

## R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed SE-4460 and AC-02010 requesting a special exception for a food and beverage store, fast-food restaurant and Alternative Compliance from landscaping and bufferyard requirements in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on May 23, 2002, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The subject property is an irregularly shaped parcel located at the southwest corner of MD 450 (Annapolis Road) and Bell Station Road. This undeveloped site is relatively flat and partially wooded.
- B. History: The property was rezoned in 1993 from the R-E Zone to the C-M Zone through the adoption of the Glenn Dale-Seabrook-Lanham and Vicinity Sectional Map Amendment.
3. Request: The applicant is proposing to develop the property with a gas station, food and beverage store, fast-food restaurant and car wash. The applicant is proposing to construct a 4,224-square-foot, one-story building, 10 gasoline pumps under the cover of a canopy, and a 792-square-foot car wash building. Special exception is requested for the food and beverage store and fast-food restaurant. The proposed gas station is permitted by right but requires a Detailed Site Plan. The car wash is permitted by right.

The proposed use abuts a property (to the south) developed with a single-family detached dwelling. Section 4.7 of the *Landscape Manual* requires that the applicant provide a 40-foot-wide landscaped yard and a 50-foot building setback between these uses. The site plan indicates that a portion of the parking lot and drive aisle from the proposed car wash encroaches into the required landscaped yard.

In addition, a portion of the proposed car wash building encroaches into the 50-foot building setback. Pursuant to Section 4.3a of the *Landscape Manual*, a 10-foot-wide landscaped strip is required along Annapolis Road and Bell Station Road between the proposed parking area and the street right-of-way. A five-foot-wide sidewalk is proposed within the landscaped strip. The applicant has applied for Alternative Compliance to address these deficiencies.

4. Neighborhood and Surrounding Uses: The neighborhood is defined by the following boundaries:

North - Hillmeade Road and the Pennsylvania Railroad Line

East - Annapolis Road (MD 450)

South - Annapolis Road (MD 450) and Glenn Dale Boulevard (MD 193)

West - Glenn Dale Boulevard (MD 193) and the Pennsylvania Railroad Line

The property is surrounded by the following uses:

North - Undeveloped land in the R-R Zone, across Bell Station Road.

East - Undeveloped property in the M-X-C Zone (Fairwood Turf Farm), across MD 450.

South - A single-family home to the southwest (historic Magruder-Brannon house) in the C-O Zone.

West - Undeveloped property in the C-M Zone.

5. Specific Special Exception Requirements:

Section 27-355 provides the following specific requirements for food and beverage stores:

**(a) A food or beverage store may be permitted, subject to the following:**

**(1) The applicant shall show a reasonable need for the use in the neighborhood;**

The applicant submitted a needs analysis that was reviewed by the Research Section. In a memo dated April 3, 2002, the Research Section determined that the information submitted by the applicant does not establish a ■public need• for the proposed use. The Research Section disagrees with the ■resident demand• and ■resident capture rates• established by the applicant.

The Planning Board notes that the criteria merely requires the applicant to show a reasonable need for the use in the neighborhood. This test requires that the applicant demonstrate the proposed use is ■reasonably convenient or expedient• as opposed to ■public need•. The public need test is the more onerous test that is based on market areas and more extensive demographic and economic data. The subject property is located directly across from a large developing subdivision that will include 1,799 dwelling units, a quarter-million square feet of office and commercial uses, and a school. It is reasonable to assume that a food and beverage store at the subject location will be a convenient commercial use.

**(2) The size and location of, and access to, the establishment shall be oriented toward meeting the needs of the neighborhood;**

The proposed use is conveniently located across from a residential subdivision that is under construction. The site plan shows that access along Annapolis Road and Bell Station Road is oriented toward this developing community and will also be convenient to motorists traveling through the neighborhood.

**(3) The proposed use shall not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses;**

The proposed food and beverage store is strategically located along a developing residential and commercial corridor. The property is flanked by land in the C-O Zone to the south and large tracts in the R-R Zone to the north and M-X-C Zone to the east. In addition, the property fronts on a major arterial that will ultimately be widened to a six-lane road. This site is positioned to serve a growing area and will not restrict the development of adjacent properties.

- (4) **In the I-1 and I-2 Zones, the proposed use shall be located in an area which is (or will be) developed with a concentration of industrial or office uses;**

The subject property is in the C-M Zone. This requirement does not apply.

