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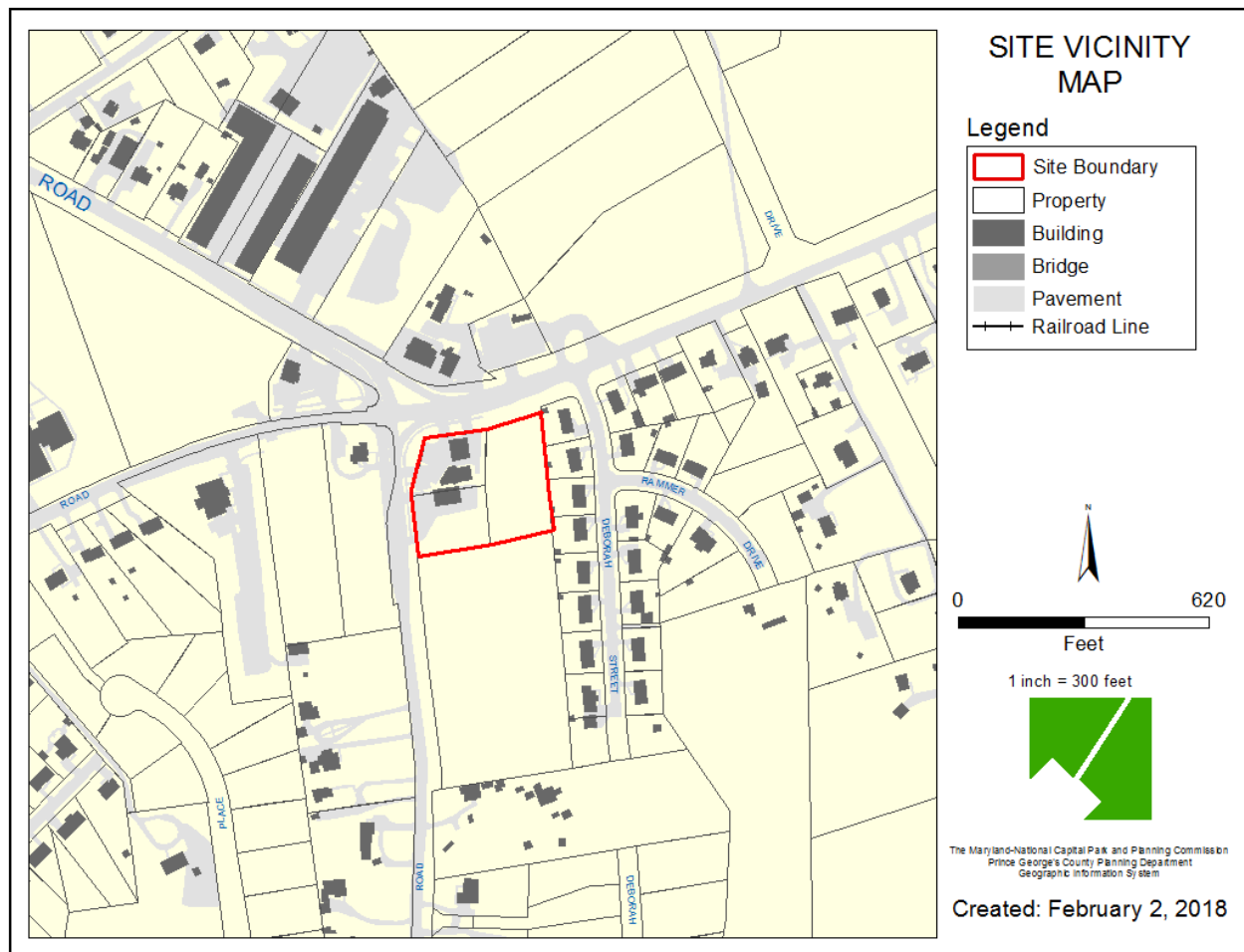
## Special Exception Variance

**SE-4812**  
**VSE-4812**

Application	General Data	
<b>Project Name:</b> Dash-In  <b>Location:</b> Southeast quadrant of the intersection of MD 223 (Woodyard Road) and Dangerfield Road.  <b>Applicant/Address:</b> Dash-In Food Stores, Inc. PO Box 2810 LaPlata, MD 20646  <b>Property Owner:</b> Same as applicant	Planning Board Hearing Date:	06/21/18
	Staff Report Date:	06/14/18
	Date Accepted:	04/16/18
	Planning Board Action Limit:	N/A
	Plan Acreage:	2.32
	Zone:	C-S-C/M-I-O
	Gross Floor Area:	N/A
	Lots:	1
	Parcels:	2
	Planning Area:	81A
	Council District:	09
	Election District	09
	Municipality:	N/A
	200-Scale Base Map:	211SE07

Purpose of Application	Notice Dates	
To raze and redevelop an existing gas station, with an associated food and beverage store, and add a car wash.  <b>Variance to Section 25-122(b)(1)(G).</b>	Informational Mailing	02/16/18
	Acceptance Mailing:	04/13/18
	Sign Posting Deadline:	05/22/18

