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Special Exception

SE-4630

Departure from Parking & Loading Standards

DPLS-338

Alternative Compliance

AC-09004

Application	General Data
Project Name: Star Wash Car Wash Location: The southeast quadrant of the intersection of Laurel-Bowie Road (MD 197) and Mallard Drive. Applicant/Address: Reza Emam and Mohammad Emam 1380 West Patrick Street Fredrick, MD 21703	Date Accepted: 08/28/2008
	Planning Board Action Limit: N/A
	Plan Acreage: 0.6887
	Zone: C-S-C
	Dwelling Units: N/A
	Gross Floor Area: 4,964 sq. ft.
	Planning Area: 62
	Tier: Developing
	Council District: 01
	Municipality: N/A
	200-Scale Base Map: 216NE09

Purpose of Application	Notice Dates
SE-4630: Car Wash in the C-S-C Zone. DPLS-338: Departure of seven parking spaces and one loading space. Alternative Compliance from Section 4.7 of the <i>Prince George's County Landscape Manual</i> for the east and south property lines.	Informational Mailing: SE-4630 05/07/2008 DPLS-338 07/22/2008
	Acceptance Mailing: 08/28/2008
	Sign Posting Deadline: 03/24/09

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

April 8, 2009

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Zoning Supervisor

FROM: Tom Lockard, Planner Coordinator

SUBJECT: **Special Exception Application No. 4630**
Departure from Parking and Loading Standards Application No. 338
Alternative Compliance Application No. 09004

REQUEST: **SE-4630:** Car Wash in the C-S-C zone.
DPLS-338: Departure of seven parking spaces and one loading space.
AC-09004: Alternative Compliance from Section 4.7 of the *Prince George's County Landscape Manual* for the east and south property lines.

RECOMMENDATION: **SE-4630: APPROVAL WITH CONDITIONS**
DPLS-338: APPROVAL
AC-09004: APPROVAL

NOTE:

The Planning Board has scheduled this application for a public hearing on April 23, 2009. The Planning Board also encourages all interested persons to request to become a person of record in this application. Requests to become a person of record should be made in writing and addressed to the Development Review Division at the address indicated above. Please call 301-952-3530 for additional information.

FINDINGS

- A. **Location and Field Inspection:** The subject property is a rectangular-shaped lot located at the southeast quadrant of the intersection of Laurel-Bowie Road (MD 197) and Mallard Drive. The site, also known as 12005 Laurel Bowie Road, is improved with the remnants of an Exxon Gas Station (Special Exception SE-3215), which operated on the site from the early 1980s until 2004 when the station was abandoned and the underground fuel tanks removed. Access to the site is gained from both Laurel-Bowie Road (two driveways) and Mallard Drive (one driveway). The applicant is proposing to close the driveways onto MD 197 and retain the singular access point from Mallard Drive.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Abandoned Gas Station	Seven Bay Car Wash
Acreage	0.67	0.67
Parcels	1	1

- C. **History:** In October 1980, the property was approved for a gas station pursuant to Special Exception SE-3215. The gas station ceased operation in 2004 and the underground tanks were removed. In 1990, the *Approved Master Plan and Sectional Map Amendment for Subregion I, Planning Areas 60, 61, and 62* rezoned the property from the General Commercial, Existing (C-G) Zone to the Commercial Shopping Center (C-S-C) Zone.
- D. **Master Plan Recommendation:** This application conforms to the land use recommendations of the 1990 master plan for Subregion I for retail commercial land uses. The 2002 *Prince George's County Approved General Plan* placed the property in 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.
- E. **Request:** The applicant is proposing a seven-bay car wash on the site. The applicant is also requesting a departure of seven parking spaces, since some of the parking they are providing would be combination parking/vacuuming stations, an arrangement not permitted by Section 27-551(a) of the Zoning Ordinance. The applicant is further requesting alternative compliance from Section 4.7 (Buffering Incompatible Uses) of the *Prince George's County Landscape Manual*.
- F. **Neighborhood and Surrounding Uses:** The applicant has not specified a neighborhood, but staff would suggest that the neighborhood is defined by the following boundaries:
- | | |
|-----------------|---|
| North: | Baltimore-Washington Parkway/Patuxent River |
| East: | Patuxent Research Refuge |
| South and West: | Laurel-Bowie Road (MD 197) |

Surrounding Land Uses:

- North: Across Mallard Drive are a convenience store and a small shopping center (Pheasant Run) in the C-S-C Zone.
- East: The Montpelier Executive Center office building in the Commercial Office (C-O) Zone.
- South: Undeveloped homeowners association land in the One-Family Detached Residential (R-55) Zone, beyond which are single-family residences in the R-55 Zone.
- West: The wide median separating the travel lanes of Laurel-Bowie Road (MD 197).

The immediate area surrounding the property is generally commercial in character, with a mixture of retail and office commercial uses fronting MD 197 and Mallard Drive. East and south of the site are a mixture of residential uses (single-family detached and townhouses). The Washington Suburban Sanitary Commission (WSSC) Parkway Water Treatment Plant is located in the northern tip of the neighborhood.

