

R E S O L U T I O N

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 9, 2004, regarding Detailed Site Plan DSP-00049/01 for BJ's Wholesale Club - Bowie, the Planning Board finds:

1. **Request:** Revision of a Detailed Site Plan to add a gas station, a 2,059-square-foot addition to the tire center, a 375-square-foot propane sales area, and a request for a variance of 46 feet from Section 27-358(a)(1), requiring a minimum of 150 feet of street frontage along a public street with a right-of-way of at least 70 feet.
2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-M	C-M
Use(s)	wholesale club	wholesale club; gas station; tire center building addition; propane sales area
Acreage	11.43	11.43
Lots	N/A	N/A
Parcels	Parcel C	Parcel C
Square Footage/GFA	108,532 SF	110,591 SF
Dwelling Units:	N/A	N/A

**Parking Required:**

Gross Building Area = 110,591 SF

Normal Parking Generation Group:

1 space required for each 150 SF of first 3,000 SF of GFA=	20 spaces
1 space required for each 200 SF above 3,000 SF of GFA =	538 spaces
1 space for each gas station employee =	1 space
Total spaces required =	559 spaces

**Parking Provided:** 559 spaces

**Loading Spaces Required:** 3 spaces

**Loading Spaces Provided:** 3 spaces\*

\*Note: Dimensions for all parking and loading spaces should be shown on the plans.

3. **History:** DSP-00049 (PGCPB Resolution No. 01-02) was a limited Detailed Site Plan for views and buffering from US 301, as well as internal driveway circulation, parking and truck access. The limited Detailed Site Plan was approved by the Planning Board on January 11, 2001, in conjunction with a Departure From Design Standards (DDS-517) for access to loading within 50 feet of residentially zoned property. A Departure From Sign Design Standards (BD-1-02) was approved by the City of Bowie on July 1, 2002, to allow a 115-square-foot freestanding sign on the subject property.
4. **Location:** The site is located on the north side of Ball Park Road, approximately 400 feet east of the intersection with US 301.
5. **Preliminary Plan 4-94074:** The Planning Board found the original limited Detailed Site Plan (DSP-00049) to be in conformance with the Preliminary Plan in accordance with Condition 13 below. The subject Detailed Site Plan revision is also in conformance with the Preliminary Plan. Condition 13 of the Preliminary Plan requires the following:

**13. Prior to the issuance of any building permits, a limited Detailed Site Plan shall be approved by the Planning Board. The site plan, which shall be subject to a 45 day time limit from the date of acceptance, shall address the following:**

- a. **Landscaping and buffering in relation to views from US 301.**
- b. **Internal driveway circulation, parking and truck access.**

With regard to conformance to Preliminary Plan conditions 6, 7 and 8, which are transportation-related conditions, see Finding 9 below.

6. **Zoning Ordinance Requirements:** A gas station is permitted in the C-M Zone, subject to the requirements of Section 27-358(a)(1), (2) and (4) through (10), which are as follows:

**(a) A gas station may be permitted, subject to the following:**

- (1) The subject property shall have at least one hundred 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.**

Comment: The above criterion has not been met. The site does not have at least 150 feet of frontage on a right-of-way of at least 70 feet. The site has approximately 104 feet of frontage on Ball Park Road, which has a right-of-way width of 70 feet. The applicant has requested a variance of 46 feet to the above criterion, which is addressed in Finding 6 below.

- (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.**

of           Comment: The above criterion has been met. The subject property is not located within 300 feet of any school, playground, library or hospital.

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

Comment: The above criterion has been met. The applicant indicates that the “proposed gas station will not include the storage or junking of wrecked motor vehicles.”

- (4)       Access driveways shall not be less than thirty (30) feet wide, 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.**

Comment: The above criterion has been met. The subject access point is existing and is at least 30 feet wide. The lot is not a corner lot.

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

Comment: The above criterion has been met. The existing access driveway is defined by concrete curbing. The plans should be revised to indicate concrete curbing in the islands defining the area for the gas station. Attractive landscaping should be provided in the islands.

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

The above criterion has been met. A sidewalk has been provided in front of the kiosk. Dimensions should be provided indicating that the sidewalk is at least five feet wide.

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

Comment: The above requirement has been met.

- (8)       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 other 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 site plan.

Comment: The above criterion has been met. No repair facility is proposed for the gas station.

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

Comment: The above criterion has been met. The proposed gas station and tire center expansion have been designed to match the existing building materials of the main structure.

7. **Variance Request:** The applicant has requested a variance from Section 27-358 (a)(1), which requires the following:

**The subject property shall have at least one hundred 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.**

The frontage for the existing parcel is about 104 feet with direct vehicular access to Ball Park Road, which has a right-of-way width of 70 feet. A variance of 46 feet is requested.