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Ras Tafari Cannady II <b>Phone Number:</b> 301-952-3411 <b>E-mail:</b> Ras.Cannady@ppd.mncppc.org	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT:**

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

**VIA:** Sherri Conner, Acting Supervisor, Subdivision and Zoning Section  
Development Review Division

**FROM:** Ras Tafari Cannady II, Senior Planner, Subdivision and Zoning Section  
Development Review Division

**SUBJECT:** Special Exception SE-4812  
Variance VSE-4812  
Dash-In

**REQUEST:** **SE-4812: Approval to raze and redevelop an existing gas station, with an associated food and beverage store, and add a car wash.**

**VSE-4812: Approval of a Variance to Section 25-122(b)(1)(G) for specimen tree removal.**

**RECOMMENDATION:** **SE-4812: APPROVAL with conditions**  
**VSE-4812: APPROVAL of a Variance to Section 25-122(b)(1)(G)**

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**NOTE:**

The Planning Board has scheduled this application to be reviewed on the agenda date of June 21, 2018. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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## FINDINGS

1. **Location:** The subject property is located at the southeast quadrant of the intersection of MD 223 (Woodyard Road) and Dangerfield Road, approximately 5,500 feet east of MD 5 (Branch Avenue). The special exception area consists of two parcels and part of one lot (Parcel A, Parcel B, and part of Lot 34), with frontage along MD 223 and Dangerfield Road, which both provide access to the site. Parcel A (22,098 square feet) of the subject site, recorded in Plat Book WWW 62–8, is currently improved with a 2,320-square-foot, 15-foot-high food and beverage store and a pump island covered with a canopy. Parcel B (27,353 square feet) of the subject site, recorded in Plat Book WWW 66–25, is currently improved with a 2,200-square-foot food and beverage store. Lot 34 (5.646 acres) is recorded in Plat Book VJ 178–55, of which 1.18 acres are included in the special exception area, and is vacant. The subject site totals 2.319 acres and is located in the Commercial Shopping Center (C-S-C) Zone. The site is also located within the Military Installation Overlay (M-I-O) Zone, including Noise Intensity Zone 60-74db, Accident Potential Zones 1 and 2, and Height Clearance Zone (50:1) South End, B, which restricts height to approximately 100 feet.

2. **History and Previous Approvals:** A full-service gasoline filling station was constructed on Parcel A in accordance with Special Exception SE-1433, approved on September 16, 1966.

The record plat for Parcel A, WWW 62–8, was approved by the Prince George’s County Planning Board on November 16, 1966. This plat does not have any associated plat notes.

The record plat for Parcel B, WWW 66–25, was approved by the Planning Board on August 16, 1967. This plat does not have any associated plat notes. The existing food and beverage store on Parcel B was constructed by-right in 1967.

On June 9, 1986, Special Exception SE-3698 was approved by the Zoning Hearing Examiner for the removal of the existing gasoline filling station structure and construction of a typical convenience center, which combined take-out food and gasoline-only sales on Parcel A. This included a building and a separate gasoline pump island with canopy, which currently exist on the property. The approval of SE-3698 included five conditions, all of which will be superseded by this special exception approval.

On December 9, 1993, Preliminary Plan of Subdivision (PPS) 4-93036 for Lot 34 was approved by the Planning Board (PGCPB Resolution No. 93-305), subject to seven conditions. The following condition is relevant to the review of this application:

4. **Total development of this site shall be limited to a 30,000-square-foot fraternal lodge containing a vestibule, a bar, a meeting/banquet room, and kitchen facilities for permitted uses generating no more than the number of peak-hour trips (8 PM peak-hour trips) generated by the above development. Any development other than that identified herein above that generates more than this identified number of trips shall require an additional Preliminary Plat of Subdivision with a new traffic analysis to determine the adequacy of transportation facilities.**

Lot 34 is 5.646 acres, of which 1.18 acres is included in this application. Lot 34 is currently undeveloped. Parcels A and B were platted prior to October 27, 1990, and are exempt from resubdivision, in accordance with Section 24-111(c)(2) of the Subdivision Regulations, because the total development proposed for the final plat on a property does not exceed 5,000 square feet of gross floor area. However, development on Lot 34 must

conform with Condition 4 above. Part of the subject development is proposed on Lot 34, and the traffic generated from the proposed development is evaluated further in the Transportation findings of this report.

The record plat for Lot 34, VJ 178–55, was approved by the Planning Board on February 6, 1997, and the plat notes the development restrictions, in accordance with PPS 4-93036.

On October 27, 1994, a revision to SE-3698 was approved by the Planning Board (PGCPB Resolution No. 94-314), not subject to any conditions. The revision to the site plan approved the addition of a pump island and allowed the covering of all the pump islands with a larger canopy.

3. **Neighborhood and Surrounding Uses:** The following master-planned roadways are abutting the subject property:

**North—** MD 223, a master-planned arterial road, is located north of the site.

**West—** Dangerfield Road, a master-planned collector road, is located west of the site.

The property is surrounded by the following uses:

**North—** Commercial retail establishments in the C-S-C Zone are located north of MD 223.

**East—** Single-family detached residential development in the Rural Residential (R-R) Zone.

**West—** General office development in the C-S-C Zone, located west of Dangerfield Road.

**South—** The remaining part of Lot 34, which is undeveloped, and single-family detached residential development beyond in the C-S-C Zone.

4. **Request—**The subject project requests approval to raze and redevelop an existing gas station with an associated food and beverage store. A new 3,357-square-foot food and beverage store, a 1,358-square-foot car wash, and eight multi-product dispensers, with a 48-foot by 133-foot canopy, are proposed. A gas station, in combination with a food and beverage store, and a car wash are permitted in the C-S-C Zone by special exception. A variance to Section 25-122(b)(1)(G) of the Prince George’s County Code for removal of one specimen tree is also requested.

5. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-S-C/M-I-O	C-S-C/M-I-O
Use(s)	Gas station with an associated food and beverage store	Gas station with an associated food and beverage store and car wash
Acreage	27,353 sq. ft.	2.319 acres
Parcels	1	2
Lots	0	1

6. **Required Findings:** Section 27-317(a) of the Prince George's County Zoning Ordinance provides that:

**(a) 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 of the County Code, as set forth in Section 27-102(a)(1) through (15) of the Zoning Ordinance, are generally to protect the health, safety, and welfare of the public; to promote compatible relationships between various land uses; to guide orderly development; and to ensure adequate public facilities and services. Specific to the C-S-C Zone, as set forth in Section 27-454(a) of the Zoning Ordinance, the purposes relate to providing locations for predominately retail commercial shopping facilities; compatible institutional, recreational, and service use; and to exclude uses incompatible with general retail shopping centers and institutions. Special Exception SE-3698, associated with Parcel A, was approved on June 9, 1986, as a gas station with associated food and beverage store. The overall property will continue to be used as such, with the addition of a car wash and expansion of the development area, which consolidates two existing food and beverage stores, one existing on Parcel A and one existing on Parcel B, into one modern building. As outlined in the applicant's statement of justification (SOJ) and throughout this technical staff report, with the recommended conditions, staff finds that the uses and the site plans, as proposed, are in harmony with the purposes of this Subtitle.

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

As outlined within this staff report, this application has demonstrated conformance with the requirements and regulations of the Zoning Ordinance.

**(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 gas station with an associated food and beverage store, in addition to the car wash, will not impair the integrity of any master plan, functional plan, or the *Plan Prince George's 2035 Approved General Plan* (Plan 2035). This application is in the Established Communities area of Plan 2035, which is most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries and schools), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met.

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) recommends commercial land use for the subject property. Staff finds that this application for the redevelopment of the existing gas station, with an associated food and beverage store, in addition to the

car wash, will not substantially impair the integrity of the Subregion 5 Master Plan and SMA. The impact of the proposed development would be negligible.

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

The proposal is designed to provide for the safe internal flow of pedestrians and vehicles onsite and for the safe ingress and egress of vehicles. None of the responses from any referring agencies, received by staff, indicate that the proposed car wash, along with the continuation of the gas station and food and beverage store uses, subject to specific 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.**

The Subregion 5 Master Plan and SMA recommends commercial land use for the subject property. The subject application proposes to raze the existing structures and redevelop the properties with a modern and convenient gas station, car wash, and food and beverage store. The redevelopment of the properties will be beneficial to the surrounding community by addressing its modern retailing needs. The new and modern design of the proposed gas station will give the applicant an opportunity to bring the property into compliance with the current Prince George's County stormwater management (SWM) regulations, the 2010 *Prince George's County Landscape Manual* (Landscape Manual), and zoning regulations, which will, in turn, be beneficial for the general neighborhood.

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

A Type 2 Tree Conservation Plan (TCP2-007-2018) has been submitted with this application. The TCP2 that was submitted includes the entirety of Parcel A, Parcel B, and Lot 34. The special exception area is limited to Parcel A, Parcel B, and Part of Lot 34. The proposed site plan will be in conformance with the TCP2, if approved with this application.

- (7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

This special exception area does not contain any regulated environmental features and, therefore, conforms to this requirement. As shown on the submitted TCP2, there are environmental features along the southern portion of Lot 34 that do not impact the special exception area.

## **7. Specific Special Exception Requirements:**

### **Section 27-355. Food or beverage store.**

- (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 food and beverage component of this site has been in successful operation for more than three decades. This evidences that the food and beverage store is reasonably convenient to the public and that there is a need for the use in the neighborhood.

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

The 3,357-square-foot food and beverage store is an appropriate size for the site and conforms to the regulations applicable in the C-S-C Zone. It is adequate in size to serve the convenience needs of 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 current use, while larger in size, has operated on this subject property in conjunction with the gas station for more than 30 years. It is an area that is rapidly developing. The proposed expansion continues the uses on this property, while maintaining the existing balance of land uses in the area. The expanded uses will not interfere with the ability of other vacant land to be developed with other allowed uses.

**(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 site is located within the C-S-C Zone; therefore, this criterion 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 with this zoning application.

**Section 27-358. Gas Station.**

**(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 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 301 linear feet of frontage along Woodyard Road, and 295 linear feet of frontage along Dangerfield Road. Woodyard Road and Dangerfield Road have variable right-of-way widths that exceed 70 feet.



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

The subject property is not located within 300 feet of a school, playground, hospital, or library.

- (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 subject application 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;**

The subject property will not be used for the storage or junking of wrecked motor vehicles (whether capable of movement or not).

- (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 Permitting, Inspections, and Enforcement, 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 proposed on Woodyard Road is 30.2 feet in width, and the access driveway on Dangerfield Road is 35 feet wide. Both access driveways begin and end at a point not less than 12 feet from the side or rear lot line of adjoining lots.

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

The proposed driveways are defined by curbing.

- (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 sidewalk is provided in the area between the building line and the curb in areas serving pedestrian traffic along Woodyard Road and Dangerfield Road. The proposed sidewalk needs to be measured and labeled to demonstrate a minimum width of five feet on the site plan.

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

**twenty-five (25) feet behind the street line;**

The existing gas pumps are set back 25 feet from Dangerfield Road and Woodyard Road, as required by this section. The applicant shall show the dimensions on the site plan.

- (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.**

Vehicle repair services are not proposed with the subject application.

- (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.**

Elevations for the proposed food and beverage store, gasoline canopy, and car wash have been provided with this application. The proposed architectural elevations for the food and beverage store include brick, fiber cement panels, a stone veneer base on the front of the building, and a grey split-face block at the watertable, with a precast top on the remaining elevations of the building. Staff recommends that the watertable be consistent on all building elevations, utilizing stone veneer due to the high visibility of all façades. The application also proposes inset fiber cement-accent panels, in complementary grey, on all sides and includes striped awnings in tan above the insets on the front and side elevations to add visual interest.

The proposed architectural elevations for the car wash are predominantly brick and glass and are improved with some of the same building accents to provide continuity with the food and beverage store, such as the use of brick and the addition of a different finish at the base of the building. Staff notes that the watertable proposes the same grey block at the base of the car wash, as is shown on some of the sides of the food and beverage store, and recommends that the car wash building also include a matching stone veneer due to visibility. A wide horizontal band of blue fascia is proposed near the top of the carwash building. The ingress and egress doors to the car wash are finished in a similar color, and staff recommends that these doors and wide horizontal band should be finished in a neutral color, which is more complementary to the neutral colors proposed on the brick, stone veneer, and accent panels. The proposed architectural elevations were found to be acceptable and are compatible with the surrounding development, with the recommended revisions.

**(b) In addition to what is required by Section 27-296(c), the site plan shall show the following:**

- (1) The topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet);**
- (2) The location and type of trash enclosures; and**
- (3) The location of exterior vending machines or vending area.**

In addition to the submission requirements of Section 27-296(c) of the Zoning Ordinance, the site plan submitted, in conjunction with the subject application, shows the topography of the subject properties, as well as the topography of the abutting properties, for a depth of more than 50 feet. The location of the trash enclosure is shown at the southwest corner of the food and beverage store; however, a detail shall be provided showing the materials used and type of trash enclosure, which should complement the proposed building. There are no vending machines or vending areas proposed with the subject application.

**(c) Upon the abandonment of a gas station, the Special Exception shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term “abandonment” shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease.**

The applicant has agreed to comply with this provision, as provided within the SOJ dated April 16, 2018, which was submitted in conjunction with the subject application.

**(d) When approving a Special Exception for a gas station, the District Council shall find that the proposed use:**

- (1) Is necessary to the public in the surrounding area; and**
- (2) Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.**

The subject application is not considered a new use within the neighborhood. The subject gas station has been operating from this location for more than 50 years. The subject application seeks to raze and redevelop the site with a modern and improved gas station, car wash, and food and beverage store. Since the facility has been in operation for more than half a century, it has an established need in the area, and redevelopment of this facility will not unduly restrict the availability of land or upset the balance of land use in the area for other trades and commercial uses.

8. **Variance Request:** Section 25-122(b)(1)(G) requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.”

The site contains three specimen trees. Specimen Tree 1 (ST-1) is rated fair, Specimen Tree 2 (ST-2) is rated good, and Specimen Tree 3 (ST-3) is rated poor. The current design proposes to remove ST-3 for grading necessary to develop the site.

A Subtitle 25 Variance application, an SOJ in support of a variance, and a tree removal plan were received for review on April 25, 2018.

Section 25-119(d)(1) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) contains six required findings to be made before a variance can be granted. The SOJ submitted seeks to address the required findings for the nine specimen trees together; however, details specific to individual trees have also been provided in the following chart.

### **Specimen Tree Schedule Summary**

Specimen Tree	Common Name	Diameter (In Inches)	Condition	Disposition
1	Chestnut oak	35	Fair	To be saved
2	Black oak	36	Good	To be saved
3	Scarlet oak	31	Poor	To be removed

**Statement of Justification Request:** A variance from Section 25-122(b)(1)(G) is requested for the clearing of the one specimen tree, a 31-inch diameter Scarlet Oak, rated in poor condition. The site consists of 6.79 acres and is zoned C-S-C. The current proposal for this property is to develop the site with a gas station, a food and beverage store, and a car wash. This variance is requested to the WCO, which requires, under Section 25-122, that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The Subtitle Variance application form requires an SOJ of how the findings are being met, and is outlined below.

### **Section 25-119(d)(1)**

#### **(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

The specimen tree proposed to be removed is located along the east side of the special exception area of the site, toward the frontage of Woodyard Road. Retaining this tree would make development of the site difficult because of the need to clear and grade that area of the site and add approximately three feet of controlled fill that is required in preparation for developing the commercial pad site, as proposed. Preservation of the identified specimen tree and its critical root zone would, at a minimum, cause the elimination of a drive aisle and the diesel fuel pump associated with that drive aisle. The tree proposed for removal is a Scarlet Oak that is rated in poor condition. Retention of this, while possible, does not provide a substantial woodland or habitat benefit on the site. The hardship on this site is created by the location of the trees along the perimeter of the proposed development and the need to provide adequate site circulation and access to the site from Woodyard Road. If an attempt to preserve the tree was made, the development on the site would result in poor vehicular circulation and the elimination of the diesel fuel pump. Additionally, survival would be unlikely if left undisturbed, given the poor rating of the tree.

#### **(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by**

**others in similar areas.**

The tree is rated in “poor condition” and is located near the frontage along Woodyard Road. Development along the frontage is preferred to extend the development into the interior of the site, as it allows for better visibility from the road and more preservation on-site. If other properties, similarly zoned, encounter trees in a similar condition, and in a similar location, the same considerations should be provided during the review of a required variance application. Thus, if the applicant is prohibited from removing the specimen tree, he/she would be deprived from utilizing the property in a manner commonly enjoyed by other owners of similarly zoned property.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.**

The applicant, in this case, is not seeking a special privilege. Rather, the applicant is attempting to develop the property in accordance with the underlying zone, while responding to circumstances, which were not created by the applicant. The site presents unique challenges, which the applicant is attempting to address in a manner sensitive to the environment, yet still be compatible with pre-existing residential development. Because of these constraints, the granting of the requested variance, in this case, would not provide a special benefit or privilege that would be denied to other applicants.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant.**

The circumstances impacting this property and the location of the specimen tree are either the result of physical constraints or prior use and development of the property, over which the applicant had no control. Rather, the applicant seeks to respond to the existing conditions in a balanced manner, which achieves the master plan’s goal to redevelop commercial properties along the frontage of Woodyard Road.

**(E) The request does not arise from a condition relating to land or building use on the neighboring property.**

While the development of the subject property must be planned to coordinate and be compatible with land or building uses on the neighboring properties, the request for the variance to remove one specimen tree does not arise from any condition on the neighboring property.

**(F) Granting the variance will not adversely affect water quality.**

The applicant will be required to provide SWM on this site, utilizing environmentally sensitive design, to the maximum extent practicable. Streams and buffers are not located on this property. Granting this variance will not have an adverse effect on water quality.

Staff has determined that the required findings of Section 25-119(d)(1) have been adequately addressed by the applicant and recommends **approval** of the Variance to Section 25-122(b)(1)(G) for the removal of ST-3.

**9. Parking Regulations:** In accordance with the parking and loading regulations contained in

Part 11 of the Zoning Ordinance, 22 parking spaces, including two handicap parking spaces, are required, given the 20 percent joint-use reduction allowed pursuant to Section 27-512 of the Zoning Ordinance. The subject application's site plan shows 36 parking spaces being provided, including four handicap parking spaces, satisfying the parking regulations of the Zoning Ordinance. The subject application's site plan also correctly shows one loading space.

10. **2010 Prince George's County Landscape Manual Requirements:**

**Section 4.2, Requirements for Landscape Strips Along Street**

The proposal is subject to Section 4.2 along its frontage on Dangerfield Road. The applicant has provided a landscape plan demonstrating conformance to the requirement.

**Section 4.3-2, Parking Lot Requirements**

The project is subject to Section 4.3-2 for interior planting and has provided the required amount of interior green area and shade trees to meet this requirement.

**Section 4.4, Screening Requirements**

The project proposes a trash facility and loading area at the southwest corner of the food and beverage store. Staff notes that the application has not provided details of screening for the proposed trash facility and loading space, in conformance with Section 4.4, and should revise the plan accordingly.

**Section 4.6, Buffering Development from Streets.**

The project is in conformance with Section 4.6 for buffering Woodyard Road, which is categorized as a historic roadway.

**Section 4.7, Buffering Incompatible Uses**

The site is subject to the requirements of Section 4.7 along the project's eastern boundary. The adjacent properties along this property boundary are single-family detached residential dwellings, which require a Type D buffer yard. A Type D buffer yard requires a 50-foot building setback and a 40-foot landscape yard. The applicant has provided the required building setback, which is approximately 126 feet, but it is not reflected on the plan and a dimension should be shown for clarification. Additionally, the landscape buffer of 40 feet is provided, but the number of plant units required is not shown in the landscape schedule and should be shown for clarification. Based on the amount of existing plant material being preserved, in addition to the landscaping being proposed, it appears that the application will meet the requirements.

**Section 4.9, Sustainable Landscaping Requirements**

The project is in conformance with Section 4.9 and is proposing all native plant material.

11. **Tree Canopy Coverage:** This application is subject to the Tree Canopy Coverage Ordinance because the project proposes more than 5,000 square feet of disturbance. The subject 2.32-acre area of the special exception is zoned C-S-C and is required to provide 10 percent, or approximately 10,106 square feet, of tree canopy coverage (TCC). A TCC worksheet has been provided that demonstrates conformance to the requirements of this section through existing vegetation and proposed plantings onsite.
12. **Sign Regulations:** This application includes the review of a freestanding sign and building-mounted signs for the car wash, the food and beverage store, and the canopy. The building-mounted signs, in addition to the one freestanding sign, on the property meet all area, height, and setback requirements of the applicable sign regulations of the Zoning Ordinance.

13. **Review Comments:** No major issues were identified for the subject application. The applicant has submitted a site plan and landscape plan, as required, and an SOJ outlining the development proposal.

The following comments pertain to the review of the special exception application:

- a. **Urban Design**—The Urban Design Section reviewed the special exception for conformance to the Zoning Ordinance and Landscape Manual and provided comments in a memorandum dated June 6, 2018 (Bishop to Cannady II). All comments provided have been outlined in this report or are recommended as conditions of approval.
- b. **Transportation Planning**—The proposal for a gas station, convenience store, and car wash meets the requirements of Subtitle 27 of the County Code for the approval of a special exception, from the standpoint of vehicular circulation and transportation.

The following table summarizes and compares trip generation for the existing and proposed uses:

<b>Comparison of Estimated Trip Generation, SE-4812, 2.319 acres</b>									
<b>Land Use</b>	<b>Use Quantity</b>	<b>Metric</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>			<b>Daily Trips</b>
			<b>In</b>	<b>Out</b>	<b>Tot</b>	<b>In</b>	<b>Out</b>	<b>Tot</b>	
Existing Gas Station/Food and Beverage Store	4	Fueling positions	20	20	40	27	27	54	651
Less Pass-By (70 percent AM and PM and Daily)			-83	-56	-139	-42	-41	-83	-456
<b>Net Trips, Gas Station and Food/Beverage</b>			<b>6</b>	<b>6</b>	<b>12</b>	<b>8</b>	<b>8</b>	<b>16</b>	<b>195</b>
Lot 34, American Legion (entitlement)	30,000	square feet	0	0	0	5	3	8	8
<b>Total Existing/Entitled Trips</b>			<b>6</b>	<b>6</b>	<b>12</b>	<b>13</b>	<b>11</b>	<b>24</b>	<b>203</b>
Proposed Gas Station/Food and Beverage Store	8	Fueling positions	48	46	94	57	54	111	1223
Less Pass-By (70 percent AM and PM and Daily)			-83	-56	-34	-32	-66	-40	-38
<b>Total Net Trips, Proposed Gas Station/Food and Beverage</b>			<b>14</b>	<b>14</b>	<b>28</b>	<b>17</b>	<b>16</b>	<b>33</b>	<b>367</b>
<b>Change from Existing/Entitled Uses</b>			<b>+8</b>	<b>+8</b>	<b>+16</b>	<b>+4</b>	<b>+5</b>	<b>+9</b>	<b>+164</b>

It is noted that the expansion of the gas station/food and beverage store results in additional peak-hour and daily trips. The site has long been occupied by a gas station use and, consequently, the expansion would not result in health, safety, or welfare issues, from the standpoint of transportation. However, the expansion of the use onto Lot 34 of the Townsend subdivision appears problematic. Portions of the car wash, the canopy and pump islands, and the food and beverage store, along with related access aisles and parking, extend onto Lot 34. Regardless of how much of the use is on Lot 34, the use will generate a.m. peak-hour trips, and Lot 34, in accordance with the approval of Preliminary Plan of Subdivision 4-93056 is restricted to uses “generating no more than the number of peak hour trips (8 PM peak-hour trips)” generated by the development that was

considered in that case. In other words, any use placed within Lot 34 cannot generate a.m. peak-hour trips and, while that might not relate to the special exception finding, the trip cap issue must be resolved before the proposed use moves forward to construction.

#### **Site Access Evaluation**

The existing gas station and convenience store has three access points, one on Dangerfield Road and two on Woodyard Road. The proposed use will reduce the number of access points from three to two, one on Dangerfield Road and one on Woodyard Road. The proposed use will include a car wash, which will have one-way in and one-way out single car drive through onsite. The car wash will allow for a maximum queue of six cars while waiting for service. Access and circulation is acceptable.

#### **Master Plan of Roads**

Woodyard Road is a master plan arterial facility with a proposed right-of-way width of 120 to 150 feet and four to six lanes. Dangerfield Road is a master plan collector facility with a proposed right-of-way width of 80 feet and four lanes at its intersection with Woodyard Road. There are no structures proposed within the ultimate planned right-of-way. No dedication is required with this proposal.

Staff finds that the proposal for a gas station, a food and beverage store, and a car wash would meet the requirements of Subtitle 27 of the County Code for approval of a special exception, from the standpoint of vehicular circulation and transportation.

