

The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530



Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).

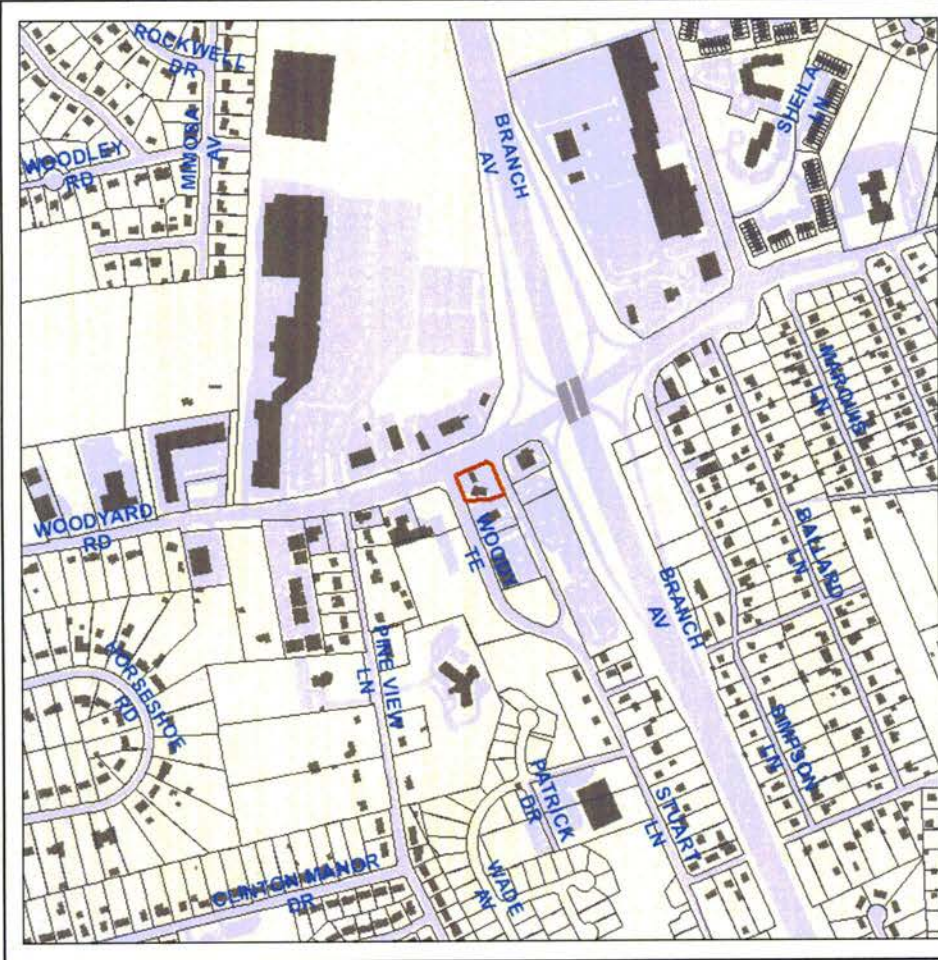
## Special Exception Departure from Sign Design Standards

**SE-4654**  
**DSDS-663**







Application	General Data	
<b>Project Name:</b> Dash-In Woodyard Road  <b>Location:</b> Located along the south side of Woodyard Road (MD 223) at its intersection with Stuart Lane and Woody Terrace.  <b>Applicant/Address:</b> Dash In Food Stores, Inc. c/o The Wills Group, Inc. P.O. Box 2810 La Plata, MD 20646  <b>Property Owner:</b> SMO, Inc. 6355 Crain Highway La Plata, MD 20646	Planning Board Hearing Date:	01/17/13
	Staff Report Date:	01/03/13
	Date Accepted:	09/23/09
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.71
	Zone:	C-S-C
	Gross Floor Area:	2580 sq. ft.
	Lots:	1
	Parcels:	None
	Planning Area:	81A
	Tier:	Developing
	Council District:	09
	Election District	09
Municipality:	N/A	
200-Scale Base Map:	212SE06	

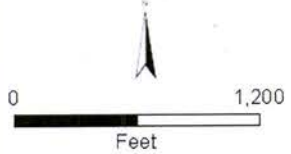
Purpose of Application	Notice Dates	
<b>SE-4654:</b> To raze and rebuild an auto filling station in the C-S-C Zone.  <b>DSDS-663:</b> Departures from Sections 27-614(a)(1) and 27-614(a)(4).  <b>Variance</b> from Section 27-358(a)(5).	Informational Mailing	04/27/09
	Acceptance Mailing:	08/18/09
	Sign Posting Deadline:	12/18/12

Staff Recommendation		Staff Reviewer: John Ferrante Phone Number: 301-952-3665 E-mail: John.Ferrante@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



### SITE VICINITY MAP

- Legend**
-  Site Boundary
  -  Property
  -  Building
  -  Bridge
  -  Pavement
  -  Railroad Line



1 inch = 600 feet



The Maryland-National Capital Park and Planning Commission  
Prince George's County, Planning Department  
Geographic Information Systems

Created: September 11, 2009

January 3, 2013

**TECHNICAL STAFF REPORT**

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

**VIA:** Jimi Jones, Zoning Supervisor, Development Review Division

**FROM:** John Ferrante, Senior Planner, Zoning Section, Development Review Division

**SUBJECT:** **Special Exception Application No. SE-4654**  
**Departure from Sign Design Standards Application No. DSDS-663**  
**Dash-In Woodyard Road**

**REQUEST:** **SE-4654:** To raze and rebuild an auto filling station in the C-S-C Zone.

**DSDS-663:** Departure from Section 27-614(a)(1) of the Zoning Ordinance to allow a freestanding sign on a property where the main building associated with the sign is not set back 40 feet from the front street line. Departure from Section 27-614(a)(4) to allow a freestanding sign on a property that is not set back ten feet behind the street line.

**Variance** from Section 27-358(a)(5).

**RECOMMENDATION:** **Approval with Conditions**

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The Planning Board has scheduled this application for a public hearing on the agenda date of January 17, 2013. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

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FINDINGS

A. **Location and Field Inspection:** The site is located within Planning Area 81A within the Clinton community. The subject property has a street address of 8906 Woodyard Road, and is situated along the south side of Woodyard Road (MD 223) at its intersection with Stuart Lane and Woody Terrace. The area of the special exception consists of 0.71 acre in the Commercial Shopping Center (C-S-C) Zone.

The property is currently improved with a 2,079-square-foot automobile filling station with three service bays. Additional structures on the site include two concrete pump islands, four gasoline pump dispensers, one canopy, three underground storage tanks, one freestanding sign, and 20 surface parking spaces. The property is a corner lot that has direct vehicular access to Woodyard Road (MD 223), Stuart Lane, and Woody Terrace.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Auto Filling Station with 3 Service Bays	Auto Filling Station with Food or Beverage Store
Acreage	0.71	0.71
Lots	1	1
Parcels	None	None
Square Footage/GFA	2,079	2,580
Variances	Yes	Yes

C. **History:**

**July 19, 1967**—Special Exception No. 1576 was approved by the District Council for an automobile filling station in the C-1 Zone (Zoning Resolution No. 310-1967).

**May 2, 1978**—The property was placed in the C-S-C Zone via the District Council’s adoption of the Clinton-Tanglewood Sectional Map Amendment.

**March 19, 1980**—The Board of Zoning Appeals approved Appeal No. 5723 granting variances for the minimum driveway apron widths, the driveway locations being within the 20-foot point of curvature from an intersection, the sidewalk widths, the construction of gasoline pump islands within 25 feet of the front street line, construction within established building lines, and the waiver of the required landscaped strips along Woodyard Road (MD 223) and Stuart Lane.

**Comment:** Variances are valid for a two-year period unless used. Since the applicant did not develop the site in accordance with the approved site plan within the two-year time period, new variances were required to be approved.

**July 17, 1980**—A revised site plan was approved by the Planning Board for the construction of a 72-square-foot sales kiosk and the installation of a new canopy (PGCPB Resolution No. 80-53). However, the applicant never proceeded to modify the site in accordance with the approved site plan.

**June 23, 1983**—The Planning Board approved (with conditions) a revision of the site plan for the enlargement of pump islands, construction of a kiosk, and the installation of a canopy (PGCPB Resolution No. 83-130).

**August 10, 1983**—The Board of Zoning Appeals granted another list of similar variances for the property through their approval of Appeal No. 6882.

**October 24, 1983**—The District Council granted a permit for landscaping and structures within the right-of-way (Zoning Ordinance No. 76-1983).

**December 9, 1993**—The Planning Board approved a minor change to the approved site plan to permit retrofitting of the pump islands, the removal of the kiosk, and the construction of an 188-square-foot building addition that would enclose an existing sheltered area used for exterior vending machines, pay telephones, and access to the public restrooms (PGCPB Resolution No. 93-329).

**June 20, 1996**—The Planning Board approved a minor change to relocate the existing freestanding sign and to convert the existing parking space provided for the physically handicapped to a van-accessible space (PGCPB Resolution No. 96-214).

**November 1, 2010**—The Planning Director approved Alternative Compliance AC-10018 for the subject property from Sections 4.2 and 4.3(a) of the 1990 *Prince George's County Landscape Manual* (along Woody Terrace).

**August 7, 2012**—The Planning Director approved Alternative Compliance AC-10018-01 for the subject property from Section 4.6(c)(2), Buffering Development from Special Roadways, along Woodyard Road (MD 223); and from Section 4.7, Buffering Incompatible Uses, along the southwestern property line adjacent to an existing public utility structure/telecommunications tower, of the 2010 *Prince George's County Landscape Manual*.

- D. **Master Plan Recommendation:** Many of the referrals that were generated for this case review the property for conformance with the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment.

On October 26, 2012, the Circuit Court released a memorandum and order that declares VOID the adoption of County Council Resolutions CR-61-2009 and CR-62-2009 of the District Council for Prince George's County, Maryland for failure to meet the affidavit requirement. As such, the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment are no longer valid.

The applicable master plan and zoning for the site thus reverts to the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B* (Subregion V Master Plan and SMA).

This application for redevelopment of an existing gas station conforms to the recommendations of the 1993 Subregion V Master Plan and SMA for a commercial land use.

The 2002 *Approved Prince George's County General Plan* locates the subject property at a corridor node in the Developing Tier. The vision for corridor nodes is a mix of residential and nonresidential land uses at moderate to high densities and intensities with a strong emphasis on transit-oriented development.

## BACKGROUND

- E. **Request:** The applicant is proposing to raze and rebuild the existing gas station located at the corner of Woodyard Road (MD 223), Woody Terrace, and Stuart Lane in Clinton. The project will entail the complete removal of all existing structures on the property and the new construction of a 2,580-square-foot food or beverage store, a canopy, and six multi-product fuel pump dispensers that provide a total of 12 fueling positions. A gas station requires approval of a special exception application in the C-S-C Zone, while a food or beverage store is a permitted use.

The applicant has also requested a departure from sign design standards from Section 27-614(a)(1) of the Zoning Ordinance in order to allow a freestanding sign on a property where the main building associated with the freestanding sign is not set back 40 feet from the front street line. A freestanding sign currently exists on the site at the corner of MD 223 and Stuart Lane. However, the existing sign is located within the ultimate right-of-way of MD 223 and is proposed to be relocated outside the limits of the ultimate right-of-way. Although the proposed building is set back more than 40 feet from Woodyard Road (MD 223) and Woody Terrace, it is set back only 23.55 feet from Stuart Lane. Therefore, a departure of approximately 16.45 feet is requested from Stuart Lane along the east side of the building in order to allow a freestanding sign to remain on the site.

Section 27-614(a)(4) requires freestanding signs to be set back a minimum of ten feet behind the street line. The proposed freestanding sign appears to be set back approximately four feet from the limits of the ultimate right-of-way of MD 223. The applicant has not requested a departure from Section 27-614(a)(4) of the Zoning Ordinance as a part of the subject application; however, it appears that a departure of six feet is necessary.

A variance is requested from Section 27-358(a)(5) of the Zoning Ordinance which states the following:

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

- (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 relocated driveway entrance on MD 223 and the relocated entrance on Stuart Lane are located at points that are less than 20 feet from the point of curvature of the curb return. The western (right-in only) driveway entrance along MD 223 is located ten feet from the point of curvature and a variance of ten feet is requested by the applicant.

The applicant has also requested a variance of 9.8 feet for the driveway entrance on Stuart Lane. The statement of justification submitted by the applicant states that the driveway entrance is 10.2 feet from the point of curvature and, therefore, a variance of 9.8 feet is requested. However, the site plan shows that the 10.2-foot dimension is the distance between the point of curvature from the intersection of MD 223 and the point of curvature of the northern side of the driveway entrance on Stuart Lane. As a result, it appears that the northern edge of the driveway entrance on Stuart Lane is properly set back 20 feet from the point of curvature from the intersection of MD 223 and would, therefore, meet the intent of Section 27-358(a)(5) of the Zoning Ordinance. Regardless, staff has included the applicant's variance request for the driveway location on Stuart Lane as a part of the subject special exception application.

Woodyard Road (MD 223) is a master plan arterial roadway with an ultimate right-of-way width of 120 feet. A portion of the drive aisle, a required storm drain structure, and three 16-foot-high light posts are proposed within the limits of the ultimate right-of-way. The site currently has two direct access points onto MD 223. The Maryland State Highway Administration (SHA) has requested that the existing driveway aisles along MD 223, which are currently 26 feet wide, be reduced to 24 feet wide and have new curb and gutter installed to create a right-in/right-out driveway configuration for safety purposes. Therefore, it appears that many of the improvements that are proposed within the ultimate right-of-way are being required by SHA and will be reviewed by their Access Management Division during the permit review process. In order to construct these items, the applicant will be requesting the District Council's permission to build within the ultimate right-of-way of MD 223.

It is unclear if the District Council's approval is needed to construct improvements that are being required by the operating agency with jurisdiction over the right-of-way. It is unclear to staff if the light posts proposed within the ultimate right-of-way are to serve the proposed use or if they are being required by SHA. The storm drain structure (which has a very small corner extending in the limits of the ultimate right-of-way) could possibly be relocated one foot to the east and would then be outside the limits of the ultimate right-of-way. Regardless, the applicant will be requesting permission to build within the ultimate right-of-way of MD 223 in accordance with Section 27-259 of the Zoning Ordinance.

- F. **Neighborhood and Surrounding Uses:** The immediate neighborhood can be characterized as commercial in nature containing a mixture of general retail/service uses, offices, and restaurants, beyond which are residential subdivisions primarily developed with detached and attached single-family dwellings.

Staff would describe the general neighborhood as being bounded to the north by Pea Hill Branch, to the west by Brandywine Road (MD 381), to the south by Surratts Road, and to the east by Branch Avenue (MD 5).

- North—** The Woodyard Road (MD 223) right-of-way, and beyond the Clinton Plaza Shopping Center in the C-S-C Zone.
- West—** The Woody Terrace right-of-way, and beyond the Clinton Gardens Shopping Center in the C-S-C Zone.
- South—** A fast-food restaurant (McDonald's) and a public utility structure (cell tower) in the C-S-C Zone.

**East—** The Stuart Lane right-of-way, and beyond a restaurant in the C-S-C Zone and the access ramp to the southbound lanes of MD 5.

G. **Specific Special Exception Requirements:** Section 27-358(a) of the Zoning Ordinance provides the specific special exception requirements for a gas station as follows:

(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;
- (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;
- (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;
- (4) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;
- (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;
- (6) Access driveways shall be 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;
- (8) Gasoline pumps and other service appliances shall be located at least twenty-five (25) feet behind the street line;
- (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.

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

**Comment:** The applicant’s proposal complies with the above criteria with the exception of Section 27-358(a)(5) where a variance is requested for the distance of the driveway locations along MD 223 and Stuart Lane from the point of curvature. Although the width of the access driveways along MD 223 are less than 30 feet wide, they are being reduced at the request of SHA to create a right-in/right-out driveway configuration for safety purposes.

Section 27-358(a)(7) states that a sidewalk at least five feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic. Although a six-foot-wide concrete sidewalk is proposed along MD 223, the width of the new sidewalk that is being proposed along Stuart Lane is not provided on the site plan. There is also an existing sidewalk along Woody Terrace that is not dimensioned on the site plan. The applicant’s statement of justification incorrectly states that a four-foot-wide sidewalk is provided in order to meet the minimum five-foot-wide sidewalk requirement.

In a memorandum dated November 10, 2009, the Transportation Planning Section (M-NCPPC) recommended that concrete sidewalks be provided along Stuart Lane and Woody Terrace that are a minimum of five feet in width. In a memorandum dated September 19, 2012, SHA stated that the four-foot-wide sidewalk shown on the northeast corner of Woodyard Road and Stuart Lane

should be at least five feet wide per ADA (Americans with Disabilities) guidelines. As a result, staff has added a condition that requires the width of all sidewalks to be labeled on the plan and any sidewalk that has a width less than five feet wide be widened to meet the minimum width requirement contained in Section 27-358(a)(7) of the Zoning Ordinance.

In a memorandum dated November 20, 2012, the Urban Design Section (M-NCPPC) stated that the proposed convenience store building is of a prototypical, franchise-style for Dash-In. Some improvements to the building design have been provided on revised elevations in accordance with the previous comments. However, the Urban Design Section still has concerns regarding the rear elevation of the building which basically shows a blank wall. Minor improvements such as brick soldier course accent have been added as the result of prior comments. However, the accent on the rear elevation is visually insignificant. Additional visually significant architectural elements, such as a canopy, that matches the red color tone of the entire building should be located on the top of the insert brick panels to improve the visual interest of the rear elevation. A similar canopy should also be used on the top of the windows on the right and left elevations of the proposed convenience store. Appropriate conditions have been recommended to require staff approval of the architectural elevations prior to certification of the special exception site plan.

- H. **Parking Regulations:** Based on the gross floor area of the proposed food or beverage store (2,580 square feet), a total of 18 parking spaces and one loading space are required to serve the property. The applicant proposes to provide 18 parking spaces, and one loading space will be provided that is 12 feet wide by 33 feet in length.

The 18 parking spaces will consist of nine standard-size parking spaces (9.5 by 19 feet), two parallel spaces (8 by 22 feet), six compact spaces (8 by 19 feet), and one van-accessible space for the physically handicapped (16 by 19 feet). The number of each type of parking space proposed should be clearly labeled in the parking schedule.

- I. **Prince George's County Landscape Manual Requirements:** The application to modernize an existing gas station involves new construction and is subject to the requirements of the 2012 *Prince George's County Landscape Manual* (Landscape Manual).

On November 1, 2010, the Planning Director approved Alternative Compliance AC-10018 for the subject property from Sections 4.2 and 4.3(a) of the 1990 *Prince George's County Landscape Manual* (along Woody Terrace).

On December 13, 2010, the 2010 *Prince George's County Landscape Manual* became effective and the site was subject to Section 4.6(c)(2), Buffering Development from Special Roadways, along Woodyard Road (MD 223), which is categorized as a historic roadway. In addition, the impact designation of the use on the abutting property (a public utility structure) was altered through the adoption of the new Landscape Manual and the site is now subject to Section 4.7 along the property line abutting the public utility structure. Further, the applicant submitted revised plans that shifted the proposed building further to the southwest and into a required landscape bufferyard that was shown on the prior approved alternative compliance plan. As a result, approval of a revised alternative compliance application was required.

On August 7, 2012, the Planning Director approved Alternative Compliance AC-10018-01 for the subject property from Section 4.6(c)(2), Buffering Development from Special Roadways, along Woodyard Road (MD 223); and from Section 4.7, Buffering Incompatible Uses, ( along the southwestern property line adjacent to an existing public utility structure/telecommunications tower) of the 2010 *Prince George's County Landscape Manual*.

**Tree Canopy Coverage**

This application is subject to the Tree Canopy Coverage Ordinance as it proposes disturbance of 1,500 square feet or greater. The special exception area of 0.71 acres is zoned C-S-C and is required to provide ten percent, or 3,093 square feet, of tree canopy coverage. A tree canopy coverage worksheet has been provided on the landscape plan specifying that the requirement is being met through proposed on-site tree planting for a total of 3,800 square feet.

- J. **Zone Standards:** The applicant's proposal is in compliance with the requirements of the Commercial Shopping Center (C-S-C) Zone.
  
- K. **Required Findings for Variance Request:** Section 27-230(a) of the Zoning Ordinance states that a variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:
  - (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**
  
  - (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**
  
  - (3) **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

**Comment:** The applicant is requesting a variance from Section 27-358(a)(5) of the Zoning Ordinance which states the following:

- (a) **A gas station may be permitted, subject to the following:**
  - (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 applicant's statement of justification incorrectly states that the location of the eastern driveway entrance along Woodyard Road (MD 223) does not comply with setback requirements from the point of curvature. However, it is the western driveway entrance along MD 223 that is located less than 20 feet from the point of curvature of the curb return. The distance between the point of curvature and the eastern driveway entrance along MD 223 is not labeled on the site plan and should be. However, it does appear to comply with the 20-foot minimum setback requirement from the point of curvature. The western (right-in only) driveway entrance

along MD 223 is located only ten feet from the point of curvature and a variance of ten feet is requested by the applicant.

The applicant has also requested a variance of 9.8 feet for the location of the driveway entrance on Stuart Lane. The statement of justification submitted by the applicant states that the driveway entrance is 10.2 feet from the point of curvature and, therefore, a variance of 9.8 feet is requested. However, the site plan shows that the 10.2-foot dimension is the distance between the point of curvature from the intersection of MD 223 and the point of curvature of the northern side of the driveway entrance on Stuart Lane. As a result, it appears that the northern edge of the driveway entrance on Stuart Lane is properly set back 20 feet from the point of curvature from the intersection of MD 223 and would, therefore, meet the intent of Section 27-358(a)(5) of the Zoning Ordinance. Regardless, staff has included the applicant's variance request for the driveway location on Stuart Lane as a part of the subject special exception application.

On March 19, 1980, the Board of Zoning Appeals approved Appeal No. 5723 granting variances for the minimum driveway apron widths, the driveway locations being within the 20-foot point of curvature from an intersection, the sidewalk widths, the construction of gasoline pump islands within 25 feet of the front street line, construction within established building lines, and the waiver of the required landscaped strips along MD 223 and Stuart Lane.

On August 10, 1983, the Board of Zoning Appeals granted another list of similar variances for the property through their approval of Appeal No. 6882.

During the review of the subject application, the applicant's attorney argued that the prior approved variances should still be valid for the purposes of the special exception application. However, the ultimate right-of-way width of MD 223 has increased since the time the variances were granted, and the driveway configuration along MD 223 is also proposed to be revised with the subject application. In an email dated July 7, 2010, the Legal Department (M-NCPPC) stated that the variance approvals expressly relied on the underlying facts as they existed at the time, and would not apply now that the master plan has increased the right-of-way width along MD 223.

The location of the western driveway entrance that is proposed along MD 223 will be set back a greater distance from the point of curvature than what currently exists. The existing western driveway entrance currently has no setback from the point of curvature and it has existed in that configuration for approximately 45 years. A ten-foot setback is now being proposed. In order to construct the right-in/right-out, one-way driveway entrances that are being required by the State Highway Administration (SHA), the approval of a variance for at least one of the driveway entrances along MD 223 is necessary.

The driveway entrance on Stuart Lane is essentially located in the same place as it has since its initial construction in 1967. Although variances have been approved in the past by the Board of Zoning Appeals for the driveway locations, they are being slightly relocated with the proposed redevelopment of the site, and the approval of new variances is required. No dimensions are provided between the existing driveway entrance and the point of curvature on the existing conditions site plan that was submitted by the applicant. However, the location of the proposed driveway entrance on Stuart Lane does appear to be slightly farther away from the point of curvature than its existing location. As previously stated above, it appears that the northern edge of the driveway entrance on Stuart Lane is properly set back 20 feet from the point of curvature from the intersection of MD 223 and would, therefore, meet the intent of Section 27-358(a)(5) of the Zoning Ordinance.

