

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed Special Exception Application No. 4597 requesting a gas station in order to provide underground gasoline storage tanks, parking and an access driveway to support an adjacent gas station, 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 July 12, 2007, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property, known as Parcel B, is located on the north side of Sandy Spring Road (MD 198) just east of its intersection with Bauer Lane. The site consists of 1.02 acres which are undeveloped. The portion of Parcel B which is located directly north of Parcel A, and which is included in a companion application Revision of Site Plan 1673/06, contains 0.68 acres. No development is proposed on that portion of Parcel B. Access to the property is proposed from Sandy Spring Road.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Parcel A:Gas Station Parcel B:Vacant	Parcel A: Gas Station Parcel B: Gas Station
Acreage	ROSP SE 1673/0.94 acres (Parcel A and Part of Parcel B)	SE 4597/1.02 acres (Parcel B)
Lots	N/A	N/A
Parcels	2	2
Square Footage/GFA	SE-1673/2,051	SE-1673/2,051 SE-4597/ N/A

C. **History:** A portion of Parcel B is included in a previously approved special exception, SE 1673. There have been several revisions to that special exception, which are noted in the companion case RO SP-1673/06. The property was rezoned from C-2 to C-S-C in the October 1990 sectional map amendment and is undeveloped.

D. **Master Plan Recommendation:** The approved and adopted 1990 master plan and sectional map amendment for Subregion I recommends commercial retail land use and a Neighborhood Activity Center on the subject property. The 2002 General Plan places the site in the Developing Tier. The General Plan vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

- E. **Request: SE-4597:** Pursuant to Section 27-358 of the Zoning Ordinance the applicant is seeking to install three new underground gasoline storage tanks and provide four parking spaces to serve the adjoining gas station use. The applicant is also proposing a new access driveway from Sandy Spring Road to access Parcel B, which will also provide a connection to the existing gas station on Parcel A. Because the proposal represents an expansion of the existing gas station use on an adjacent property, a new special exception is required for Parcel B. The adjacent gas station is the subject of a companion case, Revision of Site Plan Application No. 1673/06.
- F. **Neighborhood and Surrounding Uses:** The subject property is located in the southern section of the West Laurel community. The neighborhood is bounded by Mill Bond Road to the north and west; the Baltimore Gas and Electric (BGE) right-of-way to the east and Sandy Spring Road (MD 198) to the south. The property is surrounded by the following uses:
- North: Single-family detached homes in the R-R Zone.
- South: Across Sandy Spring Road is an undeveloped parcel in the E-I-A Zone. The WSSC Patuxent Water Filtration Plan in the E-I-A Zone is located farther to the southeast.
- East: Power lines BGE and a WSSC Water Treatment Facility in the R-R Zone.
- West: Across Bauer Lane are single-family detached homes in the R-R Zone.
- G. **Specific Special Exception Requirements for a Gas Station:** A gasoline station is permitted in the C-S-C Zone by a special exception. **Section 27-358** of the Zoning Ordinance sets forth the specific special exception requirements for a gas station:
- (a) **A gas station may be permitted, subject to the following:**
- (1) **The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet.**
- Parcel B has approximately 154 feet of frontage along Sandy Spring Road and 80 feet of frontage along Bauer Lane.
- (2) **The subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, or hospital is located.**
- The subject property meets this requirement. There is no school, outdoor playground, library or hospital located on any property within 300 feet of the subject site.
- (3) **The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a Special Exception in accordance with the provisions of Section 27-417.**

The applicant's proposal does not include these activities. Both the applicant's statement of justification and the site plan indicate that there will be no display or rental of cargo trailers, trucks, or similar uses at this site.

- (4) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited.**

The applicant does not propose the storage or junking of wrecked vehicles on the property.

- (5) Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot.**

Proposed access to the site is from Sandy Spring Road. No access is proposed from Bauer Lane. The site plan for SE-4597 shows a proposed one-way right in driveway 20 feet wide accessing Parcel B and connecting to Parcel A, resulting in additional queuing area for gas station patrons. The 24.2 foot wide two-way driveway shown accessing Parcel A must be removed, as SHA has not approved an increase in the number of access points at this location. Staff recommends the site plan be revised to indicate the two way driveway on Parcel A will be removed. A second access driveway along Sandy Spring Road which fronts on Parcel A will be retained.