Notwithstanding this determination, the use is proposed to extend onto Lot 34 of the Townsend subdivision. This lot is subject to a trip cap, pursuant to Preliminary Plan of Subdivision 4-93056. Any use placed within Lot 34 cannot generate AM peak-hour trips, and this trip cap issue must be resolved before the proposed use moves forward to construction.

- c. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
ROSP-SE-3698	N/A	Planning Board	Approved	10/19/1994	94-314
NRI-023-2018	N/A	Staff	Approved	3/09/2018	N/A
SE-4812	TCP2-007-2018	Planning Board	Pending	Pending	Pending

#### **Grandfathering**

The project is subject to the environmental regulations of Subtitles 25 and 27 that came into effect on September 1, 2010, and February 1, 2012, because this is a new special exception request.

#### **Site Description**

The subject property is located at 4803 Dangerfield Road, at the southeast corner of its intersection with Woodyard Road, in Clinton, Maryland. The special exception area covers Parcels A and B, and 1.18 acres of Lot 34. However, the natural resources inventory (NRI) and TCP for the property include the entirety of Lot 34, in addition to Parcels A and B, and are evaluated for the entire land area (6.76 acres) within this finding. Woodyard Road is identified as a historic road and an arterial road. The approved Natural Resources Inventory (NRI-023-2018) does not identify any streams or



floodplain onsite, however, wetlands and the associated buffer are identified in the southeast corner of Lot 34, which is outside of the area of this special exception. The property is located in the Piscataway Creek watershed of the Potomac River basin. This site has also been mapped by the Maryland Department of Natural Resources (DNR) as a Tier II Catchment area, however, no streams or buffers are located on this property. This property is not within the Sensitive Species Project Review Area (SSPRA), according to PGAtlas.com. A letter of request was sent by the applicant to DNR Natural Heritage Program, regarding the presence of rare, threatened, or endangered species; however, a response has not been received. Potential forest interior dwelling species (FIDS) habitat or FIDS buffer are mapped in the southern part of Lot 34. The approved 2017 *Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Resource Conservation Plan) (CR-11-2017) shows that the majority of the undeveloped, wooded portion of the property contains evaluation area. Marlboro clays are not mapped on or in the vicinity of this property.

### **Plan 2035**

The site is currently located within Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

### **Subregion 5 Master Plan**

The master plan for this area is the Subregion 5 Master Plan and SMA. The Environmental Infrastructure section of the master plan contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

### **Policies**

- **Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmentally sensitive design, and mitigation activities.**
- **Protect, preserve, and enhance the identified green infrastructure network.**

According to the approved NRI, the southern portion of Lot 34, outside of the special exception area, does contain regulated nontidal wetlands and associated buffers, steep slopes, and woodland. Evaluation areas are identified according to the approved 2017 *Countywide Green Infrastructure Plan* (Green Infrastructure Plan), however, most of the proposed development is concentrated near the road, and clearing has been minimized. The wetlands and buffer have been avoided and the applicant is providing sufficient woodland preservation onsite.

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such as wetlands and headwater areas of streams.**

This proposal is for redevelopment of the existing fuel station and food and beverage store with a new fuel station, food and beverage store, and car wash. A SWM concept approval will be required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) with this proposal.

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**
- **Promote “climate-friendly” development patterns through planning processes and land use decisions.**
- **Increase awareness of the sources of air pollution and green-house gas emissions.**

Air quality is a regional issue that is currently being addressed by the Council of Governments.

- **Encourage the use of green building techniques that reduce resource and energy consumption.**

The use of green building techniques and energy conservation techniques is encouraged and should be implemented, to the greatest extent possible.

#### **2017 Countywide Green Infrastructure Plan**

The Green Infrastructure Plan was approved with the adoption of the Resource Conservation Plan on March 7, 2017. According to the Green Infrastructure Plan, the site does contain evaluation areas within the designated network of the plan. The evaluation area is attributed to the undeveloped areas of the property with existing woodland. Evaluation areas will be disturbed with the redevelopment of this site; however, the development will be focused on the northern section of the property, along the frontage of Dangerfield Road. Clearing will be minimized and disturbance to the nontidal wetland and buffer will be avoided. This proposal is found to be in conformance with the Green Infrastructure Plan. No further review for conformance is needed for this application.

#### **Environmental Review**

As revisions are made to the submitted plans, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

#### **Natural Resources Inventory/Existing Conditions**

A Natural Resources Inventory Equivalency Letter (NRI-023-2018) was approved on March 9, 2018, and provided with this application. The NRI shows nontidal wetlands and the associated buffer located in the southeastern corner of the property within Lot 34, outside of the special exception area. The TCP2 and special exception show all the required information correctly, in conformance with the NRI. No revisions are required for conformance to the NRI.

#### **Woodland Conservation**

This property is subject to the provisions of the Woodland Conservation Ordinance (WCO). A Type 2 Tree Conservation Plan (TCP2-007-2018) was submitted with the special exception application.

