

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Special Exception Application No. 4472 requesting for establishment of a Car Wash in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, the Technical Staff Report released on June 25, 2003, recommended APPROVAL with Conditions; and

WHEREAS, the applicant introduced a petition in support of the application, signed by 139 area residents; and

WHEREAS, after consideration of the evidence and testimonies presented at the public hearing on September 4, 2003, the Prince George's County Planning Board agreed with the staff recommendation; and

WHEREAS, The planning Board recommendation is based on the following findings:

- A. **Location and Field Inspection:** The subject property is located on the southeast corner of Indian Head Highway (MD 210) and Livingston Road (MD 373), known as 16001 Krista Way. The property is currently vacant. The eastern portion of the property abuts Krista Way, a public street that is not yet built. When developed with the proposed car wash, the property will be accessed from this street. Krista Way terminates at the southern boundary line of the subject property.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant	Car Wash
Acreage	1.08	1.08
Parcels	A	A
Gross Floor Area	0	3,635 square feet

- C. **History:** The subject property was incorporated into the Maryland-Washington Regional District on November 27, 1962. The property was placed in the C-S-C Zone with the approval of Zoning Map Amendment No. A-9533 in 1985; a companion special exception, SE-3620 for an Exxon gas station, was approved at the same time. The 1993 Subregion V sectional map amendment retained the property in the C-S-C Zone.

- D. **Master Plan Recommendation:** The 1993 Subregion V master plan recommends the site for commercial land use. The master plan also shows the property being located within the right-of-

way of a future interchange between MD 210 (northbound) and a proposed exit ramp of MD 373. The 2002 General Plan places the subject property in the Developing Tier.

- E. **Request:** The applicant proposes to improve the site with a car wash. The proposed facility consists of a drive-through building attached to four manual car washing stalls.

- F. **Neighborhood and Surrounding Uses:** The neighborhood boundaries are as follows:

North	MD 373
East	Bealle Hill Road
South	Berry Road
West	MD 210

A mixture of undeveloped parcels of land, single-family residential developments in the R-R Zone, and commercial uses, mainly consisting of retail and services in the C-S-C Zone, characterizes the immediate area. To the north across MD 373, just outside the neighborhood northern boundary, are located various commercial uses including a gas station, a grocery store, and other retail uses. This area is also identified in the master plan as a village activity center. The major portion of the neighborhood is not developed; the few commercial uses within the neighborhood are located at the northernmost boundary along the south side of MD 337. The residential developments are mostly located in the central portion of the neighborhood. The undeveloped portion of the neighborhood is mostly residentially zoned (R-R, R-A and R-L), with the exception of a small area along Berry Road (the southern boundary) that is zoned M-X-T. The subject property is surrounded by the following uses:

North	Across MD 373, various small commercial and retail uses within a village activity center in the C-S-C Zone.
East	Nonresidential uses in the R-R Zone.
South	Vacant land in the R-R Zone (Special Exception SE-1945 was approved for this property allowing a golf driving range)
West	Across MD 210, a real estate office, a convenience store/gas and go, and a comic book store in the C-S-C Zone.

- G. **Specific Special Exception Requirements:** Pursuant to Section 27-461(b), a car wash is permitted in the C-S-C Zone by special exception. There are no specific requirements for a car wash.

- H. **Parking Regulations:** Section 27-568 of the Zoning Ordinance requires one parking space for every 500 square feet of gross floor area for a car wash.

A total of eight spaces are required to serve the subject use. Eight parking spaces, including one van-accessible handicap parking space, are provided. The use also requires one loading space. The site and landscape plans provide for one loading space (33 feet x 12 feet). The parking schedule does not reflect the correct breakdown and allocation of spaces. Note No. 6 of the

general notes needs to be revised to provide accurate information with regard to the required number of parking spaces and the total gross floor area.

- I. **Landscape Manual Requirements:** The applicant's proposal is subject to the requirements of Sections 4.2, 4.3, 4.4 and 4.7 of the *Landscape Manual*. The landscape plan submitted with the application met the minimum requirements. However, in response to referral comments from the Urban Design Section, the applicant revised the landscape plan to increase the number of plant units, relocate the loading space, and provide screening for the dumpster and the loading space.
- J. **Signs:** The site plan shows a freestanding sign on the front portion of the property at the entrance to the facility. No detail is provided; however, the sign location meets the ten-foot setback requirement.

Because the property is located at a highly visible intersection and in close proximity to an area designated as a village activity center, it is recommended that the proposed sign shall be designed as a ground-mounted sign, compatible in design, color and material with the proposed development of the site. Furthermore, it shall incorporate landscape materials comprised of clustered groundcover, ornamentals and annuals, planted at the base. In addition, it is recommended that the height of the proposed sign does not exceed 12.5 feet or 50 percent of the maximum permitted, to minimize potential adverse impact on the visual and environmental quality of the site and the immediate neighborhood. The specifics of the sign design should be approved prior to the issuance of permits and incorporated as part of the special exception site plan.

- K. **Zone Standards:** With the revised site and landscape plans, the site plan conforms to all other development standards of the C-S-C Zone.
- L. **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.**

The fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety and welfare of the public and promote compatible relationships between the various types of land uses. The applicant has revised the site and landscape plans to address various issues and concerns of staff and the community. Review of the applicant's site and landscape plans for conformance with the requirements of the ordinance indicates no potential for adversely affecting these fundamental purposes, provided that the recommended conditions are met. It should be noted, however, that 95 percent of the subject property is located within a proposed right-of-way and, therefore, the applicant will need to obtain authorization from the Prince George's County Council for issuance of the building permit in accordance with Section 27-259 of the Zoning Ordinance.

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

The subject property is located in the C-S-C Zone, which permits the proposed use by special exception. The proposal also meets the current zoning requirements. With the recommended conditions, the proposed use conforms to all applicable requirements and regulations of this Subtitle.

(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.

The proposed use will not result in the substantial impairment of the Subregion V master plan that recommends the site for commercial land use. The master plan also shows the property being located within the right-of-way of a future interchange between MD 210 (northbound) and a proposed exit ramp of MD 373. The 2002 General Plan places the subject property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

Upon reviewing the applicant's proposal, the Community Planning Division offers the following comments:

This application is located on the southeast corner of a major intersection in Accokeek at Indian Head Highway (MD210) and Livingston Road (MD 373). As stated in the master plan (p. 90), this intersection is generally considered the center of Accokeek and is where most commercial zoning and development has been concentrated. Previous master plans targeted this area as a focal point for further commercial and related "activity center" development. The 1993 master plan reinforces previous planning concepts and recommends a village-level activity center in this area to serve the primary commercial needs of future Accokeek residents. An illustration on page 91 of the master plan text graphically portrays the activity center development concept.

The primary components of the new activity center have developed in the northeast quadrant of this intersection, e.g. the Accokeek Village Shopping Center, a new Park and Ride commuter lot, and a new public library (now under construction). The secondary components of the activity center in the southeast quadrant of the intersection (where this application site is located) are still developing. Individual commercial buildings existing at the time the master plan was approved remain and are in use, but there has been little new construction on other commercially zoned properties. The employment land use component recommended for this quadrant has not developed at all and remains in residential zoning categories.

The subject property is located within the proposed public right-of-way needed for future interchange improvements at MD210 and MD373 on the master plan land use map. Until

the right-of-way is acquired, however, commercial development of this site as an interim or alternative use would be consistent with master plan recommendations for commercial or employment land uses on adjoining properties. Due to the prominence of this location, close attention should be paid to the design of buildings, landscaping and signs (Commercial Area Guidelines, Plan text p. 63).

The Community Planning Division has also indicated that the application is not inconsistent with the 2002 General Plan development pattern policies for the Developing Tier.

- (4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**
- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

With the recommended conditions, the use will not adversely affect the health, safety or welfare of residents or workers in the area nor will it unduly restrict the availability of land or upset the balance of land use in the area for other permitted uses.

As noted, the applicant proposes to establish a car wash that provides both automatic and manual services. The applicant indicated that the conveyer tunnel operates from 8:00 am to 8:00 p.m., Monday through Saturday, and 8:00 a.m. to 6:00 p.m. on Sundays. The applicant indicated that operating hours for the winter months would be adjusted to coincide with daytime savings time. The self-service bays will be open 24 hours a day.

Landscape bufferyards consisting of a significant number of plant materials, as well as required setbacks and building orientation, will provide adequate screening of the proposed car wash from the adjoining properties. Moreover, innovative site design, ample landscaping, and design elements consisting of natural colors for building materials will be employed to ensure consistency with the master plan's guidelines for commercial areas and activity centers and with the existing developments within the village activity center. With the proposed architectural details and landscape screening, the proposed car wash would be a positive addition to the neighborhood.

The Transportation Planning Section has offered the following comments:

The ITE's *Trip Generation Manual*, 6th edition, shows trip generation rates for a stand-alone self service car washing facility to be 5.79 trips/hour per stall during the PM peak hour. No data were available for the AM peak hour as these facilities are generally not operational during the morning peak periods. The manual's data also points to a much heavier usage on Saturdays than on weekdays. Admittedly, these trip rates were based on a very small sample size, and it would be prudent to apply additional factors in determining the full trip-generating potential of uses such as these. Applying the ITE rates, this proposed facility could potentially generate $(5.79 \times 5) = 29$ trips during the PM peak hour.

Typically, some “trips” to and from car washing facilities would normally be already on the road (to/from other destinations) and, therefore, would not be considered as new trips, but rather as pass-by trips. The effect of pass-by traffic on a facility is based to a large degree on the ease in which that facility is accessible. Since this facility will be located on the east side of MD 210, it would be less accessible to the southbound traffic along MD 210 than the northbound traffic.

Regarding traffic along MD 373, most of the demand for this service is more likely to come from points east of the facility. Taking these factors into consideration, staff opines that approximately 50 percent of the peak-hour trips during the weekdays could be considered pass-by trips. Had the site been located on the west side of MD 210, a pass-by rate of as much as 70 percent would be considered reasonable.

With the effect of pass-by trips factored, approximately 15 new trips would be generated during the PM peak hour on weekdays. The closest major intersection to the proposed site is MD 210 and MD 373. Recent traffic analyses have indicated that the intersection operates poorly during the PM peak hour under current conditions. Said intersection will continue to operate below acceptable levels of service when (approved) background developments are included in the analyses. The limited capacity at the MD 210-MD 373 intersection gives rise to other operational problems at the nearby intersection of MD 373 and the service road east of MD 210.

This service road is the sole access to a 46-home community to the north. The intersection of MD 373 and the service road is approximately 300 feet to the east of MD 210, and long queues have been observed along this 300-foot link, particularly during the evening peak hour. Should this application be approved as proposed, the facility would be served by a half section of the un-built Krista Way. That 24-foot section would effectively create a four-legged intersection with MD 371 and the service road. Since it is unlikely that this four-way intersection would be signalized, one could reasonably assume that the current operational problems will only be exacerbated by the additional traffic to and from the proposed facility.

The subject property has an approved Special Exception (SE-3620) for a gas station, a use that could potentially generate more traffic than the proposed application. Consequently, the traffic operational problems may persist for the foreseeable future.

The 1993 Subregion V Master Plan recommends an upgrade to a grade-separated interchange for the MD 373-MD 210 intersection. Based on the preliminary right-of-way requirement for the Master Plan alignment, the footprint of that interchange would impact approximately 95 percent of the subject property. It is unlikely however, that the future traffic volumes would justify the need for the interchange in the very near future. There are no funds allocated for construction in the current Maryland Department of Transportation Consolidated Transportation Program.

The State Highway Administration (SHA) has undertaken a project planning study (fall of 1997) for the MD 210 corridor between The Capital Beltway (I-95) and Charles County line. While a final decision has not been made as of this writing, none of the proposed alternatives for the MD 210-MD 373 intersection involves a grade-separated interchange. Typically, SHA's planning studies are generally based on a 20-year horizon while the County's Master Plans are based on maximum build-out of the available land. Consequently, staff is still supportive of the need for an interchange, albeit at some future date, perhaps beyond 20 years.

Regarding, on-site circulation of traffic, staff has no issues.

In closing, staff concludes that the existing queuing along MD 373 will be worsened as traffic volumes in general are increased, and more specifically, turning vehicles into and out of the proposed Krista Way are included into the operation.

In a letter dated February 27, 2003, the State Highway Administration (SHA) provides the following:

- a. The term "No Direct Access" needs to be placed on the property's frontages along MD 210 and MD 373 at the time of recordation with Prince George's County land records.
- b. Appropriate and feasible road improvements may be required at the Krista Way intersection with MD 373. The proposed development may create a sufficient number of vehicle trips to warrant upgrading the approach area. A permit issued by this office for improvements consistent with SHA guidelines and regulations may become necessary.

Moreover, at the Planning Board hearing, the applicant indicated that improvements of Krista Way to gain access to the subject property will be the applicant's responsibility.

In a letter dated April 13, 2003, the Accokeek Development Review District Commission (ADRDC) voiced its concern regarding the suitability of the proposed use for the subject property. The Greater Accokeek Civic Association also voiced similar concern citing the fact that the property has been used as a small arms firing range that might have resulted in contamination of the site. Conversely, three area residents have also written letters in support of the application and expressing their opinion that the proposed car wash would benefit the area.

As noted, Zoning Amendment A-9533 placed the subject property in C-S-C Zone in 1985. Concurrent with A-9533, Special Exception 3620 was approved for a gasoline station with four bays, three pump islands, and a kiosk. The 1993 SMA for Subregion V retained the C-S-C commercial zoning pattern for the subject property and recognizes SE-3620. The subject property is located across an area (northern side of Livingston Road) that the master plan designated as a village activity center for Accokeek and the area has since been developed with a small shopping center and other commercial uses. The master plan also recognizes the area along

the southern frontage of Livingston Road as secondary commercial components of the activity center area. In view of this, the development of the subject property with a car wash, in accordance with the master plan's guidelines for the subject area, will not have a detrimental affect to the use or development of the adjacent properties or the general neighborhood.

With respect to the traffic concern raised by Transportation Planning Section, the establishment of any use including those permitted by right would intensify the traffic level. Generally, the proposed car wash may generate fewer trips than the gas station that is currently permitted on the site by special exception, other special exception uses (for example, vehicle lubrication or tune-up facilities, vehicle, mobile home, or camping trailer repair and service stations, and private schools) or uses that are permitted by right in the C-S-C Zone (for example, drive-in-restaurant, food or beverage store, bank).

Perhaps the ultimate solution for the area's traffic problem might be the implementation of the proposed future right-of-way improvements of MD 210 and MD 373. However, as of now, there is no evidence of plans for road improvements in the foreseeable future; nor is there a proposal for land acquisition or condemnation pertaining to the subject property. Therefore, there is no basis to preclude the development of the subject property with the proposed use. It should be noted, however, due to the location of the subject property within a future right-of-way, its development requires approval by the District Council in accordance with **Section 27-259** of the Zoning Ordinance.

With respect to the past use of the property for "turkey shooting" and the potential for soil contamination, the Prince George's County Health Department, Division of Environmental Health, has offered the following comments:

Lead-contaminated soils may be associated with the small arms firing range, from the firing line soil backstop, located on the south section of this property. A soil-sampling plan for lead in the area needs to be developed and submitted to this office for review and approval prior to actual field sampling. The test results must be submitted to this office and any soil remediation finalized prior to record plat approval.

The Public Facility Planning Section has indicated that the subject property is within adequate response time to the Accokeek Station (Company 24) for engine and ambulance services to company 32 Oxon Hill. However, the property is beyond response time for ladder truck services to Company 32 Oxon Hill. The Public Facility Planning Section further indicated that the Fire Department recommends that a fire suppression system be installed in all commercial structures in accordance with national Fire Protection Association Standard 13 and all applicable Prince George's County Laws.

The Public Facility Planning Section also indicated that the proposed development is within the service area for District V Clinton and that the existing police facilities will be adequate to serve the proposed car wash.

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

A letter of exemption issued on January 24, 2003, indicates that the subject property is exempt from the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and there are no previous Tree Conservation Plans.

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 applicant shall obtain authorization from the Prince George's County Council for issuance of a building permit for the proposed use in accordance with **Section 27-259** of the Zoning Ordinance.
2. The proposed freestanding sign shall be designed as a ground-mounted sign, compatible in design, color and material with the proposed development of the site and shall meet the following criteria:
 - a. It shall incorporate landscape materials comprised of clustered groundcover, ornamentals and annuals, planted at the base.
 - b. Its height shall not exceed 12.5 feet.
 - c. The specifics of the sign design shall be approved prior to the issuance of permits and incorporated as part of the special exception site plan.
3. The parking schedule shall reflect the correct breakdown and allocation of spaces. Note No. 6 of the general notes shall be revised to provide accurate information with regard to the required number of parking spaces and the total gross floor area.
4. The hours of operation for the conveyer tunnel shall be from 8:00 am to 8:00 p.m., Monday through Saturday, and 8:00 a.m. to 6:00 p.m. on Sundays.
5. The term "No Direct Access" shall be placed on the final plat of subdivision along the property's frontages on MD 210 and MD 373 at the time of recordation with Prince George's County land records, in accordance with SHA specification.
6. Appropriate and feasible road improvements shall be provided at the Krista Way intersection with MD 373, in accordance with the regulations of the State Highway Administration for access improvements.
7. A soil-sampling plan for lead in the area shall be developed and submitted to the Prince George's County Health Department, Division of Environmental Health for review and approval prior to actual field sampling. The test results shall be submitted to the Division of Environmental Health

and any soil remediation shall be finalized prior to record plat approval.

8. Prior to issuance of permits, a letter shall be forwarded to the Director of the Department of Environmental Resources stating that the owner does not intend to develop the property in accordance with SE-3620 and requesting that the Director initiate a petition to revoke the special exception.

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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 Eley, seconded by Commissioner Hewlett, with Commissioners Eley, Harley, Hewlett, Vaughns voting in favor of the motion, and with Commissioner Lowe opposing the motion at its regular meeting held on Thursday, September 4, 2003 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of October 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:ET:rmk

(Revised 8/9/01)