By definition, the site is considered a through lot because it is a corner lot fronting on three or more streets. Therefore, the need to provide driveway entrances along all three public rights-of-way and meet the requirement that each one be set back a minimum of 20 feet from the point of curvature creates an extraordinary situation and conditions not generally applicable to other properties. As a result, staff supports the requested variances, as requiring the applicant to comply with the strict application of this Subtitle would prevent them from constructing the right-in/right-out driveway entrances that are being required by SHA for safety purposes along MD 223.

Regarding the driveway entrance location on Stuart Lane, the Department of Public Works and Transportation (DPW&T) stated in a memorandum dated April 3, 2012 that they have no objection to the variance request from Section 27-358(a)(5) of the Zoning Ordinance. In a memorandum dated December 27, 2012, the Transportation Planning Section stated that it is recognized that the site is small and challenging, and that the applicant would incur a hardship with the strict imposition of the standards. Furthermore, they found that, in this case, a variance from this provision of Subtitle 27 would not impair the master plan.

The 1993 Subregion V Master Plan and SMA recommended a commercial land use for the subject property and retained the site within the C-S-C Zone.

A gas station has been in continuous operation on this property since July 19, 1967 when Special Exception No. 1576 was approved by the District Council, and the continuation of this use will not impair the intent, purpose, or integrity of the General Plan or master plan.

- L. **Signage:** The applicant is proposing building, canopy, and freestanding signage that is prototypical franchise-style for Dash-In and Shell. The building signs and window stickers will be the red and green Dash-In logos, while the canopy sides and canopy signage will be the red and yellow logos that are typical for Shell. The freestanding sign will be a combination of both, and will include four types of gasoline price signs and four seasonal sign panels.

The signage is within the allowed square footage and height (freestanding sign). However, the canopy will be set back less than 30 feet from the street line and, therefore, the total area of all signs on the canopy cannot exceed one square foot for each lineal foot of canopy width, in accordance with Section 27-613(c)(3)(F) of the Zoning Ordinance. As a result, Sheet SGN-2 of the submitted plans needs to be revised to demonstrate that the total area of all signs on the canopy shall not exceed one square foot for each lineal foot of canopy width.

Although the square footage of the freestanding sign is within the allowed limits, Sheet SGN-3 of the submitted plans needs to be revised to demonstrate that the total permitted sign area for the freestanding sign is 172.16 square feet, not 200 square feet.

In a memorandum dated November 20, 2012, the Urban Design Section stated that, given the prominent location of the freestanding sign, a brick base should be provided to achieve consistency in terms of building materials and quality with the proposed building. The Urban Design Section also recommended that a brick wall be used to provide sight-tight screening for both the trash receptacle and any mechanical equipment. Staff has added appropriate conditions to address these concerns.

- M. **Required findings for Departures from Design Standards:** The applicant has requested a departure from Section 27-614(a)(1) of the Zoning Ordinance because the main building

associated with the freestanding sign is not set back at least 40 feet from the front street line. Although not requested by the applicant, it appears that a departure from Section 27-614(a)(4) is also required because the freestanding sign is not proposed to be set back a minimum of ten feet from the ultimate right-of-way of Woodyard Road (MD 223).

Section 27-614(a)(1) states the following:

**(a) Location.**

- (1) In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs shall only be located on property where the main building associated with the sign is located at least forty (40) feet behind the front street line. This shall not apply to integrated shopping centers, other commercial centers with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial centers, or office building complexes.**

Section 27-614(a)(4) states the following:

- (4) Notwithstanding any other provisions of this Subtitle addressing setbacks and yards, in all Commercial and Industrial Zones (except the I-3 Zone), signs need only be located ten (10) feet behind the street line. Where the street line is situated behind the actual existing street right-of-way line, freestanding on-site signs may be temporarily located within the area between the street line and the existing street right-of-way line (the area of proposed future widening of an existing street), provided that:**
  - (A) The land area involved has not been, and is not in the process of being, acquired for street purposes;**
  - (B) The sign is located at least ten (10) feet behind the existing street right-of-way line; and**
  - (C) A written agreement between the owner and the Department of Environmental Resources assures that the sign will be removed, at the owner's expense, at the time of acquisition of that area for street purposes.**

Section 27-239.01(b)(7) of the Zoning Ordinance contains the required findings that the Planning Board must make in order to approve a departure request:

**Section 27-239.01. Departures from Design Standards.**

**(7) Required findings.**

- (A) In order for the Planning Board to grant the departure, it shall make the following findings:**
  - (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

**Comment:** On June 20, 1996, the Planning Board approved a minor change to relocate the existing freestanding sign and to convert the existing parking space provided for the physically handicapped to a van-accessible space (PGCPB Resolution No. 96-214). The applicant is now proposing to relocate the sign outside the limits of the ultimate right-of-way of MD 223. However, the sign is only proposed to be set back approximately four feet from the limits of the ultimate right-of-way of MD 223, and a departure of six feet is necessary from Section 27-614(a)(4) of the Zoning Ordinance.

Although Section 27-614(a)(4) allows freestanding signs to be temporarily located within the area between the street line and the existing street right-of-way line subject to certain criteria and without the need for approval of a departure request, once a sign is located outside the limits of the existing street right-of-way line it is fully subject to the ten-foot setback requirement contained in Section 27-614(a)(1).

A freestanding sign has existed on the site for many years and currently, the freestanding sign is wholly located within the limits of the ultimate right-of-way and is set back only a few feet from the property line and the existing paving of MD 223. The proposed new location of the freestanding sign is set back much further on the site than what currently exists and will be located outside the limits of the ultimate right-of-way.

Although the proposed building meets the required building setback from Woodyard Road (MD 223) and Woody Terrace, it is set back only 23.55 feet from Stuart Lane, and a departure of approximately 16.45 feet is needed in order to allow a freestanding sign to remain on the site. The building will be located over 130 feet from MD 223 and the applicant believes that any building-mounted signage would not adequately identify this site for the traveling public. The freestanding sign is also necessary to adequately display the prices of each type of gasoline sold on the premises.

In a memorandum dated December 27, 2012, the Transportation Planning Section stated that, given the sign's location just outside of the master plan right-of-way for MD 223, the Transportation Planning Section offers no objection to the departure. In a memorandum dated April 3, 2012, DPW&T also stated that they have no objection to the applicant's requested departure.

With the freestanding sign being necessary to display the fuel prices, being set back farther on the property than what was previously approved by the Planning Board, and with the proposed building meeting the required 40-foot building setback along two of the three public streets that abut the site, staff believes that the purposes of this Subtitle will be equally well or better served by the applicant's proposal.

- (ii) **The departure is the minimum necessary, given the specific circumstances of the request.**

**Comment:** A departure of approximately 16.45 feet is required from Stuart Lane along the east side of the building. The proposed building is set back less than one-foot from the southwestern property line and it cannot be shifted any further to the west in order to meet the required 40-foot building setback.

The limits of the MD 223 ultimate right-of-way extend approximately 18 feet onto the property at the western property line and 14 feet at the eastern property line. The applicant is relocating the sign outside the limits of the ultimate right-of-way even though the dedication of the ultimate right-of-way is not required with a special exception application. The sign will be set back approximately four feet from the limits of the ultimate right-of-way of MD 223. The structure cannot be shifted further to the northeast because it would not meet the ten-foot setback requirement from Stuart Lane, and it cannot be shifted farther back from MD 223 without impacting a required storm drain structure. As a result, staff finds that the departures are the minimum necessary given the specific circumstances of the request.

- (iii) **The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

**Comment:** By definition, the site is considered a through lot because it is a corner lot fronting on three or more streets. Therefore, the need to meet the required 40-foot building setback along three streets creates an extraordinary situation and conditions not generally applicable to other properties. As a result, staff finds that the departure is necessary in order to alleviate circumstances which are unique to the site.

- (iv) **The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

**Comment:** A gas station has been in continuous operation on this property since approximately 1967, and a freestanding sign has existed at the corner of MD 223 and Stuart Lane for many years. There are no residential uses that are located within the immediate area of the site that would be negatively impacted by the departure request. The relocation of the sign outside the limits of the ultimate right-of-way of MD 223 will be beneficial should the right-of-way be dedicated in the future and MD 223 widened to the ultimate width envisioned by the master plan. The re-facing of the sign, the redevelopment of the site with modern structures, and the removal of the service bays, will improve the visual quality of the site. As a result, staff finds that the proposed departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

N. **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;**



**Comment:** The use has met the requirements of the Zoning Ordinance since its initial approval by the District Council in 1967. However, the redevelopment of this older site will bring the subject property into conformance with current landscaping requirements, current stormwater management requirements, current building and fire protection requirements, and the American with Disabilities Act (ADA), and will provide much needed safety improvements along Woodyard Road (MD 223) for both vehicles and pedestrians. On January 15, 2009, a stormwater management concept plan was approved by DPW&T. However, that approval expired on January 15, 2012 and will need to be renewed by DPW&T, and the layout of the plan revised to be consistent with the latest special exception site plan prior to issuance of a building permit. The redevelopment of the property with commercial uses is consistent with the master plan land use recommendations. With the recommended conditions, the proposed use and site plan 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;**

**Comment:** The applicant has obtained approval of an alternative compliance application for the proposed landscaping, and the proposed redevelopment of the site meets the standard zoning requirements of the C-S-C Zone. With the requested departure, variance request, and the recommended conditions of approval, the proposed use will be in substantial conformance with all of the applicable requirements and regulations of this Subtitle.

**(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

**Comment:** The 1993 Subregion V Master Plan and SMA recommends a commercial land use for the subject property, and the proposed use conforms to the General Plan's vision for the Developing Tier for a nonresidential land use. Therefore, 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;**

**Comment:** A gas station has been in continuous operation on this property since the District Council's approval of Special Exception No. 1576 in 1967, and it has had no adverse effects on the health, safety, or welfare of residents or workers in the area. As part of the redevelopment of the site, the applicant will be installing new full-cutoff optic outdoor lighting consisting of six 16-foot-high lamp posts, four outdoor building lights, and 18 new canopy lights that will provide patrons with a bright safe atmosphere while not causing glare onto adjacent properties.

In consideration of the findings required for a special exception, the Transportation Planning Section reviewed the site for health, safety, and welfare issues within the immediate area of the property, as well as, for master plan consistency. The applicant proposes the replacement of eight fueling positions with twelve fueling positions on a site which is to contain a gas station and convenience store. However, the Transportation Planning Section found that the site is a subdivided lot, and the replacement of the service station does not raise any off-site transportation adequacy issues. Further, the Transportation Planning Section found that the applications and the variance request would pose no issue regarding the required special exception finding or other needed findings.

Regarding the frontage improvements along Woodyard Road (MD 223), the Transportation Planning Section stated that this type of sidewalk is necessary in this part of Clinton. It is needed to support pedestrian access to existing transit services and to support access to a future transit line and station along Branch Avenue (MD 5), as recommended in the 2009 *Approved Countywide Master Plan of Transportation*.

In a memorandum dated November 20, 2012, the Urban Design Section recommended approval of the special exception and departure applications, but they did not support the applicant's requested variance from Section 27-358(a)(5) of the Zoning Ordinance. Further, the Urban Design Section recommended that both driveway entrances along MD 223 be closed.

In this case, SHA would have jurisdiction over any access point onto MD 223, which is a state roadway, and DPW&T would have jurisdiction over any access points onto Stuart Lane and Woody Terrace, which are both county-maintained roadways. In a memorandum dated April 3, 2012, DPW&T stated that they have no objection to the variance request from Section 27-358(a)(5) of the Zoning Ordinance.

The applicant has been in negotiations with SHA since the application was accepted on September 23, 2009, and the closure of the driveway entrances along MD 223 has been discussed in great detail. SHA had concerns that both of the existing driveway entrances along MD 223 could and currently do accommodate two-way traffic because of the wider width of each entrance. As a result, they have requested that each one of the existing driveway entrances be reduced in width to accommodate only one-way traffic, and new curb and gutter installed to create a right-in/right-out driveway configuration. In an email dated May 7, 2012, SHA stated the following concerning the driveway entrances along MD 223:

“The Access Management Division is satisfied with the site plan showing improvements along MD 223. A permit issued by this office is required for improvements within the requested right-of-way dedication area.”

At this time, the location of the driveway entrances along MD 223 have been deemed acceptable by SHA, and the driveway entrances along Woody Terrace and Stuart Lane have been deemed acceptable by DPW&T. Once constructed, the right-in/right-out driveway entrances along MD 223 will result in safer access points than what currently exists along MD 223. For these reasons, staff finds that the proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area.

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

**Comment:** In approving the original special exception application in 1967, the District Council found that the use would not be detrimental to the use or development of adjacent properties or the general neighborhood. On July 17, 1980, June 23, 1983, December 9, 1993, and June 20, 1996, the Planning Board heard and approved minor revisions for the property, each time finding that the use would not be detrimental to the use or development of adjacent properties or the general neighborhood. Staff believes that these findings continue to be valid.

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

**Comment:** In memorandums dated October 6, 2009 and October 25, 2010, the Environmental Planning Section (M-NCPPC) stated that the site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance and that no other environmental issues relate to the applicant's proposal. Because the site is less than 40,000 square feet in size and has no previous approved tree conservation plans, a standard exemption letter from the Woodland Conservation Ordinance was issued by the Environmental Planning Section on March 27, 2012.

**(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.**

**Comment:** There are no regulated environmental features on the subject property that would require preservation and/or restoration.

## CONCLUSION

APPROVAL of Special Exception Application No. SE-4654 and Departure from Sign Design Standards Application No. DSDS-663, including the requested Variances from Section 27-358(a)(5) of the Zoning Ordinance, subject to the following conditions:

1. Prior to certification of the special exception site plan, the following revisions shall be made:
  - a. The width of the driveway entrances on Stuart Lane and Woody Terrace shall be dimensioned.
  - b. The width of all sidewalks shall be dimensioned in order to demonstrate compliance with Section 27-358(a)(7) of the Zoning Ordinance. Any existing sidewalk that is less than five feet wide shall be labeled as "To be widened to 5 feet in width."
  - c. General Note 19(7) on Page 3 of 6 shall be updated accordingly to provide the correct width of all of the sidewalks on the property.
  - d. Revise General Note 19(5) on Page 3 of 6 to provide the correct width of the driveway entrances along Woodyard Road (MD 223) and further indicate that the width of the one-way driveway entrances have been approved by the State Highway Administration (SHA).
  - e. The provided number of each type of parking space shall be listed in the parking schedule.
  - f. Label the distance between the point of curvature and the eastern driveway entrance along Woodyard Road (MD 223).
  - g. Revise Sheet SGN-2 to demonstrate that the total area of all signs on the canopy shall not exceed one square foot for each lineal foot of canopy width.
  - h. Revise Sheet SGN-3 to demonstrate that the total permitted sign area for the freestanding sign is 172.16 square feet, not 200 square feet.

2. The following revisions shall be made to the architectural elevations and the site plans as required, and be reviewed and approved by the Urban Design Section (M-NCPPC) prior to certification of the special exception site plan:
  - a. Provide a brick base for the proposed freestanding sign. The brick to be applied at the sign base shall be the same brick as on the proposed building.
  - b. Provide a brick wall to provide sight-tight screening for both the trash receptacle and any mechanical equipment.
  - c. Provide red-colored fabric canopies on top of each insert brick panel on the rear elevation of the proposed convenience store and on the top of the windows on both the right and left elevations.
3. If deemed necessary by the District Council, prior to the approval of a building permit, the applicant shall submit written evidence to the Permit Review Section (M-NCPPC) which demonstrates that any proposed structures that are located within the ultimate right-of-way of Woodyard Road (MD 223) have been validated through the District Council's approval of a structure within the right-of-way in accordance with Section 27-259 of the Zoning Ordinance.
4. Prior to issuance of a building permit, Stormwater Management Concept Plan 41637-2008-00 shall be renewed by the Department of Public Works and Transportation (DPW&T) and revised to be consistent with the layout shown on the special exception site plan.

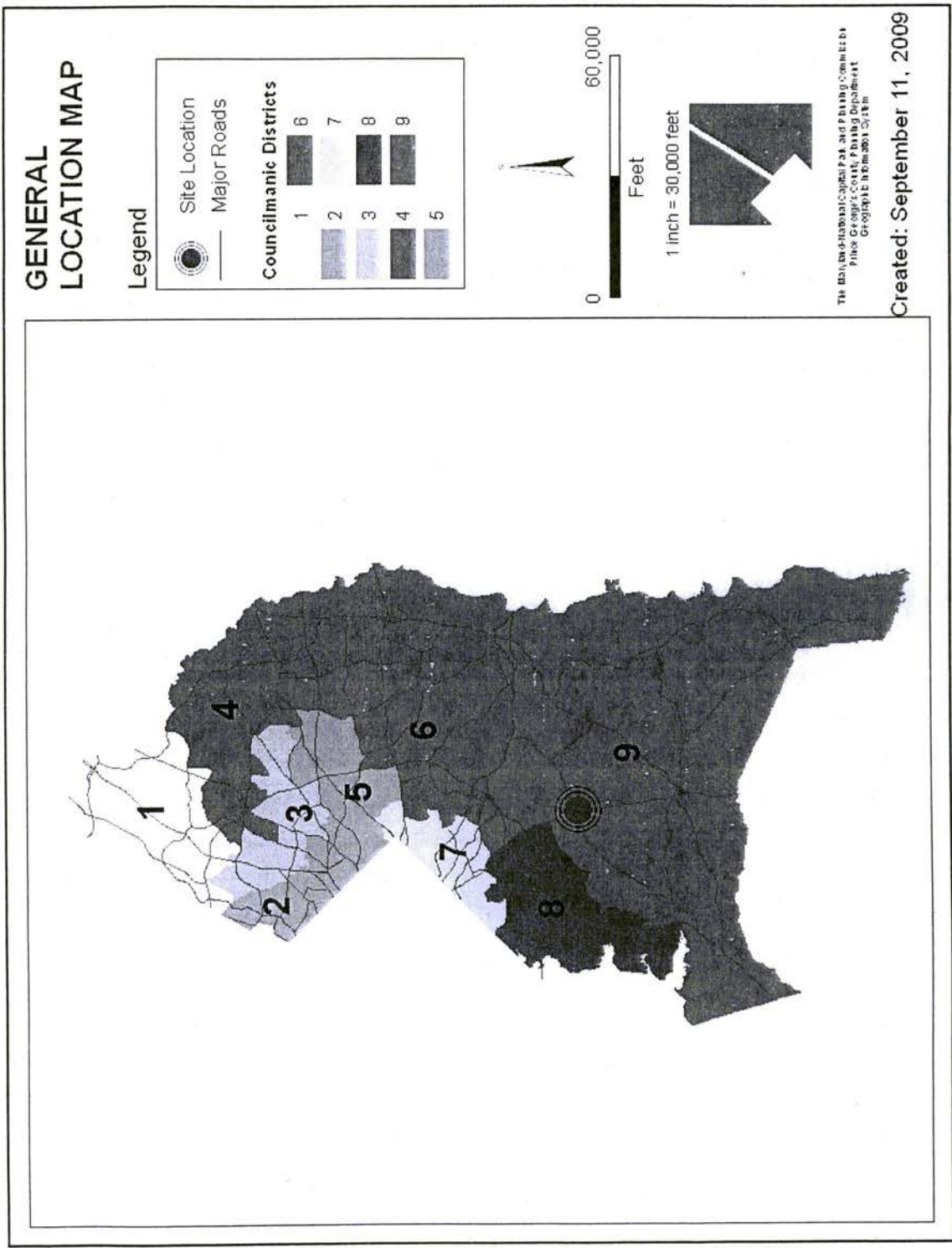
**ITEM NO:**  
**CASE NO: SE-4654 DSDS 663**

# **DASH IN WOODYARD ROAD**

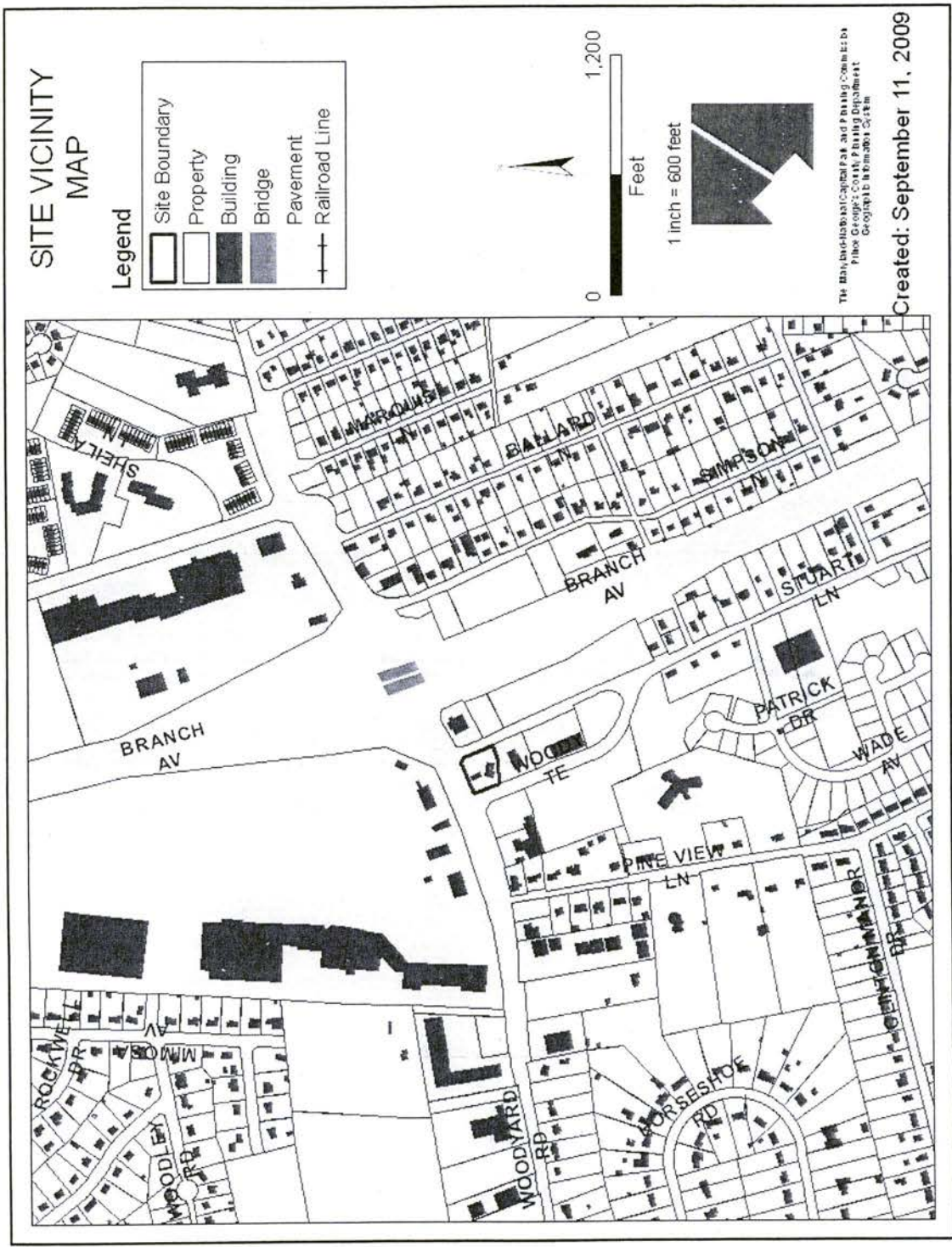
**THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT**



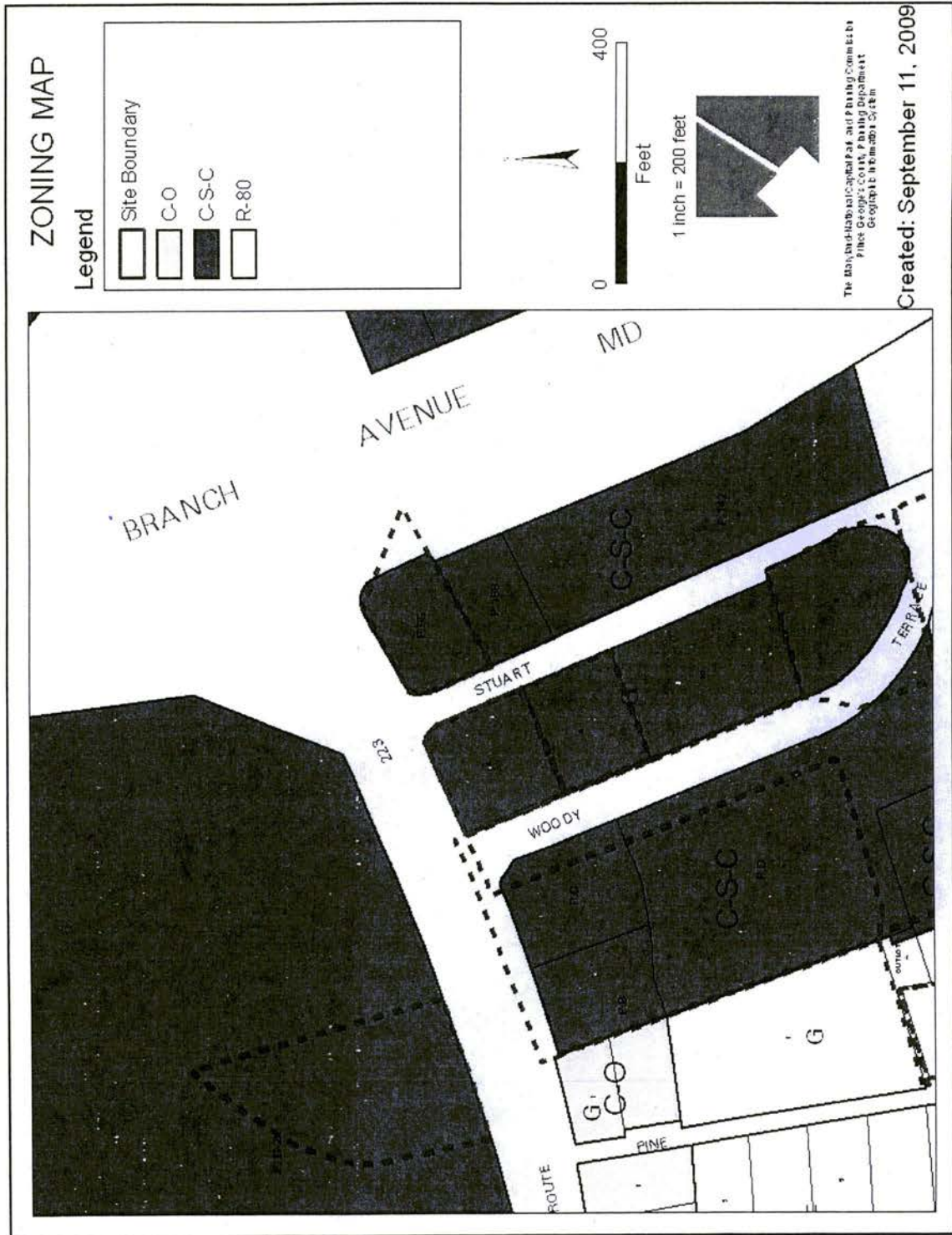
# GENERAL LOCATION MAP



# SITE VICINITY

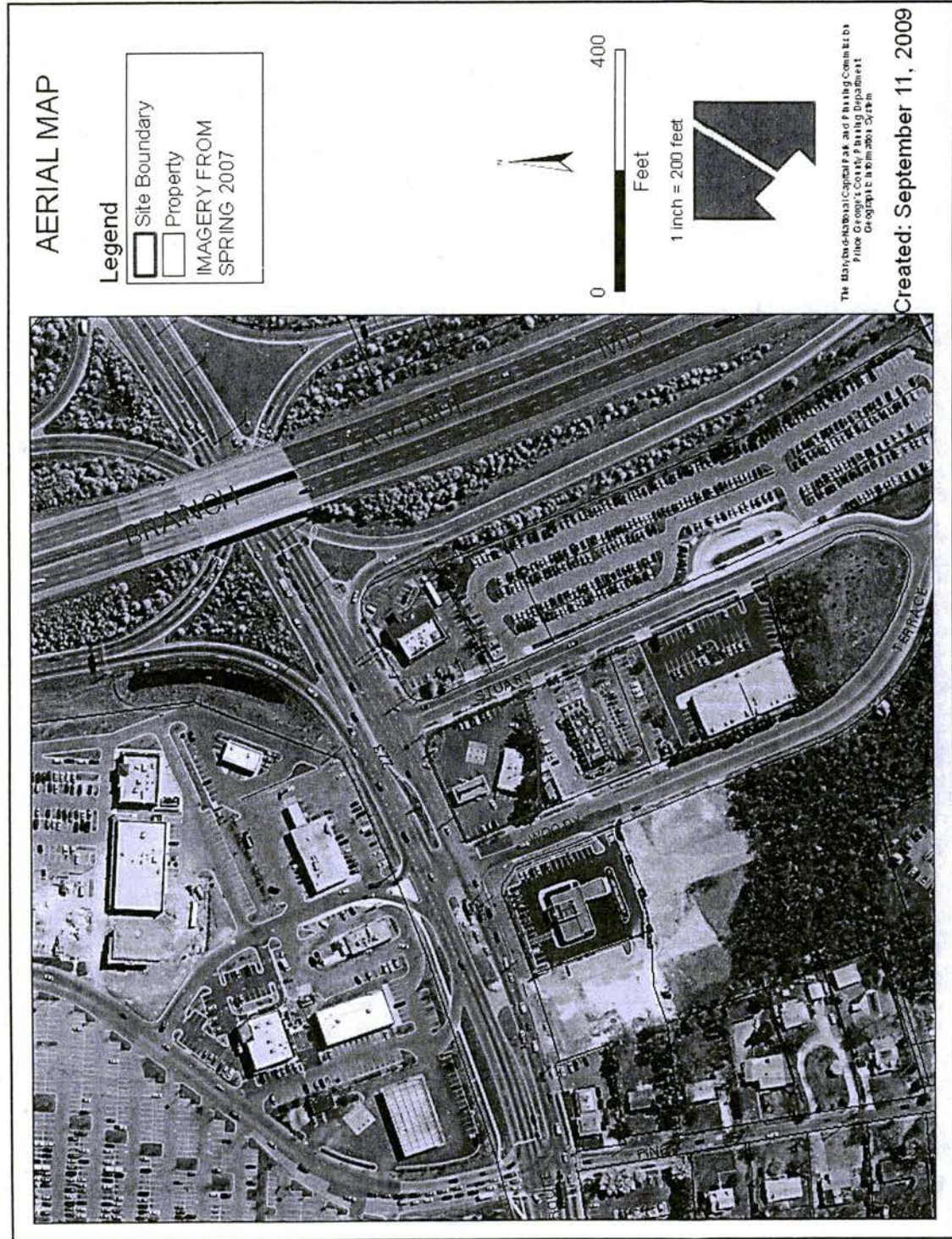


# ZONING MAP

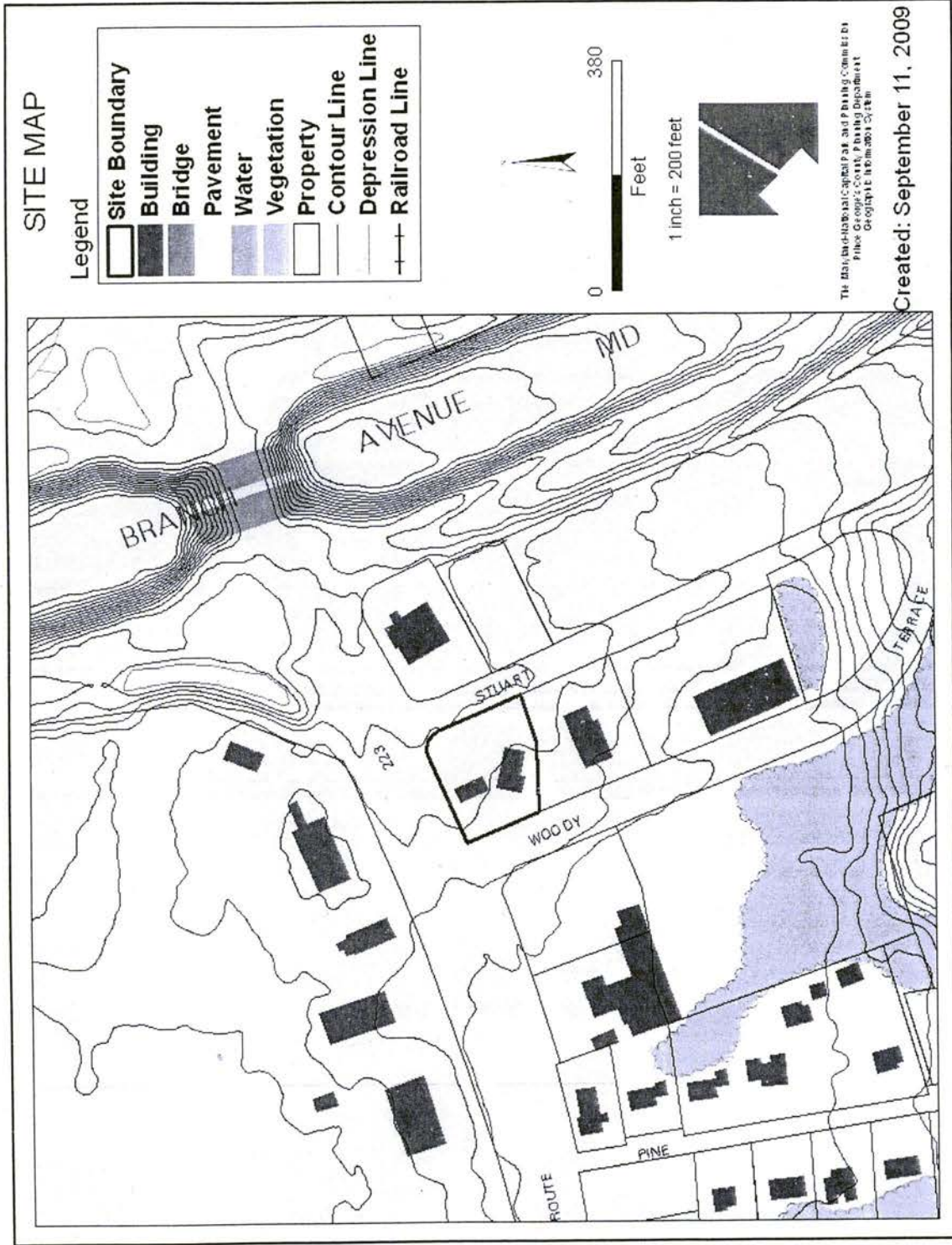




# AERIAL MAP

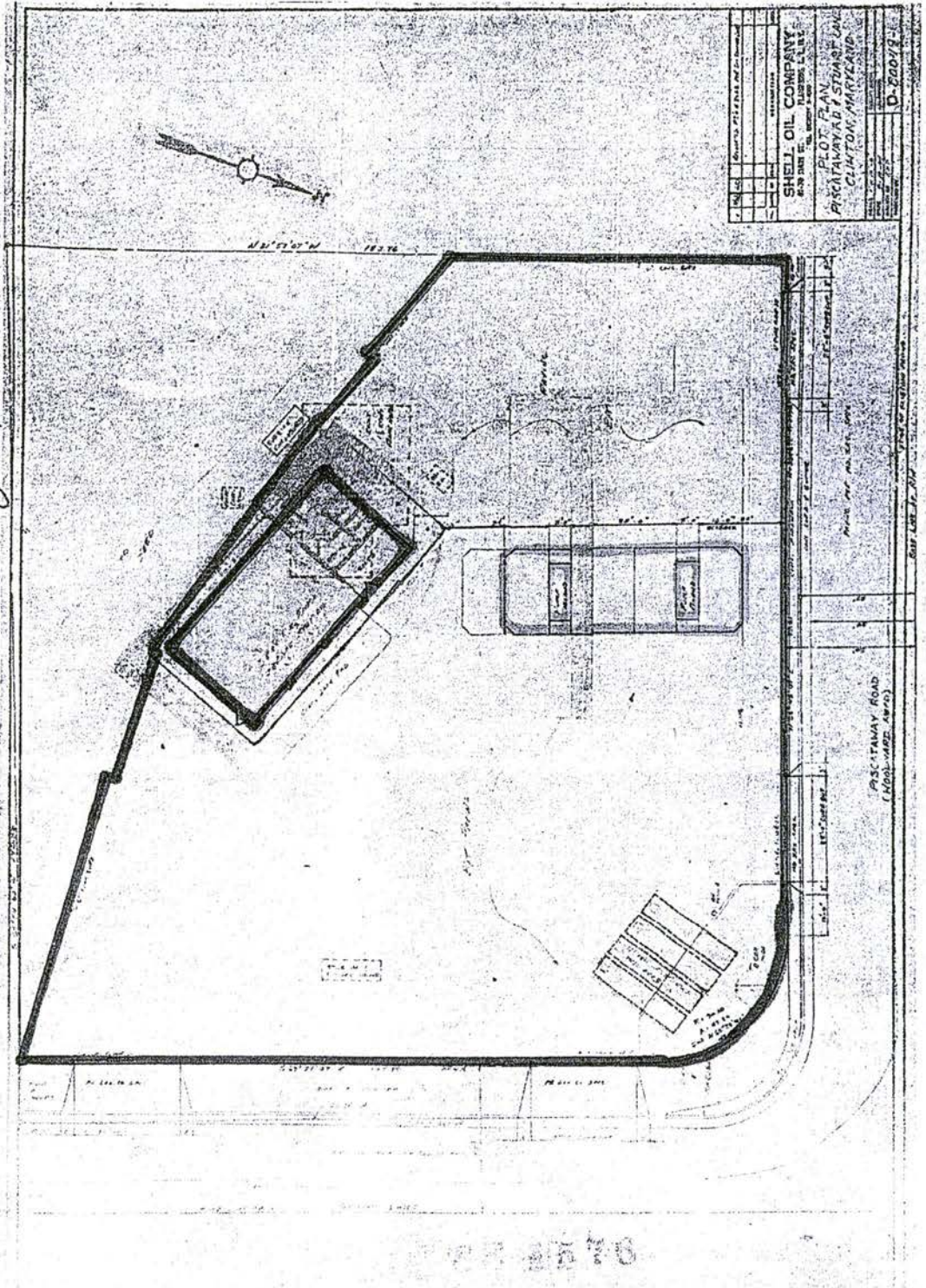


# SITE MAP



# ORIGINAL SPECIAL EXCEPTION SITE PLAN (SE-1576) APPROVED JULY 1967

*Design Park Woods S.C. - Hearing: 7/19/67*



# FINAL PLAT OF SUBDIVISION WWW66@9 (AUGUST 1967)

# 669

## ENGINEERS' CERTIFICATE

I hereby certify that the plan shown hereon is correct, that it is as surveyed and approved by Sewall J. Smith, Surveyor and Commissioner of Public Works, Prince Georges County, Maryland, and Charles Shapira, President and John M. Altschuler, Secretary, by deed recorded February 5, 1963 in Liber 2762 of Folio 575 among the Land Records of Prince Georges County, Maryland; that it is also a resubdivision of part of Lot 4, Block "G", CLINTON GARDENS, as recorded in Plat Book 556, as Plat 16 among the aforesaid Land Records;

that the total area of land included in this plan of subdivision is 33,363 square feet including 2,403 square feet of land which is dedicated to public use;

that iron pipes designated thus  $\rightarrow$  are existing as shown.

August 23, 1967

*Stacy A. Light*  
*August 23, 1967*

## OWNERS' DEDICATION

We, College Park Woods, Inc., a Maryland corporation, by Charles Shapira, President and John M. Altschuler, Secretary, do hereby adopt this plan of subdivision, establish the building restriction lines as shown and dedicate the street to public use.

There are no suits of action, leases, liens or trusts on the property included in this plan of subdivision except for a certain deed of trust and the parties in interest thereto have hereon indicated their assent.

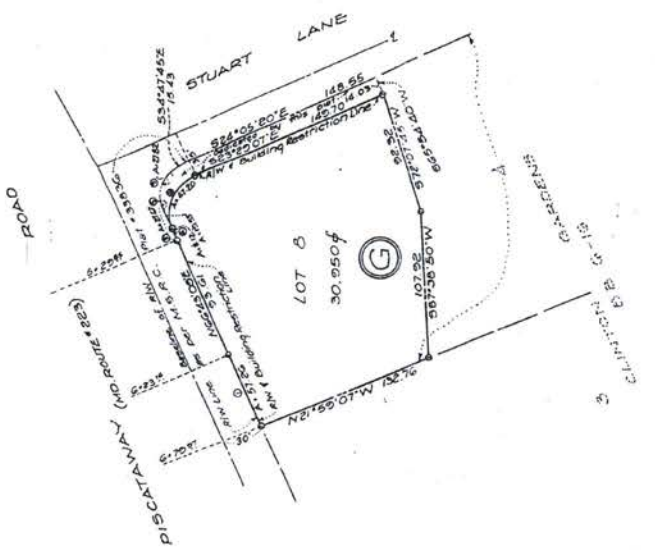
August 27, 1967

*Charles Shapira*  
*August 27, 1967*

We hereby assent to this plan of subdivision,

*John M. Altschuler*  
*August 27, 1967*

*Stacy A. Light*  
*August 27, 1967*



LOT 8, BLOCK "G"  
 CLINTON GARDENS  
 SURRATT'S DISTRICT  
 PRINCE GEORGES COUNTY  
 MARYLAND

SCALE: 1" = 60'  
 AUGUST, 1967

PARKWAY SURVEYS  
 6705 BALTIMORE AVENUE  
 RIVERDALE, MARYLAND  
 JUN. 4-7458

FILED

SEP. 6. 1967  
 W. WAYNE BIRK, CLERK  
 PRINCE GEORGES COUNTY

CURVE DATA

LINE	CHORD	ANGLE	RADIUS	ARC LENGTH	CHORD BEARING
1	107.25	90.00	107.25	107.25	S 90° 00' 00" W
2	587.36	27.18	1027.95	48.12	S 27° 18' 00" W
3	107.25	90.00	107.25	107.25	S 90° 00' 00" W
4	203.54	61.82	320.84	112.37	S 61° 82' 00" W
5	203.54	61.82	320.84	112.37	N 28° 18' 00" E
6	587.36	27.18	1027.95	48.12	N 27° 18' 00" E
7	107.25	90.00	107.25	107.25	N 90° 00' 00" E

NOTE: Measurements 5 feet in width, 2.5 feet each side of all side lot lines of lots shown hereon are shown for easement purposes only and are not to be construed as dedications to the public until such time as public sewerage is available.

APPROVED: *Stacy A. Light*  
 Chairman  
 M.I.C.P. & C. RECORD FILE NO. 253379

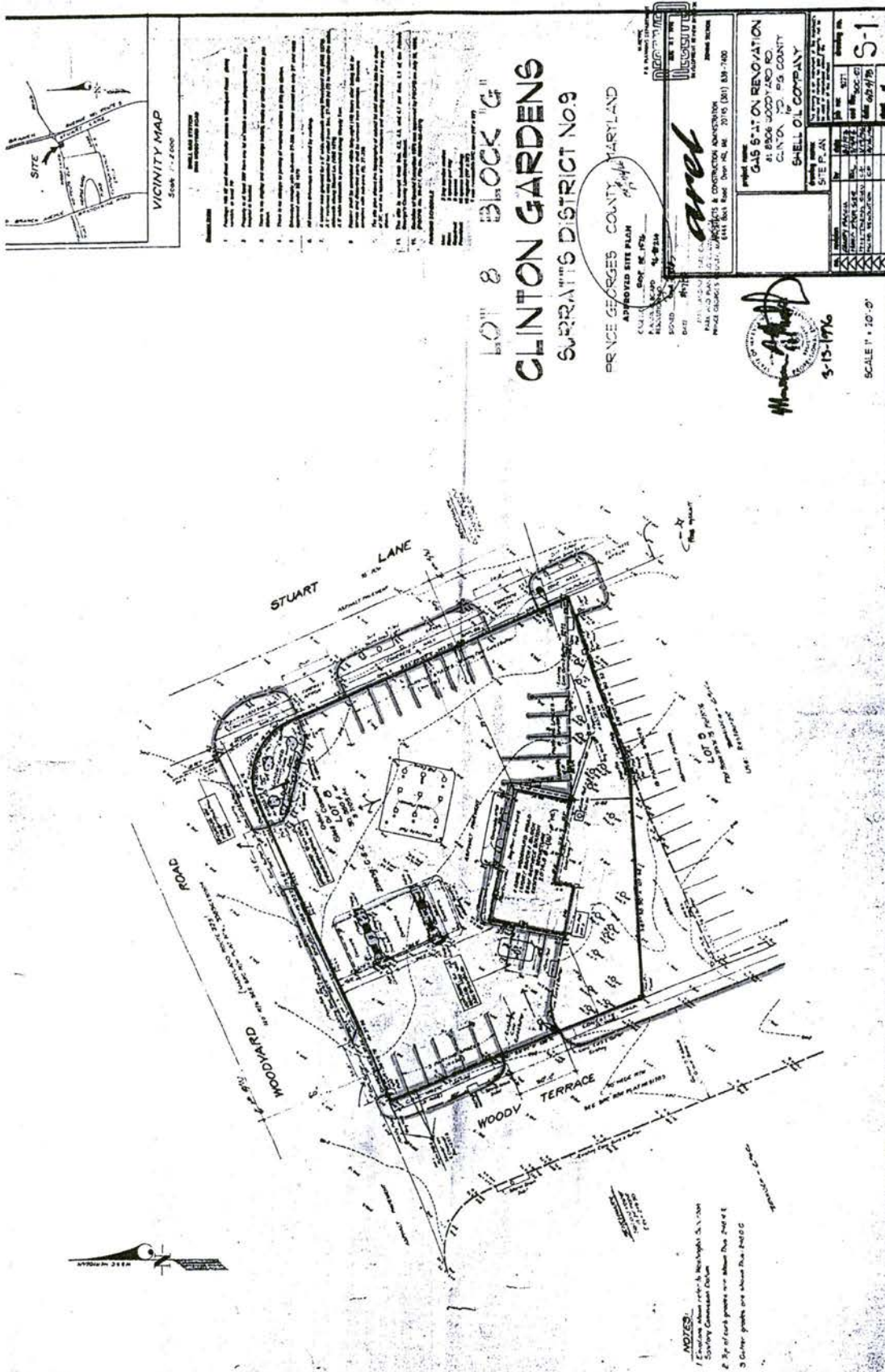
PRINCE GEORGES COUNTY PLANNING BOARD  
 APPROVED: *Stacy A. Light*  
 Chairman  
 M.I.C.P. & C. RECORD FILE NO. 253379

PRINCE GEORGES COUNTY CLERK  
 APPROVED: *W. Wayne Birk*  
 M.I.C.P. & C. RECORD FILE NO. 253379

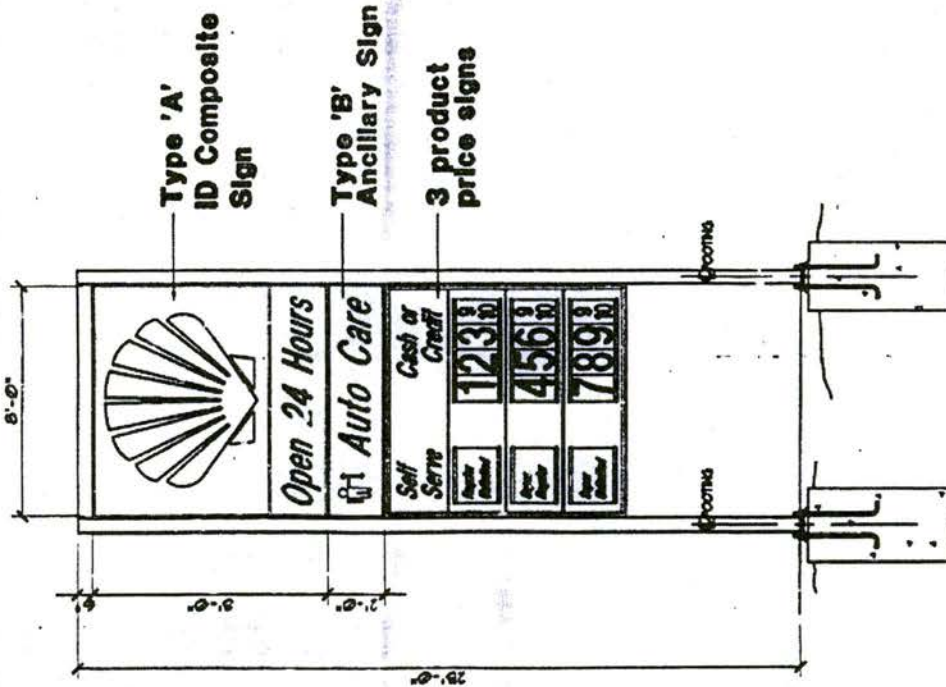


From Plat of Subdivision  
 WWW 66@9 (1967)

# LAST APPROVED REVISION (ROSP-SE-1576) (JUNE 1996)



# LAST APPROVED REVISION (ROSP-SE-1576) (JUNE 1996)



### SIGNAGE CALCULATIONS

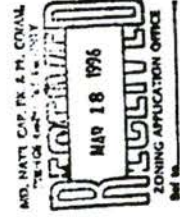
Rate: 1 sqn. per 4 ln. ft. of Street Frontage  
 Total Street Frontage: 499.65 ft.  
 Max. Allowable Sign Area: 499.65 : 4 = 124.91 sq. ft.