Based on the area of the TCP2, the site contains 5.79 acres of woodland and has a woodland conservation threshold of 1.02 acres (15 percent in a C-S-C Zone). The Woodland Conservation worksheet proposes the removal of 3.82 acres on the net tract area, resulting in a woodland conservation requirement of 1.97 acres. The requirement is proposed to be met with onsite preservation. This application proposes the removal of one specimen tree.

#### **Stormwater Management Concept Plan**

Neither a SWM concept plan nor letter was submitted with the subject application, and a SWM concept application number has not been identified. An approved SWM concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32 Water Resources and Protection, Division 3 Stormwater Management, Section 172 Watershed Management Planning, of the County Code. Submittal of an SWM concept approval letter will be required prior to signature approval of the special exception. Any changes required on the approval must be reflected on all application plans.

#### **Soils**

The soils found to occur on this site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, are Grosstown-Hoghole-Urban land complex (0 to 5 percent slopes), Beltsville-Urban land complexes, and Sassafras sandy loams. Marlboro clays or Christiana complexes are not identified on or in the vicinity of this property.

- d. **Historic Preservation**—The subject property has been extensively graded and disturbed. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. This proposal will not impact any known Prince George's County historic sites, historic resources, or archeological resources.
- e. **Maryland State Highway Administration (SHA)**—In a memorandum dated May 17, 2018, (Futrell to Cannady II), SHA offered several comments regarding approval of the plan. SHA's comments will be addressed by the applicant at the time of permit submittal.
- f. **Community Planning**—In a memorandum dated May 17, 2018, (Lester to Cannady II), the Community Planning Division found that, pursuant to Section 27-317(a)(3), this application will not substantially impair the integrity of the Subregion 5 Master Plan and SMA. The impact on the community of razing and redeveloping an existing gas station, with an associated food and beverage store, and car wash would be negligible.

#### **RECOMMENDATION**

A special exception use is considered compatible with uses permitted by-right within the zone, as long as specific special exception criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, at this particular location, would not have adverse impacts above and beyond those inherently associated with the special

exception use, regardless of its location within the zone.

Based on the applicant's SOJ dated April 16, 2018, the analysis contained in the technical staff report and associated referrals, and materials in the record, the applicant has demonstrated conformance to the required special exception findings, as set forth in Section 27-317 (in general); Section 27-355, Food and beverage; and Section 27-358, Gas station, in this instance. Therefore, staff recommends approval of Special Exception SE-4812 and Variance VSE-4812, Dash-In, subject to the following conditions of approval:

1. Prior to certification of the special exception, the special exception site plan shall be revised, as follows:
  - a. Dimension of the sidewalks along Dangerfield Road and MD 223 (Woodyard Road), which shall be a minimum of five feet wide.
  - b. Dimension of the gasoline and service appliances, demonstrating that a minimum 25-foot setback is provided from the street line.
  - c. Provide a stone veneer watertable on all sides of the food and beverage store and the car wash.
  - d. Revise the color of the car wash doors and the wide horizontal band to a neutral color, complementary to the building materials.
  - e. Revise the site and landscape plans to provide details and specifications for screening the trash facility and loading space in conformance with Section 4.4 of the 2010 *Prince George's County Landscape Manual*. The building materials for screening shall complement the architecture onsite.
  - f. Dimension of the setback of the freestanding sign on the site plan.
  - g. Revise the landscape plan to provide dimensions showing the building setback proposed and update the landscape schedule to show the number of plant units required by Section 4.7 of the 2010 *Prince George's County Landscape Manual*.
  - h. Revise the survey notes to include Parcel A.
  - i. Add a note specifying that the subject property is in a high-intensity noise area.
2. Prior to certification of the special exception, the Type 2 tree conservation plan (TCP2) shall be revised, as follows:
  - a. Add "TCP2-007-2018" to the worksheet.
  - b. Remove the primary management area (PMA) line from the plan and the legend. According to the natural resources inventory, this site does not contain PMA.
  - c. Provide a complete critical root zone ring around Specimen Trees 2 and 3 (ST-2 and ST-3).
  - d. Remove the specimen/historic tree credit from the worksheet. This credit only applies to

existing, individual trees outside of a forested area, in an approved historic setting. Note that this will impact the “meeting the requirements” calculations, which then must be adjusted to match the “woodland conservation required.”

- e. Provide an Owner’s Awareness Certification on the plan.
  - f. Have the revised plan signed and dated by the qualified professional preparing the plan.
3. Prior to signature of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Prince George’s County Office of Law, and submission to the Prince George’s County Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan, as follows:
- “Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements onsite have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at liber \_\_\_\_\_ folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”
4. Prior to issuance of the first grading permit, copies of the recorded easement documents, with the approved liber and folio, shall be provided to the Environmental Planning Section. The liber and folio of the recorded woodland conservation easement shall be added to the Type 2 tree conservation plan.
5. Provide an approved stormwater concept plan and letter prior to signature approval of the special exception, address any changes resulting from that review.
6. At the time of building permit, if a nonresidential use is required by Subtitle 4 (Building Code) of the Prince George’s County Code to provide noise-level reduction within the interior of a building, such noise reduction must be certified by an acoustical engineer or qualified professional of competent expertise.