

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 December 6, 2007, regarding Detailed Site Plan DSP-07029 for Westphalia Road Industrial Center, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) application is for approval of an unmanned commercial fuel depot in the I-1 (Light Industrial) Zone.
2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Contractor's office with warehouse	Contractor's office with warehouse and an unmanned fuel depot
Acreage	9.21	9.21
Of which included in this DSP	1.68	1.68
Building square footage/GFA	20,696	20,756 (addition of 60 sq. ft.)

OTHER DEVELOPMENT DATA

	REQUIRED	PROPOSED
Total Parking Spaces	27	66 (existing*)
Of which handicapped spaces	2	2
Loading spaces	2	2 (existing*)

Note: No parking and loading spaces are required for an unmanned commercial fuel depot. All the proposed parking and loading spaces are the existing spaces approved previously.

3. **Location:** The subject property is located on the north side of Westphalia Road and west of its intersection with Flower Road, in Planning Area 78 and Council District 6.
4. **Surrounding Uses:** The subject site is bounded on the south side by the right-of-way of Westphalia Road. Across Westphalia Road further to the south is property in the I-1 Zone. The site is also surrounded on its west and north sides by property in the I-1 Zone. Further to the west and north is the right-of-way of the Capital Beltway (I-95). There is an R-R (Rural-Residential)-zoned property immediately to the east of the subject site.
5. **Previous Approvals:** The site has a record plat that was recorded in 1976. The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment retained this property in the I-1 Zone.

The subject site is a small rear portion of a larger property known as Parcel A of the Westphalia Road Industrial Center, which was improved as a contractor's office with warehouse. The subject DSP will utilize the existing entrance to the site and extend the existing driveway to the area included in this DSP. The site also has Stormwater Management Concept Approval 7237-2007-01 and an approved standard letter of exemption from the requirements of Prince George's County Woodland Conservation Ordinance. The letter of exemption will be valid through July 12, 2009.

6. **Design Features:** The larger site is in a quadrilateral shape with the short side perpendicular to the right-of-way of Westphalia Road. The existing improvements are concentrated around the southeast portion of the site. The western part of the site is still vacant. The area covered in this DSP is located to the rear of the site.

The subject detailed site plan shows the extension of the existing driveway leading to the subject site. A stormwater management pond is located between the proposed unmanned commercial fuel depot and the eastern property line. There are two segments of perimeter fence surrounding the subject site. The one along the northern boundary is a four-foot-high vinyl fence and the other along the site's eastern boundary is a six-foot-high board-on-board fence. The site plan also shows existing chain link fence at different locations. Staff recommends that a uniform fence type, preferably a vinyl privacy fence that requires minimum maintenance, which should not be more than six feet in height, should be selected to be used on this site in order to achieve an aesthetically pleasing appearance. A condition has been proposed in the Recommendation section to require the applicant to provide a uniform fence type for this site and provide the corresponding fence details on the site plan prior to certification.

The proposed fuel depot consists of six fuel pumps in two groups serving diesel and gasoline respectively. A group of four pumps is arrayed parallel to each other in an east-west orientation and the other group of two pumps is shown in tandem in a north-south orientation. A small electrical equipment shed is located between the two groups of pumps. The pumps and shed are covered by one canopy with aluminum sheet fascia supported by steel columns.

One ground-mounted primary identification sign is proposed on the north side of Westphalia Road. The sign is six feet in height, has a face area of 24 square feet, and is in conformance with Section 27-614. However, the sign design is very simple and does not meet the intent of the Westphalia Sector Plan for industrial development. The sector plan designates Westphalia Road as a major roadway and calls for high-quality development along both sides of the road. A condition has been proposed in the Recommendation section to require the applicant to redesign the ground-mounted sign to be reviewed by the Urban Design Section as the designee of the Planning Board prior to certification. The revised sign should employ masonry materials and incorporate certain architectural features in a balanced and aesthetic manner.

Five canopy signs each with a sign face area of 15.2 square feet have been proposed with this DSP. The canopy signs and ground-mounted sign have the same identifying information, the word "Quarles" and its logo. The proposed canopy signs meet the requirements of Section 27-

613, Attached to a Building or Canopy, except for the one that is facing the residentially zoned property to the east. A condition has been proposed to require the applicant to remove the canopy sign prior to certification.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the I-1 Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-473 of the Zoning Ordinance, which governs development in the industrial zones. The proposed contractor's office with warehouse and a commercial fuel depot are permitted in the I-1 Zone.
- b. Section 27-469, I-1 Zone (Light Industrial) has the following regulations:

Section 27-469(b)

- (1) **At least ten percent of the net lot area shall be maintained as green area.**
- (2) **Any landscaped strip adjacent to a public right-of-way required pursuant to the provisions of the *Landscape Manual* shall not be considered part of the required green area.**

Comment: The site plan has a total of 32 percent of green area as noted on the site plan and thus meets the above requirements.