Proposed:  
 Composite Sign including Rectin (Logo) and "Open 24 Hours": 8 x 8 = 64 sqn.  
 Ancillary Sign "Auto Care": 2 x 8 = 16 sqn.  
 Total Proposed Signage: 80 sqn.

*Woodward sign*

Shell Oil Company  
**FREESTANDING SIGN**  
**8' FAMILY OF SIGNS**  
 FRONT/REAR ELEVATION

SCALE: 1/4" = 1'-0"



REVISION OF SITE PLAN  
 SE 1576

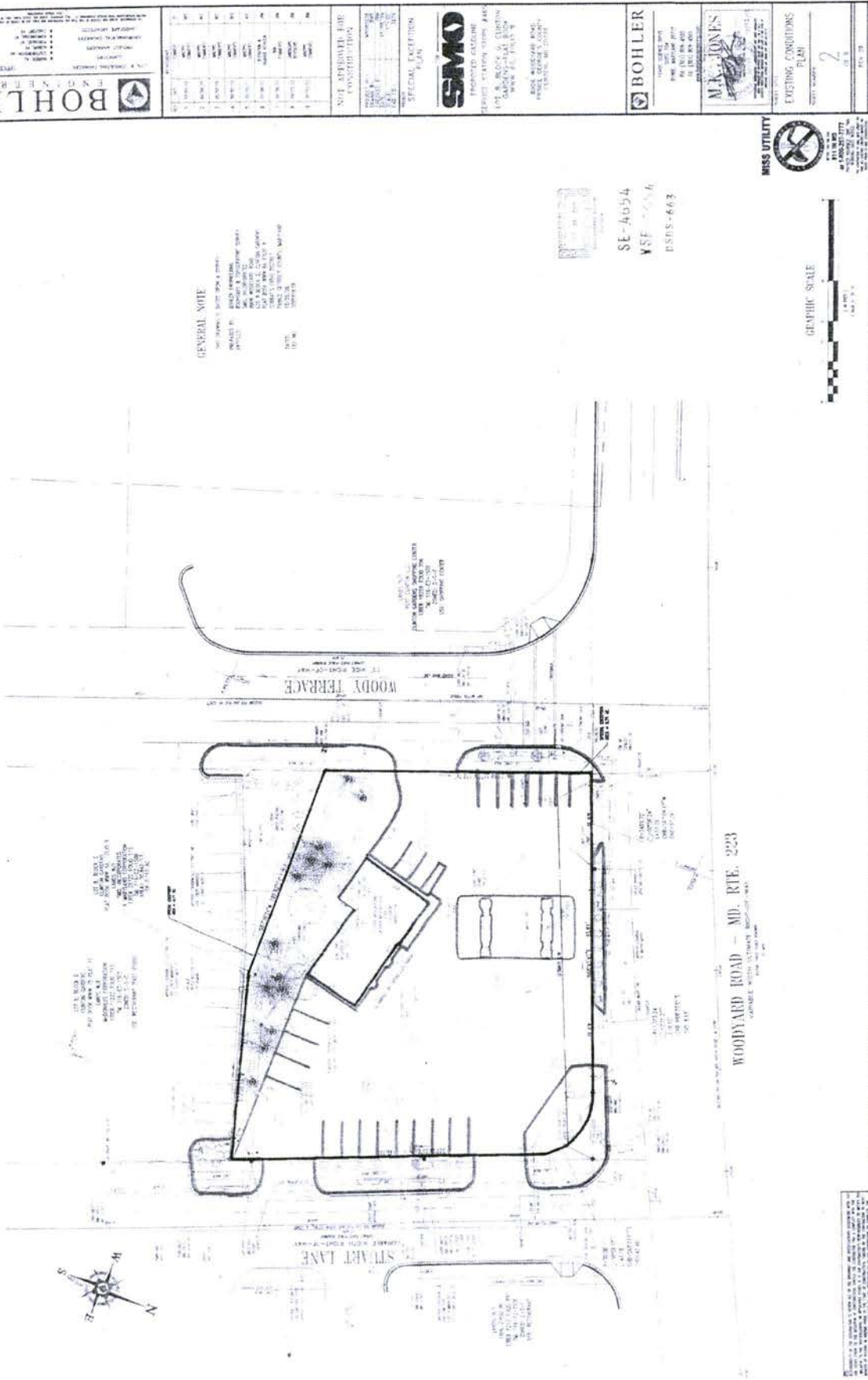
8906 Woodyard Rd.  
 Clinton, MD 20735

DATE: 01/18/96  
 DRAWN BY: SN-1  
 CHECKED BY: [Signature]  
 9601

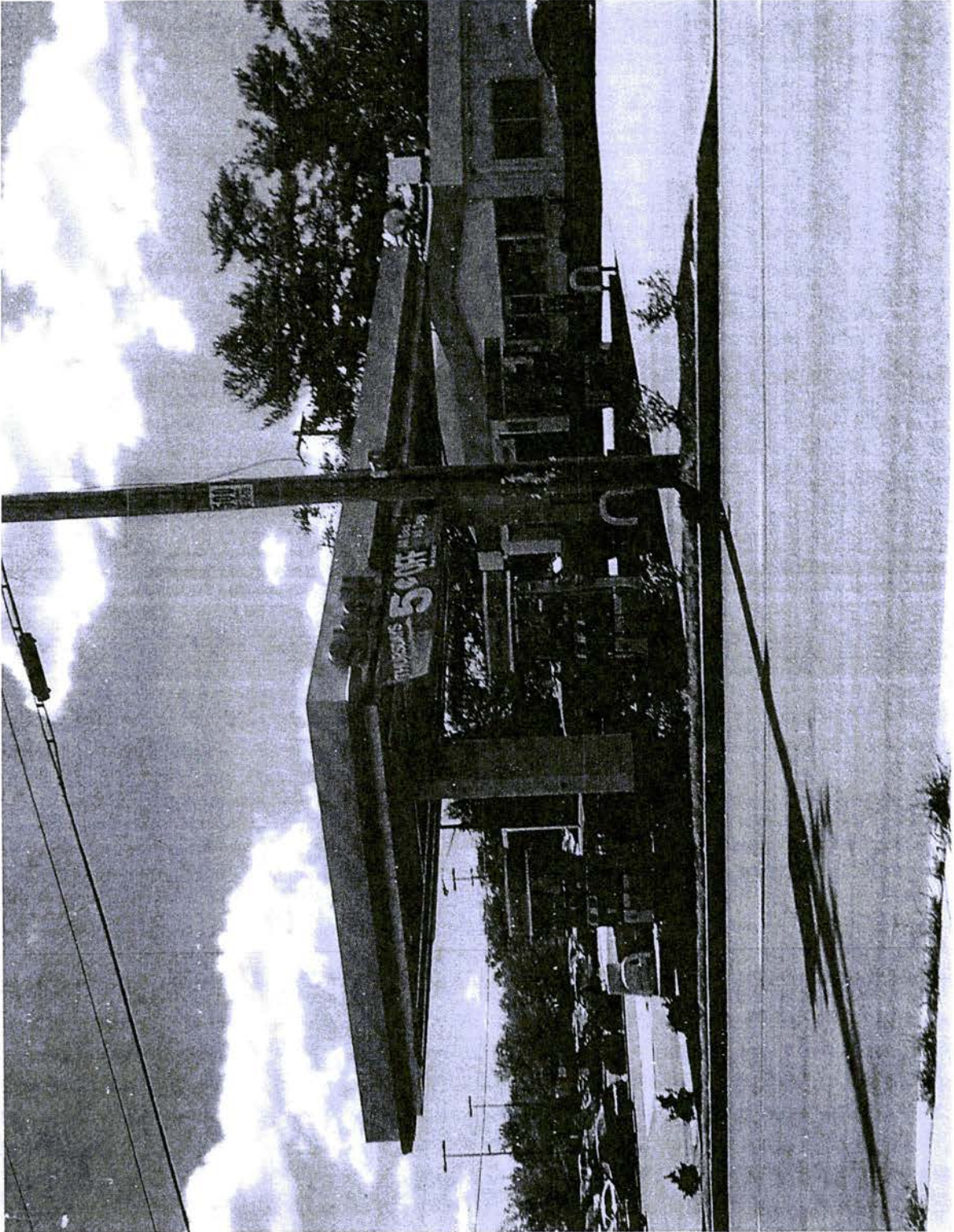
4847 Mountain Rd., Comp. Bldg., MD 20714  
 (301)423-8200 Fax (301)423-1348



# EXISTING CONDITIONS PLAN

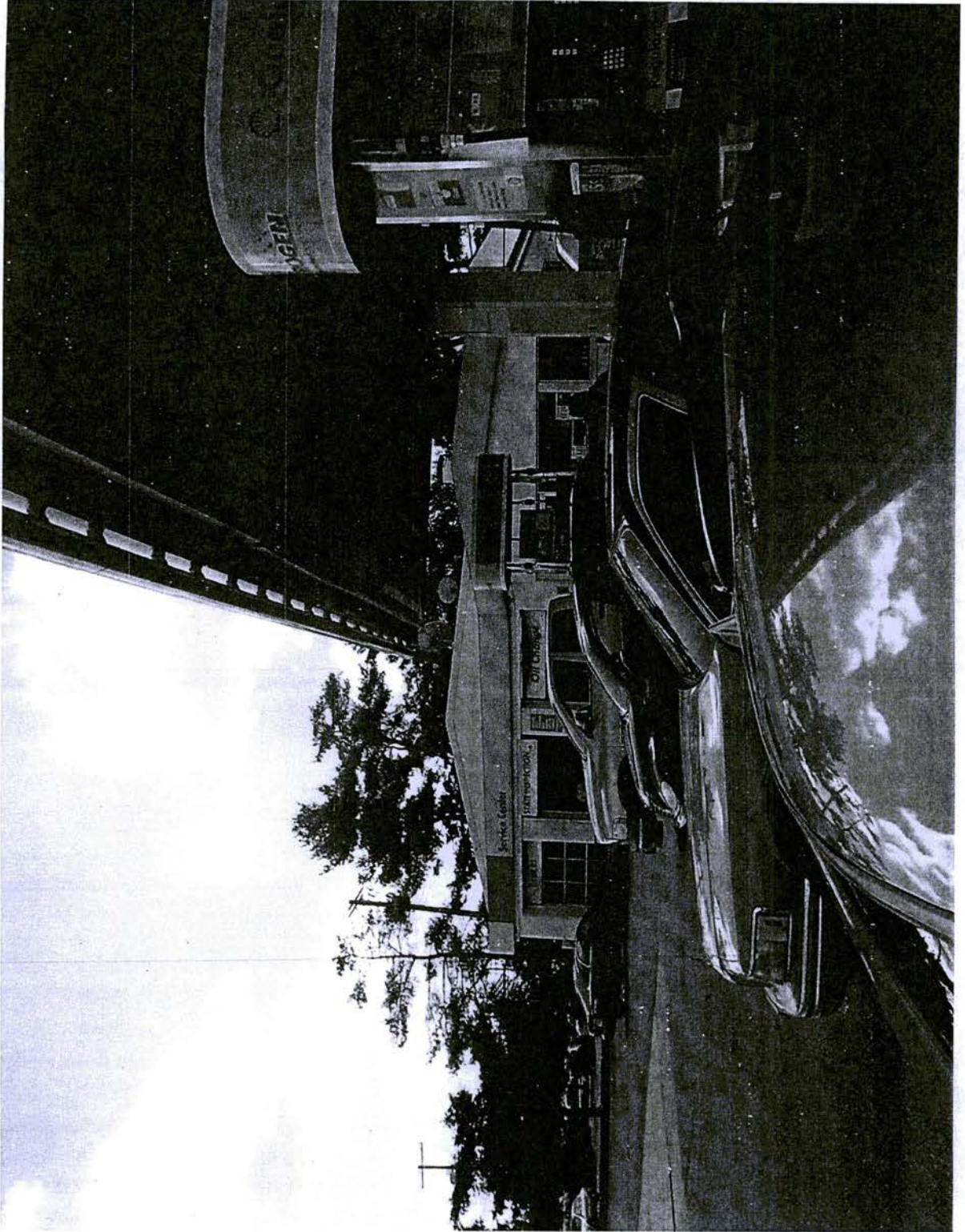


# EXISTING CONDITIONS





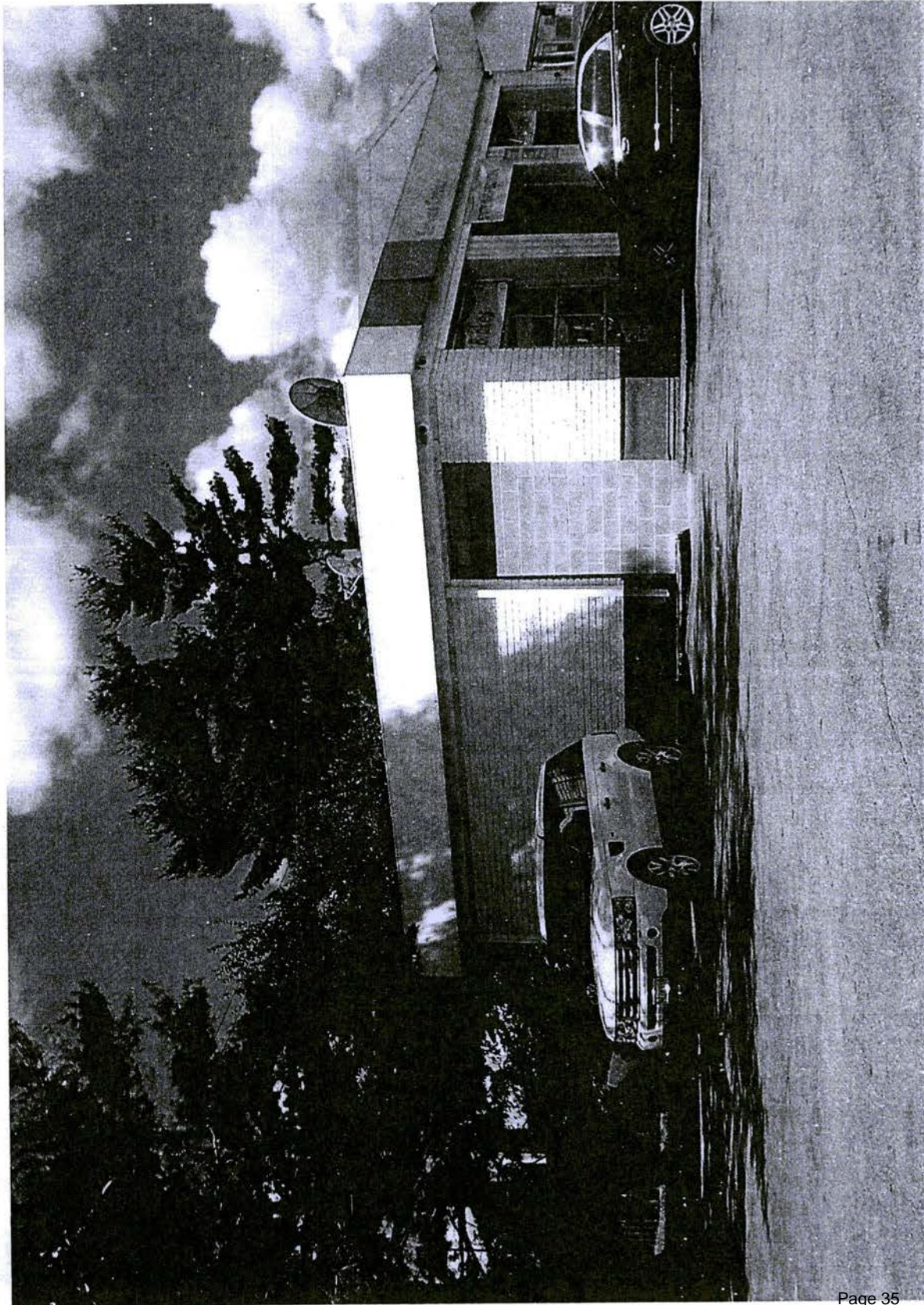
# EXISTING CONDITIONS



# EXISTING CONDITIONS



# EXISTING CONDITIONS



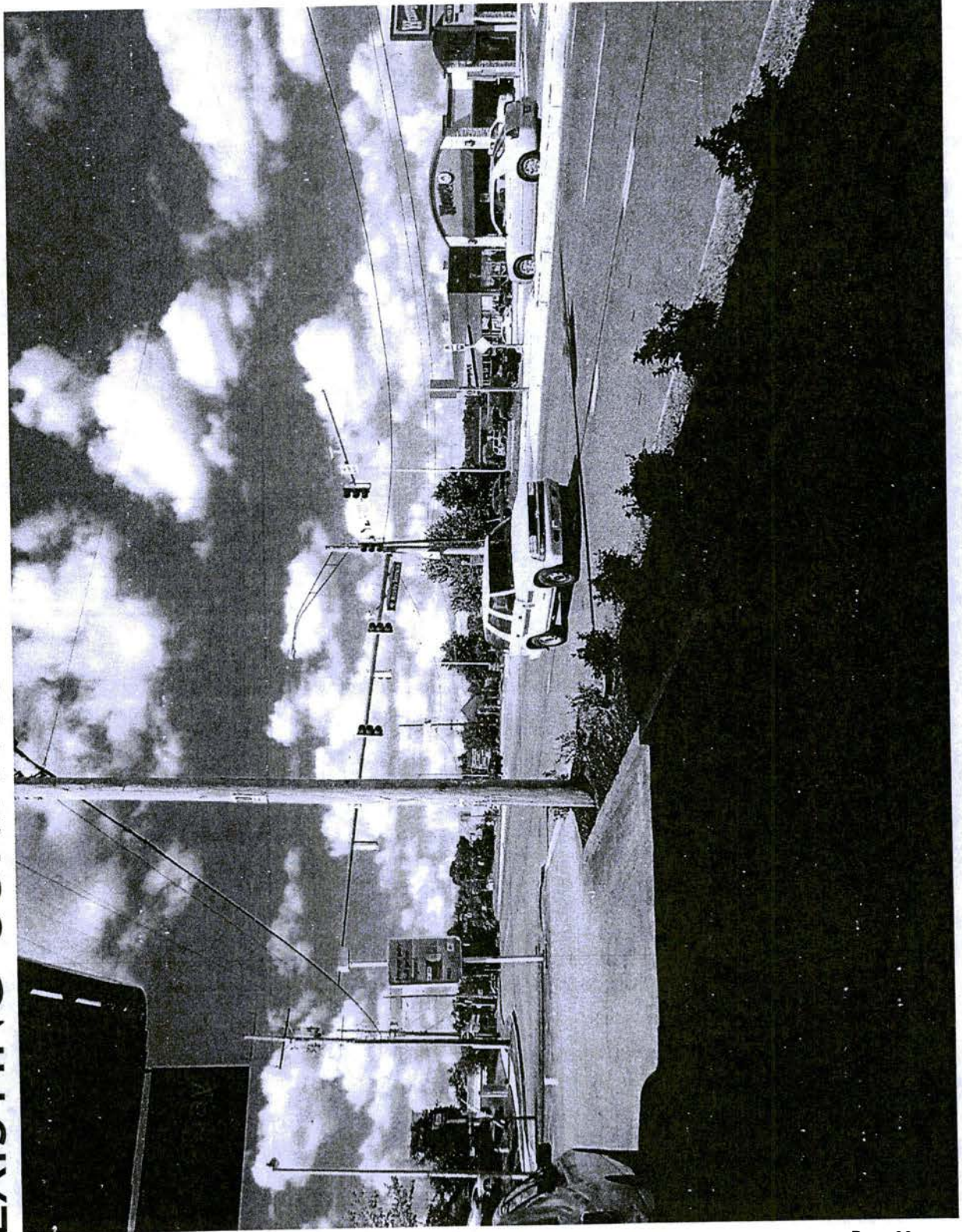
# EXISTING CONDITIONS



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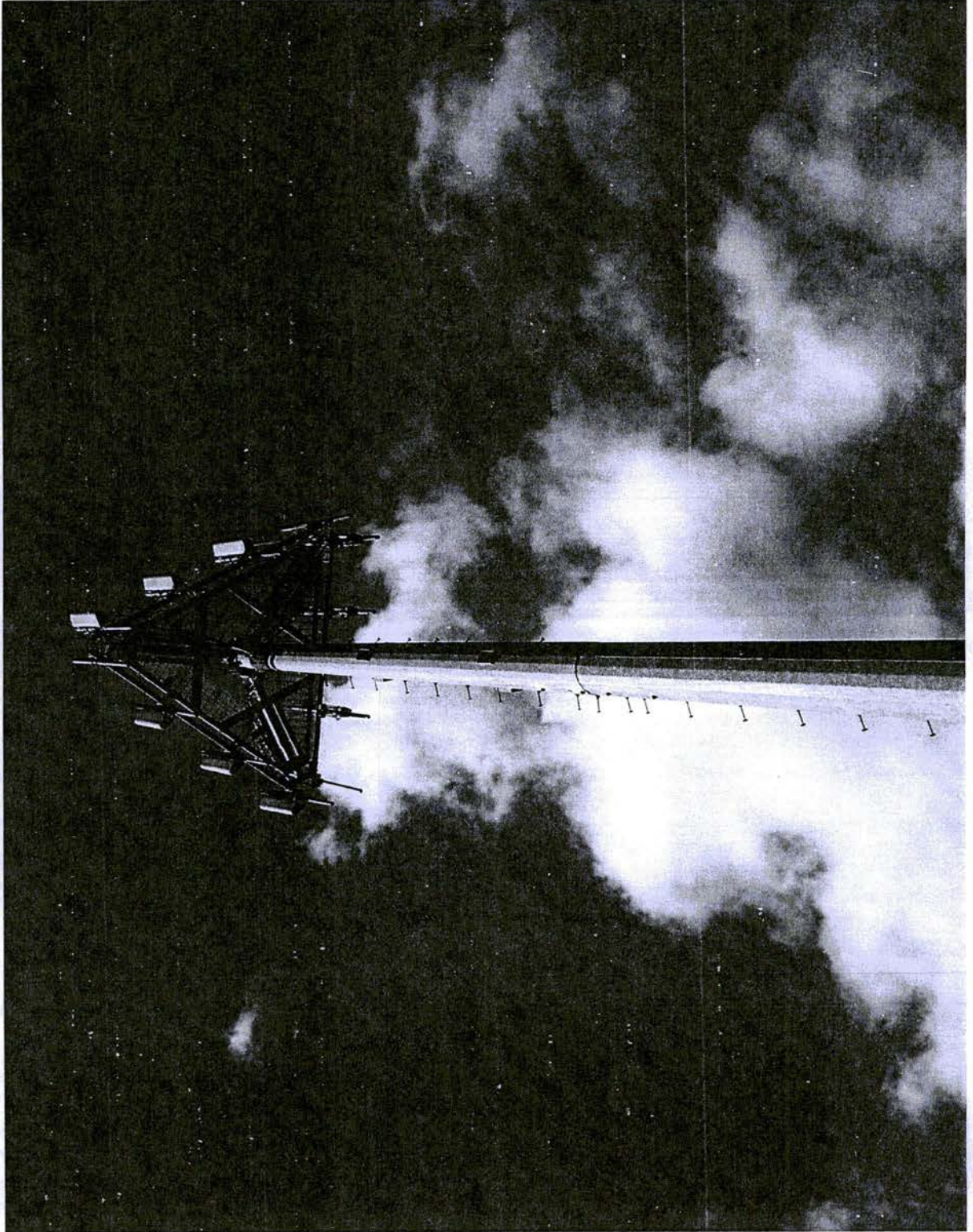
# REAR YARD AREA ADJACENT TO MONOPOLE



