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1993 *Subregion VI Sectional Map Amendment*

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**(a) A public utility use or structure may be permitted, subject to the following:**

(1) The use, at the location selected, is necessary for public convenience and service, and cannot be supplied with equal public convenience if located elsewhere;

Finding: The proposed facility is necessary to reduce gas pressure in the adjacent natural gas pipelines leading to the Chalk Point Power Generating Station. Doing so will ensure the safety and effectiveness of the pipeline. This, in turn, allows the power station to burn cleaner natural gas rather than coal or oil fuels to provide for the power needs of the residents of southern Prince George's County. This location was chosen because it is near an existing tap in the pipeline, which runs through the adjoining right-of-way to the east. Locating near an existing tap helps minimize the expense and allows for less disturbance to the gas flow. Also, locating on the subject property would help minimize the amount of digging and piping required, resulting in less disturbance to the

environment.

- (2) Public utility buildings and structures in any Residential Zone, or on land proposed to be used for residential purposes, in a Planned Community Zone shall (whenever feasible) have the exterior appearance of residential buildings;

Finding: According to the statement of justification, the structures on the site will have the appearance of residential buildings.

- (3) Overhead lines, poles, radio or television transmitter towers, and other towers shall not be located in airport approach areas; and

Finding: The proposed 50-foot tall tower is not located in an airport approach area.

- (4) In Residential Zones, or on land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan, telephone, radio, or television transmission towers shall be set back (from the boundary line of the Special Exception) a distance equal to its height (measured from its base) plus fifty (50) feet.

Finding: The 50-foot tall antenna tower exceeds the required 100-foot setback.

- G. Parking Regulations: This site will not be manned, however the Zoning Ordinance requires one parking space per employee. The applicant suggests that three employees would be the maximum on the site at any given time, therefore they have provided three parking spaces.
- H. Landscape Manual Requirements - Alternative Compliance  
Application No. 01011: The applicant is requesting Alternative Compliance from the bufferyard requirements of Section 4.7 of the Landscape Manual. Because the long-existing 800-foot-long driveway is located in a 22-foot-wide strip within the required bufferyard, it is practically impossible to provide a bufferyard along it. In response,

the applicant has proposed to add an additional 228 plant units within the bufferyard directly adjacent to the residential development to the south and southwest, thereby further restricting the view of the station's operations. The Alternative Compliance Committee and the Planning Director have found this approach acceptable and recommend approval.

- I. Zone Standards - Variance to Special Exception Application No. 4414: The applicant seeks variances of 54 feet from the 300-foot minimum lot width at the Front Building Line and 3 feet from the 25-foot minimum lot width at the Front Street Line for properties in the O-S Zone.

**Section 27-230(a) provides that a variance may only be granted when the Planning Board finds:**

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

Finding: The subject property is both exceptionally narrow and peculiarly-shaped; having a long, 22-foot-wide panhandle leading back to the majority of the site. With only 22 feet at the street line, the applicant is unable to meet the 25-foot width requirement. The applicant claims that attempts to purchase additional property from adjacent property owners were unsuccessful. Similarly, the point at which the building line is measured is only 246± feet in width. Although the property widens to 370 feet, it is at a point which would not allow for the station to be built behind it. It is the exceptional narrowness and peculiarity of shape of the property which compels the variances.

- (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; and**

Finding: Not allowing the variances will create undo hardships for the applicant. The strict application of the Zoning Ordinance will render

the site unusable, when it is the best suited for this proposal. Even if the site was to be developed residentially, the developer would need to obtain these variances.

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

Finding: Allowing the variances will not impair the intent of the Subregion VI Master Plan, which recommends a residential use at Rural densities (0.2-0.5 dwellings/acre). The proposed use for a public utility that will benefit the residents of southern Prince George's County. The facility is set back over 800 feet from Aquasco Road and is to be heavily buffered and screened.

#### J. Other Issues

1. Departure from Design Standards Application No. 527:  
The applicant is proposing to pave the existing dirt driveway to a width of 15 feet, which is seven feet less than the required 22. Doing so would help retain the rural ambiance of the driveway, which is encouraged, since the driveway also serves several residences.

- (A) **Section 27-239.01(b)(9) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:**

- (1) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal.**

Finding: The applicant's proposal to have a substandard-width driveway to serve this unmanned facility furthers the purposes of the Zoning Ordinance. Those purposes are many and varied, but can generally be considered to protect the health, safety and welfare of the citizens and workers of the county by promoting beneficial land use relationships. By allowing the narrow width driveway to remain, less attention will be drawn to the public utility use. The driveway can continue to provide access to the adjoining

residences, with the added benefit of a hard surface.

- (2) The departure is the minimum necessary, given the specific circumstances of the request.**

Finding: By placing the 15-foot-wide driveway within the 22± foot-wide panhandle, the applicant will be able to avoid grading that would be necessary for a wider road. By avoiding this grading, the applicant is able to leave the existing topography largely unscathed, which benefits the rural ambiance of the area. The fifteen foot-wide driveway will be sufficient to provide for the needs of the residences and the occasional worker to the site. Therefore, it is the minimum necessary.

- (3) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949.**

Finding: The combination of the narrow panhandle, the fact that it provides access to adjoining residences and the applicant's desire to minimize the disruption to the rural atmosphere of the area all are circumstances peculiar to the site which make this departure necessary.

