations: Section 27-568 of the Zoning Ordinance requires one parking space for every employee for a public utility use unless this requirement is modified by an approved Special Exception.**

The subject proposal does not alter the existing parking approved by the original special exception and subsequent revisions. The applicant has provided 288 parking spaces.

**I. Loading Regulations: Section 27-582 of the Zoning Ordinance does not require a loading space for public utility uses.**

The applicant has not provided any loading spaces. However, one loading space was shown on one of the previous approved revisions. The site plan must include this loading space.

**J. Landscape Manual Requirements—Landscaping, Buffering and Screening:**

**Section 27.328.02(a)** of the Zoning Ordinance exempts proposals that do not involve the construction, enlargement or extension of a building from compliance with the landscaping, buffering and screening requirements of the *Landscape Manual*.

The applicant is not proposing additions or alterations to the existing buildings. The proposal will reduce the total existing square footage of buildings on the subject property because the proposed tank will be substantially smaller than the existing tanks. Therefore, the proposal is exempt from the landscaping, buffering and screening requirements of the *Landscape Manual*.

**K. Sign Regulations:** The applicant is not proposing any new signs on the subject property. No information has been provided regarding the existing signs on the subject property.

L. **Zone Standards:** A public utility use including a gas storage facility is permitted in the O-S Zone as a special exception. The applicant has provided specific calculations and measurements for building height, lot coverage, frontage, yards, and other required setbacks to demonstrate compliance with the requirements of the ordinance. The height of the proposed tank complies with the maximum height restrictions for public and quasi-public uses.

M. **Other Issues:**

1. The Permit Review Section (memorandum dated March 14, 2005) recommends the addition of information regarding previous approvals and existing structures on the site plan. The applicant has not revised the site plan to show the required information.
2. The Subdivision Section (memorandum dated March 3, 2005) states that the subject parcel is consistent with the tax maps and is exempt from the subdivision requirements.
3. The Historic Preservation and Public Facilities Planning Section (memorandum dated April 22, 2004) states that the existing fire engine service, ambulance service, ladder truck service and paramedic service are within the existing travel time guidelines. The existing police facilities will be adequate to serve the subject natural gas storage facility. The section has required the applicant to submit a hazardous material plan for review by the Fire Chief or his designee to make the required findings that the subject use will not affect the health, safety or welfare of the residents and workers in the area. The applicant has not provided a hazardous material plan.
4. The Environmental Planning Section (memorandum dated June 24, 2005) states that there are no streams, wetlands, or 100-year floodplains associated with the property. There are no scenic or historic roads in the vicinity of the site. There are no rare, threatened or endangered species in the vicinity of this site. Chillum Road is a transportation-related noise generator not generally regulated for noise. The property is located in the Developed Tier of the 2002 adopted General Plan.

The section had requested a meeting with the applicant to discuss the operation of the facility and the proposed construction prior to making final comments on the application. The applicant has not set up a meeting as of this date.

The property is not subject to the requirements of the Woodland Conservation Ordinance although the site contains more than 10,000 square feet of existing woodland and is larger than 40,000 square feet in size. The property will be subject to the Woodland Conservation Ordinance if the cumulative woodland disturbance exceeds 5,000 square feet during any five-year period or if the site is required to go through the subdivision process. The section has issued a letter of exemption dated December 13, 2004.

The section has stated that a stormwater management concept approval letter is required prior to issuance of any permits.

6. The Urban Design Review Section (memorandum dated February 18, 2005) states that the proposal is exempt from the requirements of the *Landscape Manual*.

7. The Community Planning Division (memorandum dated May 10, 2005) states that the property is in the Developed Tier. The proposal is not consistent with the 2002 General Plan Pattern policies for 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. The 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* retained public/quasi-public land uses for the subject property recognizing the fact that the gas storage facility existed at the time of the master plan. The application does not conform to the land use recommendations in the draft West Hyattsville Transit District Overlay Zone (TDOZ) Transit District Development Plan. The draft plan recommends additional development of 2,600 dwelling units because the property is within one-quarter mile of a Metro station.

The section has stated that the gas storage facilities that were the subject of the original special exception were dismantled. The nature of the original use will change because the facility is changing from a vaporized gas storage facility to a liquefied gas storage facility. There are no specific guidelines developed by the county or the Maryland Public Service Commission for siting such facilities. The Economic Development Corporation recommended alternative sites for this kind of a facility. The City of Hyattsville has requested the Director of Environmental Resources to petition the District Council to revoke or modify the original special exception. The communities within the area have expressed concerns regarding the subject application.