- (5) **The retail sale of alcoholic beverages from a food or beverage store approved in accordance with this Section is prohibited; except that the District Council may permit an existing use to be relocated from one C-M zoned lot to another within an urban renewal area established pursuant to the Federal Housing Act of 1949, where such use legally existed on the lot prior to its classification in the C-M Zone and is not inconsistent with the established urban renewal plan for the area in which it is located.**

The sale of alcoholic beverages is not proposed.

Section 27-350 provides the following specific requirements for fast-food restaurants:

- (a) **A drive-in or fast-food restaurant may be permitted, subject to the following:**

- (1) **All proposed buildings, structures, and outdoor facilities (including vehicle parking) shall be located at least two hundred (200) feet from the nearest property line of any land in any Residential Zone, or 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. The District Council may reduce this setback requirement when it determines that the landscaping, screening, and buffering requirements in the Landscape Manual, or other conditions, will adequately protect abutting residential property;**

The proposal does not conform with the 200-foot setback. The proposed building is located 161.9 feet from undeveloped land in the R-R Zone to the north across Bell Station Road. However, the applicant is proposing to construct a three-foot-high wall along the Bell Station Road frontage, which in combination with the proposed landscape strip along Bell Station Road, will more than adequately buffer the residential property from the fast-food use.

- (2) **A bicycle rack for at least six (6) bicycles shall be provided on the premises, unless the applicant demonstrates to the satisfaction of the District Council**

**that the requirement is inappropriate because of the location or nature of the establishment;**

The site plan demonstrates compliance with this requirement.

**(3) The use will not restrict the availability, or upset the balance, of land use in the neighborhood for other commercial uses; and**

The proposed fast-food restaurant will not restrict the availability of land or upset the balance of land use in the area for other permitted uses. The property is adjacent to undeveloped land in the C-M Zone to the west, a historic structure to the south in the C-O Zone, undeveloped land in the R-R Zone across Bell Station Road, and a large residential community with an office component currently under construction in the M-X-C Zone. The location and operation of the proposed restaurant will provide services to patrons of the gas station, travelers along Annapolis Road, and ultimately residents and workers in the nearby M-X-C zoned community. The proposed fast-food restaurant use with its 15 seats is incidental to the gas station and food or beverage store, which are the primary uses. This proposed fast-food restaurant is consistent with the evolution of gas station service.

**(4) Special consideration shall be given to advertisement, outdoor display, outdoor activity, lighting, hours of operation, and other aspects of the proposed operation to assure that the health, safety, and general welfare of the community will be protected.**

The applicant has indicated that signs will be limited to that shown on the site plan and architectural elevations submitted with this application. The applicant further stated that outdoor lighting will be installed. The lighting will enhance the safe internal flow of cars and customers but will not cause undue glare onto adjoining properties. The applicant has also indicated that most of the outdoor activities generated on the property will be a result of the gas station use. The fast-food component on its own will generate a negligible amount of additional activities on site. No information is given regarding hours of operation.

Technically, the gas station is not part of this special exception review. However, those requirements are addressed below just to determine whether or not a gas station could be added to the proposed special exception site plan. Gas stations are subject to Detailed Site Plan review in accordance with the requirements of Section 27-358(a)(1)(2)(4)(5)(6)(7)(8)(9) and (10):

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

**(1) The subject property shall have at least one hundred and fifty (150) feet of**

The subject property has 185 ∇ feet of frontage on and direct access to Annapolis Road (MD 450), which has a right-of-way width of 160 feet at this location.

- (2) **The subject property shall be located at least three hundred (300) feet from**

There are no schools, playgrounds, hospitals or libraries within 300 feet of the subject property.

- (4) **The storage or junking of wrecked motor vehicles (whether capable of**

There will be no storage or junking of wrecked motor vehicles on the subject property. This development does not include vehicle repair.

- (5) **Access driveways shall be not less than thirty (30) feet wide, and shall be 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;**

The applicant has revised the site plan to provide one 35-foot-wide driveway on Annapolis Road and two 30-foot-wide driveways on Bell Station Road. Both the Maryland State Highway Administration (SHA) (memo dated March 12, 2002) and the Transportation Planning Section (memo dated April 3, 2002), are concerned about access from the property onto Annapolis Rd. The applicant will be required to provide access in accordance with SHA guidelines.