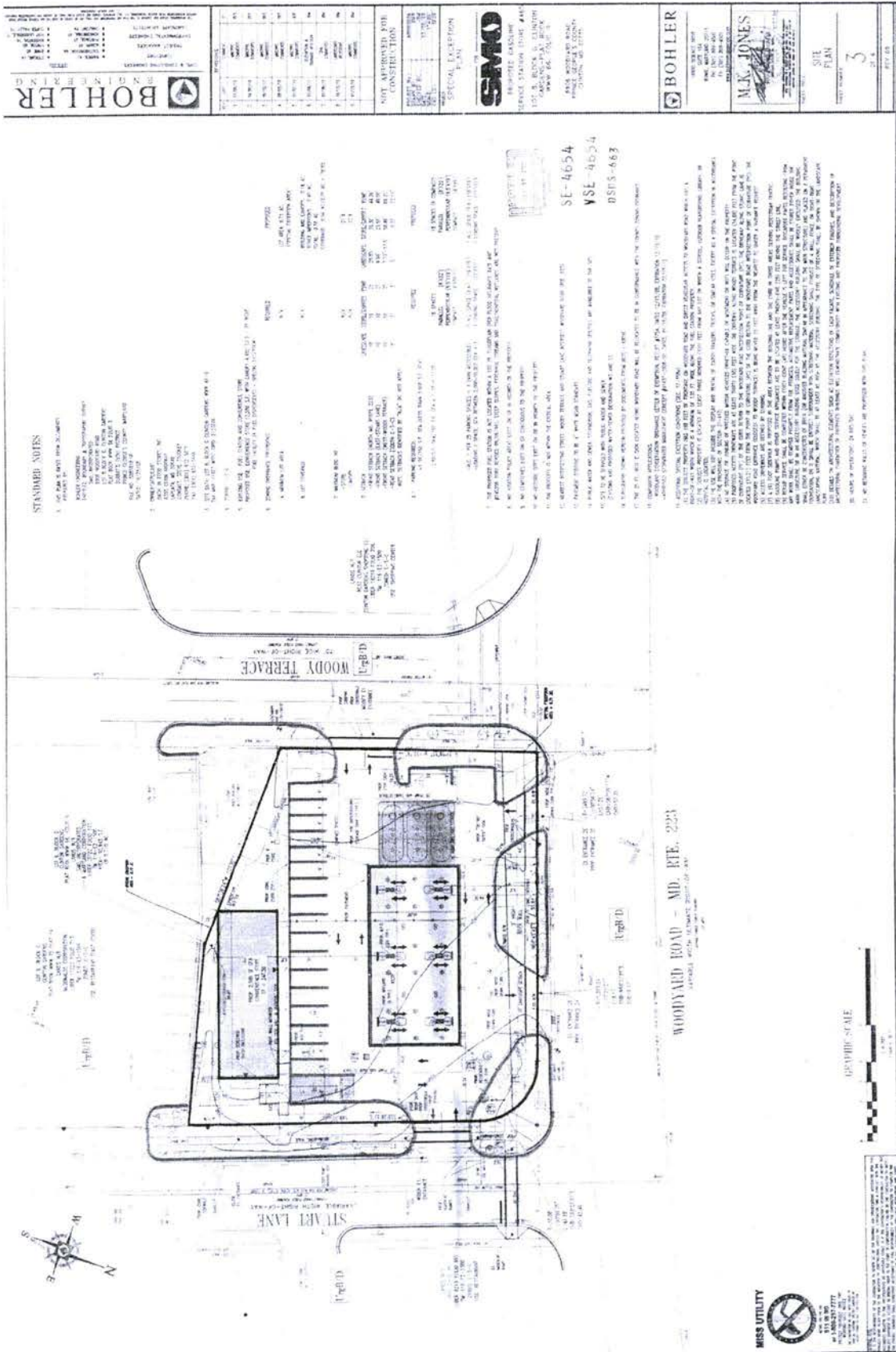


ITEM #: case #: SE-4654

# MONOPOLE ON ABUTTING PROPERTY



# PROPOSED SPECIAL EXCEPTION SITE PLAN



### STANDARD NOTES

- 1. SEE PLAN & SPEC FOR ALL DIMENSIONS.
- 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) HAZARDOUS MATERIAL HANDBOOK.
- 3. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL HEALTH DEPARTMENT.
- 4. ALL UTILITIES SHALL BE LOCATED AND DEPTH SHALL BE AS SHOWN ON THE UTILITY LOCATIONS SHEET.
- 5. ALL CONCRETE SHALL BE 3000 PSI COMPRESSIVE STRENGTH.
- 6. ALL FLOORING SHALL BE AS SPECIFIED ON THE FINISH SCHEDULE.
- 7. ALL MECHANICAL AND ELECTRICAL SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL MECHANICAL CODE (NMC).
- 8. ALL EXTERIOR FINISHES SHALL BE AS SPECIFIED ON THE FINISH SCHEDULE.
- 9. ALL EXTERIOR LIGHTING SHALL BE AS SPECIFIED ON THE FINISH SCHEDULE.
- 10. ALL EXTERIOR PAINT SHALL BE AS SPECIFIED ON THE FINISH SCHEDULE.
- 11. ALL EXTERIOR LANDSCAPING SHALL BE AS SPECIFIED ON THE FINISH SCHEDULE.
- 12. ALL EXTERIOR FURNITURE SHALL BE AS SPECIFIED ON THE FINISH SCHEDULE.
- 13. ALL EXTERIOR SIGNAGE SHALL BE AS SPECIFIED ON THE FINISH SCHEDULE.
- 14. ALL EXTERIOR STORAGE SHALL BE AS SPECIFIED ON THE FINISH SCHEDULE.
- 15. ALL EXTERIOR WALKWAYS SHALL BE AS SPECIFIED ON THE FINISH SCHEDULE.
- 16. ALL EXTERIOR DRIVEWAYS SHALL BE AS SPECIFIED ON THE FINISH SCHEDULE.
- 17. ALL EXTERIOR DRIVEWAYS SHALL BE 18" WIDE.
- 18. ALL EXTERIOR DRIVEWAYS SHALL BE 18" DEEP.
- 19. ALL EXTERIOR DRIVEWAYS SHALL BE 18" THICK.
- 20. ALL EXTERIOR DRIVEWAYS SHALL BE 18" COMPRESSIVE STRENGTH.
- 21. ALL EXTERIOR DRIVEWAYS SHALL BE 18" FINISH.
- 22. ALL EXTERIOR DRIVEWAYS SHALL BE 18" FINISH.
- 23. ALL EXTERIOR DRIVEWAYS SHALL BE 18" FINISH.
- 24. ALL EXTERIOR DRIVEWAYS SHALL BE 18" FINISH.
- 25. ALL EXTERIOR DRIVEWAYS SHALL BE 18" FINISH.

BOHLER ENGINEERING

NOT APPROVED FOR CONSTRUCTION

SPECIAL EXCEPTION

BOHLER

M.K. JONES

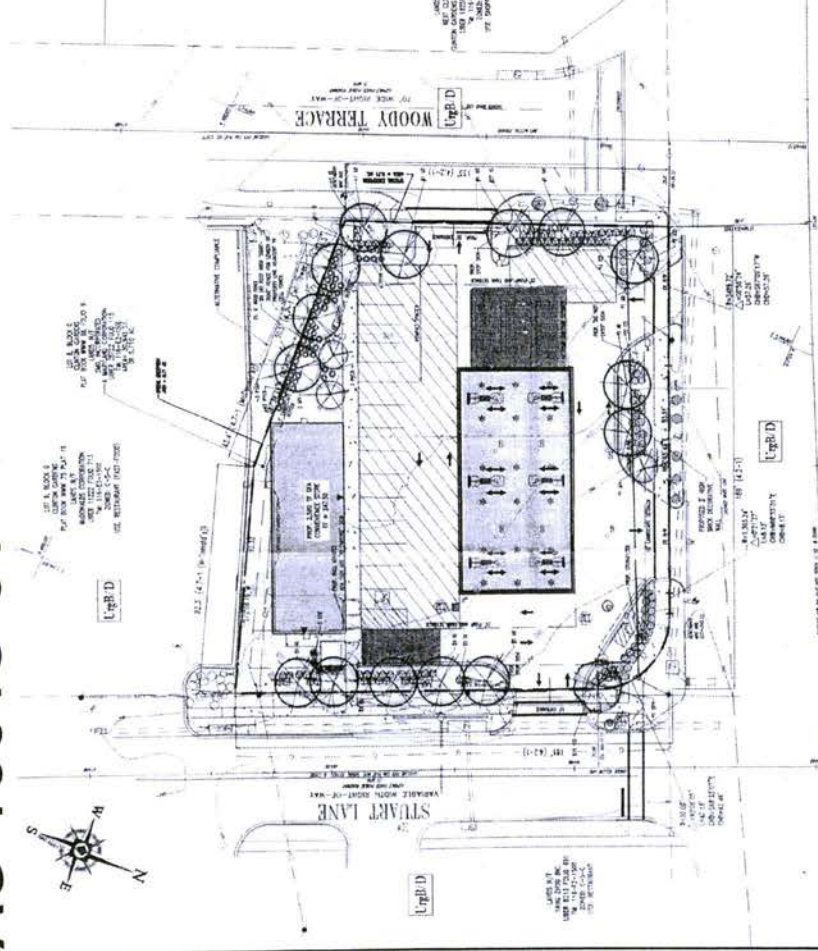
3





# APPROVED ALTERNATIVE COMPLIANCE PLAN

## AC-10018-01



**BOHLER**

**SPECIAL EXCEPTION PLAN**

**SMO**

**PROPOSED GASLINE**

**SERVICE STATION STORM WATER**

**LOT 1, BLOCK 5, CLUNTON**

**SAFETY PARKING**

**APR 10, 2013**

**APPROVED**

**NOT APPROVED FOR CONSTRUCTION**

**ALTERNATIVE COMPLIANCE PLAN**

**AC 10018-1**

**LANDSCAPE PLAN**

**4**

**REV 03**

**WOODY TERRACE**

**LANDSCAPE SCHEDULE**

NO.	SYMBOL	PLANT NAME	QUANTITY	SIZE	REMARKS
1		...	...	...	...
2		...	...	...	...
3		...	...	...	...
4		...	...	...	...
5		...	...	...	...
6		...	...	...	...
7		...	...	...	...
8		...	...	...	...
9		...	...	...	...
10		...	...	...	...
11		...	...	...	...
12		...	...	...	...

**PROP. DECORATIVE WALL DETAIL**

**WOODYARD ROAD - MD. RTE. 223**



**BOHLER**

**PROPOSED GASLINE**

**SERVICE STATION STORM WATER**

**LOT 1, BLOCK 5, CLUNTON**

**SAFETY PARKING**

**APR 10, 2013**

**APPROVED**

**NOT APPROVED FOR CONSTRUCTION**

**ALTERNATIVE COMPLIANCE PLAN**

**AC 10018-1**

**LANDSCAPE PLAN**

**4**

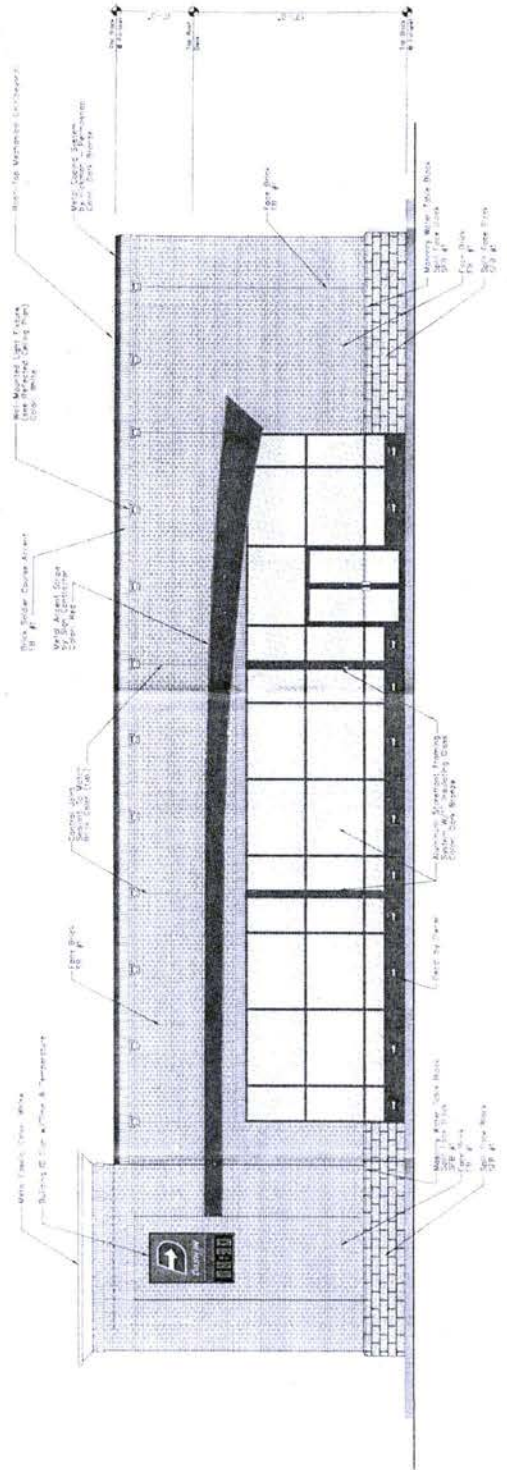
**REV 03**

Slide 24 of 31

1/17/2013

Page 44

# PROPOSED FRONT ELEVATION



FRONT ELEVATION (1)  
Scale: 1/8" = 1'-0" (A-1)

	CONVENIENCE STORE #665 WOODYARD ROAD CLINTON, MARYLAND	Date: _____ Richard J. Pellegrino, NCBHM	PAS ARCHITECTURE 1000 W. GREEN ST. ANNAPOLIS, MD 21403 PH: (410) 934-6111	DATE: 01/24/2012 REVISIONS:	SHEET: A-1
	I certify that these documents were prepared or approved by me and that I am a duly licensed member number 6663, expiration date June 4, 2013 or approved by me and that I am a duly licensed member number 6663, expiration date June 4, 2013.			DRD THE COUNTY OF ST. MARY'S DIVISION	

SE-4654  
 VSE-4654  
 BROS-663

# PROPOSED REAR & SIDE ELEVATION

**DASH** CONVENIENCE STORE #465 WOODYARD ROAD CLINTON, MARYLAND

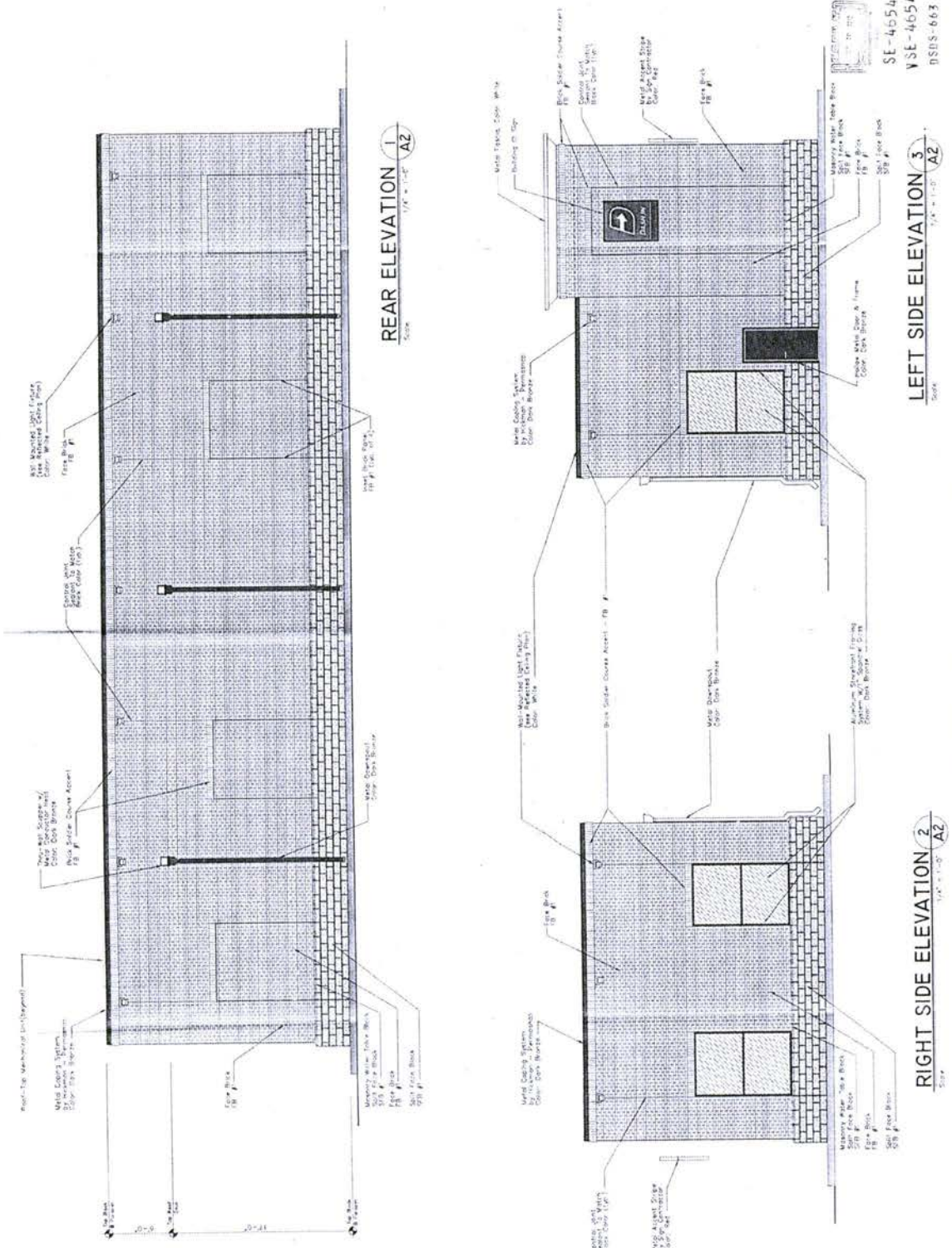
Michael J. Pellegrino, BOARD DATE

**PAS ARCHITECTURE** (301) 336-6157  
P.O. BOX 504  
LA FAY, MD 20626

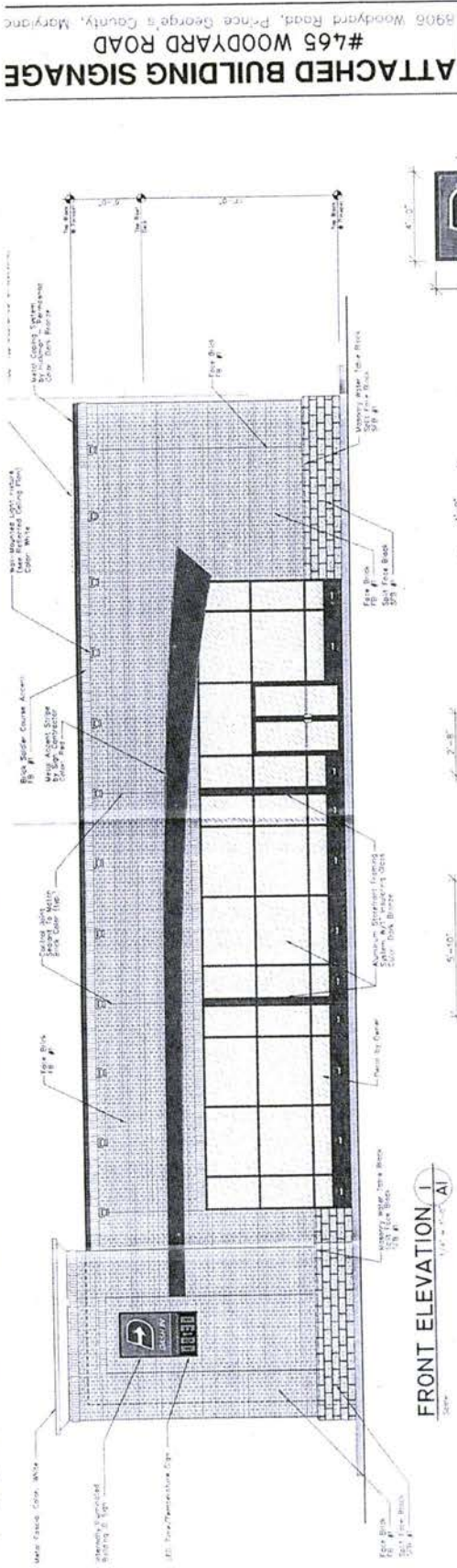
DATE: 06-24-2013  
REVISIONS

SHEET **A-2**

DRD THE DEVELOPMENT DIVISION



# PROPOSED BUILDING SIGNAGE



ATTACHED SIGN AREA - BUILDING:	
Building Sign Area Proposed:	
Internally Illuminated "DASH-IN" Sign x 2:	40.0 S.F.
LED Time/Temperature Sign x 1:	6.7 S.F.
Long Window Decal x 5:	44.0 S.F.
Short Window Decal x 6:	24.0 S.F.
<b>TOTAL PROPOSED BUILDING SIGN AREA:</b>	<b>114.7 S.F.</b>
<b>TOTAL BUILDING SIGN AREA PERMITTED:</b>	<b>175.2 S.F.</b>
Linear Feet Building Frontage x 2 Square Feet	
87.6 Linear Feet Building Frontage x 2 S.F. =	175.2 S.F.
<b>TOTAL PRORATED PERCENTAGE ATTACHED SIGN AREA:</b>	
Total Proposed Building Sign Area (SGN-1) ÷ SE-4654	114.7 S.F.
114.7 S.F. / 175.2 S.F. x 100 =	65%
Total Proposed Canopy Sign Area (SGN-2) ÷ PSDS-463	31.0 S.F.
31.0 S.F. / 114.7 S.F. x 100 =	16%

**ATTACHED BUILDING SIGNAGE**  
#465 WOODYARD ROAD  
R906 Woodyard Road, Prince George's County, Maryland  
LA PLATA, MARYLAND 20646  
P. O. Box 2810  
DASH IN FOOD STORES, INC.

**DASH-IN**

DATE: 09-04-2017

REVISIONS:

SHEET: **SGN-1**



# PROPOSED CANOPY SIGNAGE

**ATTACHED CANOPY SIGNAGE**  
 #465 WOODYARD ROAD  
 8905 Woodlynt Road, Prince Georges County, Maryland  
 LA PLATA, MARYLAND 20646  
 P. O. Box 2810  
 DASH IN FOOD STORES, INC.

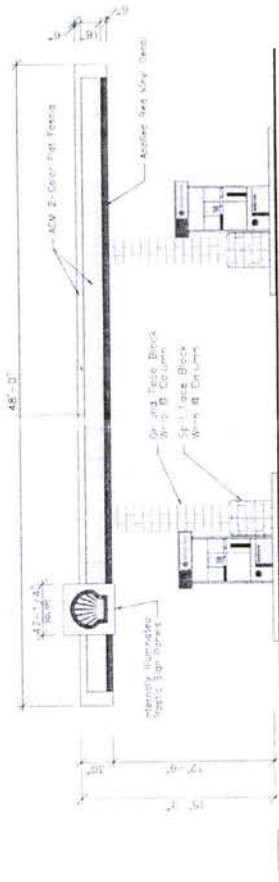


SE-4654  
 V SE-4654  
 05/05-643

DATE: 08-04-2013  
 REVISIONS

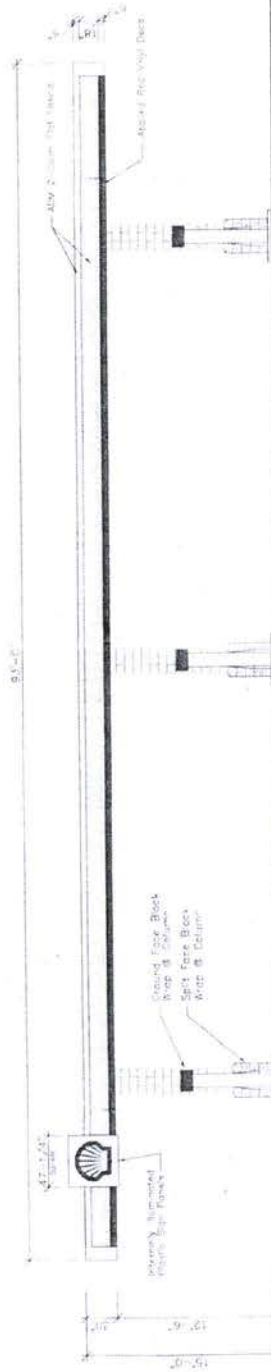
SHEET:

SGN-2



**SIDE**

Scale: 1/4" = 1'-0"



**FRONT**

Scale: 1/4" = 1'-0"

ATTACHED SIGN AREA - GASOLINE CANOPY:

Canopy Sign Area Proposed:  
 Internally Illuminated "SHELL" Plastic Sign 15.5 S.F. x 2 = 31.0 S.F.

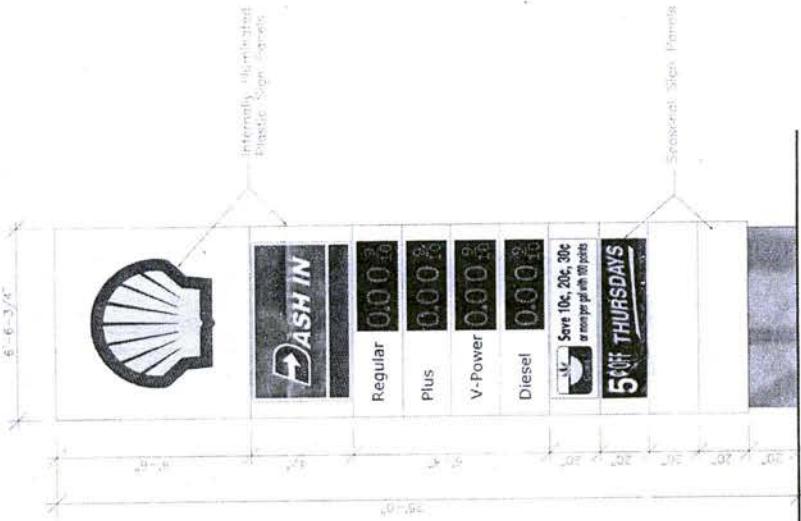
CANOPY SIGN AREA PERMITTED:

Linear Feet Canopy Frontage x 2 Square Feet  
 93.25 Linear Feet Canopy Frontage x 2 S.F. = 186.5 S.F.

## PROPOSED GASOLINE CANOPY SIGNAGE



# PROPOSED FREESTANDING SIGN



## PROPOSED FREESTANDING SIGNAGE

FREESTANDING SIGN AREA	
Freestanding Sign Area Proposed:	
Internally Illuminated "SHELL" Sign	42.7 S.F.
Internally Illuminated "DASH IN" Sign	75.0 S.F.
Seasonal Sign Panels (10.0 S.F. ea. x 4)	40.0 S.F.
<b>TOTAL PROPOSED FREESTANDING SIGN AREA:</b>	<b>157.7 S.F.</b>
FREESTANDING SIGN AREA PERMITTED:	
1 Square Foot per 4 Linear Feet Road Frontage	27.16 S.F.
488.64 Linear Feet Road Frontage / 4 =	
FREESTANDING GASOLINE PRICE SIGN AREA:	
TOTAL PROPOSED GASOLINE PRICE SIGN AREA:	43.75 S.F.
TOTAL GASOLINE PRICE SIGN AREA PERMITTED:	56.0 S.F.
TOTAL PROPOSED GASOLINE & OTHER SIGN AREA:	193.9 S.F.
TOTAL GASOLINE & OTHER SIGN AREA PERMITTED:	200.3 S.F.

7 SE-4654  
VSE-4654  
8265-663



DASH IN FOOD STORES, INC.  
P. O. Box 2810  
LA PLATA, MARYLAND 20646

**FREESTANDING SIGNAGE**  
#465 WOODYARD ROAD  
8506 Woodlawn Road, Prince George's County, Maryland





# FENCE & TRASH ENCLOSURE DETAILS

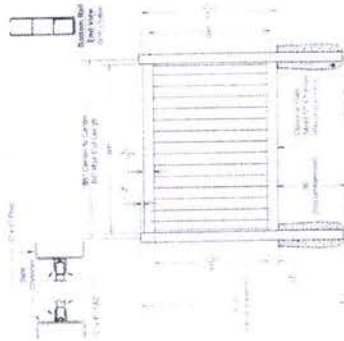
**BOHLER ENGINEERING**  
 CIVIL & CONSULTING ENGINEERS  
 PROJECT MANAGER: [Name]  
 DESIGNER: [Name]  
 CHECKER: [Name]  
 DATE: [Date]

**BOHLER ENGINEERING**  
 1000 S. [Address]  
 [City, State, Zip]  
 [Phone Number]  
 [Fax Number]  
 [Website]

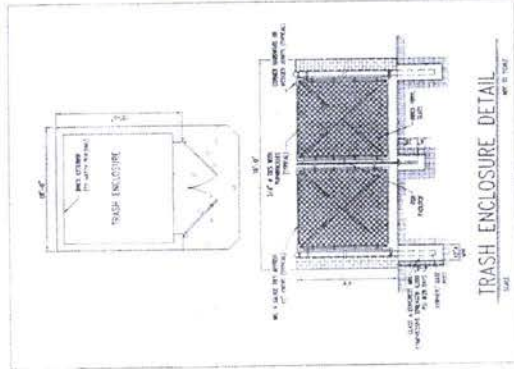
**SMO**  
 SERVICE STATION STORE # [Number]  
 1000 S. [Address]  
 [City, State, Zip]  
 [Phone Number]  
 [Fax Number]  
 [Website]

**BOHLER**  
 1000 S. [Address]  
 [City, State, Zip]  
 [Phone Number]  
 [Fax Number]  
 [Website]

**M. J. HONES**  
 1000 S. [Address]  
 [City, State, Zip]  
 [Phone Number]  
 [Fax Number]  
 [Website]



6" "SIGHT FIGHT" FENCE DETAIL  
 ALL WOOD PARTS TO BE FINISHED TRIPLE TONGUE  
 AND GROOVE SIKKO

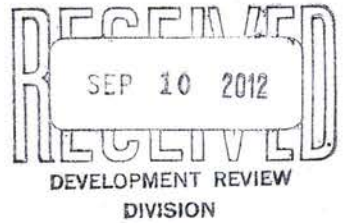


TRASH ENCLOSURE DETAIL

SE-4654  
 VSE-4654  
 DSUS-663



AMENDED STATEMENT OF JUSTIFICATION



APPLICANT: Dash In Food Stores, Inc.  
P. O. Box 2810  
LaPlata, MD 20646

CORRESPONDENT: Daniel F. Lynch  
McNamee Hosea  
6411 Ivy Lane, Suite 200  
Greenbelt, Maryland 20770  
301 441 2420 (P)  
301 982 9450 (F)  
[dlynch@mhlawyers.com](mailto:dlynch@mhlawyers.com)

SE-4654

VSE-4654

DSDS-663

REQUEST: Special Exception for a gas station in accordance with Sections 27-317 and 27-358 of the Zoning Ordinance (SE 4654).

Departures from Sign Design Standards in accordance with Sections 27-239.01(b)(7), 27-614(a)(1) and 27-612 of the Zoning Ordinance (DSDS 663).

Variations from Section 27-358 (a)(5) of the Zoning Ordinance.

Alternative Compliance from Landscape Manual

Permit within Proposed Right-of-way in accordance with Section 27-259 of the Zoning Ordinance

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I. DESCRIPTION OF PROPERTY

1. Location – Located at the intersection of Stuart Lane and Woodyard Road.
2. Use – Retail Sale of Gasoline.
3. Incorporated Area - N/A
4. Councilmanic District – 9
5. Lot – 8, Block G
6. Subdivision – Clinton Gardens

7. Total Area – 0.7105 Acres
8. Tax Map – 116, Grid E-2
9. Zoned – C-S-C
10. Owner – SMO Incorporated.
11. Zoning Map – 212SE06

## II. APPLICANT'S PROPOSAL

The gasoline station on the subject property has existed since 1967 pursuant to SE 1576. A revised site plan was approved by the Planning Board on July 17, 1980. In March of 1980, the Board of Appeals approved a variance (Appeal No. 5723) to validate existing conditions associated with the gas station operation. The gas station was not modified in accordance with the approval of the Planning Board and Board of Appeals. In 1983, a minor revision to the Special Exception was approved to allow the removal of two pump islands and the construction of a kiosk and two new pump islands. This approval was conditioned upon the approval of all required variances. On August 15, 1983, the Board of Appeals granted variances from the 30-foot driveway width requirement, the five-foot sidewalk requirement, and the 25-foot setback requirement for gasoline pumps and other service appliances. On October 24, 1983, the District Council granted a permit for landscaping and structures within the right-of-way via Ordinance No. 76-1983. In 1996, ROSE-SE-1576 was approved to allow the relocation of a freestanding sign and modification to the parking lot.

The applicant is now proposing to raze and rebuild its existing gas station located at the corner of Woodyard Road and Stuart Lane in Clinton, Maryland. The project will entail the complete removal of all existing structures on the subject property and the construction of a 2580 square foot food and beverage store, a canopy and eight multi-product dispensers. The food and beverage store is a permitted use in the C-S-C Zone. The gas station requires the approval of a special exception in the C-S-C Zone. The applicant is also requesting a departure from sign design standards in order to allow for a freestanding sign on property on which the building is not set back 40 feet from the street line. The Zoning Ordinance requires the building be set back 40 feet from the street line. Although the building is set back more than 40 feet from Woodyard Road and Woody Terrace, it is set back 23.55 feet from Stuart Lane. A departure of 16.45 feet is being requested. In addition, the applicant is requesting variances from Section 27-358(a)(5) of the Zoning Ordinance. The relocated entrance on Woodyard Road and relocated entrance on Stuart Lane are located at points that are less than 20 feet from the curb return or the point of curvature of the edge of paving at an intersection without curb or gutter. The existing entrance on Woodyard is located 10 feet from the curb return. A variance of 10 feet is requested. The relocated entrance on Stuart Lane is located 10.2 feet from the curb return. A variance of 9.8 feet is requested as part of this application. Finally, Woodyard Road is classified in the Master Plan as an Arterial Road with a minimum 120' right of way. A portion of the drive aisle

associated with this project and the freestanding sign will be located within that right-of-way. Thus the applicant is request permission to build within the ultimate right-of-way.

### III. COMMUNITY

The subject property is located in the Clinton neighborhood as shown in *2009 Approved Subregion 5 Master Plan and Sectional Map Amendment*. The subject property is surrounded by the following uses:

*North:* Bank in the C-S-C Zone

*South:* McDonalds Restaurant in the C-S-C Zone

*East:* Restaurants in the C-S-C Zone

*West:* C-S-C zoned property.

The community can be generally characterized as commercial. The Clinton area has become one of the major concentrations for service commercial businesses in southern Prince George's County, serving markets well beyond the immediate Clinton area. The subject property is only approximately  $\pm 420$  feet away from the intersection of Woodyard Road and MD 5. The surrounding area of Woodyard Road corridor between MD 5 and Old Branch Avenue is recommended for general retail and office land uses in the C-S-C Zone. The subject property is developed with an existing gas station that has been serving the needs of the neighboring residential and commercial community for over 40 years. The Applicant is proposing to raze the existing structures and redevelop the subject property with a modern and convenient gas station facility and a food and beverage store.

### IV. APPLICATION FOR SPECIAL EXCEPTION

A. The proposed gas station is subject to the findings set forth in Section 27-317 of the Zoning Ordinance. The applicant believes that these uses comply with the criteria set forth in Section 27-317 as will be demonstrated below:

B. Criteria for Approval

#### Sec. 27-317 – Required findings.

(a) A Special Exception may be approved if:

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle;

COMMENT: The general purposes of the Zoning Ordinance are set forth in Section 27-102, which states:

(a) **The purposes of the Zoning Ordinance are:**

- (1) **To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;**

COMMENT: This proposal complies with this requirement since the Applicant is proposing to remove a dilapidated commercial structure so as to create an environment, which is safe and convenient for customers. This facility will be designed both in conformance with the requirements of the Prince George's County Code and modern retailing standards.

- (2) **To implement the General Plan, Area Master Plans, and Functional Master Plans;**

COMMENT: The proposed use will not substantially impair the integrity of the Master Plan for this area. The *2009 Approved Subregion 5 Master Plan and Sectional Map Amendment* recommends commercial uses for the subject property. The redevelopment of the subject property with a gas station and food and beverage store is consistent with this Master Plan recommendation.

- (3) **To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;**

COMMENT: The combination of the uses proposed herein are in conformance with the current trend in the industry and are designed to make the most efficient use of the property while at the same time addressing the demands of the motoring public. Furthermore, facilities such as that proposed herein, historically have not placed any significant burden on public facilities or services.

- (4) **To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;**

COMMENT: The subject proposal complies with this purpose since it calls for the redevelopment of an older commercial use in an area recommended for commercial uses. Redevelopment of older commercial sites helps maintain and revitalize commercial corridors and therefore further services the retail and service commercial needs of the community..

- (5) **To provide adequate light, air, and privacy;**

COMMENT: This proposal complies with this requirement since it calls for the installation of standard lighting that will provide patrons with a bright, safe atmosphere while not causing a

glare onto adjoining properties.

- (6) **To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**

COMMENT: In light of the fact that the property is currently developed with an existing gas station, the redevelopment of the subject property with a modern gas station and an improved food and beverage store will have a beneficial impact upon the adjoining land uses. For example, this redevelopment will bring the subject property into conformance with current landscape requirements, and will incorporate current planning techniques that will provide greater safeguards to adjoining landowners than what is provided with the existing use.

- (7) **To protect the County from fire, flood, panic, and other dangers;**

COMMENT: This proposal complies with this requirement since the construction of the facility will be in accordance with current standards for fire protection and storm water management as well as all State and County building/grading codes.

- (8) **To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;**

COMMENT: This purpose does not apply.

- (9) **To encourage economic development activities that provide desirable employment and a broad, protected tax base;**

COMMENT: This proposal complies with this purpose since the development of this property will help increase the County's tax base and provide a more desirable place of employment.

- (10) **To prevent the overcrowding of land;**

COMMENT: The site plan submitted in conjunction with this application, demonstrates that the site has been designed to renovate the existing site by providing ample room for the safe internal flow of vehicles and pedestrians without compromising setbacks. The proposed plan intends to correct the overcrowding and congestion that often occurs on the existing site. The Applicant is redesigning the structures on the site and relocating the gas pumps and the food and beverage store in a more spacious manner than the existing layout of the property. The proposal also complies with the parking requirements.

- (11) **To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;**



COMMENT: The proposal complies with this requirement since redeveloping an existing food and beverage stores and gas station will not generate a significant amount of new vehicle trips. The proposed site plan includes a proposed 30 foot entrance along Woody Terrace Road and another 30 foot entrance along Stuart Lane. The proposed site plan will also preserve the existing ±26.1 foot entrance and ±25.4 foot entrance along the Woodyard Road. The combination of the varied access driveways and a modern site layout will help ensure the safe internal flow of vehicles as well as the safe movement of vehicles on and off the property.

- (12) **To insure the social and economic stability of all parts of the County;**

COMMENT: This proposal complies with this requirement since the applicant's financial investment in the subject property demonstrates its confidence in this developing community.

- (13) **To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;**

COMMENT: The proposal complies with this purpose since it will be developed in accordance with all state and local regulations pertaining to noise and air quality.

- (14) **To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and**

COMMENT: This purpose does not apply.

- (15) **To protect and conserve the agricultural industry and natural resources.**

COMMENT: This purpose does not apply.

In addition to the purposes set forth in Section 27-102(a), Section 27-317 goes on to require that the applicant demonstrate the following:

- (2) **The proposed use is in conformance with all applicable requirements and regulations of this subtitle;**

COMMENT: The proposal is in compliance with all requirements and regulations set forth in Subtitle 27. Specifically, a gas station is a special exception use in the C-S-C Zone and this proposal also complies with the gas station requirements set forth in Section 27-358 (see below).

- (3) **The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

COMMENT: As indicated earlier, the proposal complies with the recommendation contained in the 1993 Approved Master Plan for the *Subregion V Study Area*. The Master Plan calls for general retail and service commercial uses on the subject property. The development of the subject property with a gas station and a food and beverage store demonstrates compliance.

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

COMMENT: The site and landscape plans demonstrate that the proposal has been designed to provide for the safe internal flow of pedestrians and vehicles on-site and for the safe ingress and egress of vehicles. Also, the location of this facility, in close proximity to MD Route 5, will be convenient to the traveling public and residents in the area, and thus, help protect the comfort and convenience of the current and future inhabitants of the County.

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

COMMENT: This proposal complies with this requirement since it calls for the development of a commercially zoned property with commercial uses. The applicant plans to raze the existing structure and redevelop the property with a modern and convenient gas station facility and a food and beverage store. This proposal utilizes a better layout as it expands on the area of the property that is currently undeveloped. The applicant believes that the redevelopment of this property will be beneficial to the surrounding commercial areas and it will help address the modern retailing needs of the community. The new and modern design of the proposed gas station will give the applicant an opportunity to bring the property into compliance with the Prince George's County's Landscape Manual requirements 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.**

COMMENT: A letter of exemption has been submitted with the 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.**

COMMENT: There are no regulated environmental features on this site.

The proposed gas station is a special exception use under the C-S-C Zone and it complies with Section 27-358 as follows:

**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 (70) seventy feet.**

COMMENT: The subject property meets this requirement with 164.7 ± feet of frontage along Stuart Lane (which includes 149.7 of frontage plus 15 feet radius) and a 70 foot right of way (per DPW&T).

- (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.**

COMMENT: 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.**

COMMENT: There will be no display or 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.**

COMMENT: There will not be any storage of motor vehicles on the subject property.

- (5) **Access driveways shall not be less than thirty (30) feet wide, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or the Maryland State Highway regulations, whichever is applicable. In the case of a corner lot, a driveway may not begin at a point 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.**

COMMENT: As demonstrated on the site plan submitted in conjunction with this application, the proposal includes four (4) access driveways. The proposed entrances on Stuart Lane and Woody Terrace Road are thirty (30) feet wide. This proposal is preserving the two existing

entrances on the Woodyard Road that are 26.1 feet and 25.4 feet in width. A variance is being requested for one entrance on Woodyard Road and the entrance on Stuart Lane since these entrances are located at a point less than 20 feet from the respective point of curvature of the curb return.

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

COMMENT: 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.**

COMMENT: As demonstrated on the site plan submitted in conjunction with this application, a four (4) foot sidewalk is provided in accordance with this requirement.

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

COMMENT: All gasoline pumps and service appliances are located more than 25 feet behind the street line.

- (9) **Repair service shall be completed within forty-eight (48) hours after the vehicle 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 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 landscape material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.**

COMMENT: There is no vehicle repair service proposed.

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

COMMENT: As part of the application, the applicant has provided details and an elevation of the proposed building on the site plan. The applicant believes that the architectural character of the proposed building is compatible with the surrounding development.

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

COMMENT: The site plan submitted in conjunction with this application shows the topography of the subject property as well as the topography of the abutting properties for a depth of at least 50 feet. The location and the type of trash enclosure is also shown on the site plan and the detail sheet, respectively. There are no vending machines proposed.

- (c) **Upon abandonment of the 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 purposes 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.**

COMMENT: The Applicant intends to comply with this provision.

- (d) **The District Council shall find that the proposed use:**
- (1) **Is necessary to the public in the surrounding area.**
  - (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.**

COMMENT: The Applicant is not proposing a new use in the neighborhood. The subject property has had the existing gas station and a convenience store for approximately 40 years. The Applicant is razing and redeveloping the site with a modern and improved gas station facility and food and beverage store. Since the facility has been in use for many years, 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.

#### V. DEPARTURE FROM SIGN DESIGN STANDARDS

The applicant is proposing to relocate the existing freestanding to 10 feet behind the streetline. However, Section 27-614(a)(1) requires that freestanding signs may only be located on property where the building associated with the sign is located at least 40

feet behind the front street line. The building on the subject property is located over 40 feet from Woodyard Road and Woody Terrace. However, the building is located 23.55 feet from Stuart Lane. A departure of 16.45 feet from Section 27-614 (a)(1) is being requested. The Planning Board, pursuant to Section 27-612 of the Zoning Ordinance, is authorized to grant departures from sign design standards. The criteria for approval of a Departure from Sign Design Standards are set forth in Section 27-239.01(7).

**Section 27-239.01(a)(7)**

**Required findings.**

**(A) In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

**COMMENT:** The existing freestanding sign at the subject property has been in its current location for a number of years. As noted above, the Applicant is razing all existing structures on the site and will reface relocate the freestanding sign as part of this redevelopment. The Applicant believes that the purposes of Subtitle 27 will be equally, if not better served by allowing a freestanding sign to remain on the subject property regardless of the location of the building associated with that sign. The building is located over 130 feet from Woodyard Road. Any building mounted signage would not adequately indentify this site for the travelling public. The freestanding sign will allow the applicant to adequately identify this site to potential customers on Woodyard Road and therefore allow said customers enough notice to safely navigate into the site from Woodyard Road.

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

**COMMENT:** The property is unusual in shape and has frontage on three roads. The applicant has designed the site so as to locate the building 5 feet from the southern property line. The building cannot be moved any further to the east without compromising the applicant's ability to provide adequate drive aisle widths and therefore its ability to provide a design that addresses the safety of pedestrian and vehicles.

- (iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

**COMMENT:** The property has frontage on three streets. Given the unusual shape of the property as well as these three street frontages, it is impossible to provide the 40 foot setback from all streets while at the same time provide for a modern site design that adequately addresses pedestrian and vehicular safety.

- (iv) **The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

**COMMENT:** The freestanding sign associated with the site is located on Woodyard Road. The building is located more than 130 feet from Woodyard Road. In light of this, the applicant does not believe that the departure will impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood since there will be a more than adequate distance between the building mounted signage and the freestanding sign.