The memorandum from the Community Planning Division states that:

#### **DETERMINATION**

- “This application is not consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.
- “The application conforms to the land use recommendations in the 1994 *Master Plan for Planning Area 68*.
- “The application does not conform to the land use recommendations in the draft West Hyattsville Transit District Overlay Zone (TDOZ) Transit District Development Plan (TDDP).

#### **BACKGROUND**

“Location: The subject property, 2130 Chillum Road, is located on the north side of Chillum Road between 19<sup>th</sup> Avenue and Queens Chapel Road.

“Size: 21.02 acres

“Existing Uses: Washington Gas Company office building (former gas storage tanks were dismantled)

“Proposal: Revise a special exception for a natural gas storage tank facility.

## “GENERAL PLAN, MASTER PLAN AND SMA

“2002 General Plan Development Pattern:

“The site is within the Developed Tier and the core area of the designated Community Center for the West Hyattsville Metro Station. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium-to-high-density neighborhoods. The vision for Community Center designation is mixed residential and nonresidential uses at moderate densities and intensities, with a strong emphasis on transit-oriented development.

“Master Plan: 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*; May 2005 Draft West Hyattsville Transit District Overlay Zone (TDOZ) and Transit District Development Plan (TDDP).

- “Planning Area/Community: Planning Area 68/West Hyattsville
- “Land Use: The 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* retained the public/quasi-public land use recognizing the gas storage facility that existed at the time of the master plan. The gas storage tanks were subsequently (2003) dismantled as surplus. The subject property has been incorporated as part of the West Hyattsville TDOZ TDDP update, which recommends that this kind of use not be permitted. The preliminary plan will go to Planning Board for permission to print in May 2005.
- “Environmental: The site is in the floodplain.
- “Historic Resources: None identified
- “Transportation: The site fronts Chillum Road, which is a designated collector road.
- “Public Facilities: None identified
- “Parks and Trails: None identified
- “SMA/Zoning: The 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* retained the property in the O-S Zone.

## PLANNING ISSUES

- “While Washington Gas Company continues to pump gas through existing pipelines at the subject site, the gas storage facility and tanks, which were the subject of the original special exception, were decommissioned and dismantled in



2003.

- “It appears from the applicant’s project description that the nature of the proposed use will change from the uses in the original special exception application. Washington Gas Company proposes to use this site to convert gas into a liquid form known as Liquid Natural Gas (LNG), store the equivalent of one billion cubic feet of gas in a new tank, and convert the stored liquid back into regular gas when customers need it. Washington Gas Company has called this a ‘minor’ change and upgrade to its Chillum Road operation (West Hyattsville). The old (decommissioned and dismantled) holding tanks held only 12 million cubic feet of natural gas; the new tanks will hold one billion cubic feet of LNG. This appears to be a significant difference in capacity and intensity.

“Furthermore, LNG storage requires that the gas be cooled for storage and heated for distribution. The applicant’s justification statement (page 3) explains that additional piping and processing equipment will be required. These processes introduce a production/manufacturing aspect to the branch operation, which was not part of the original special exception.

- “The revision of this special exception to allow an intensification of the storage facilities and an expansion of the facility with “additional piping and gas processing equipment” (page 3, applicant’s statement of justification) does not meet the goals and objectives of the 2002 General Plan to develop high-density, pedestrian-oriented development around Metro stations.
- “The applicant’s statement of justification indicates that Washington Gas Company is meeting the needs of its customers by expanding its resources including new and expanded gate stations in other jurisdictions including increasing the capacity of LNG storage at the Cove Point, Maryland facility. The stations and locations cited in the justification statement do not exist in the vicinity of dense Metro station areas; rather they exist in rural or industrial areas where the land use is compatible with the storage facility. The justification statement also does not indicate that the Cove Point facility is a 1,017-acre site where a 1,600-foot setback exists between the storage facility and adjacent land uses. The Chillum Road site is only 21 acres, and 3,000 people live within 2,000 feet of the proposed tank. The Metro station is about 1,500 feet away and a development proposal for 1,331 dwelling units and 267,000 square feet of commercial space is under final review and approval by WMATA to apply for development permits. Safety considerations of placing this facility so close to homes and businesses should be closely examined.
- “Since portions of the subject site lie within one-quarter mile (5- to 10- minute walking distance) and one-half mile, (10- to 15 minute walking distance) of the West Hyattsville Metro Station, the site was included in the West Hyattsville TDOZ TDDP update initiated in 2004. The draft preliminary plan recommends additional development of 2,600 dwelling units within the one-quarter mile radius of the West Hyattsville Metro Station as a way of fulfilling transit-oriented development principles.

