

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed SE-4630 requesting a car wash in the C-S-C Zone and AC-09004 from Section 4.7 of the *Prince George’s County Landscape Manual* for the east and south property lines 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 April 23, 2009, the Prince George’s County Planning Board finds:

A. **Location and Field Inspection:** The subject property is a rectangular-shaped lot located at the southeast quadrant of the intersection of Laurel-Bowie Road (MD 197) and Mallard Drive. The site, also known as 12005 Laurel Bowie Road, is improved with the remnants of an Exxon Gas Station (Special Exception SE-3215), which operated on the site from the early 1980s until 2004 when the station was abandoned and the underground fuel tanks removed. Access to the site is gained from both Laurel-Bowie Road (two driveways) and Mallard Drive (one driveway). The applicant is proposing to close the driveways onto MD 197 and retain the singular access point from Mallard Drive.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Abandoned Gas Station	Seven Bay Car Wash
Acreage	0.67	0.67
Parcels	1	1

C. **History:** In October 1980, the property was approved for a gas station pursuant to Special Exception SE-3215. The gas station ceased operation in 2004 and the underground tanks were removed. In 1990, the *Approved Master Plan and Sectional Map Amendment for Subregion I, Planning Areas 60, 61, and 62* rezoned the property from the General Commercial, Existing (C-G) Zone to the Commercial Shopping Center (C-S-C) Zone.

D. **Master Plan Recommendation:** This application conforms to the land use recommendations of the 1990 master plan for Subregion I for retail commercial land uses. The 2002 *Prince George’s County Approved General Plan* placed the property in the Developing Tier. The 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:** The applicant is proposing a seven-bay car wash on the site. The applicant is further requesting alternative compliance from Section 4.7 (Buffering Incompatible Uses) of the *Prince George's County Landscape Manual*.

F. **Neighborhood and Surrounding Uses:** The neighborhood is defined by the following boundaries:

North: Baltimore-Washington Parkway/Patuxent River

East: Patuxent Research Refuge

South and West: Laurel-Bowie Road (MD 197)

Surrounding Land Uses:

North: Across Mallard Drive are a convenience store and a small shopping center (Pheasant Run) in the C-S-C Zone.

East: The Montpelier Executive Center office building in the Commercial Office (C-O) Zone.

South: Undeveloped homeowners association land in the One-Family Detached Residential (R-55) Zone, beyond which are single-family residences in the R-55 Zone.

West: The wide median separating the travel lanes of Laurel-Bowie Road (MD 197).

The immediate area surrounding the property is generally commercial in character, with a mixture of retail and office commercial uses fronting MD 197 and Mallard Drive. East and south of the site are a mixture of residential uses (single-family detached and townhouses). The Washington Suburban Sanitary Commission (WSSC) Parkway Water Treatment Plant is located in the northern tip of the neighborhood.

G. **Specific Special Exception Requirements:** There are no specific special exception requirements for a car wash.

H. **Landscape Manual Requirements:** The site is subject to Sections 4.2, Commercial and Industrial Landscaped Strip, 4.3(a), Parking Lot Landscaped Strip, and 4.7, Buffering Incompatible Uses, of the *Prince George's County Landscape Manual*. The applicant has filed a request for alternative compliance to allow a reduced bufferyard between the proposed development and residentially-zoned property to the south and a commercial office building to the east. The site plan indicates compliance with Section 4.2, providing a minimum ten-foot-wide planted landscape strip adjacent to Laurel-Bowie Road and Mallard Drive. The site plan also shows compliance with Section 4.3, providing interior parking lot plantings which exceed the Landscape Manual requirements (817 square feet required, 825 square feet provided).

Section 4.7 of the Landscape Manual requires a building setback of 30 feet and a 20-foot-wide landscaped yard along the entire eastern boundary of the site, adjacent to the office building. A 50-foot building setback and a 40-foot landscaped yard are required along the southern boundary of the site, adjacent to the undeveloped homeowners' association property. In order to justify the reduction in the width of the Section 4.7 bufferyard adjacent to the residentially-zoned property to the south, the applicant is proposing to install a six-foot-high sight-tight fence and will provide 29 plant units in excess of the requirement of the Landscape Manual. Along the east property line, the applicant proposes a 54-foot setback, a six-foot-high sight-tight fence, and 77 plant units in excess of the requirement of the Landscape Manual. The Planning Board finds that the proposed combination of fencing and plantings will result in buffers that are equal to or better than normal compliance with the *Prince George's County Landscape Manual* and are recommending approval.

- I. **Sign Regulations:** A ground-mounted freestanding sign is proposed on the subject property. This sign must meet all area, height, and setback requirements, in accordance with Section 27-614 of the County Zoning Ordinance. The site plan should be revised to show a sign detail indicating compliance with that provision of the Ordinance.
- J. **Additional Conclusions:** None of the referral replies received by the Planning Board had any objection to the application. The Board finds that the critical issue for a car wash is the queuing of vehicles on the site, and further concludes that sufficient queuing space is provided. The Board also requires the closure of the access points onto MD 197, pursuant to Condition 1(c) of this approval, as it will be beneficial to its operation as an arterial. The site is exempt from the Woodland Conservation and Tree Preservation Ordinance requirements, as discussed in Paragraph L(6) below, and no environmental issues affect the status of this application. A non-wood fencing material shall be used for the dumpster enclosure, pursuant to 1(a) below. The National Park Service concurs with the use of a ground-mounted sign for the property and recommends that all lights on-site be shielded, full cut-off fixtures to minimize light spillage and glare.
- K. **Zone Standards:** The site plan, with the approved request for alternative compliance and departures, along with recommended conditions, will be in conformance with all zoning requirements and regulations.
- 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;**

Section 27-102 sets forth the purposes of the Zoning Ordinance, which generally aim to protect the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the county. The proposed use and accompanying site plan are in harmony with the purposes of this Subtitle. The conditions of approval will further ensure that the purposes of the Subtitle,

considering all criteria for the Planning Board's approval of this special exception application have been met, as detailed herein.

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

As discussed above, the applicant has met all the applicable requirements and regulations of the Subtitle with the exception of compliance to the Landscape Manual requirements and parking standards. The Planning Board is approving alternative compliance, for the reasons set forth in Paragraph H above.

(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;

This application is subject to the land use recommendations of the 1990 master plan for Subregion I for retail commercial land uses. The subject property is located within the Commercial Shopping Center (C-S-C) Zone, which allows this use as a special exception use, pursuant to Section 27-461(b)(1)(B). The proposed use is compatible with all uses within the current zone, subject to the screening requirements called for in Condition 1 of this approval. Thus, 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.

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

None of the responses from any referring agencies received by the Planning Board indicate that the proposed car wash, with the included conditions, will adversely affect the health, safety, or welfare of residents or workers in the area. The Board also finds that because this application meets the specific criteria for approval, the purposes of the Zoning Ordinance have been satisfied.

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

In consideration of the referral responses and other findings, regarding satisfaction of the specific criteria for this special exception application and for alternative compliance, the proposal for a car wash facility, with the required conditions, will not be detrimental to the use or development of adjacent properties or the general neighborhood.

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

This property is exempt from the provisions of the Woodland Conservation and Tree Preservation Ordinance because the site is less than 40,000 square feet in area and contains less than 10,000

square feet of woodland. A letter of exemption dated August 4, 2008, was submitted.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, including Sections 27-317 and 27-328.02, 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, and further recommends APPROVAL of Alternative Compliance No. AC-09004, subject to the following conditions:

1. Prior to review by the Zoning Hearing Examiner, the following revisions shall be made to the site plan:
 - a. The proposed dumpster enclosure shall be replaced with a non-wood alternative in a natural color.
 - b. A sign detail shall be added.
 - c. A three-foot high wall shall be shown along the frontage of MD 197, wrapping around to the entrance on Mallard Drive.
2. Lighting details shall be provided prior to review by the Zoning Hearing Examiner. The details shall reflect that all lighting higher than six feet will be shielded, full cut-off fixtures to minimize light spillage and glare.

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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 Clark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Squire, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, April 23, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of May 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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