- (6) **Access driveways shall be defined by curbing;**

The site plan indicates that driveways will be defined by curbing.

- (7) **A sidewalk at least five (5) feet wide shall be provided in the area between**

A five-foot-wide sidewalk is provided as required.

- (8) **Gasoline pumps and other service appliances shall be located at least**

The site plan indicates that the proposed gasoline pumps are 85 feet from the street line. The proposed car wash is 175 feet from the street line.

- (9) **Repair service shall be completed within forty-eight (48) hours after the building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another 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 landscape plan.**

No vehicle repair service is proposed.

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

The applicant has provided details showing signs, elevations and a brick facade for the proposed food and beverage/fast-food restaurant. The subject property is part of a larger parcel that is subject to a preliminary plan (4-95053) that requires Detailed Site Plan review for all development of the property. In addition, a gas station in the C-M Zone also requires a Detailed Site Plan. Preliminary Plan 4-5053 contains design guidelines that should be observed when developing the subject property much of these guidelines were extracted from the master plan. The applicant has provided a sufficient level of detail for this special exception review. However, the actual approval of the architectural elements will not occur until the Detailed Site Plan is reviewed.

F. Parking Regulations: The parking schedule indicates that parking will be provided for the proposed uses as follows:

|                          |  |
|--------------------------|--|
| Food and Beverage Store: | 1space/150 square feet (2,886 sq.ft.) = 19.24 spaces                                       |
| Gas Station:             | 1 space/employee (2 employees) = 2 spaces  |
| Fast-Food Restaurant:    | 1 space/3 seats (15 seats) = 6 spaces<br>+ 1 space/50 square feet (850 sq.ft.) = 17 spaces |
| Carwash:                 | 1 space/500 square feet (792 sq.ft.) = 1.58 spaces   |
| Total Required Parking:  | (45.82 or) 46 spaces   |
| Total Provided Parking:  | 49 spaces  |

The Parking Regulations require decimal numbers to be rounded up to the nearest whole number. Based on this requirement, the total required parking is 46 spaces.

G. Landscape Manual Requirements: The application is subject to Section 4.7 Buffering Incompatible Uses of the *Landscape Manual*, and the application as submitted does not meet these requirements. The landscaped yard is encroached upon by a parking lot and drive aisle from the proposed car wash. The proposed car wash encroaches into the 50-foot building setback. In addition, the site is subject to Section 4.3a which requires a 10-foot-wide landscaped strip along Annapolis and Bell Station Roads. The site plan indicates that a sidewalk would be placed within the required landscaped strips. The applicant has submitted an application for Alternative Compliance to address these deficiencies.

Alternative Compliance Application AC-02010 includes the following proposal to address Section 4.7:

REQUIRED along the southern property line:

Length of bufferyard: 305 feet

Building setback:

Landscaped yard: 40 feet

Plant materials: 253 plant units

PROVIDED:

Building setback: 50 feet

Landscaped yard: 40 feet

Plant materials: 302 plant units

Section 4.3a Requirements:

Minimum 10-foot-wide landscaped strip between the right-of-way and the parking lot to be planted with a minimum of one shade tree and 10 shrubs per 35 linear feet of frontage, excluding driveway openings, is required. The landscaped strip may not include any paved area except pedestrian sidewalks or trails that cross the landscaped strip.

The site plan shows a sidewalk within the required landscaped strip. The applicant will be required to provide three additional Thornless Honey Locusts at the entrance to MD 450 behind the proposed sidewalk. In addition, two Thornless Honey Locusts will be provided on the west and one on the east side of the MD 450 entrance.

The site is also subject to Section 4.3b, Perimeter Landscape Requirements, along the western side of the property line. The site plan must be revised accordingly. The Alternative Compliance Committee also recommends that the applicant revise the landscape plans to replace the Norway Spruce with Emerald Green Arborvitae and move the proposed fence to the property line to create more room for the landscaped buffer.

With the revisions recommended above, the landscape plan will demonstrate equal or better than normal compliance with the *Landscape Manual*.

- H. Zone Standards: The proposed use meets the height and bulk requirements for the C-M Zone.
- I. Sign Regulations: The site plan shows a 21-foot-high freestanding sign with approximately 162 square feet of sign area. The sign meets the height, size and setback requirements for a freestanding sign in the C-M Zone. However, based on comments from the Community Planning Section in their memo of April 8, 2001, Planning Board is concerned about the size of the sign. The applicant proposes a 21-foot-high and seven-foot-wide freestanding sign at the intersection of MD 450 and Bell Station Road. Signage along MD 450 corridor should be handled carefully to reduce the visual impact. A lower sign constructed of the same brick type proposed for the brick wall along the frontage roads would promote greater compatibility with the abutting historic site and the residential neighborhood.
- J. Other Issues:

1. Preliminary Plan Issues: The Subdivision Section, in a memo dated April 9, 2002, submits the following comments:

■In my previous referral (see attached memo dated April 3, 2002), I recommended that the special exception site plan be revised as follows:

- 1. Add the required 30-foot-wide landscaped strip along MD 193.
- 2. Add the required 50-foot-wide landscaped strip long the southern property line.
- 3. Remove all development from the Bell Station Road right-of-way and Outlot \*A.▲
- 4. Provide sufficient screening for the loading space and trash enclosure.

■After further review, I believe the first two conditions are unnecessary. First, the proposed special exception does not front MD 193. Second, the preliminary plan condition requiring the landscaping along the southern property line is Condition 9 (PGCPB 95-364) which requires a 50-foot-wide landscaped yard along the southern property line abutting the historic site. Condition 9 reads as follows:

**■A 30-foot landscaped yard shall be provided along MD 193 and a 50-foot landscaped yard shall be provided along the southern boundary of the site where it adjoins historic site (#70-30).**

■The language in the original referral did not include the qualifying language \*where it adjoins historic site (#70-30).▲ A stormwater concept plan in the preliminary plan file shows an access driveway along the southern property line in the area of the proposed special exception. The remainder of the southern property line shows the 50-foot buffer. Furthermore, the actual historic site is to the west of the special exception boundary. The qualifying language in the resolution condition and the location of the historic site clearly limit the area of the required 50-foot-wide landscaped buffer.■ It does not apply to this special exception. Normal *Landscape Manual* requirements should apply.

■With regard to the development within the platted right-of-way, the applicant has noted that they have begun the process to vacate or abandon that right-of-way. Vacation or abandonment of the right-of-way should occur prior to special exception approval.

■A determination as to the adequacy of the screening of the loading space pursuant to Condition 8.f of preliminary plan approval should be made by the Zoning Section.●

The site plan shows a six-foot-high, board-on-board fence around the trash and loading area. The Urban Design Section (memo dated April 2, 2002) recommends that the enclosure for the trash dumpster be of masonry construction. With this screening, these facilities will not be visible from Bell Station Road. The proposed building will screen the trash and loading areas from Annapolis Road.

2. Historic Preservation Comments: The Magruder-Brannon House (Historic Site No. 70-30) abuts the subject property to the south. This house was built around 1912. It is a two-story, T-shaped cross-gable frame dwelling with projecting bays and a wrapping veranda. It was built for Arthur H. S. Magruder on a part of the family farm and is a good example of an



early-twentieth century farm residence. The proposed food and beverage store and fast-food restaurant will impact the historic site. The Historic Preservation Section, in a memo dated April 9, 2002, submits the following comments:

■Recommendations:

■Because the proposed new construction will impact the the Magruder-Brannon House Historic Site (#70-30), staff offers the following recommendations:

■Indicate the Magruder-Brannon house on the plans as an Historic Site.

■Increase the bufferyard to 50 feet, in conjunction with the recommendations in Resolution No. 95-364. Additional evergreen trees within the bufferyard will help to screen the Historic Site during the winter as well as in the summer.

■Remove the parking spaces that are currently located within the bufferyard.

■Orient all lighting so as not to introduce light pollution onto the Magruder-Brannon Historic Site.

■Reduce the height of the proposed price sign to provide a less intrusive element to the Historic Site and to the entire neighborhood.

■Background:

■The proposed gas station, car wash, fast-food restaurant and food/beverage store site encompasses 1.8210 acres and is located on the south side of Bell Station Road between Annapolis Road (MD 450) and Glenn Dale Blvd. (MD 193). The Magruder-Brannon house (70-30) property abuts the development parcel to the southwest.

■Findings:

1. ■The Magruder-Brannon house (Historic Site # 70-30) property, a 6.68 parcel, abuts the proposed development parcel at the southern edge.
2. ■In 1995, Historic Preservation staff reviewed the Preliminary Plan of Subdivision #4-95053 for Bell Station Center and offered the following recommendations that apply to this proposed development:
  - A. Applicants shall provide a bufferyard of at least 50 feet, with a minimum 40-foot landscaped yard, along the southern boundary of the subdivision, where it adjoins Historic Site #70-30.

- B. In order to be compatible with landscape features of the immediate area, developers should consider split rail or board fencing for the boundaries of the commercial subdivision.
- C. Architectural elements should be incorporated into the commercial development. Siting, orientation, roof shapes, and landscaping, as well as building height, mass, and scale should be planned in a way that is compatible with historic sites.

3. Plans indicate parking spaces within the 40-foot landscape buffer.
4. The proposed signage is 21 feet, 1 . inches tall and is located at the corner of Bell Station Road and MD 450.
5. The Magruder-Brannon Historic Site is not indicated on the plans.

■Conclusions:

■The construction of this gas station complex will have an impact on the Magruder-Brannon house with both increased light and noise. In order to help minimize this impact, the landscape buffer should contain a higher density of evergreens than is shown on the plans. This will provide buffering in the winter as well as in the summer. The proposed landscape setback, as shown on the plans, is 40 feet. Resolution No. 95-364 recommends that the bufferyard be 50 feet with at least a 40-foot landscaped yard. Staff continues to assert that this bufferyard be increased to 50 feet to provide the most protection for the Historic Site. Additionally, plans

indicate parking spaces within the landscape buffer. It is inappropriate to include parking within the protective landscape buffer, therefore these spaces should be removed from the 40-foot buffer.

■Staff finds that the fencing of the property and the architectural elements of the building to be in keeping with the recommendations made in 1995. The structures will be less visually intrusive to the Historic Site than the lighting and the noise. Every attempt should be made to place lighting so that it does not introduce light pollution onto the Magruder-Brannon Historic Site. Additionally, the applicant should consider a price sign that is oriented lower to the ground than the proposed 21-foot price sign. This will serve to protect the adjacent Historic Site as well as the general character of the neighborhood.

■The Magruder-Brannon Historic Site should be clearly labeled on the plans. •

The recommendations offered by the Historic Preservation Section will be addressed through existing Detailed Site Plan conditions.

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.**

With the recommended conditions, the proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The 15 purposes of the Zoning Ordinance, which are provided in Section 27-102, can be summed up by the first purpose; ■To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County. •

The proposed uses will provide convenient commercial service to the currently developing Fairwood community and to motorists traveling to other destinations via Annapolis Road, Bell Station Road and MD 193. This use is the only use of its kind in the immediate vicinity.

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

The proposed use will be in conformance with all the applicable requirements and regulations of the Zoning Ordinance with the conditions recommended. The property is subject to additional review under the detailed site plan process due to the gas station that is included in this development. The property is also affected by conditions of approval for Preliminary Plan 4-95033 (see attached Resolution PGCPB No. 95-364) which envisioned a more comprehensive development scenario than is presented in this site plan and also requires Detailed Site Plan review for both C-M zoned tracts. The conditions of approval

recommended for the subject special exception, along with the various levels of additional review, will ensure that the proposed development meets all applicable requirements.

**(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 Master Plan, the General Plan.**

The proposed use will not substantially impair the integrity of the 1993 *Approved Master Plan for Glenn Dale-Seabrook-Lanham and Vicinity*. However, the Community Planning Division, in a memo dated April 8, 2002, raises the following concerns:

- Although the proposed special exception uses are not health and medical-related uses developed in a campus-like setting as recommended by the master plan, the development will not eliminate the potential for the recommended uses to occur on the remaining undeveloped portion of Parcel A or in this area. However, because the balance of Parcel A is also zoned C-M, which allows for a wide range of uses, the market for health and medical-related uses will need to be very strong for these uses to occur at this location.
- The Planning Board's conditions of subdivision approval for this site are quite comprehensive and many are derived from the master plan. The conditions address access, circulation, signage, architecture, and screening of parking from the road, to name a few that relate to the master plan site design considerations.
- Of the site design considerations addressed in the master plan, the proposal falls short in terms of the vehicular circulation pattern within Parcel A and with the other commercially zoned properties to the south. The site plan does not reflect a stub connection between the special exception area of Parcel A and the balance of the parcel also zoned C-M. The absence of this connection will force vehicles to travel out onto Bell Station Road for access to (future) development on the balance of Parcel A. There seems to be no reason for this unnecessary vehicular movement onto a public road when it can be accommodated on-site. A stub connection should be provided.
- Further, the master plan encourages vehicular circulation between the three commercially zoned properties (including the subject site) bounded by Bell Station Road, MD 450 and MD 193. The site plan does not reflect a vehicular connection (stub connection) to the parcel (Parcel 138) to the south. Is the connection required by the Planning Board's conditions of subdivision approval? If it is not provided through this application, it should be provided at the time the balance of Parcel A is developed. This master plan consideration came about because the two commercial properties to the south of the subject site have some access restrictions on MD 450 and MD 193 as a result of their proximity to the MD 450 and MD 193 intersection. In addition, the master plan recommends a future interchange at MD 450 and MD 193 which will have a greater impact on the access to the southern parcels. Further, the master plan recommends that access points along the MD 193 corridor be

minimized. These three factors create the need for a comprehensive vehicular circulation pattern for these properties.

■ These comments are consistent with the intent of Condition No. 8(a) of the Planning Board's subdivision approval.

- ■ The master plan's architectural consideration regarding the development's compatibility with the Historic Site should be addressed by the Historic Preservation and the Urban Design Review staff. A finding the Planning Board made through its approval of the subdivision is that the historic Marietta Mansion on the west side of MD 193 has the dominant historical architectural presence in the community and that development on the subject site should reflect compatibility with the style of Marietta. It was concluded that development compatibility with Marietta would also result in compatibility with the abutting Magruder-Brannon House.
- ■ The applicant proposes a 21-foot-high and seven-foot-wide freestanding sign at the intersection of MD 450 and Bell Station Road. While the master plan consideration addresses signage restrictions on MD 193, it is surprisingly silent about MD 450. MD 450 is, for the most part, a residential corridor in this general area and there is a Historic Site abutting the subject site. Signage along MD 450 corridor should be handled carefully to reduce the visual impact also. A lower sign constructed of the same brick type proposed for the brick wall along the frontage roads would promote greater compatibility with the abutting historic site and the residential neighborhood. The above concern is consistent with the intent of Condition No. 8(c) of the Planning Board's subdivision approval.
- ■ Is the site plan in conflict with landscape and building setback requirements along the southern property line? There is no apparent reason why the setbacks should not be in compliance with the requirements.
- ■ Site plan review is required per the Planning Board's conditions of subdivision approval.●

The concerns raised by the Community Planning Division can be addressed through conditions of approval. The applicant has submitted an Alternative Compliance application to address landscaping and setback issues. The Alternative Compliance Committee has recommended approval of the applicant's proposed landscaping alternative. The Planning Board shares the Community Planning Division's concern regarding the proposed 21-foot-high freestanding sign. We note that the proposed gas station/food and beverage store building is 22 feet high. While the maximum permitted height for a freestanding sign in the C-M Zone is 25 feet, a sign that is as tall as the building it would serve is inappropriate at this important location. We recommend that the height of the sign not exceed 12 feet. The sign should be mounted on a brick base, surrounded with attractive landscaping.

The Board also notes that the applicant has revised the site plan to show a brick facade for the building to address compatibility with both the Marietta Mansion (to the west across MD 193), the Magruder-Brannon house and the proposed Fairwood development. The plan

should be further revised to provide a stub connection to Parcel A to provide interior vehicular circulation in accordance with the recommendations of the Master Plan.

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

With the recommended conditions of approval the proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. The site will have adequate vehicular circulation and, according to the Transportation Planning Section (memo dated April 3, 2002), would not pose unanticipated capacity issues on adjacent roadways. In response to the right-in, right-out driveway on Annapolis Road, 22 feet from the Bell Station Road intersection, proposed on the original site plan, the Transportation Planning staff recommended a right-out only access onto MD 450 from the subject property to ensure safe movement of traffic. The applicant has, however, revised the site plan to provide a 35-foot-wide driveway 73.9 feet from the intersection.

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

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. Commercially zoned land abuts the subject property to the west and south. A major residential and commercial development is under construction on the property across Annapolis Road to the east. There is undeveloped land in the R-R Zone to the north of the property across Bell Station Road. The development activity in the area suggests that this sleepy semi-rural area is evolving toward a more suburban character. The recommended conditions of approval will ensure that the proposed uses are compatible with this developing community and, at the same time, are respectful of existing historic properties.

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

The Environmental Planning Section, in a memo dated April 2, 2002, submits the following comments:

■The Environmental Planning Section has reviewed the application for SE-4460 stamped as received by the Countywide Planning Division on March 7, 2002. The required environmental findings cannot be made because there are significant problems with respect to the Type I Tree Conservation Plan (TCP). This memo contains conditions that are recommended in association with approval of the Special Exception, if the pending application is approved.

■Background

■The subject property has been previously reviewed by the Environmental Planning Section as preliminary plans of subdivision 4-94087 and 4-95053. Preliminary plan 4-94087 was withdrawn and preliminary plan 4-95053 and TCPI/39/95 were approved. This 11.83 acre site is also subject to TCP/II/94/97, which was approved

as part of a grading permit allowing mining on a portion of the site. The current application for a Special Exception consists of 1.6 acres.

#### ■ Site Description

■ This C-M zoned site is located in the southwest quadrant of the intersection of Bell Station Road and MD 450. The site is bordered by MD 193 to the west, a large parcel containing the historic site, the Magruder-Brannon house, to the south, MD 450 to the east, and Bell Station Road to the north. Bell Station Road is a designated Scenic and Historic Road. The majority of the site has been cleared of vegetation and mined. The eastern portion of the site contains a narrow strip of woods along the southern property boundary.

■ No 100-year floodplain, streams, or steep and severe slopes have been identified on site. A small area of nontidal wetlands is located within the area for the proposed Special Exception. The site is located in the Lottsford Branch watershed, which is a tributary to the Patuxent River. The soil series on the 1.6 acres of the Special Exception Application site are Adelphia and Collington. Adelphia soils are in hydrologic soils class B and may suffer from seasonally high water tables and impeded drainage. Collington soils, which are in hydrologic soil class B, have a K factor of less than 0.37. These soils pose few difficulties to development. No adverse noise impacts from off-site sources have been identified which would limit development of this site and the proposed use is not anticipated to be a noise generator. No Marlboro clay has been identified on this site. The site is in sewer and water service categories S-3 and W-3.

#### ■ Environmental Review

- 1. This site is subject to TCPI/39/95, which was approved with Preliminary Plan 4-95053, and TCPII/94/97, which was approved as part of a grading permit for a mining operation. Both of the TCPs showed preservation areas where the service station is proposed. The Type I TCP will need to be revised to show how the requirements will be met with the inclusion of the service station on the site. The Type I TCP shall encompass the entire property.

*■ Recommended Condition: Prior to approval of the Special Exception, a revised Type I TCP shall be submitted that encompasses the entire property and meets the requirements of the Woodland Conservation Ordinance.*

- 2. The service station proposal as submitted will result in the filling of an area of nontidal wetlands. A variation was approved with the preliminary plan for the disturbance to the wetland buffers, as required by the Subdivision Ordinance.

*Recommended Condition: 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 all associated mitigation plans.*

- 3. Condition #8 of PGCPB No. 95-364, which was approved with preliminary plan 4-95053, requires that a Detailed Site Plan for the entire site be approved prior to the issuance of building permits.

*Comment: A Detailed Site Plan has not been submitted at this time. A Type II TCP will be needed with the review of the Detailed Site Plan and shall be in conformance with the revised Type I TCP.*

- 4. Condition #10 of PGCPB No. 95-364 requires that a 50-foot landscape yard be provided along the southern boundary of the site where it adjoins the adjacent historic site. The subject property and the historic site share the entire southern property boundary of the subject property. As designed, the site plan for SE-4460 shows less than a 50-foot landscaped yard along the southern boundary. This is an area that could be used to meet the Woodland Conservation Ordinance requirements.

*Recommended Condition: Prior to approval of the Special Exception, the site plan shall be revised to address Condition #10 of the preliminary plan approval. When the site plan has been redesigned to provide the required 50-foot landscape yard, this area may be used as woodland conservation either as preservation if a minimum of a 35-foot-wide strip is preserved, or as reforestation if the appropriate stocking levels are used.*

- 5. Bell Station Road, a designated Scenic and Historic Road, is proposed to be straightened and widened from MD 450 to MD 193. TCPH/137/00 was approved for this project. It does not appear that the status of this portion of Bell Station Road was discussed at the time of the preliminary plan review; however, the approval conditions contain design requirements to lessen the visual impact of the proposed use on Bell Station Road.