The required findings for approval of a variance, listed in Section 27-230 (a) of the Zoning Ordinance, are as follows:

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

Comment: The applicant has provided adequate justification for the above criterion. The parcel of land does have an exceptional shape in that it is shaped like a flag lot. The narrowest portion of the site, which is like a flag stem, provides ingress and egress for the site. When the property was subdivided, a separate parcel (Parcel E) was created for a regional stormwater management pond to serve the entire development between the subject site and Ball Park Road. The creation of this parcel for stormwater purposes determined the shape of the subject parcel. The applicant correctly notes that a similar finding was made by the Planning Board in approving DDS-517 for access to loading within 50 feet of residentially zoned land. The stormwater management parcel was not rezoned to the C-M Zone, but remained in the R-R Zone.

**(2) The strict application of this subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property;**

**Comment:** The applicant has provided adequate justification for the second criterion, contending that the strict application of the 150-foot requirement will result in peculiar and unusual practical difficulties to, and exceptional and undue hardship upon, the applicant. The applicant references case law *Zengerle v. Board of County Commissioners for Frederick County*, 262 Md.1 (1973), whereby “an applicant for an area variance, which is the type of variance that the applicant seeks here, need only show that a denial of the variance will result in peculiar and unusual practical difficulties. As such, the applicant needs only show that the 150-foot requirement is unnecessarily burdensome, that the variance will not do injustice to other property owners, and that the variance request is consistent with the spirit of the Zoning Ordinance.”

With regard to the above, denying the 46-foot variance will be unnecessarily burdensome on the applicant. A gas station provides a necessary service to its members. Although the subject property has only 104 feet of frontage on Ball Park Road, there are two additional emergency access points to the site, in the event that the main entrance is blocked. One connects the subject site to the Home Depot site to the west, and the other connects the subject site to the parking lot for the Prince George’s Stadium to the east.

The granting of a 46-foot variance would not do injustice to other property owners, because “the gas station will be closest to Parcel E and will not have an adverse impact on the use of Parcel E.” The applicant also indicates that since the “primary customers of the gas station are expected to be members of BJ’s Wholesale who would otherwise be shopping at the facility, the applicant does not anticipate any additional traffic along Ball Park Road.” The gas station complies with all other zoning requirements and is consistent with the spirit of the Zoning Ordinance.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

**Comment:** The applicant has provided adequate justification for the third criterion, the subject property is zoned C-M where a gas station is permitted by right, subject to the approval of a Detailed Site Plan.

8. **Landscape Manual:** The Detailed Site Plan is in conformance with the requirements of the *Landscape Manual*. The addition of a gas station, propane tank sales area, and building addition to the tire center does not increase the intensity of the overall use of the property. Since the overall use is considered to be retail sales and consumer service establishment larger than 60,000 square feet and not part of an integrated shopping center, the use was previously considered a high intensity use, and the appropriate bufferyards have been provided. The applicant provided a landscape plan that shows the quantities and types of plant materials provided for on the original landscape plan. The applicant should update the landscape plan to include the required landscape schedules or

provide a copy of the original landscape plan as part of the subject Detailed Site Plan set.

9. **Woodland Conservation Ordinance:** In a memorandum dated May 14, 2004 (Finch to Wagner), the Environmental Planning Section has indicated that the revision to the Detailed Site Plan has no impact to the approved Type II Tree Conservation Plan (TCPII/161/91).

### **Required Finding**

10. As required by Section 27-285(b) of the Zoning Ordinance, 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.

### **Referrals**

11. In a memorandum dated November 16, 2004 (Burton to Wagner), the Transportation Planning Section offered the following comments:

On August 25, 2004, staff prepared a memorandum (Burton to Wagner) outlining the transportation findings for the referenced Detailed Site Plan. After analyzing all the pertinent data provided by the applicant, staff concluded that the proposed expansion of BJ's with an eight-pump gas station would create an additional 81 daily trips. Further, the 81 trips would exceed the original trip cap of 11,332 daily trips as mandated by Planning Board in the approval of the 3809 Crain Limited Partnership Property (Preliminary Plan 4-94074, which includes the BJ's site).

Subsequent to the release of the August 25, 2004, memorandum, the applicant has submitted new information to staff. Specifically, the applicant has provided staff with data showing 24-hour turning movement counts at the Ball Park Road/US 301 intersection. The purpose of the turning movement count is to quantify the number of vehicles that ingress and egress Ball Park Road within a 24-hour period. Because Ball Park Road serves Home Depot, BJ's, Chick Fil-A, the Mobil Gas Station as well as the Bowie Stadium, it was necessary to quantify and separate the traffic that was oriented to and from the stadium only. This was achieved by placing a vehicle-activated tube just east of the access points to the Home Depot, BJ's, Chick Fil-A and the Mobil Gas Station. The counts registered on the tube counting device were then subtracted from the turning movement counts at the US 301/Ball Park Road intersection.