## V. VARIANCE

The applicant is proposing to utilize the existing access driveways on Woodyard Road and is relocating the entrance driveway from Stuart Lane. However, the location of the eastern entrance on Woodyard Road and the Stuart Lane entrance do not comply with the requirements set forth in Section 27-358(a)(5) of the Zoning Ordinance. This section requires that all access driveways 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. The existing eastern entrance on Woodyard Road is located 10 feet from the point of curvature of the curb return. Thus a variance of 10 feet is being requested as part of this application. The relocated entrance on Stuart Lane is located 10.2 feet from the point of curvature of the curb return. Thus, a variance of 9.8 feet is being requested as part of this application. The criteria for the approval of a variance are set forth in Section 27-230(a) of the Zoning Ordinance which states:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographical conditions, or other extraordinary situations or conditions;

**Comment:** The subject property is only 0.71 acres in size. This property is relatively small in size and the applicant has little ability to adjust the location of these entrances on Woodyard Road to comply with Section 27-358(a)(5) and at the same time provide for safe circulation. The access driveways on Woodyard Road have been in existence since the site was first developed with a gas station in 1967 and therefore developed prior to the adoption of Section 27-358(a)(5). These entrances have operated in a safe manner for over 42 years. However, the applicant is relocating that access driveway and limiting it to right-in only traffic. The applicant is removing one entrance on Stuart Lane. The new entrance is in relatively the same location as the original entrances. The purpose behind the closure of one of the entrances is to allow for parking in front of the proposed C-Store and to prevent to possible conflict of vehicles accessing the site with vehicles utilizing these parking spaces. Again, given the size of the property, there is little or no room to adjust these entrances without impeding the safe internal flow of vehicles. It should be noted that both the Board of Appeals and the Planning Board determined that this property and this requested variance met the criteria set forth in Section 27-230(a). The variances requested herein were merely correction to oversights made as part of prior approvals.

- (2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

**Comment:** The denial of this variance would require that the applicant relocate one of the Woodyard Road access driveways which has existed and operated in a safe manner for over 42 years. In addition, the relocation of the Stuart Lane access driveway would impede the applicant's ability to provide for the safe internal flow of vehicles on the site. These relocations would therefore create an undue hardship upon the applicant.

- (3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

**Comment:** As indicated earlier, the proposal complies with the recommendation contained in the *2009 Approved Subregion 5 Master Plan and Sectional Map Amendment*. The Master Plan calls for general retail and service commercial uses on the subject property. The development of the subject property with a gas station and a food and beverage store demonstrates compliance.

#### V. PERMIT WITHIN PROPOSED RIGHT-OF-WAY

Section 27-259 (a)(1) of the Zoning Ordinance provides that the District Council may authorize the issuance of permit for a structure or sign on land located within the right-of-way or acquisition lines of a proposed street, rapid transit route, or rapid transit facility or proposed relocation or widening of an existing street, rapid transit route, or rapid transit facility, as shown on a Master Plan. A portion of the subject property is located in the ultimate right-of-way for A-54 (Woodyard Road) as depicted on the *2009 Approved Subregion 5 Master Plan and Sectional Map Amendment*. The criteria for the approval of a request to build within an ultimate right-of-way is set forth in Section 27-259(g)(1).

#### **Section 27-259(g)(1) Criteria for Approval.**

- (1) The District Council shall only approve the request if it finds that:
  - (A) The entire property cannot yield a reasonable return to the owner unless the permit is granted;

COMMENT: As a result of the proposed widening of A-54 the subject property will be located within the ultimate right-of-way. The applicant is proposing to upgrade the existing facility so as to better serve its customers and therefore remain competitive in the market. Unless permission is granted to construct within the ultimate right-of-way, the facility will be unable to service the changing expectations and needs of the consumers in the area and lose customers to competitors with upgraded facilities. Therefore, the entire property will not be able to yield a reasonable return to the owner unless this authorization is granted.



(B) Reasonable justice and equity are served by issuing the permit.

COMMENT: The subject property is developed with an older gas station. In order to compete in the current market place, the site must be developed to address consumer demands. Consumers in today's market expect the food and beverage store/gas station combination; expect a canopy and expect a modern facility and layout. Thus the applicant's inability to upgrade the existing gas station places it at an economic disadvantage in very competitive market and reasonable justice and equity would be served through the issuance of the permit.

(C) The interest of the County are balanced with the interests of the property owner; and

COMMENT: As indicated, the property's owner's interest is to improve the site so as to better serve the changing needs of the public and therefore make this operation more competitive. In so doing, the applicant will generate more revenue and in turn increase the County's tax base.

(D) The integrity of the Functional Master Plan of Transportation, General Plan and Area Master Plan is preserved.

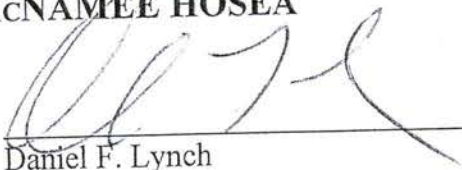
COMMENT: Although the proposed facility will be located in the ultimate right-of-way, the location of this facility is anticipated by the Master Plan. As noted above, it was the intention of the District Council that the subject property be developed with a commercial use. This is evidenced by the retention of the property in the C-S-C Zone. The granting this request will therefore respect the integrity of the Master Plan.

## VII. CONCLUSION

The applicant is proposing to redevelop and upgrade the existing gas station facility and convenience store to a modern gas station facility and a food and beverage store. The applicant believes that the applications for Special Exception, Departure from Sign Design Standards, Variances and Permit to Building within Right-of Way meet or exceed each of the requirements set for the in the Zoning Ordinance, and therefore, the applicant requests the approval of these applications.

Respectfully submitted,

**McNAMEE HOSEA**

  
Daniel F. Lynch



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**


Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

December 27, 2012

**MEMORANDUM**

TO: John Ferrante, Zoning Section, Development Review Division

FROM:  Tom Masog, Transportation Planning Section, Countywide Planning Division

SUBJECT: SE-4654 & DSDS-663, Dash-In Woodyard Road

The Transportation Planning Section has reviewed the Special Exception and Departure applications referenced above. The subject site consists of 0.71 acres of land in the C-S-C zone. The lot is located on the south side of MD 223 between Woody Terrace and Stuart Lane. The applicant is proposing to raze the existing convenience store and gas station having eight fueling positions with a new convenience store and gas station having twelve fueling positions, for which the special exception is required in the C-S-C zone. Additionally, the applicant is requesting a sign departure to validate the existing freestanding sign along MD 223; that sign has insufficient setback. This is a third review, and these comments supersede the November 19, 2009 and the May 19, 2010 comments on this plan.

***Review Comments***

The applicant proposes the replacement of eight fueling positions with twelve fueling positions on a site which is to contain a gas station and convenience store. The site is a subdivided lot, and so the replacement of the service station does not raise any off-site transportation adequacy issues. In consideration of the findings required for a special exception, staff will examine health, safety, and welfare issues in the immediate area as well as review master plan consistency.

*Trip Generation, Ninth Edition* (Institute of Transportation Engineers) is the source for the estimates of trip generation provided. The table below provides information regarding site trip generation. The comparison of trip rates for two types of typical "by-right" uses in the C-S-C zone versus the existing use versus the proposed use under the special exception are shown in the following table. The comparison is made between the existing and the proposed use; the "by-right" uses are presented for information only.

<b>TRIP GENERATION RESULTS SUMMARY, SE-4654</b>						
	AM-in	AM-out	AM-total	PM-in	PM-out	PM-total
Potential By-Right Use for 0.71 acres						
Either 12,370 square feet med/prof office	27	7	34	15	32	47
Or 7,730 square feet retail	8	5	13	19	19	38
Existing Use						
8 fueling position gas station with convenience store	40	40	80	54	54	108
Less 60% pass-by in both peak hours (per judgment of staff, discussion below)	-24	-24	-48	-32	-32	-64
<b>Off-site trip generation for existing use</b>	<b>16</b>	<b>16</b>	<b>32</b>	<b>22</b>	<b>22</b>	<b>44</b>
Proposed Use						
12 fueling position gas station with convenience store	61	61	122	81	81	162
Less 60% pass-by in both peak hours (per judgment of staff, discussion below)	-37	-37	-74	-49	-49	-98
<b>Off-site trip generation for proposed use</b>	<b>24</b>	<b>24</b>	<b>48</b>	<b>32</b>	<b>32</b>	<b>64</b>
<b>NET NEW TRIPS Versus EXISTING</b>	<b>8</b>	<b>8</b>	<b>16</b>	<b>10</b>	<b>10</b>	<b>20</b>

Development of this use on this site would have impacts on the following area intersections:

- MD 223 and MD 5 ramps (signalized)
- MD 223 and Pine View Lane (signalized)

There are no recent traffic counts at either intersection. The trip impact of four additional fueling positions, while significant for a determination of adequacy, is not sufficient to warrant a traffic study in support of special exception findings.

The site is adjacent to MD 223, which is a master plan arterial facility and is designated as A-54 in the *Approved Countywide Master Plan of Transportation*. The master plan recommends a 120-foot minimum right-of-way along the frontage of the site. There has been an extended discussion concerning exactly where the limit of this planned right-of-way is intended to be, and how it affects this property. The following has been noted:

- Parcels B and C dedicated 44.73 feet from the centerline of the eastbound lanes of MD 223 in 2006. The recommendation for MD 223 has remained unchanged from the 1993 master plan.
- An examination of aerials confirms that the Parcels B/C line is approximately 44.5 feet from the centerline lane markings on eastbound MD 223.
- A further examination of aerials indicates that Parcel 95, the property immediately east of the subject site, has a property line that is approximately 44.5 feet from the centerline lane markings on the adjacent section of MD 223. This parcel is not recorded, so the right-of-way had to be deeded from the property owner to the State at some time.

- Given that there is reasonable consistency between what the State requested as dedication on the west side of the subject property and what the State purchased on the east side of the subject property, it is asserted that the same line of dedication should hold along the frontage of the subject property. It is requested that the plan reflect an ultimate right-of-way that is 44.73 feet from the centerline of the eastbound lanes of MD 223, consistent with an adjacent plat.
- Within the subject property, this translates to a variable future dedication 18 feet at the west property line, and decreasing to 14 feet at the east property line.

The greater right-of-way noted above would allow the construction of a wide sidewalk or side path. Improved pedestrian facilities are clearly needed along the MD 223 frontage of this site. The additional right-of-way will allow for a continuation of the commercial sidewalk west of Woody Terrace to the east along this site's frontage. This type of sidewalk is necessary in this part of Clinton. It is needed to support pedestrian access to existing transit services and to support access to a future transit line and station along MD 5, as recommended in the *Approved Countywide Master Plan of Transportation*.

An issue has been raised about whether Stuart Lane is a 70-foot right-of-way roadway given that the Zoning Ordinance requires that access is obtained via a street with a minimum right-of-way of 70 feet. A comparison of the property line with an aerial map indicates that the property line is 35 feet from the centerline of Stuart Lane. Furthermore, notwithstanding that the property line on the east side of Stuart Lane is only 15 feet from the centerline, driveway aprons and sidewalks on the east side of Stuart Lane are constructed in a manner consistent with a right-of-way 35 feet from the centerline. Therefore, it is determined that Stuart Lane is nominally a 70-foot right-of-way street.

### ***Variances***

The Zoning Ordinance states that a driveway may begin "not less than twenty (20) feet from the point of curvature (PC) of the curb return." The more westerly driveway along MD 223 does not meet this requirement, and neither does the driveway onto Stuart Lane. It is recognized that the MD 223 driveway exists today and has operated in its configuration for many years. It is recognized that the site is small and challenging, and that the applicant would incur a hardship with the strict imposition of the standards. Furthermore, it is found that in this case a variance from this provision of Subtitle 27 would not impair the master plan.

### ***Request to Build Within the Master Plan Right-of-Way***

The ultimate right-of-way for A-54, as discussed earlier in this memorandum, does affect the site to a slight degree. While the convenience store and the fueling positions are outside of the right-of-way, there is a minor impact on driveways and other on-site fixtures. It is determined that granting the request is a reasonable way to allow the existing gas station on the site to be upgraded. While MD 223 is under an active project planning study by the Maryland State Highway Administration, the current project is studying shorter-term operational improvements in lieu of a major investment in upgrading the link of MD 223. Any major widening of MD 223 would occur as a long-term project outside of the current funding horizon. Therefore, it is believed that allowing this site to be upgraded in the short-term to mid-term horizon is a reasonable balance with the County's longer-term goals for MD 223.

***Departure***

The requested departure would validate the non-standard setback of the existing freestanding sign. Given the sign's location just outside of the master plan right-of-way for MD 223 as described above, the Transportation Planning Section offers no objection to this departure.

**Conclusion**

The Transportation Planning Section finds that the special exception use application, along with the accompanying applications, would pose no issue regarding the required special exception finding or other needed findings.



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

Darrell B. Mobley, Acting Secretary  
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION  
September 19, 2012

Mr. Matthew K. Jones, P.E.  
Bohler Engineering  
16900 Science Drive, Suite 104  
Bowie, Maryland 20715

RE: Prince George's County  
MD 223  
Dash In - Woodyard Road  
SHA Tracking No: 12APPG004xx  
Mile Post: 7.37

Dear Mr. Jones:

Thank you for the opportunity to review the submittal, dated August 24, 2012, for the proposed Dash In - Woodyard Road in Prince George's County. The State Highway Administration (SHA) offers the following comments:

**District Traffic Comments:**

1. Please submit Maintenance of Traffic plans for any temporary lane closures along MD 223 during construction. Note that pedestrian access must be maintained at all times through the project limits or an alternate accessible pedestrian route must be provided.

For further clarification on the above comments, please contact our District 3 Traffic Engineer Mr. Miguel Andrews at (301) 513-7326.

**District Utility Comments:**

1. Please show SHA Right of Way on Woodyard Road at Stuart lane and Woody Terrace.
2. Sheet 8 shows a Type "A" manhole at station 10+00, page 5 of the plans show the manhole at station 49+17. Which station is correct? If the manhole is in the SHA Right-of-Way, refer to SHA standards not PG County DPW&T standards.
3. On Sheet 5, note 31 refers to planting trees. If there are any trees planted on or near the SHA Right-of-Way line then review and approval by OED will be required.
4. On Sheet 3, the 4' wide sidewalk shown on the Northeast corner of Woodyard Road and Stuart Lane should be at least 5' per SHA ADA guidelines. Any sidewalk and ADA ramps in the SHA Right-of-Way should follow SHA standards not PG County DPW&T standards. When replacing sidewalk or ramps provisions should be made for disabled and pedestrian traffic.
5. On Sheet 3, will the proposed 3' brick wall cause a sight distance problem for traffic on the Stuart lane or Woody Terrace?

For further clarification on the above comments, please contact our District 3 Utility Engineer Mr. Victor Grafton at (301) 513-7350.

**Highway Hydraulics Comments:**

1. Once obtained, please provide documentation of the local agency's review and approval of both the stormwater management and erosion/sediment control plans. *It is noted that Concept Approval was granted in January of 2009 and extended again in April of 2012, therefore this project is under the*

- "old" regulations and only 20% treatment of the existing impervious area is required. A Contech Curb Inlet Storm filter is proposed for this treatment.*
2. The SWM Report notes that site is graded to divert flow to the Storm filter. However, the grading plan seems to show sheet flow across the site to the proposed inlet near the northern corner of the property (STM A-2). While it is the County who will approve the SWM functionality of this, the interest to SHA is the fact that it appears that the runoff coming from the fuel dispensing area (although under canopy) drains directly to STM A-2 and then to the SHA storm drain without any kind of treatment, whether from the Storm filter or an oil/water separator. Please confirm whether any kind of treatment is necessary for runoff from dispensing areas prior to discharge to a public system.
  3. The SWM Report notes that there is no increase in flow to the public storm drain system. However, the spot curb elevations show that runoff will now be entering the development site from MD 223 at the easternmost entrance where before it flowed directly to the SHA grate inlet shown on the plans. This could cause a significant increase to the existing SHA portion of the storm drain system downstream from STM A-1. Please review this and provide calculations to show the increase and any impacts to the downstream system as necessary.
  4. Please provide calculations showing that the flow crossing the westernmost entrance on MD 223 is less than 1.0 cfs for the 2-year design storm.
  5. Please confirm what is happening with the 30" elliptical pipe downstream of structure STM A-1. On the plans the symbology shows it as a proposed pipe, however on the pipe profile it appears to be existing.
  6. If the pipe noted in Comment #5 is proposed, please provide further information in regards to what it is tying into.

For further clarification on the above comments, please contact our hydraulic reviewer Ms. Erica Rigby at (410) 545-8395.

**Innovative Contracting Division Comments:**

1. **PS-03 Proposed Ramp**  
Label the proposed ramp at the intersection of Woodyard Road and Stuart Lane as MD 655.11, also make sure that the landing area covers where the intersecting sidewalk meet. Whenever two sidewalks intersect a landing area will need to be provided.
2. **PS-03 Proposed Entrance**  
At each entrance along Woodyard Road the approaching sidewalk at stations 131+57, 131+85, 132+58, and 132+81, there needs to be ramps at each approach. Refer to the MD standards and specifications.
3. **PS-03 Proposed Entrance**  
The two entrances along Woodyard Road Provide this note at each entrance (*minimum 60" pedestrian pathway with a maximum 2% cross slope must be maintained across the entire entrance.*)
4. **PS-03 Intersecting Sidewalk**  
At the corner of Woodyard Road and Woody Terrace where the sidewalk makes a 90 degree turn a landing will need to be provided. Label at location (*6'x5' and 2% in all directions landing area*).

For further clarification on the above comments, please contact our Innovative Contracting reviewer Mr. John Vranish at (410) 545-8778.

**Access Management Division Comments:**

1. Please remove all copies of the Maryland Standards (construction and temporary traffic control) from the plan sheet No.9. In their place, please place the following note on the first sheet of the plan set:

**The following standards (construction and temporary traffic control) are required for this project (list them out as shown below):**

- a. MD-xxx.xxx – Name of standard
- b. MD-xxx.xxx – Name of standard

**For all standards referred to on the plans the contractor must go to the Book of Standards which will have the most current version. The Book of Standards can be accessed at:**

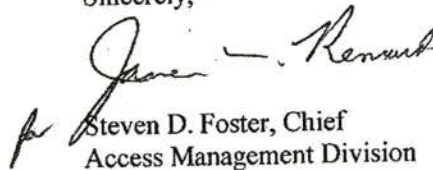
**<http://apps.roads.maryland.gov/businesswithsha/bizStdsSpecs/desManualStdPub/publications/online/ohd/bookstd/index.asp>**

**All items are to be constructed in accordance with the current version of the referenced standard at the time of construction.**

2. Provide lane assignment for Woodyard Road.
3. Provide the full depth pavement section detail at the proposed entrance and exit.
4. Add a yield sign (R1-2) at the proposed exit.

Further review of this project will be withheld until the above comments have been addressed. Please submit 5 sets of revised plans along with **a PDF format of revised plan sets on CD and a written point by point response**, to reflect the comments noted above directly to Mr. Steven Foster attention of Mr. Mickeyas Mengistu. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Mr. Mickeyas Mengistu at 410 545-8849, by using our toll free number in Maryland only at 1-800-876-4742 (x8849) or via email at [mmengistu@sha.state.md.us](mailto:mmengistu@sha.state.md.us).

Sincerely,

  
Steven D. Foster, Chief  
Access Management Division

SDF/JWR/MM

cc: Dash-In Food Store (Atten: Mr. Steve Stookey)/6355 Crain Highway/ La Plata, Maryland 20646  
Mr. Joe Katzenberger, SHA Access Management Division  
Mr. Brian Young, SHA District 3 District Engineer  
Mr. Miguel Andrews, SHA District 3 Traffic Engineer  
Mr. Victor Grafton, SHA District 3 Utility Engineer  
Ms. Erica Rigby, SHA Access Management Division  
Mr. John Vranish, SHA Innovative Contracting Division  
Mr. John Farrante, M-NCPPC Zoning Section/14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20072  
Mr. Eric Foster, M-NCCP Transportation Section/14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772  
Mr. Tom Masog, M-NCPPC Transportation Planning/14714 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772



Ferrante, John

SE-4654  
DASH-IN 5/7/2012 10:52 AM  
WOODYARD RD.

SHA REFERRAL  
R/W IMPROVEMENTS

**Ferrante, John**

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**From:** Michael Bailey <MBAiley@sha.state.md.us>  
**Sent:** Monday, May 07, 2012 10:43 AM  
**To:** 'Daniel F. Lynch'  
**Cc:** Joseph Katzenberger; Frank Coxon; Ferrante, John; Foster, Eric  
**Subject:** RE: SMO Woodyard Road entrance modifications MB082036 SHA Tracking No. 12-AP-PG-004-XX  
**Attachments:** Dash-InSHA11-23-2009Letter.pdf; Dssh-INSHA02-29-2012Ltr.pdf

Mr. Daniel F. Lynch, Esq.

McNamee & Hosea

Attorneys & Advisers

Dan:

This is in response to inquiry concerning the Dash-In project located in Prince George's County. The Access Management Division is satisfied with the site plan showing improvements along MD 223. A permit issued by this office is required for improvements within the requested right-of-way dedication area. Please advise you client and engineer to submit an application package for our review and comment. You may access the SHA internet web site (<http://www.marylandroads.com/Index.aspx?PageId=393>) to view the required items for preliminary review and permitting.

If you have any questions, feel free to contact me.

Sincerely,

***Michael P. Bailey***

Development Plans Reviewer  
State Highway Administration  
Access Management Division  
707 N. Calvert Street, Mail Stop C-302  
Baltimore, Maryland 21202  
P 410-545-5593  
F 401-209-5026  
[mbailey@sha.state.md.us](mailto:mbailey@sha.state.md.us)

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**From:** Daniel F. Lynch [mailto:dlynch@mhlawyers.com]  
**Sent:** Monday, May 07, 2012 9:45 AM  
**To:** Michael Bailey; mjones@bohlereng.com  
**Cc:** Jim Renaud; Stephen Ches; Joseph Katzenberger; Frank Coxon; Steve Foster  
**Subject:** RE: SMO Woodyard Road entrance modifications MB082036 SHA Tracking No. 12-AP-PG-004-XX

Mike,



Rushern L. Baker, III  
County Executive

# PRINCE GEORGE'S COUNTY GOVERNMENT



Department of Public Works and Transportation  
Office of Engineering



**MEMORANDUM**

April 3, 2012

**TO:** John Ferrante, Zoning Section  
Development Review Division, M-NCPPC

**FROM:** *[Signature]* Dawit Abraham, P.E., Associate Director  
Office of Engineering, DPW&T

**RE:** Dash In Woodyard Road  
Special Exception No. 4654  
Variance to Special Exception No. 4654  
Departure from Sign Design Standards No. 663

**CR:** Stuart Lane, 5-6256

**CR:** Woody Terrace, 5-7134



In response to the Special Exception Plan No. 4654, Variance to Special Exception No. 4654 and Departure from Sign Design Standards No. 663 referrals, the Department of Public Works and Transportation (DPW&T) offers the following:

- The property is located on the southeast quadrant of the intersection of Woodyard Road (MD 223) and Woody Terrace. MD 223 is a State-maintained roadway; therefore, rights-of-way dedication and roadway improvements will be required as determined by, and coordinated with, the Maryland State Highway Administration (SHA). Right-of-way dedication and frontage improvements, in accordance with DPW&T's urban commercial and industrial roadway Specifications and Standards, are required for both Woody Terrace and Stuart Lane.
- Any proposed Master Plan roadways that lie within the property limits must be addressed through coordination between the Maryland-National Capital Park and Planning Commission, (M-NCPPC) DPW&T and SHA.
- The proposed site plan has an approved DPW&T's Stormwater Management Concept Plan No. 41637-2008-00, dated January 15, 2009. The concept is expired and needs to be renewed. The layout on the concept plan should be revised to be consistent with the layout on the site plan.