Section 27-469(c)

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

Comment: There is no outdoor storage proposed in this DSP.

- c. CB-68-2006 is an ordinance concerning industrial zones for the purpose of defining a commercial fuel depot and permitting this use in the I-1 Zone under certain circumstances. Specifically, Footnote 51 of Section 27-473(b), Table of Uses, has the following conditions governing the approval of a commercial fuel depot:

51 Provided:

- (A) **The use is limited to property that has at least one hundred and fifty (150) feet of frontage on and vehicular access to at least one road classified as a**

collector or lower classification on the applicable Master Plan and minimum right-of-way width of 60 feet;

Comment: This proposal complies with this requirement, as the site's road frontage is in excess of 150 feet. Specifically, the road frontage on Westphalia Road for the subject property is approximately 475 feet. In addition to the road frontage, the site has direct vehicular access to Westphalia Road. The portion of Westphalia Road in front of the property is classified as an arterial road in the 2007 Approved Westphalia Sector Plan. Westphalia Road has a variable width right-of-way in excess of 60 feet.

(B) A limited Detailed Site Plan shall be approved for the use in accordance with Section 27-286 (a). The site plan shall address architecture, landscaping, lighting, and infrastructure which is [sic] essential to the development of the site including streets, utilities, and stormwater management facilities.

Comment: The subject DSP has been filed in order to fulfill this requirement. The applicant has provided detailed elevations of the proposed canopies, shed, sign and lighting poles. The canopy will have an aluminum sheet fascia with white finish. The Quarles signs on the canopies will be 20 inches high and 108 inches long, with non-illuminated blue vinyl decals. The exterior of the electrical shed will be painted grey. The proposed entrance sign will be a non-illuminated ground-mounted sign. The architecture and color pattern proposed for this site is typical for a gas station. The color pattern is compatible with the industrial uses in the surrounding neighborhood.

The proposed unmanned fuel depot is exempt from the requirements of the *Landscape Manual*. See below Finding 8 for a discussion.

The location and type of the proposed lighting is shown on the site plan and elevations sheet. Specifically, there will be pole lighting provided for the subject site. The lighting fixture will be a 250-watt metal halide light with flush lens and directional reflectors to minimize glare.

The portion of the site included in this DSP is a small part of a larger site, which has been improved as a contractor's office with warehouse. The site plan shows that the unmanned fuel depot is located in the rear of the property and uses the extension of the existing access driveway to enter the site. The access driveway from Westphalia Road is 50 feet wide at the entrance and then varies in width in the direction of the subject site. The variation is between 30 and 50 feet. The site plan also shows the location of all existing and proposed sewer, water and stormdrain facilities, as well as the proposed stormwater management facility on site.

(C) The Limited Detailed Site Plan shall demonstrate compliance with Section 27-358 (a) (2), (3), (4), (5), (6), (8), and (10); and (b), (1), (2), and (3); and

Comment: The proposed unmanned commercial fuel depot complies with Section 27-358(a) as follows:

- (2) **The subject property shall be located at least three hundred (300) feet from any lot on which a school, playground, library, or hospital is located.**

There are no schools, playgrounds, hospitals, or libraries within 300 feet of the subject property.

- (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 proposed use does not include the display or rental of cargo trailers, trucks, or similar uses.

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

There will not be any storage of motor vehicles on the subject property.

- (5) **Access driveways shall not be less than 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 accordance with the minimum standards required by the County Road Ordinance or the 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 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 12 feet from the side or rear lot line of any adjoining lot.**

This proposal complies with this requirement because the proposal includes one 50-foot-wide two-way access driveway at the entrance from Westphalia Road. The access driveway then varies in width from 30 to 50 feet.

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

As shown on the site plan submitted in conjunction with this application, the access driveways are defined by curbing.

- (8) **Gasoline pumps and other service appliances shall be located at least**

twenty-five (25) feet behind the street line.

This proposal complies with this requirement. The pumps associated with this proposal are approximately 500 feet behind the street line.

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

As part of the application, the applicant has provided details and an elevation of the proposed facility. Other than the electrical/mechanical shed on site, there are no buildings proposed for this facility in the site plan.

