

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 July 5, 2007 regarding Detailed Site Plan DSP-06099 for Ardwick Park Development Company, Lots 15 through 22, the Planning Board finds:

1. **Request:** The subject detailed site plan application is for approval of a commercial fuel depot.

2. **Development Data Summary:**

| | EXISTING | PROPOSED |
|-----------------------------|----------|-----------------------|
| Zone(s) | I-1 | I-1 |
| Use(s) | Vacant | Commercial Fuel Depot |
| Acreage | 1.13 | 1.13 |
| Lots | 8 | 8 |
| Building square footage/GFA | 0 | 0 |

3. **Location:** The subject property is located in the northeastern quadrant of the intersection of Pennsy Drive and Polk Street; south of US 50 and west of I-495 in Planning Area 72 and Council District 5.
4. **Surroundings and Use:** The site is bounded to the northeast and northwest by industrial land use, to the southwest by wooded industrial-zoned land, and to the southeast by industrial use.
5. **Previous Approvals:** CB-68-2006 (defined a "Commercial Fuel Depot" as an unattended, automated fuel dispensing facility that dispenses fuel to businesses, organizations, and municipalities that maintain a fleet of vehicles. This use does not include any retail sale of gasoline to the general public and does not include any store sales, vehicle service or vending operations). Stormwater Concept Approval Number 39334-2006-00 was issued December 13, 2006 and effective until December 13, 2009.
6. **Design Features:** The subject corner site, accessed both from Pennsy Drive, a 60-foot-wide master-planned collector, and Polk Street, a 50-foot-wide but not a master-planned road, is proposed be developed with a commercial fuel depot comprised of 6 fuel pumps, protective canopies, a 64-square-foot electric equipment shed, underground petroleum storage tanks, and landscaping. The pumps are arranged in a "T" formation, with two pumps across the top, resting on a concrete pad, terminating at a point 20 feet from the northern property line, and the remaining four pumps are to be located on another concrete pad, perpendicular to the first and terminating at a point approximately 63 feet from the southern site boundary. Landscaping, consisting of a variety of trees and shrubs, is located primarily at the periphery of the site, though significant grassed areas are planned for the

eastern side of the site and its northwestern corner. There is a concrete dumpster pad surrounded by a board-on-board enclosure in the central portion of the site. No parking is indicated on the plans, though a 12-foot by 19-foot loading space is located proximate to the dumpster pad. Lighting is to be provided on site and a Quarles Petroleum sign with a light pole is indicated immediately adjacent to the access points on each side of the site.

The Maryland Department of the Environment (MDE) regulates the installation of underground storage tanks in order to prevent the possibility of leaking tanks polluting groundwater. Toward that end, operators of underground storage tanks are required to register the tanks with MDE and have a pollution plan approved. Staff has included in the back-up of this report, the draft registration forms and pollution plan for the project. Please note that the tanks will not be permitted to operate unless the applicant completes the registration and pollution prevention requirements.

The applicant has proffered a six-foot-high chain link fence around the periphery of the subject property. Recommended condition 1(d) below would insure inclusion of the above described fence on the plans for the subject project.

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 general conformance with the requirements of Section 27-473 of the Zoning Ordinance, which governs development in the industrial zones. The proposed fuel depot is permitted in the I-1 Zone as reflected in Sec. 27-473(b) Table of Uses for industrial zones. It is permitted provided certain conditions are met. These include the following four requirements listed as Footnote 51 to the use table. Staff has listed each requirement below and followed it by staff comment.

- (i) **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 a minimum right-of-way width of 60 feet.**

Urban Design Staff Comment: The subject property has 163 feet of frontage on (urban primary 60-foot right-of-way) and access to Pennsy Drive that is classified as a collector on the applicable Master Plan.

- (ii) **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 are essential to the development of the site including streets, utilities and stormwater management facilities;**

Urban Design Staff Comment: Should the subject limited detailed site plan be approved, the

applicant would have complied with this requirement.

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

Urban Design Staff Comment: These provisions in the Zoning Ordinance are a subset of the regulations for gas stations. More specifically, they address issues such as the location in relation to certain incompatible land uses, outdoor display and storage on the property, design and location of access driveways, location of gas pumps, architectural specifications, and the need to include topography and the location and type of trash enclosures on the plans. The applicant included this information on the plans and has sufficiently demonstrated compliance with the above subsections.

- (iv) **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 nonoperation as a commercial fuel depot for a period of fourteen (14) months after the services cease.**

Urban Design Staff Comment: A recommended condition below would require the addition of a note to this plan ensuring that this requirement will be complied with as such time as the commercial fuel depot is abandoned.

- b. Section 27-469, I-1 Zone (Light Industrial) has the following regulations. Again, staff has listed the individual requirements in bold face type, followed by staff comment:

- (i) **At least ten percent of the net lot area shall be maintained as green area.**

Urban Design Staff Comment: At least 10 percent, in fact 55 percent of the proposed development is green space.

- (ii) **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.**

Urban Design Staff Comment: The landscape strips adjacent to the public right-of-way as required by the Landscape Manual have not been included in the calculation of required green area.

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

Urban Design Staff Comment: There is no outdoor storage involved in the subject application.

- c. The subject application also complies to Section 27-474 (b) regulations regarding minimum setbacks, and green area for the proposed warehouse with office for light industrial service.