The result of these analyses shows that 11,439 trips traverse Ball Park Road within a 24-hour period. Within that same period, 285 daily trips enter and leave the Baysox Stadium based on readings from the tube counting device. Consequently, the number of daily trips attributable to the four developments (collectively) that are served by the four access points are  $(11,439 - 285 = 11,154)$ . It is worth mentioning that not all of the observed 11,154 trips are considered to be new (or primary) trips. On many occasions, some trips that are associated with a particular development are considered to be pass-by (or secondary) trips. For the purposes of meeting adequacy (APF), and specifically with regard to the Planning Board imposed trip cap, only new

trips being generated by the four developments can be considered.

Because the original trip cap of 11,332 trips were based on new trips only, it is therefore necessary to factor in the effect of pass-by trips from the observed daily total of 11,154 trips. To that end, with some reference to the ITE manual, the applicant's traffic consultant has determined that 2,610 trips were pass-by trips and should be subtracted from the recently observed total. With that adjustment made, it was determined that the new trip total would therefore be  $11,439 - 2,610 - 285 = 8,544$  daily trips. In staff's August 25, 2004, memorandum, it was established that the gas station that is being proposed for the existing BJ's would generate 81 new trips. Should this approval be granted, the new daily trip count would be  $8,544 + 81 = 8,625$  trips. Staff concurs with the applicant's recent finding that the original trip cap has not been breached.

With regard to the seasonal variation of shopping habits during a calendar year, the applicant has provided data from the ITE manual that shows that during the month of July, from a statistical perspective, there is no variation in shopping center traffic. The data shows that during the month of February, approximately 78.1 percent of a typical monthly volume is observed, while 141.8 percent of a typical monthly volume is observed in December. However, for the month of July, a monthly variation of 100.8 percent was observed, which in statistical and practical terms represents normalcy.

#### **TRANSPORTATION STAFF CONCLUSIONS**

The Transportation Planning Section concludes that the proposed site plan is deemed acceptable as required by Section 27-285 of the Prince George's County Code with regard to the circulation of traffic on-site. It further concludes that if this Detailed Site Plan is approved, it will not exceed the original trip cap established by the Planning Board.

12. In a memorandum dated July 7, 2004 (Mayor Robinson to Hewlett), the City of Bowie recommends approval of the Detailed Site Plan (DSP-00049/01) and Variance (VD-00049/01), subject to conditions, which have been incorporated into the Recommendation section below, except for Conditions 2, 5c, and 11.

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-00049/01 and further approved Variance Application No. VD-00049/01 subject to the following conditions:

1. Prior to certification of the detailed site plan, the following revisions shall be made:
  - a. Dimensions for all parking and loading spaces shall be shown on the plans.
  - b. The plans shall be revised to indicate concrete curbing in the islands defining the area for

the gas station. Attractive landscaping shall be provided in the islands.

- c. Dimensions shall be provided indicating that the sidewalk in front of the gas station kiosk building is at least five feet wide.
  - d. The applicant shall update the landscape plan to include the required landscape schedules or provide a copy of the original landscape plan as part of the subject Detailed Site Plan set.
2. The area discrepancy between the site plan and building elevation plan regarding the square footage of the proposed tire center addition shall be rectified.
3. The one parking space proposed in the propane sales area shall be a van-accessible handicap parking space.
4. In addition to the standard pavement-painted symbol and signage at the head of the stalls, all handicap parking spaces shall be painted blue in their entirety. A note to this effect shall be placed on the DSP.
5. Landscaping:
  - a. At least 50 percent of the plant species shall be native material, with the remainder of the proposed vegetation being nonnative/noninvasive plant material. The landscape plan shall be revised to reflect this condition.
  - b. The caliper of the "October Glory" Red Maple trees noted on the landscape plan shall be increased to a minimum of 2.5 inches.
6. One light pole and fixture shall be installed and located along the row of new 16 parking spaces. This new lighting equipment shall match the existing freestanding light poles and fixtures used elsewhere on the site in terms of height, color and style and shall have a full cut-off lens. Details of the light pole and fixture shall be provided on the DSP.
7. The building-mounted sign proposed on the southern elevation of the tire center addition shall be deleted from the application, or the applicant shall file an application for a departure to permit the sign to be installed.
8. No flags or banners shall be mounted, suspended or otherwise displayed from any building or be permitted on the site, except a standard size American flag. A note shall be provided on the DSP reflecting this condition.
9. The color, type, pattern and arrangement of block used on the kiosk building shall match that which exists on the main retail building.



10. The gasoline canopy shall be sprinklered.
11. The propane tank area shall be enclosed by a fence and locked by a security gate.

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.

\* \* \* \* \*

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 Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire and Hewlett voting in favor of the motion, and with Commissioner Vaughns opposing the motion and with Commissioner Harley absent at its regular meeting held on Thursday, December 9, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of January 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:GW:rmk