- (4) The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.**

Finding: The requested departure will not negatively impact the site or surrounding area, rather, it will help protect the visual, functional and environmental quality and integrity of the site and surrounding neighborhood by reducing the amount of paving and grading. A driveway built to commercial standards in this part of the county would only serve to draw attention to itself. The applicant is trying to avoid this.

Staff is aware that the applicant is now in

discussions with the State Highway Administration (SHA) and the County Department of Public Works and Transportation (DPW&T), both of whom will be issuing permits for the design and building of the access point and driveway. Although staff is of the opinion that the applicant's proposal can adequately provide for access to the proposed use and the adjoining residences, we realize that these two bodies must be satisfied before they will release permits. Therefore, we recommend that if either of the two agencies require a different design, the applicant acquiesce and the site plan be amended accordingly.

**(B) Not applicable**

2. Environmental/Visual Impacts: Aquasco Road, which is a designated historic road, will not be impacted by this proposal. The access to this site is via an existing driveway serving three residential dwellings and the proposed Aquasco Gate Station. Other than paving the existing gravel access road no site work will occur within 800 linear feet of Aquasco Road. Any changes to the application which involve grading or woodland clearing within 200 feet of Brandywine Road will require that the applicant prepare a visual assessment of the road viewshed.

The site plan includes a proposed 50-foot tower. Due to the setback from Aquasco Road and the presence of trees along the western property boundary the view of this proposed tower will be limited and should not result in an adverse visual impact to the historic road.

This site may be a noise generator due to the equipment that will be used including line heaters, blow off valves, and silencers. According to the July 12, 2001 and August 21, 2001 letters from the applicant the final design of the Aquasco Station has not been completed and therefore, the analysis of the noise levels generated by the actual equipment to be installed cannot be completed. The letters went further to state that once a final design is completed the design will incorporate purchasing specifications that ensures the equipment does not exceed 65 dBA ldn at the property line or the maximum permissible level, whichever is lower. Prior to the issuance of any

permits a Phase I Noise Study which contains, at a minimum, the design specifications and projected noise levels of the proposed equipment, shall be provided to the Environmental Planning Section. If the noise generated is shown to exceed 65 dBA daytime or 55 dBA nighttime at the property line a Phase II Noise Study shall be prepared to indicate how noise impacts will be attenuated.

K. 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.**

Finding: The natural gas gate station will protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County by providing the necessary safe infrastructure to allow the Chalk Point Power Station to continue providing electricity for the needs of southern Prince George's County. By making the natural gas pipeline more efficient, the power station can continue to burn natural gas, making it less reliant on dirtier fossil fuels.

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

Finding: The site plan meets almost all of the specific criteria for approval of a public utility use. Those instances where it does not can be rectified through the imposition of conditions and the approval of justified variances and a departure.

- (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.**

Finding: The 1993 *Subregion VI Master Plan*



recommends a Rural density (0.2-0.5 dwellings/acre) for the subject property and the surrounding area. The site is in the O-S Zone, a zone which permits public utility structures as special exception uses. The mix of uses proposed and the substantial buffers provided will ensure the compatibility of the use. Therefore, the proposed use will not substantially impair the integrity of the master plan.

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

Finding: Special exception uses are those uses which are deemed compatible in the specific zone they are allowed, but are not permitted by right because they may have some potential impact on the health, safety and welfare of the area in which they are proposed. In the subject case, impacts to adjacent properties and the health, safety and welfare of those residents and workers in the area are not apparent. Conditions have been recommended to ensure that this remains the case.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

Finding: There will be no detriment to the surrounding area if this proposal is approved. The structures and equipment on the site are to be painted green, they will not be visible from the adjoining properties. Much of the equipment and piping is underground. In fact, given the secluded nature of the site and the extensive natural buffers proposed, the entrance to the site is the only feature most, if not all, of the surrounding properties will see of this development. Because it is a long-existing driveway, most will only notice that it has now been paved.

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

Finding: The Environmental Planning Section (M-NCPPC) is recommending approval of TCPI/14/01 subject to two conditions, which have been incorporated into the staff recommendation.

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 recommends to the District Council for Prince George's County, Maryland that Alternative Compliance No.AC-01011 be APPROVED, Variance No. VSE-4414 be APPROVED and Special Exception No. SE-4414 be APPROVED, subject to the following conditions:

1. The Type II Tree Conservation Plan shall be revised to incorporate additional plantings, up to the minimum reforestation requirements, in the buffer yards along the southern property line and in the vicinity of the Main Disconnect Switch/Rack to provide additional on-site reforestation and reduce the area of off-site mitigation required.
2. The Type I Tree Conservation Plan shall be revised prior to signature approval to correct the "Total Woodland Conservation Provided" section of the Worksheet from 3.80 acres to 3.86 acres.
3. If any proposed work results in the need to clear or grade within 200 feet of Aquasco Road, except for minor grading and paving as shown on the Special Exception Site Plan, the application shall be revised to include a visual assessment for the road's viewshed and appropriate mitigation measures shall be provided.
4. Prior to the issuance of any permits a Phase I Noise Study which contains, at a minimum, the design specifications and projected noise levels of the proposed equipment, shall be provided to the Environmental Planning Section. If the noise generated is shown to exceed 65 dBA daytime or 55 dBA nighttime at the property line a Phase II Noise Study shall be prepared to indicate how noise impacts will be attenuated.

\* \* \* \* \*

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 Scott, with Commissioners Eley, Scott, Lowe, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday,  
January 3, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this  
7th day of February 2002.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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