Urban Design Staff Comment: The only applicable standard in the I-1 Zone is that 10 percent of the subject application be maintained as green area. That requirement has already been addressed in Finding 7(b) above.

10. **Landscape Manual:** The proposed development for a commercial fuel depot is subject to Section 4.2 Commercial and Industrial Landscaped Strip Requirements and Section 4.3 Parking Lot Requirements of the *Landscape Manual*. Staff has reviewed the submitted landscape plan and finds it in general compliance with the requirements of the *Landscape Manual*.
11. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because it has a previously approved Tree Conservation Plan (TCPII/18/03). The Environmental Planning Section is recommending approval of the submitted site plan, subject to conditions. Those conditions are included in the recommendation section of this report. Therefore, it may be said that the subject project is in compliance with the requirements of the Woodland Conservation Ordinance.
12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Permit Review—In a memorandum dated April 10, 2007, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plans or in the recommendation section of this report.

Environmental Planning—In a revised memorandum dated June 18, 2007, the Environmental Planning Section, noting that there are no existing environmental features available to make connections to that network on the site as would otherwise be required of a site located within the designated network of the approved *Countywide Green Infrastructure Plan*, offered the following comments:

- A forest stand delineation (FSD) was submitted with previous applications. Because there was a previously approved tree conservation plan, an FSD was not required with this application. However, a recent field visit to the site on May 8, 2007, by McCathy & Associates indicated that there are no woodlands on-site or in the immediate vicinity. The site is currently cleared and graded in compliance with approved Type II Tree Conservation Plan TCPII/18/03.

Environmental Planning Section Comment: No further information is needed with regard to FSD requirements.

- This property is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because it has previously approved Tree Conservation Plan TCPII/18/03. This site has a net tract area of 1.30 acres and a woodland conservation threshold of 15 percent or 0.20 acres. There is also a replacement requirement of 0.47 acres for clearing above and below the threshold for a total requirement of 0.67 acres as previously approved. Currently, the plan shows the requirement being met by 0.67 acres of off-site mitigation. The plan shows the limits of disturbance beyond the subject property to include a portion in the right-of-way of Ardwick Road and for the construction of ingress/egress in the northeastern corner of the subject property. The worksheet does not account for any off-site clearing because there is no classifiable forest in the area of encroachment.

Environmental Planning Section Comment: No further information is required at this time with regard to the Type II tree conservation plan.

- Stormwater Management Concept Approval Letter 39334-2006-00 dated December 13, 2006, was submitted with the subject application. The approved stormwater management concept plan was not submitted with the review package. The detailed site plan as submitted shows an underground storage facility with a bayfilter structure (as approved by the Maryland Department of the Environment) discharging into the existing system. This is consistent with the stormwater concept approval.

Environmental Planning Section Comment: No further information is needed.

All aspects of environmental planning section review have been satisfied and no environmental conditions need be attached to the subject project.

Fire Department—In a memorandum dated May 9, 2007, the Prince George's County Fire/EMS Department offered information regarding required access for fire apparatuses, private road design, fire lane requirements and the location and performance of fire hydrants.

Department of Public Works and Transportation—In a memorandum dated May 16, 2007, DPW&T offered the following:

- The subject site is located in the northeastern corner of Polk Street and Pennsy Drive, two county-maintained roadways.
- Right-of-way dedication and roadway improvements are required in accordance with DPW&T's urban primary residential roadway standards.
- All improvements within the public right-of-way, as dedicated to the County, are to be designed in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act.

- A review of the Traffic Impact Study is required to determine the adequacy of access point(s) and the need for acceleration/deceleration and turning lanes.
- Full-width, 2-inch mill and overlay for all county roadway frontages is required.
- Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.
- Conformance with street tree and lighting standards is required.
- Since existing utilities may require relocation and/or adjustments, coordination with the various utility companies is required.

In a separate email dated May 21, 2007, a representative of DPW&T stated that the site plan for Ardwick Park Development Company, DSP-06099, is consistent with approved stormwater management concept number 39334-2206.

Please note that DPW&T's requirements are enforced through their separate permitting process.

Health Department—In a memorandum dated May 16, 2007, a representative of the Prince George's County Health Department stated that the Environmental Engineering Program had reviewed the detailed site plan for Ardwick Park Development Company and had no comments to offer.

City of Glenarden—On May 22, 2007, the Mayor of the City of Glenarden stated that the city had no concerns regarding the subject property.

Town of Landover Hills—In a fax received May 18, 2007, the Town of Landover Hills stated that they had no comments on the proposed Commercial Fuel Depot, the subject of detailed site plan DSP-06099.

City of New Carrollton—In a telephone conversation held on May 15, 2007, a representative of the City of New Carrollton verbally informed staff that they would not be commenting on the project.

13. 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 Type II Tree Conservation Plan (TCPII/18/03-01) and further APPROVED Detailed Site Plan DSP-06099 for the above-described land, subject to the following condition:

Prior to certificate approval of this detailed site plan, the applicant shall:

- a. Add a note to the plans indicating that the pump aisles are intended to be accessed from only one side at a time.
- b. Provide proof that an easement has been recorded for proposed access from the adjoining lot.
- c. Add the following note to the plans: "Upon the abandonment (non-operation as a commercial fuel depot for a period of fourteen (14) months after the services cease) 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."
- d. A six foot vinyl clad chain link fence shall be shown around the periphery of the project and a detail of such fence shall be included on the plans.

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 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, July 5, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of September 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:RG:bjs