- “During the preparation of the draft preliminary plan, development alternatives were discussed with Washington Gas Company representatives regarding the possibility of developing the subject site with single-family detached residences. However, since the site is located in the floodplain, additional discussions with the Department of Environmental Resources concluded that the site would not be developable.
- “The West Hyattsville TDDP recommends increased density for transit-oriented development around the Metro station in the form of townhouses, mid-rise buildings, and high-rise towers fulfilling an urban development pattern that implements transit-oriented development principles and conforms to the recommendations of the 2002 General Plan. Recognizing the inherent public safety issues associated with the recommended increased density, public utility fuel storage tanks are expressly prohibited uses in the draft West Hyattsville TDDP.
- “According to staff research, neither the county nor the Maryland Public Service Commission appears to have separate and specific land use compatibility siting guidelines for siting this kind of use. In recognition that there should be a safe distance of this type of use from developed areas, the draft preliminary West Hyattsville TDDP recommends not permitting this kind of use in close proximity to a Metro station where dense development is planned for and encouraged.
- “Citizens have expressed concern over lax security and maintenance of the Chillum Road site. They cite frequent natural gas leaks from its 72-year-old, deteriorated, underground pipe system, and suggest that the public health and benefit would be better served if the facility were located at the county’s Sandy Hill site. In fact, it was recommended by the Economic Development Corporation that Washington Gas Company consider other sites in the county, which they believe to be more appropriate for this kind of facility.
- “It is my understanding that the City of Hyattsville has by municipal resolution requested the Director of Environmental Resources to petition the District Council to revoke or modify Special Exception 245 to remove the storage tank use which could result in the need for a new special exception for a natural gas storage facility at this location. Section 27-328(e)(2) of the Zoning Ordinance provides that the Director of the Department of Environmental Resources may petition the District Council to revoke, modify, suspend, or impose additional conditions on an approved special exception, if the approved special exception has not been used for any two-year period after the date of the original approval, except where the nonuse is beyond the control of the grantee of the special exception. In this case, the gas storage tanks were decommissioned and dismantled in 2003 at the action of the Washington Gas Company (the grantee of the special exception). Thus, they have not been in use for two years or more.
- “Communities within the area have expressed grave concern over the ROSP and the presumption that it is a minor revision. They and the City of Hyattsville will provide comments under separate cover letters.”

8. The Transportation Planning Section (memorandum dated February 18, 2005) states that the subject revision will not attract new trips to the site and will not have any effect on the planned rights-of-way or on-site access and circulation, so the section has no objections to the proposal.
9. The Department of Parks and Recreation (memorandum dated March 17, 2005) states that the property is in the vicinity of the Northwestern Branch and the bleachers for the cricket field at Chillum Community Park. According to various research reports, liquefied natural gas is hazardous and can experience accidents. Some federal regulations require “exclusionary zones” around liquefied natural gas facilities. The Department is concerned regarding the close proximity of the proposed hazardous facility and the impact on environmentally sensitive areas. The Department is also concerned about the safety of the nearby park facilities in the event of accidents and suggests that the other departments and sections review the safety issues more carefully.
10. The Town of Brentwood (memorandum dated April 4, 2005) states that the impacts of this facility on the Hyattsville TDOZ, the community, and the homeland security plan must be studied.
11. The Fire Department (memorandum dated March 28, 2005) states that the department would like extended time to study the emergency capability response time and requests the applicant to submit an emergency safety analysis. The applicant has not submitted an emergency safety analysis.
12. The Washington Suburban Sanitary Commission (memorandum dated March 28, 2005) states that the proposal does not impact water distribution or wastewater collection systems.
13. The State Highway Administration (memorandum dated March 21, 2005) states that they have no objection to the subject application.
14. The Maryland Department of Environment states that they have no comments regarding the subject application.
15. The referral requests were sent to Washington, D.C, the City of Hyattsville, and the Town of Mount Rainier. No comments have been received from these agencies to this date.