- (6) Access driveways shall be defined by curbing.**

The site plan indicates that all access driveways are defined by curbing.

- (7) A sidewalk at least five (5) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic.**

In a memorandum dated June 6, 2007, from the Transportation Planning Section, it was concluded that due to topographic constraints, proximity to I-95 merge ramps, the traffic speed and volume along MD 198, and the lack of pedestrian activity in the vicinity of the subject property, that the site's frontage along MD 198 was inappropriate for the construction of a sidewalk.

- (8) Gasoline pumps and other service appliances shall be located at least twenty-five (25) feet behind the street line.**

No gasoline pumps are proposed on Parcel B.

- (9) Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.**

No repair services will take place on Parcel B.

- (10) Details on architectural elements such as elevation depictions of each facade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.**

No structures are proposed on Parcel B.

- (b) In addition to what is required by Section 27-296(c), the site plan shall show the following:**

- (1) The topography of the subject lot and abutting lots (for a depth of at least fifty [50] feet).**
- (2) The location and type of trash enclosures.**
- (3) The location of exterior vending machines or vending area.**

Topographical information is shown on the site plan. No trash enclosures or vending areas are proposed on Parcel B.

- (c) Upon the abandonment of a gas station, the Special Exception shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term "abandonment" shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease.**

The applicant agrees to comply with this requirement.

(d) When approving a Special Exception for a gas station, the District Council shall find that the proposed use:

- (1) Is necessary to the public in the surrounding area; and**
- (2) Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.**

The applicant has not submitted a needs study because no square footage or pump dispensers are proposed on Parcel B. The Planning Board does not find that the proposal will unduly restrict the availability of land or the balance of land use in the area for other commercial uses.

H. **Parking Regulations:** Parcel B is not subject to parking requirements as no structures are proposed on the site. The site plan indicates four parking spaces are provided to supplement the required parking on Parcel A.

I. **Landscape Manual Requirements:** In accordance with Section 27-328.02 of the Zoning Ordinance, the proposed special exception is exempt from *Landscape Manual* requirements because no structures are proposed. Nevertheless, the site plan provides for a 10 foot planted landscape strip along the frontage of the property, which the Urban Design Section found appropriate.

J. **Zone Standards:** The proposed use meets all development standards for the C-S-C Zone. No variances or departures are necessary.

K. **Sign Regulations:** No signage is proposed on Parcel B.

L. **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 proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The 15 purposes of the Zoning Ordinance, as provided in Section 27-102(a), seek generally to protect and promote the health, safety and welfare of the present and future inhabitants of the County. The proposed special exception represents, in effect, an extension of the existing gas station rather than a new use. The proposal will provide improved vehicular access to the site and remove a potentially hazardous queuing situation from a high volume, high speed arterial.

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

The proposed use on Parcel B is in conformance with all the applicable requirements of the Subtitle. No variances or departures are required.

- (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 Map Plan, the General Plan.**

The proposed use conforms to the land use recommendations in the 1990 Master Plan for Subregion I. Commercial activities and services are encouraged to locate in neighborhood activity centers as needed. The Planning Board finds the proposed use will not substantially impair the integrity of the 1990 Master Plan for Subregion I.

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

The Planning Board finds the proposed use will improve the site's internal circulation, which, in turn, will enhance the operation of the existing transportation network. The Board finds that with the attached condition, the proposed use will not adversely affect the health, safety and welfare of residents and workers in the area

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

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The proposed special exception will provide supporting access, parking and underground storage for the existing gas station. No structures are proposed. The use is in an appropriate location, adjacent to a major arterial with adequate access.

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

The Environmental Planning Section previously reviewed TCP II/245/91-01, as submitted by the applicant, for the proposed installation of the underground storage tanks and a temporary stock pile to be located on the southeastern portion of Parcel B. The TCP was approved on October 20, 2005. The Environmental Planning staff found the current revisions to the existing site plan minor in nature and within the established limits of disturbance of the TCP II that was previously approved. The Planning Board, therefore, finds that the proposed site plan is in conformance with an approved TCP.

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 APPROVED , subject to the following condition:

The site plan shall indicate that the two-way access driveway on Parcel A will be removed.

* * * * *

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 Clark, with Commissioners Vaughns, Clark, Squire, Cavitt and Parker voting in favor of the motion, at its regular meeting held on Thursday, July 12, 2007 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of September 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator