

Case No.: S.E. 4549 BP Amoco Station
(Companion Case: DDS 564)

Applicant: Petroleum Marketing Group, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 2 - 2013

AN ORDINANCE to approve a Special Exception and a Departure from Design Standards.

WHEREAS, Application No. S.E. 4549 was filed to raze an existing convenience store, vacant plumbing and heating supply building, and vacant single-family dwelling located behind an existing gas station located on the east side of US 301, also known as Crain Highway, north of its intersection with Osborne Road and south of Croom Road, and construct a new gas station and car wash, in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff and Planning Board, which filed recommendations with the District Council; and

WHEREAS, a public hearing on the application was held before the Zoning Hearing Examiner; and

WHEREAS, the Zoning Hearing Examiner's recommendations were filed with and considered by the District Council; and

WHEREAS, having reviewed the record, the District Council has determined that the application should be approved; and

AFFIRMED, for the reasons stated by the Zoning Hearing Examiner, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

Affirmance of the Zoning Hearing Examiner's decision is subject to the following conditions:

Section 1:

1. The applicant shall either revise the location of the retaining wall so it does not encroach within the required 25-foot floodplain buffer or obtain a waiver from DER.
2. The landscape plan shall be revised to replace 50 percent of the proposed Leyland cypress and Eastern white pine with native species such as American Holly and red cedar.
3. All information to be displayed on the pylon sign panels shall be provided prior to ZHE review to verify compliance with sign regulations.
4. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all Federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
5. The site plan shall be revised as follows:
 - a. Indicate that a green roof will be provided
 - b. Eliminate eight parking spaces.
 - c. Delete the fast-food restaurant

Affirmance is also subject to the following additional condition by the District Council.

As the basis for this action, the District Council adopts the decision and recommendations of the Zoning Hearing Examiner, as its findings of fact and conclusions of law in this case.

6. The Special Exception Site and Landscape Plans shall be revised to demonstrate conformance with the 2010 Landscape Manual and Subtitle 25 of the Prince George's County Code.

Section 2. This Ordinance shall take effect on the date of its enactment.

Enacted this 15th day of April 2013 by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson,
Toles and Turner.

Opposed:

Abstained:

Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council