**N. Required Findings:**

**Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety and welfare of the public and promote compatible relationships

between the various types of land. The applicant is changing the nature of the existing use on the property approved by the original special exception. The existing facilities were for storage of vaporized natural gas. The applicant is proposing a liquefied natural gas storage facility. The technology and process involved in a liquefied natural gas storage facility is significantly different from the technology and process used for the existing natural gas storage facility. Staff had requested additional information regarding the type of operations for the proposed facility and also requested the applicant to set up a meeting with staff to explain the new technology in letters dated May 19, 2005, and June 2, 2005, to the applicant. The applicant has not submitted the requested information or set up a meeting with staff to this date. The other sections and departments have also requested additional information in order to make final comments.

According to various research reports, liquefied natural gas is hazardous and can experience accidents. Some federal regulations require “exclusionary zones” around liquefied natural gas facilities. The applicant has not provided staff with adequate information regarding the type of the proposed use, the hazards involved, and the safety and precautionary measures to prevent accidents and the impacts on the adjacent communities. Adequate information has also not been provided regarding the feasibility of alternative sites for this type of facility. The communities in the vicinity of this facility have also expressed concerns regarding the nature of the proposed use after the recent accidents and explosions in District Heights due to gas leaks.

Without adequate information regarding the nature of the use and the safety issues involved, the Planning Board cannot make the above finding that the proposed use and site plan are in harmony with the purposes of this subtitle.

**(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

A public utility use including a gas storage facility is permitted in the O-S Zone as a special exception. The subject proposal does not involve the enlargement or extension of the original special exception use. The original special exception was approved for a gas storage facility. The subject proposal will not alter the use of the property as a gas storage facility. However, it will alter the type of gas storage on the subject property. Although the proposed liquefied natural gas storage tank will be substantially smaller than the existing vaporized gas storage tanks, adequate information has not been provided regarding the hazardous involved and the safety and precautionary measures for the proposed use. Therefore, the Planning Board cannot make the above finding that the proposed use is in conformance with all the applicable requirements and regulations of this subtitle.

**(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Master Plan, the General Plan.**

The subject property is in the Developed Tier. The proposal is not consistent with the 2002 General Plan Pattern policies for the Developed Tier. The vision for a Developed Tier is a network of sustainable, transit supporting, mixed-use, pedestrian-oriented,

medium-to high-density neighborhoods. The 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* retained public/quasi-public uses land uses for the subject property recognizing the fact that the gas storage facility existed at the time of the master plan.

Although the 1994 master plan acknowledged the existence of a gas storage facility on the subject site, the subject application is not consistent with the policies of the General Plan.

**(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

The Historic Preservation and Public Facilities Planning Section has required the applicant to submit a hazardous material plan for review by the Fire Chief or his designee to make the above finding that the subject use will not affect the health, safety or welfare of the residents and workers in the area. The applicant has not provided a hazardous material plan. Therefore, adequate information is not available to make the above finding.

**(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

According to various research reports, liquefied natural gas is hazardous and can experience accidents. Some federal regulations require “exclusionary zones” around liquefied natural gas facilities. The applicant has not provided staff with adequate information regarding the type of the proposed use, the hazards involved and the safety and precautionary measures to prevent accidents and the impacts on the adjacent communities. Adequate information has also not been provided regarding the feasibility of alternative sites for this type of facility. The communities in the vicinity of this facility have also expressed concerns regarding the nature of the proposed use after the recent accidents and explosions in District Heights due to gas leaks.

Therefore, adequate information is not available to make the above finding.

**(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The site is exempt from the county’s Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland. The section has issued a standard letter of exemption dated December 13, 2004.

**O. ADDITIONAL DETERMINATION**

The basis of this recommendation is compliance with the applicable sections of the Zoning Ordinance regarding special exceptions, public utility uses and findings for approving a Special Exception. Section 27-317 (a) requires six findings for approving a Special Exception and/or a revision to a Special Exception. The Planning Board could not make the required six findings for approval of the subject application based on the information submitted by the applicant. Therefore, based on the preceding analysis and findings, it is recommended that the Revision to the Special Exception ROSP SE-245/06 be denied.

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 recommends to the District Council for Prince George's County, Maryland that the above-noted application be DENIED.

\* \* \* \* \*

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 Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 22, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of November 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator