

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 1, 2000, regarding Detailed Site Design Plan SP-95034/01 for Laurel Gas & Go, the Planning Board finds:

1. The Planning Board approved a Detailed Site Plan SP-95034 for a gas station on the subject property on September 7, 1995 (PGCPB No.95-265).
2. Detailed Site Plan SP-95034 was originally submitted in accordance with conditions of approval of Zoning Map Amendment A-9625 (adopted on April 13, 1987) which requires **■Planning Board approval of landscaping and screening to buffer the adjoining residential property to the east (Lot 20), and to provide for approval of the access to the subject property from the adjoining street.**• Zoning Map Amendment A-9625 rezoned the property from R-R to the C-M Zone. The subject Detailed Site Plan SP-95034/01 includes all of the information required by the Zoning condition.
3. The subject site is located on the southeast corner of Baltimore-Washington Boulevard (US Route 1) and Pinehill Street. The adjacent property to the east has a single-family dwelling and the adjacent property to the south has office uses. The property to the north, across the street from Pinehill Street, is developed with a gas station.
4. This subject Revision to a Detailed Site Plan was submitted to fulfill the requirements of Section 27-287, Validity Period, which states (in part):

■An approved Detailed Site Plan shall remain valid for three (3) years, unless otherwise specified. If, at the end of that time, physical development has not begun, approval of the Plan shall be considered as having lapsed and shall have no effect, unless the Plan is resubmitted and reapproved in accordance with the provisions of this Division.•

The previous approval for SP-95034 lapsed on September 7, 1998. The applicant submitted an application for the subject revision on April 5, 2000. The proposal included the following:

- one (1) 424- sq.-ft. kiosk
- one (1) overhead canopy for the dispensers
- four (4) multi-product dispensers
- three (3) parking spaces including one van-accessible space reserved for the handicapped.

5. A Variance V-99-96 was approved for a 20-foot-wide driveway entrance from US 1 by the Board of Appeals on May 29, 1996. The Zoning Ordinance has been revised since this approval (Section 27-358) to allow 20-foot-wide driveways if approved by the State Highway Administration.
6. The proposed gas station is a permitted use in the C-M Zone subject to the requirement for a Detailed Site Plan in accordance with Section 27-358, Gas Station, of the Zoning Ordinance. The relevant subsections of Section 27-358 (a) are as follows:

- (1) **The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;**

The subject property has a 150-foot frontage along US Route 1, Baltimore-Washington Boulevard, and a 150-foot frontage along Pinehill Street.

- (2) **The subject property shall be located at least three hundred (300) feet from any lot on which a school, playground, library, or hospital is located;**

There are no schools, playgrounds, libraries and hospitals in the immediate vicinity of the subject property.

- (3) **The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a Special Exception in accordance with the provisions of Section 27-417;**

The use does not include the display and rental of cargo trailers, trucks or similar uses.

- (4) **The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;**

No storage or junking of wrecked motor vehicles is proposed.

- (5) **Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A**

driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot.

The access driveway along Baltimore-Washington Boulevard (US Route 1) is 20 feet wide and along Pinehill Street is 40 feet wide.

The Zoning Ordinance requires that access driveways not be less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration and is constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. The State Highway Administration (Ramsey to Stossier, September 2, 1994) states that a one-directional right-in only access point can be constructed along US 1 and two-directional driveways are allowed to be constructed along Pinehill Street.

The driveways are located more than 20 feet from the point of curvature of the curb return of the intersection of Baltimore-Washington Boulevard and Pinehill Street.

The driveway is set back more than 12 feet from the adjoining lots along Baltimore-Washington Boulevard and Pinehill Street.

(6) Access driveways shall be defined by curbing;

Both the access driveways are defined by existing and proposed curbs.

(7) A sidewalk at least five (5) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;

A five-foot-wide sidewalk has been provided in the area between the building line and the curb serving pedestrian traffic.

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

The gas pumps (multi-product dispensers) are set back a minimum of 25 feet from the right-of-way line along Baltimore-Washington Boulevard and Pinehill Street.

(9) Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or 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.

There are no repair services on the subject property.

- (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 proposed building will have a brick and a glass facade. The architectural facade, exterior finishes and overall character of the proposed building are compatible with the existing and proposed surrounding residential and commercial development because they are designed to complement the size, scale, character and materials of the surrounding residential and commercial development. The proposed lighting fixtures (25 feet high light fixtures with box-type luminaries) are adequate to provide lighting for the entire site. The location of the light fixtures will avoid glare and other lighting impacts on the adjacent properties.

7. The proposal is subject to the requirements of Section 4.2 (Commercial and Industrial Landscape Strip Requirements) and Section 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. The applicant had filed an Alternative Compliance application (AC-94063) along with the original site plan. The Planning Board approved the Alternative Compliance application with conditions. The landscape plan has not been altered in the subject application. The applicant proposed a six-foot-high board-on-board fence behind the proposed building so that the building and the gas station are screened from the single-family residential property to the east. A landscape buffer is proposed between the fence and the property line to enhance the screening of the gas station. Although the proposal is consistent with the previously approved Alternative Compliance application, the area in which the subject property is located has changed significantly. The proposed landscape buffer is adequate to visually screen the subject property from the residential properties. However the traffic on US 1 has increased significantly since 1996 (when the original application was approved). As a result, the noise and detrimental effects like dust, smoke and exhaust emissions due to the large number of vehicles using the gas station will also be greater than in 1996. The Planning Board finds that the previously approved landscape buffer will not be adequate to buffer the adjacent residential properties from these detrimental impacts and that the proposed buffer which is the subject of Alternative Compliance application No. AC-94063 is not equal to or better than normal compliance with Section 4.7 of the *Landscape Manual*. The Planning Board finds that no reduction in the prescribed ■D• bufferyard (50-foot building setback and 40-foot landscaped yard) is justified in this case. The Alternative Compliance application is therefore denied.
8. The applicant has proposed directional signage for the gas station. However, the applicant has not proposed any identification signs.

9. The proposed parking is consistent with the following requirements of Section 27-582, Off-Street Parking and Loading, of the Zoning Ordinance:

PARKING REQUIRED	PARKING PROPOSED
One(1) per employee for a self-serve gas station	Three (3)
One (1) for 150 sq.ft. of general retail	None provided as there is no general retail
TOTAL	3
LOADING REQUIRED	LOADING PROPOSED
None for less than 2,000 sf of GFA	None

10. The Permits Review Section (Gallagher to Srinivas, April 24, 2000) has requested minor revisions to the site/grading plans to show setbacks and dimensions.
11. The State Highway Administration (McDonald to Srinivas, April 11, 2000) has no objections to the approval of the Detailed Site Plan.
12. The Environmental Planning Section (Markovich to Srinivas, April 11, 2000) has stated that the proposal is exempt from the requirements of the Woodland Conservation Ordinance because the site is less than 40,000 square feet in size but contains less than 10,000 square feet of woodland. The Division also found that there are no significant environmental impacts due to the proposal and a Tree Conservation Plan will not be required.
13. The Department of Environmental Resources (Guzman to Srinivas, April 13, 2000) has stated that the proposal is consistent with the stormwater management concept approval #958006730.
14. The Washington Suburban Sanitary Commission (Maholtz to Srinivas, April 17, 2000) has stated that existing WSSC facilities are located on the site.
15. The Subdivision Section (Chellis to Srinivas, April 20, 2000) has stated that a subdivision approval is not required for the proposal because the gross floor area does not exceed 5,000 square feet.
16. The Transportation Planning Section (Masog to Srinivas, April 13, 2000) has stated that the site plan is acceptable.

17. The Community Planning Division (Fisher to Srinivas, April 25, 2000) has stated that there are no planning issues at this time.
18. The Department of Public Works and Transportation (Motozedi to Srinivas, April 19, 2000) has stated that right-of-way dedication and frontage improvement along the frontage of the property in accordance with DPW&T standards are required.
19. A referral was sent to the City of Laurel but no comments have been received.
20. The revision to the Detailed Site Plan SP-95034/01 does not represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

Although the proposed driveways meet the requirements of the State Highway Administration and the Zoning Ordinance with respect to providing adequate access and pedestrian circulation within the site, the location, number and design of driveway entrances to the site do not minimize conflict with off-site traffic as required by the site design guidelines in Section 27-274. C (1). This section states that:

- The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary.●

The proposed two-way driveway along Pinehill Street will detrimentally impact the existing traffic along Pinehill Street. The significant number of vehicles from the gas station exiting onto US 1 from this driveway will increase the number of cars along Pinehill Street. This will result in a longer wait time on Pinehill Street for residents to get onto US 1. The Planning Board received testimony from residents of Pinehill Street that this intersection is already extremely hazardous and the location of numerous accidents.

The school bus stop is located at the corner of Pinehill Street and US 1. The traffic flow coming out of the driveway along Pinehill Street will pose safety problems for the children waiting at the bus stop.

In light of the above, the Planning Board finds that the location, number and design of the driveway entrances are not consistent with the Design Guidelines for Detailed Site Plans listed in the Zoning Ordinance.

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 DENIED Detailed Site Plan SP-95034/01 and further DENIED Alternative Compliance Application No. AC-94063 for the above-described land.

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 McNeill, seconded by Commissioner Boone, with Commissioners McNeill, Boone and Hewlett voting in favor of the motion, and with Commissioner Brown absent, at its regular meeting held on Thursday, June 1, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of June 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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