Furthermore, the site plan for the proposed gas station complies with Section 27-358(b) as follows:

- (1) The site plan shall show the topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet).**

The topography of the site and abutting lots at least 50 feet away have been shown on the site plan.

- (2) The site plan shall show the location and type of trash enclosures.**

There are no proposed trash enclosures for this site.

- (3) The site plan shall show the location of exterior vending machines or vending area.**

There are no exterior vending machines or vending areas proposed for this site.

- (D) Upon the abandonment of a commercial fuel depot, 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 footnote, the term “abandonment” shall mean non-operation as a commercial fuel depot for a period of fourteen (14) months after the services cease.**

Comment: As stated in the statement of justification provided by the applicant, all structures exclusively used in this business (including underground storage tanks) will be removed by the applicant upon abandonment of the commercial fuel depot.

- d. The subject application complies with Section 27-474(b) regulations regarding minimum setbacks and green area for the proposed unmanned fuel depot.
8. **Landscape Manual:** The proposed unmanned commercial fuel depot consists of six pump stations with one single canopy and a 60-square-foot mechanical shed. The existing gross floor area (GFA) on the site is approximately 20,696 square feet and ten percent of the GFA would be 2,069.59 square feet. Since this application involves an increase of GFA of no more than ten percent of the existing GFA, according to Section 1.1, Applicability of the *Landscape Manual*, this application is exempt from the requirements of Section 4.2, Commercial and Industrial Landscaped Strip Requirements, and Section 4.7, Buffering Incompatible Uses.

Since no parking and loading spaces are required for the proposed unmanned commercial fuel depot, this application is also exempt from the requirements of Section 4.3, Parking Lot Requirements, and Section 4.4, Screening Requirements of the *Landscape Manual*.

9. **Woodland Conservation Ordinance:** This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because although the gross tract area of the subject property is greater than 40,000 square feet, there is less than 10,000 square feet of existing woodland on the site and there is no previously approved tree conservation plan associated with this site. A standard letter of exemption from the ordinance was issued by the Environmental Planning Section, Countywide Planning Division, on July 12, 2007, and is valid through July 12, 2009.
10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. The Community Planning Division, in a memorandum dated September 6, 2007, noted that the application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and is in conformance with the land use recommendations of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment. The community planner concludes that the use proposed is in conformance with the industrial land use and is in accordance with the recommendation that all new industrial development be restricted to areas within the Andrews Air Force Base noise zone with a noise level of 70 dBA Ldn and higher.
 - b. The Subdivision Section, in a memorandum dated October 9, 2007, noted that the subject property was recorded in 1976. Because the applicant is not proposing more than 5,000 square feet of new development on this recorded lot, this application is exempt from subdivision regulations.
 - c. The Transportation Planning Section, in a memorandum dated August 24, 2007, stated that there are no outstanding transportation conditions that would affect this proposal. Access and circulation are acceptable.

In a separate memorandum from the Transportation Planning Section dated October 30,

2007, on detailed site plan review for master plan trail compliance, the trails planner recommended a six-foot-wide sidewalk along the site's entire frontage of Westphalia Road, which has been included into the recommendations of this report.

- d. The Environmental Planning Section, in a memorandum dated September 11, 2007, noted that since the application is exempt from the Woodland Conservation Ordinance, there are no environmental planning issues with this DSP.
 - e. The Permit Review Section, in a memorandum dated August 24, 2007, provided nine comments and questions. The questions and concerns raised by the permit staff have been addressed in the review process.
 - f. The subject application was also referred to the Department of Public Works and Transportation (DPW&T). At the time the staff report was written, DPW&T had not responded to the referral request.
11. As required by Section 27-285(b), 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.

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-07029, subject to the following condition:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall
 - a. Remove the canopy sign that is located on the eastern canopy.
 - b. Provide a revised monumental entrance sign that incorporates brick piers to be reviewed by the Urban Design Section as the designee of the Planning Board.
 - c. Provide evidence that the layout of the DSP is consistent with the approved stormwater management concept plan.
 - d. Provide a uniform fence and fence details on the site plan.
 - e. Provide the right-of-way width and centerline of Westphalia Road on the site plan.
 - f. Label all adjacent uses on the site plan.
 - g. Provide a six-foot-wide sidewalk along the site's frontage of Westphalia Road.

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.

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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 Cavitt, seconded by Commissioner Clark, with Commissioners Cavitt, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire opposing the motion at its regular meeting held on Thursday, December 6, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of January 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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