

Case No.: S.E. 4597

Applicant: Motiva Enterprises, LLC

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

ZONING ORDINANCE NO.10 - 2008

AN ORDINANCE to approve a special exception.

WHEREAS, an application has been filed for property described as approximately 1.02 acres of land, in the C-S-C Zone, located on the northeast quadrant of Sandy Spring Road and Bauer Lane; 200 feet east of Bauer Lane, identified as 6004 Sandy Spring Road, Laurel, Maryland, for approval of a special exception for a gas station; 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, who has 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 duly 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

WHEREAS, as the basis for this action, the District Council adopts the decision of the Zoning Hearing Examiner as its findings of fact and conclusions of law in this case, except that the neighborhood for this application shall be defined as follows: To the south and east, the neighborhood is bounded by Sandy Spring Road (MD 198), and to the north and west, it is bounded by Riding Stable Road and Brooklyn Bridge Road, so that the neighborhood encompasses the area normally considered West Laurel.

WHEREAS, to protect adjacent properties and the surrounding neighborhood, this special exception is granted subject to conditions; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

Section 1. The Zoning Map of the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended to show an approved special exception for a gas station at the property which is the subject of Application No. S.E. 4597. The site plan in the S.E. 4597 record is exhibit 5a, and the landscape plan is exhibit 5b. The site plan in the companion case, RO SP S.E. 1673/06, is exhibit 5.

Section 2. The special exception approved herein is subject to the following conditions:

1. The Applicant shall submit one (1) Site Plan for both Special Exception 4597 and RO SP 1673/06 which shall include the following in addition to the information provided on RO SP 1673/06 Exhibit 5 and Special Exception 4597 Exhibit 5(a):

- a. The dumpster location shall be shown on all appropriate plans and dimensions shall be provided.
 - b. The dumpster shall be screened from the public right-of-way on its east and south sides by either a sight-tight fence or landscaping along the east side and a screen type page at the front of the dumpster. Screening and landscape planting details shall be shown on the Landscape Plan.
 - c. The dimensions of the frame shed shall be indicated.
 - d. The metal enclosure (fence) at the rear of the building shall be deleted from the Site Plan and removed from the subject property. Discarded auto parts and oil drums containing waste oil and fuel oil shall be promptly removed from the premises.
 - e. Waste oil and fuel oil containers shall either be shown on the Site Plan or removed from the subject property.
 - f. The Site Plan shall indicate the location of the vending area.
 - g. The Site Plan shall show a loading space is provided in compliance with the provisions set forth in Part 11 of Subtitle 27.
 - h. A Note shall be added to the Site Plan which states "Upon the abandonment of a gas station, the Special Exceptions shall terminate and all structure exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. The term "abandonment" shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease."
2. No sidewalk shall be provided along Sandy Spring Road or Bauer Lane.
 3. The applicant shall relocate the exit driveway on Sandy Spring Road, if possible, after consultation with M-NCPPC staff, so that it is ten feet or more from the eastern edge of the Bauer Lane right-of-way.

4. The applicant shall place additional landscaping along the frontage on Sandy Spring Road, to be reviewed and approved by M-NCPPC staff.
5. The applicant shall place additional landscaping along the frontage on Bauer Lane, to be reviewed and approved by M-NCPPC staff.
6. The applicant shall remove trash and debris from the wooded areas of the property, and shall keep those areas clear.
7. The driveway by Bauer Lane shall be moved five feet to the east, away from Bauer Lane.

Section 3. This Ordinance shall take effect on the date of its enactment.

Enacted this 25th day of March, 2008, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Dernoga, Exum,
Knotts, Olson and Turner

Opposed:

Abstained:

Absent:

Vote: 8-0

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: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council