*Comment: No further information is needed with regard to this issue.*

#### ■Summary of Recommended Conditions

- 1. Prior to approval of the Special Exception, a revised Type I TCP shall be submitted that encompasses the entire property and meets the requirements of the Woodland Conservation Ordinance.
- 2. 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 all associated mitigation plans.

- 3. Prior to approval of the Special Exception, the site plan shall be revised to address Condition #10 of the preliminary plan approval. When the site plan has been redesigned to provide the required 50-foot landscape yard, this area may be used as woodland conservation either as preservation if a minimum of a 35-foot-wide strip is preserved, or as reforestation if the appropriate stocking levels are used.●

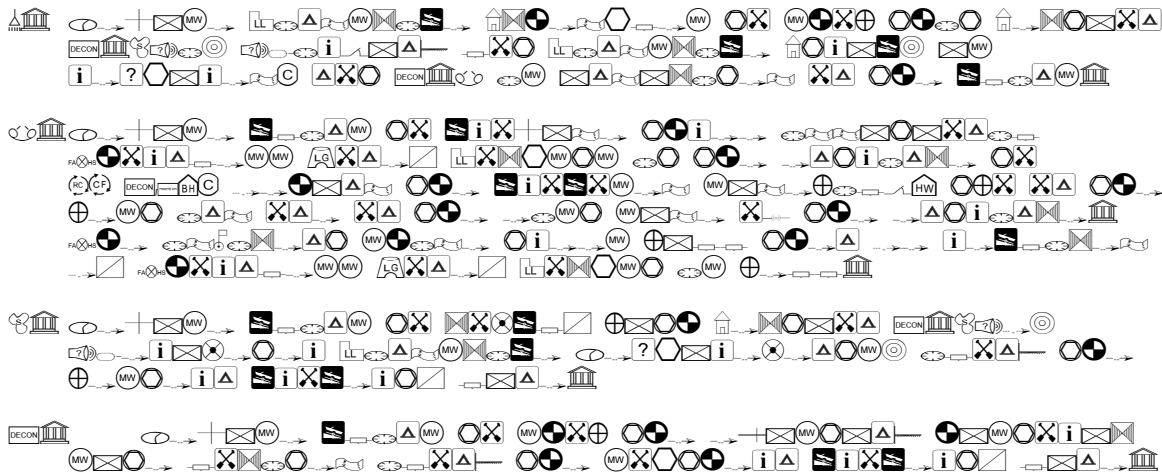
Based on the revised comments from the Subdivision Section dated April 9, 2002, it appears that the 50-foot landscaped yard referred in condition no. 10 of the preliminary plan applies to the undeveloped C-M zoned property that abuts the subject site to the west. Condition 3 is not necessary.

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 the above-noted application be APPROVED , subject to the following conditions:

1. The site plan shall be revised as follows:
  - a.. On-site vehicular circulation shall be provided to include the undeveloped portion of Parcel A as recommended in the master plan. The site plan shall provide a comprehensive vehicular circulation pattern for both properties.
  - b. The driveway proposed on Annapolis Road shall be designed in accordance with Maryland State Highway Administration standards.
  - c. The enclosure for the trash dumpster shall be of masonry construction.
  - d. The Magruder-Brannon Historic Site shall be clearly labeled on the plans.
  - e. The height of the proposed freestanding sign shall not exceed 12 feet.
2. Prior to the issuance of permits, the applicant shall obtain Detailed Site Plan approval for specific architectural elements and to demonstrate conformance with all applicable conditions of previous subdivision and zoning actions.
3. Prior to approval of the Special Exception, the applicant shall obtain a revised Type I TCP. During the required Detailed Site Plan review, the Urban Design Section shall evaluate for compliance with requirements relating to architecture, landscaping, street furniture, lighting, and sign design during Detailed Site Plan review. The site plan shall be further revised in accordance with the approval. The revised TCP submission shall encompass the entire property and meet the requirements of the Woodland Conservation Ordinance.

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 all associated mitigation plans.

The Planning Board further recommends APPROVAL of AC-02010, subject to the following conditions:



\* \* \* \* \*

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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, and Hewlett voting in favor of the motion, and with Commissioner Eley and Brown absent at its regular meeting held on Thursday, May 23, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of June 2002.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JJ:rmk