- G. **Specific Special Exception Requirements:** There are no specific special exception requirements for a car wash.
- H. **Landscape Manual Requirements:** The site is subject to Sections 4.2, Commercial and Industrial Landscaped Strip, 4.3(a), Parking Lot Landscaped Strip, and 4.7, Buffering Incompatible Uses, of the *Prince George's County Landscape Manual*. The applicant has filed a request for alternative compliance to allow a reduced bufferyard between the proposed development and residentially-zoned property to the south and a commercial office building to the east. The site plan indicates compliance with Section 4.2, providing a minimum ten-foot-wide planted landscape strip adjacent to Laurel-Bowie Road and Mallard Drive. The site plan also shows compliance with Section 4.3, providing interior parking lot plantings which exceed the Landscape Manual requirements (817 square feet required, 825 square feet provided).

Section 4.7 of the Landscape Manual requires a building setback of 30 feet and a 20-foot-wide landscaped yard along the entire eastern boundary of the site, adjacent to the office building. A 50-foot building setback and a 40-foot landscaped yard are required along the southern boundary of the site, adjacent to the undeveloped homeowners association property. In order to justify the reduction in the width of the Section 4.7 bufferyard adjacent to the residentially-zoned property to the south, the applicant is proposing to install a six-foot-high sight-tight fence and will provide 29 plant units in excess of the requirement of the Landscape Manual. Along the east property line, the applicant proposes a 54-foot setback, a six-foot-high sight-tight fence, and 77 plant units in excess of the requirement of the Landscape Manual. The Alternative Compliance Committee and Planning Director find that the proposed combination of fencing and plantings will result in buffers that are equal to or better than normal compliance with the *Prince George's County Landscape Manual* and are recommending approval.

- I. **Sign Regulations:** A ground-mounted freestanding sign is proposed on the subject property. This sign must meet all area, height, and setback requirements. The site plan should be revised to show a sign detail indicating compliance.

- J. **Departure from Parking and Loading Standards DPLS-338:** The plan correctly notes that nine parking spaces and one loading space are required to serve this use. The site plan indicates that, although ten parking spaces are to be provided, some of those spaces would be combination parking/vacuuming stations, an arrangement not permitted by Section 27-551(a) of the Zoning Ordinance. A departure from parking and loading standards is required to address this reduction in parking spaces provided. In addition, the applicant is seeking a departure of the one required loading space for the use. Section 27-588(b)(7)(A) of the Zoning Ordinance sets forth the following findings to grant a departure from parking and loading standards:

- (i) **The purposes of this Part (Section 27-550) will be served by the applicant's request;**

The purposes of the parking regulations are as follows:

- (1) **To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**

The applicant is required to provide nine on-site parking spaces. The applicant is providing two on-site parking spaces and eight combination parking/vacuuming spaces. It is the provision of the vacuums which necessitates the departure, since Section 27-551(a)(2) prohibits performing services (i.e., vacuuming) on cars in parking lots. If it were not for these vacuums, the applicant would be providing in excess of the required number of spaces. Only one employee is required to be on-site. Customers will either be in a wash bay, waiting in queue, or in a vacuuming station. Many car wash patrons will simply wash and leave, with no parking involved.

- (2) **To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**

This site has access on Mallard Drive, which in this section serves a shopping center and an office building. The applicant is proposing to close the two existing driveways along MD 197. By limiting access to Mallard Drive, the applicant maximizes the number of cars that can queue without stacking up onto either Mallard Drive or MD 197. Even though these combination spaces cannot technically be counted as meeting the parking requirements, they do meet the need of providing spaces where customers can complete their cleaning.

- (3) **To protect the residential character of residential areas; and**

Entry to the site is limited to Mallard Drive in a nonresidential section. The use and its parking will be separated from nearby residences by undeveloped land (to the south) and offices to the east. Additional shrubs, trees, and fencing will be provided to promote the aesthetics of the site. These factors serve to protect the residential character of the neighborhood. The applicant is proposing hours of operation from 6:00 am to 10:00 pm, daily.

(4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District;

The parking area will be located on-site so that it is convenient to customers and is designed to provide for an even flow of traffic with a minimum of conflict. The one loading space ordinarily required is not required for this type of use, since all of the supplies and materials will be delivered in a standard pick-up truck or SUV and will not involve a large truck or tractor-trailer.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

The departure of seven spaces is the minimum necessary. As previously explained, the spaces are provided, but technically do not count toward required parking.

(iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;

Many (if not most) of the patrons of the car wash will have no use for the provided parking spaces, they will simply wash and leave. Some of the patrons will want to either vacuum their car or wipe it down following the wash, and ample spaces are provided for that use, but cannot be counted towards required parking. If not for the vacuums, this site would have an excess of one required parking space. These circumstances are special to this type of use at this location.

(iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and

All methods for calculating the number of spaces required have been used.

(v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

Nearby residential areas are not likely to be infringed upon. The nearest residential street, Pheasant Run Court, is located 300 feet to the south and is not accessible from the subject property. A townhouse community is located 750 feet farther east on Mallard Drive, but it is unlikely that patrons would have a reason to park there. Although staff believes the spaces provided will be sufficient, it is much more likely that customers would park either in the adjacent shopping center or office building parking lots rather than in a residential area.

In addition, Section 27-588(b)(7) of the Zoning Ordinance sets forth the following:

(B) In making its findings, the Planning Board shall give consideration to the following:

(i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on-

and off-street spaces within five hundred (500) feet of the subject property;

The adjacent retail and office commercial uses have sufficient parking. There is no on-street parking along Mallard Drive or MD 197.

(ii) The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;

This application conforms to the land use recommendations of the 1990 master plan for Subregion I for retail commercial land uses.

(iii) The recommendations of a municipality (within which the property lies) regarding the departure; and

This site is not within a municipality.

(iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.

No public parking facilities are proposed in the Prince George's County Capital Improvement Program within the general vicinity of the property.

(C) In making its findings, the Planning Board may give consideration to the following:

(i) Public transportation available in the area;

There is a metro bus route along MD 197 connecting the apartments to the southwest along South Laurel Drive with the greater Laurel community. However, given the nature of this use, it is extremely unlikely that a customer would take public transportation to this site.

(ii) Any alternative design solutions to off-street facilities which might yield additional spaces;

The size and configuration of the site does not lend itself to an alternative design that would yield more parking opportunities. A total of ten spaces are provided which meets the intent of the Code in this instance, if not the letter.

(iii) The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;

This facility will be limited in its hours to ensure compatibility with the residential neighborhood in terms of its operations as well as potential parking impact.

(iv) In the R-30, R-30C, R-18, R-18C, R-10A, R-10 and R-H Zones, where development of multifamily dwellings is proposed, whether

the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.

The subject property is in the C-S-C Zone and multifamily dwellings are not proposed under this application. Consequently, the above section is not applicable to the subject property.

- K. **Referral Comments:** None of the referral replies received by staff had any objection to the application. The Transportation Planning Section finds that the critical issue for a car wash is the queuing of vehicles on the site. Their review concludes that sufficient queuing space is provided. They also strongly endorse the closure of the access points onto MD 197, finding it to be beneficial to its operation as an arterial. The Environmental Planning Section indicated that the site is exempt from the Woodland Conservation and Tree Preservation Ordinance requirements and that no environmental issues were identified. The Urban Design Section would prefer a non-wood fencing material be used for the dumpster enclosure. The National Park Service concurs with the use of a ground-mounted sign for the property and recommends that all lights on-site be shielded, full cut-off fixtures to minimize light spillage and glare.
- L. **Zone Standards:** The site plan, with the approved request for alternative compliance and departures, along with recommended conditions, will be in conformance with all zoning requirements and regulations.
- M. **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 purposes of Subtitle 27 are set forth in Section 102. They are varied, but can generally be summed up to be to protect the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the county. The proposed use and accompanying site plan are in harmony with the purposes of this Subtitle. The conditions of approval will further ensure that the purposes of the Subtitle are met.

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

The applicant has met all the applicable requirements and regulations of the Subtitle with the exception of compliance to the Landscape Manual requirements and parking standards. The applicant has requested, and staff has recommended approval of alternative compliance and necessary departures.

(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;

This application is subject to the land use recommendations of the 1990 master plan for Subregion I for retail commercial land uses. The subject property is located within the Commercial Shopping Center (C-S-C) Zone, which allows this use as a special exception use. The proposed use is compatible, subject to the provision of required screening measures, within

the current zone. Thus, 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.

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

None of the responses from any referring agencies received by staff indicate that the proposed car wash, with the included conditions, will 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; and

In consideration of the referral responses and other findings, the proposal for a car wash facility, with the recommended conditions, will not be detrimental to the use or development of adjacent properties or the general neighborhood.

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

This property is exempt from the provisions of the Woodland Conservation and Tree Preservation Ordinance because the site is less than 40,000 square feet in area and contains less than 10,000 square feet of woodland. A letter of exemption dated August 4, 2008, was submitted.

CONCLUSION

Based on the preceding analysis and findings, staff recommends that this application be APPROVED, based on the following conditions:

1. Prior to review by the Zoning Hearing Examiner, the following revisions shall be made to the site plan:
 - a. The proposed dumpster enclosure shall be replaced with a non-wood alternative in a natural color.
 - b. A sign detail shall be added.
2. Lighting details shall be provided prior to review by the Zoning Hearing Examiner. The details shall reflect that all lighting higher than six feet will be shielded, full cut-off fixtures to minimize light spillage and glare.

Staff recommends APPROVAL of Departure from Parking and Loading Standards DPLS-338.

Staff further recommends APPROVAL of Alternative Compliance AC-09004.