John Ferrante  
April 3, 2012  
Page 2

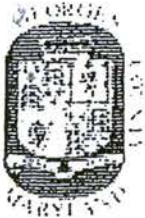
- All storm drainage systems and facilities are to be in accordance with DPW&T's Specifications and Standards requirements.
- The designated area is considered a "Hotspot", and all requirements in the MDE Design Manual must be addressed.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- Full-width, 2-inch mill and overlay is required for all county road frontages.
- Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.
- Conformance with DPW&T's street tree and street lighting Specifications and Standards are required.
- DPW&T has no objection to the variance from 27-358(a)(5).
- DPW&T has no objection to the Departure from Sign Design Standards No. 663.

If you have any questions or require additional information, please contact Mr. George Holmes, District Engineer for the area, at (301) 883-5710.

DA:IKN:dar

cc: George Holmes, District Engineer, EISD, OE, DPW&T  
Ikem Nwolisa, Engineer, EISD, OE, DPW&T  
Brian Winterwerp, Technician, EISD, OE, DPW&T  
Eric Foster, Parks and Recreation, N-NCPPC  
Dash In Food Stores, P.O.Box 2810, LaPlata, Maryland 20770  
Knight, Manzi, Nussbaum, Laplaca, 14440 Old Mill Road,  
Upper Marlboro, Maryland 20772

# THE PRINCE GEORGE'S COUNTY GOVERNMENT



DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION  
OFFICE OF ENGINEERING  
9400 PEPPERCORN PLACE, SUITE 420  
LARGO, MARYLAND 20774  
(301) 883-5730



## STORMWATER MANAGEMENT CONCEPT APPROVAL

ASE NAME: SMO #465 - WOODYARD ROAD  
APPLICANT'S NAME: SMO, INC.  
ENGINEER: BOHLER ENGINEERING

CASE #: 41637-2008-00

### REQUIREMENTS:

Technical Review is required for PUBLIC/PRIVATE Storm Drain/SWM Construction.

Type of Storm Drainage/SWM Construction is PRIVATE.

These additional approvals are required: None.

These fees apply: REVIEW.

These bonds apply: None.

Required water quality controls: STORM FILTRATION.

Required water quantity controls: None.

A maintenance agreement is required.

No special conditions apply.

Required easements: None.

Storm Water Management fee payment of none in lieu of providing on-site attenuation/quality control measures.  
(Fee-In-Lieu subject to change during technical review.)

SE-4654

VSE-4654

DS DS 663

### CONDITIONS OF APPROVAL:

*Please see second page.*

PROVED BY:

R. De Guzman

APPROVAL DATE: January 15, 2009  
EXPIRATION DATE: January 15, 2012

### FOR OFFICE USE ONLY

ADC MAP: 5766-J8                      200' SHEET: 212SE06  
STREET NAME: WOODYARD RD  
WATERSHED: 46-Pea Hill Branch  
NUMBER OF DUS: 0                      COST PER DWELLING: 0

APPLICANT, SCD, PERMITS  
P.C. FORM #3693 (REV 04/93)

# THE PRINCE GEORGE'S COUNTY GOVERNMENT

DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION  
OFFICE OF ENGINEERING  
9400 PEPPERCORN PLACE, SUITE 420  
LARGO, MARYLAND 20774  
(301) 883-5730



## STORMWATER MANAGEMENT CONCEPT APPROVAL

PROJECT NAME: SMO #465 - WOODYARD ROAD

CASE #: 41637-2008-00

### CONDITIONS OF APPROVAL:

THIS PROJECT INVOLVES REDEVELOPMENT OF AN EXISTING DEVELOPED SITE  
ULTIMATE R/W FRONTAGE IMPROVEMENTS, INCLUDING STORM DRAINAGE, STREET TREES AND STREET  
LIGHTING  
RESTORATION BOND IS REQUIRED FOR THE EXISTING IMPROVEMENTS WITHIN THE PUBLIC RIGHTS-OF-WAY  
LONG FRONTAGE OF THE SITE.  
SHA APPROVAL REQUIRED  
THE SITE IS IN THE "HOTSPOT" AREA. NO INFILTRATION ALLOWED. USE FILTERING STRUCTURE INSTEAD FOR  
WATER QUALITY, AND PRETREATMENT.  
A SITE DEVELOPMENT FINE GRADING PERMIT WITH DPW&T IS REQUIRED FOR ANY CONSTRUCTION ONSITE AND  
IN COUNTY RIGHT OF WAY.  
ULTIMATE RIGHT OF WAY DEDICATION IS REQUIRED ON WOODYARD RD.  
THE EXISTING STORM DRAIN SYSTEM IS TO BE ANALYZED FOR ADEQUACY.  
REVIEWED BY PD.

SE-4654

VSE-4654

DS DS 663

APPROV. SWM Concept  
PLAN - SE-4654  
DASH-IN Woodyard Rd.  
Rec. 8-3-10 VIA e-mail

**BOHLER ENGINEERING**

INCORPORATED

1000 WOODWARD ROAD  
FARMERS BRANCH, GEORGIA 30204  
CLINTON, MARYLAND

PHONE: (404) 885-4654  
FAX: (404) 885-4654  
WWW.BOHLENER.COM



**STORMWATER MANAGEMENT APPROVAL/CONCEPT PLAN**

NUMBER: **DL-33-2008-00**  
DATE: **1/18/04**  
REVIEWER: **P.D.**

APPROVED FOR CONSTRUCTION

DATE: **1/18/04**

DATE: **1/18/04**

DATE: **1/18/04**

DATE: **1/18/04**

DATE: **1/18/04**

**STORMWATER MANAGEMENT CONTROL SUMMARY**

CONTROL MEASURE

1. 10% TYPICAL SLOPE TO 5% MINIMUM SLOPE

2. 10% TYPICAL SLOPE TO 5% MINIMUM SLOPE

3. 10% TYPICAL SLOPE TO 5% MINIMUM SLOPE

4. 10% TYPICAL SLOPE TO 5% MINIMUM SLOPE

5. 10% TYPICAL SLOPE TO 5% MINIMUM SLOPE

6. 10% TYPICAL SLOPE TO 5% MINIMUM SLOPE

**RE-DEVELOPMENT SITE CHARACTERISTICS**

REDEVELOPMENT AREA: 1.5 ACRES

EXISTING IMPERVIOUS AREA: 0.5 ACRES

EXISTING PAVED AREA: 0.2 ACRES

EXISTING GREEN SPACE: 0.8 ACRES

EXISTING BUILDINGS: 10,000 SQ. FT.

EXISTING DRIVEWAYS: 500 L.F.

EXISTING SIDEWALKS: 100 L.F.

EXISTING UTILITIES: SEE ATTACHED PLAN

**LEGEND**

--- LINE OF ESTABLISHMENT

--- PROPERTY LINE

--- EXISTING DRIVEWAY

--- EXISTING SIDEWALK

--- EXISTING UTILITY

--- EXISTING BUILDING

--- EXISTING DRIVEWAY

--- EXISTING SIDEWALK

--- EXISTING UTILITY

--- EXISTING BUILDING



**PROFESSIONAL CERTIFICATION**

I, JAMES DASH, REGISTERED PROFESSIONAL ENGINEER, NO. 10048, STATE OF GEORGIA, HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A MEMBER IN GOOD STANDING OF THE PROFESSIONAL SOCIETY OF PROFESSIONAL ENGINEERS OF THE STATE OF GEORGIA. EXPIRATION DATE: 12/31/07

**SITE GENERAL NOTES**

1. THE DRAWING ATTACHED IS A SWM PLAN FOR THE PROPOSED REDEVELOPMENT OF THE EXISTING PROPERTY. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BOHLER ENGINEERING.

2. THE OWNER/CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES AND AGENCIES.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES AND AGENCIES.

4. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED THROUGHOUT THE CONSTRUCTION AND OPERATION OF THE PROJECT.

5. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED THROUGHOUT THE CONSTRUCTION AND OPERATION OF THE PROJECT.

6. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED THROUGHOUT THE CONSTRUCTION AND OPERATION OF THE PROJECT.

**STORMWATER MANAGEMENT CONTROL SUMMARY**

CONTROL MEASURE

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**RE-DEVELOPMENT SITE CHARACTERISTICS**

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EXISTING BUILDINGS: 10,000 SQ. FT.

EXISTING DRIVEWAYS: 500 L.F.

EXISTING SIDEWALKS: 100 L.F.

EXISTING UTILITIES: SEE ATTACHED PLAN

**LEGEND**

--- LINE OF ESTABLISHMENT

--- PROPERTY LINE

--- EXISTING DRIVEWAY

--- EXISTING SIDEWALK

--- EXISTING UTILITY

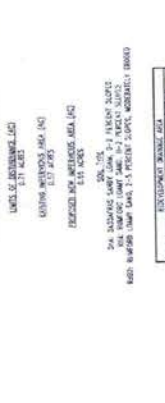
--- EXISTING BUILDING

--- EXISTING DRIVEWAY

--- EXISTING SIDEWALK

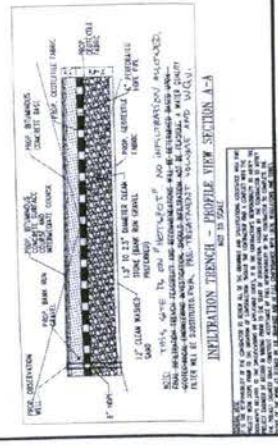
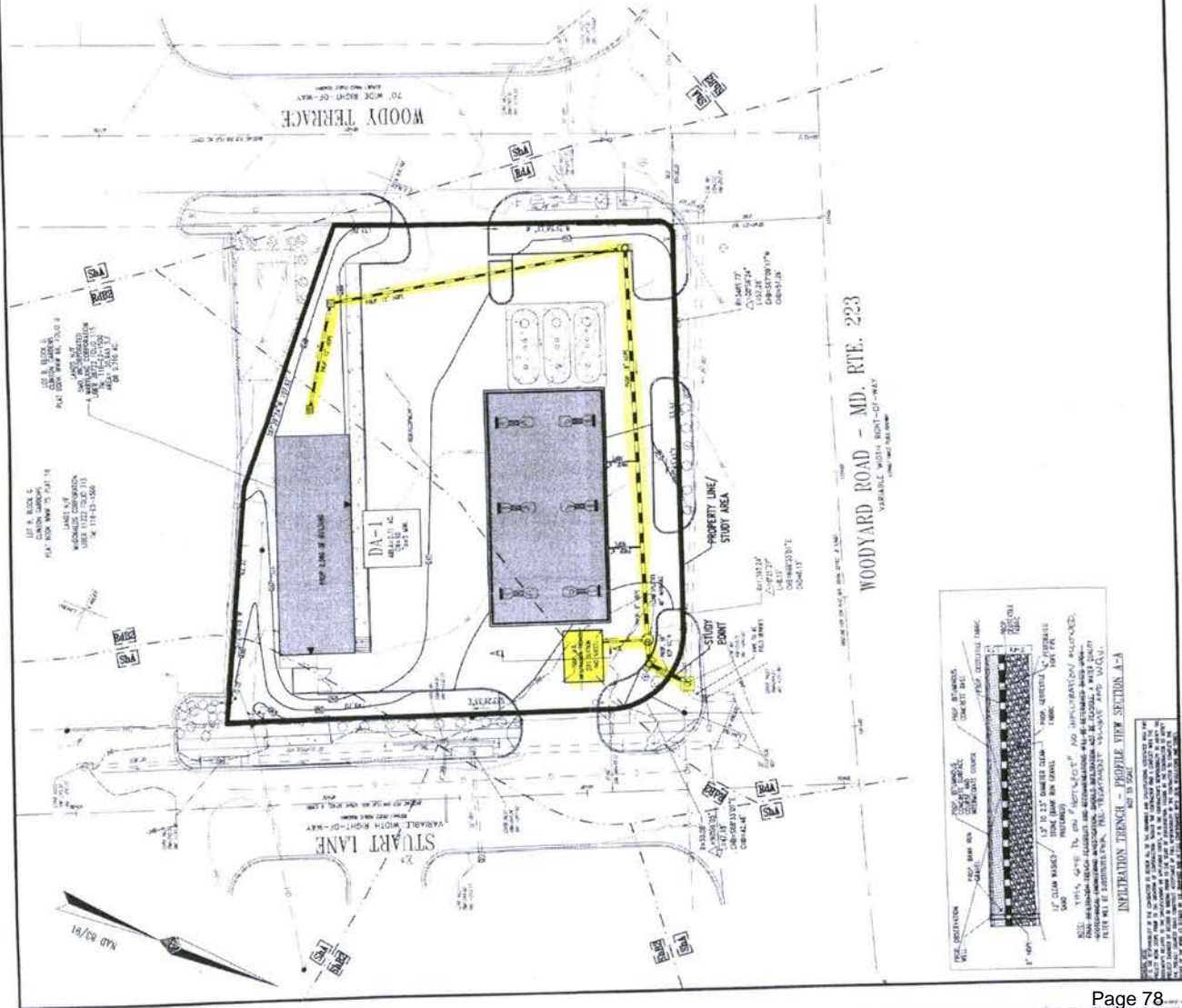
--- EXISTING UTILITY

--- EXISTING BUILDING



**PROFESSIONAL CERTIFICATION**

I, JAMES DASH, REGISTERED PROFESSIONAL ENGINEER, NO. 10048, STATE OF GEORGIA, HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A MEMBER IN GOOD STANDING OF THE PROFESSIONAL SOCIETY OF PROFESSIONAL ENGINEERS OF THE STATE OF GEORGIA. EXPIRATION DATE: 12/31/07





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

MEMORANDUM

November 10, 2009

TO: Taslima Alam, Zoning Section  
FROM: Dan Janousek, AICP, Senior Planner, Transportation Planning Section  
RE: SE 4654/VSE-4654/DSDS-663  
Subject: Special Exception Site Plan Review

The plan was reviewed for conformance with the Countywide Trails Plan and/or the appropriate area Master/Sector Plan in order to implement planned trails. Staff recommendations based on current or proposed conditions are also included in this memo.

Type of Master Plan Bikeway or Trail

Municipal R.O.W.*	<input type="checkbox"/>	Public Use Trail Easement	<input type="checkbox"/>
PG Co. R.O.W.*	<input checked="" type="checkbox"/>	Nature Trails	<input type="checkbox"/>
SHA R.O.W.*	<input checked="" type="checkbox"/>	M-NCPPC – Parks	<input type="checkbox"/>
HOA	<input type="checkbox"/>	Bicycle Parking	<input type="checkbox"/>
Sidewalks	<input checked="" type="checkbox"/>	Trail Access	<input type="checkbox"/>

\*If a Master Plan Trail is within a city, county, or state right-of-way, an additional 2 - 4 feet of dedication may be required to accommodate construction of the trail.

**Background**

The property is located on Woodyard Road (MD 223) west of Branch Avenue (MD 5) with side yard frontage on Woody Terrace and Stuart Lane. The area is commercial in nature. Pedestrian activity is present in the area. Sidewalks are present but they are not continuous along Woodyard Road or in front of the subject property. Woodyard Road is a master-planned major east west pedestrian and bicycle corridor.

**Approved Master Plans:**

The subject property is in the Clinton area which is described in the Approved Subregion 5 Master Plan and Sectional Map Amendment (1993). The plan's bicycle, pedestrian and trails element does not contain any recommendations for bikeways or trails along Woodyard Road (MD 223).

The Clinton area is also described in the Approved Subregion 5 Master Plan and Sectional Map Amendment (September 9, 2009), which describes Woodyard Road (MD 223) as the major artery that contains the subregion's largest concentration of commercial land, east and west of Branch Avenue (MD 5). One of the main policies and strategies of the plan is to improve pedestrian and bicycle connectivity, especially in the denser area of Clinton, part of which lack sidewalks. The plan recommends that a sidepath be constructed along Woodyard MD 223 between Old Branch Avenue/Brandywine Road and Rosaryville Road.

### Adopted Master Plans:

Woodyard Road (MD 223) is the subject of a functional master plan, the Master Plan of Transportation (MPOT), which contains a recommendation for a sidepath along the road. The MPOT was adopted by the Planning Board on April 23, 2009. District Council approval of this plan is pending and expected in November, 2009.

### Analysis

The proposal is for a gasoline station and convenience store. The proposal indicates that redevelopment will occur. The proposal does not show sidewalks along Woodyard Road (MD 223). Woodyard Road is owned and maintained by the Maryland State Highway Administration (SHA).

The Approved Subregion 5 Master Plan and Sectional Map Amendment (September 9, 2009) recommends that a sidepath be constructed along Woodyard Road at this location to provide adequate pedestrian and bicycle facilities. There are some existing sidewalks on adjacent properties in this area of Woodyard Road. The south side of the road contains a sidewalk just east of the subject site on an adjacent development that provides a vital pedestrian connection under Branch Avenue (MD 5). Eventually, as properties such as the subject one redevelop along this corridor, a sidepath will be constructed along Woodyard Road. This sidepath will improve the pedestrian connections and provide a safe bicycle connection to the other side of Branch Avenue. Construction of a sidepath along the property frontage at the subject site will fill in a gap in the larger pedestrian and bicycle network that currently exists.

The sidepath along Woodyard Road should be 10 feet wide, and separated from the road by a three-foot (3') wide graded area with a maximum 1:6 slope maintained adjacent to both sides of the path, as recommended in the AASHTO Guidelines, unless this design is modified by the Maryland State Highway Administration. A minimum of 8 feet of sidepath would be adequate, with 2 feet of separation on either side. It should be well integrated into the streetscape and be constructed of concrete in this urban area. Striped crosswalks should be provided across Woody Terrace and Stuart Lane with stop bars for vehicles to provide safe crossing of these roads.

Woody Terrace and Stuart Lane are both county-maintained roads. The roads already contain standard sidewalks, and these existing sidewalks are shown on the proposal. These sidewalks appear to be adequate for the proposed use. These sidewalks should be maintained at a minimum of five feet in width, unless modified by DPW&T.

### Recommendation

Because the Approved Subregion 5 Master Plan and Sectional Map Amendment (September 9, 2009) and the pending Master Plan of Transportation recommend that a sidepath be constructed along Woodyard Road (MD 223), and the plans call for improvements to be made to improve pedestrian and bicycle connectivity, technical staff offers the following recommendations:

1. Provide ten-foot (10') wide concrete sidepath (minimum 8') along the property frontage of Woodyard Road (MD 223), with a three-foot (3') wide graded area (minimum 2') with a maximum 1:6 slope maintained adjacent to both sides of the path, unless modified by the Maryland State highway Administration.
2. Provide minimum five-foot wide concrete sidewalks along the property frontage of Woody Terrace, separated from the road by a minimum six-foot (6') wide graded area, unless modified by DPW&T.



3. Provide minimum five-foot wide concrete sidewalks along the property frontage of Stuart Lane, separated from the road by a minimum six-foot (6') wide graded area, unless modified by DPW&T.

4. Provide crosswalk striping with enhanced vehicle stop bars on Woody Terrace and Stuart lane at the location of the sidepath along Woodyard Road (MD 223).

**Ferrante, John**

---

**From:** Janousek, Daniel  
**Sent:** Monday, December 31, 2012 11:20 AM  
**To:** Ferrante, John  
**Subject:** Woodyard Road - Six Foot Sidewalk will be adequate.

John,

My referral was also based on the approved Master Plan of Transportation (2009) element that 'recommends' a sidepath on Woodyard Road.

To date, the location of this sidepath has not been determined, and M-NCPPC is now *revising* the Sector Plan for this area

Given this scenario, and the absence of a CIP project, I cannot support my own prior staff recommendation. There is no sense in burdening this development with the prior recommendation I made. I feel that a six foot wide sidewalk would be adequate.

Dan

*Daniel Janousek, Senior Transportation Planner  
Maryland National Capital Park and Planning Commission  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772  
Ph: 301-780-8116*

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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

November 20, 2012

**MEMORANDUM**

TO: John Ferrante, Senior Planner, Zoning Section

VIA: Ruth Grover, Planner Coordinator, Urban Design Section *RG*

FROM: *HZ* Henry Zhang, Master Planner, Urban Design Section *by SHK*

SUBJECT: Dash-In Woodyard Road, Special Exception SE-4654,  
Variance to Special Exception VSE-4654,  
Departure from Sign Design Standards DSDS-663  
Permit within Proposed Right-of-way

**INTRODUCTION**

The subject Special Exception SE-4654 has been reviewed and commented on several times by the Urban Design Section. This memorandum as a response to the most recently updated information supersedes all prior memorandums on the project.

The Urban Design Section has reviewed the revised information provided in support of the Special Exception SE-4654, Variance to a Special Exception VSE-4654, Departure from Sign Design Standards DSDS-663, and Permit within Proposed Right-of-way of Woodyard Road. The subject property is located in the southeastern quadrant of the intersection of Woodyard Road and Woody Terrace. SE-4654 requests approval of a replacement structure for an existing gas station, which has continuously operated on the site since 1967. VSE-4654 requests a variance from Section 27-358(a)(5) of the Zoning Ordinance to allow two of four access driveways to be located less than 20 feet from the point of curvature of the curb return. Departure from Sign Design Standards, DSDS-663, requests an on-site freestanding sign, where the building is located less than the required 40 feet from a street. The 0.71-acre site is zoned Commercial Shopping Center (C-S-C), located in the Branch Avenue Corridor, within the Clinton Gardens Shopping Center, and surrounded on all sides by C-S-C-zoned land developed with a variety of commercial uses.

**PREVIOUS APPROVALS**

Special Exception SE-1576 was approved by the District Council on July 19, 1967 for the existing gas station on the subject site. The Board of Zoning Appeals, on March 21, 1980, granted variances to the driveway widths, construction of the driveways within the two-foot point-of-curvature of an intersection, sidewalk widths, construction of a pump island within 25 feet of right-of-way lines, construction within established building lines, and waived landscape strip requirements. A revised site

plan for the gas station was subsequently approved by the Planning Board on July 17, 1980. The applicant never modified the site in accordance with the revised site plan. The variance approvals expired two years later, but were reapproved by the Planning Board for another two years. On June 6, 1983, the Planning Board conditionally approved a revised site plan for the site, including the enlargement of the pump islands, construction of a kiosk and installation of a canopy. In August 1983, the Board of Zoning Appeals granted a similar list of variances. On October 24, 1983, the District Council approved landscaping and structures within the public right-of-way. In 1993, the Planning Board approved another revision to the site plan to retrofit the pump islands, remove the kiosk, and make some minor adjustments. The property was rezoned C-S-C by the District Council's approval of the Subregion V Sectional Map Amendment on September 14, 1993.

## **ZONING ORDINANCE**

The application is subject to Section 27-358, Gas Station; Section 27-328.02, Landscape buffering and screening; and Section 27-317, Required Findings, of the Zoning Ordinance, which sets the findings that the Planning Board must make in order to approve this SE.

The application includes a departure from design standards (DDS) for a freestanding sign for its location pursuant to Section 27-614 (a)(1). The sign is a combination of gasoline price sign and the retail identification sign. Section 27-612 and Section 27-239.01(7) establish authority and required findings for Planning Board to grant the departure. The application satisfies the requirements for a DDS. However, given the prominent location of the sign, the Urban Design Section recommends that a brick base be provided for the freestanding sign to achieve consistency in terms of building materials and quality with the proposed building.

The application includes a variance from Section 27-358 (a)(5) for an existing entrance on Woodyard Road because the entrance is located less than 20 feet from the point of curvature of the curb return. Given the site has two new widened entrances, each from Woody Terrace and Stuart Lane, and Woodyard Road is a designated arterial roadway, access to the arterial roadway should be reduced to the extent practical. In this case, the two existing accesses off the Woodyard Road should be removed and the variance application is not justified.

In addition, this application also includes a request to build within the ROW of Woodyard Road. The site plan relocates the freestanding sign from the existing location within the ultimate ROW of Woodyard Road to a new location at the intersection of Woodyard Road and Stuart Lane, outside of any ROWs. As a result, there is no structure located with the ultimate ROW of Woodyard Road. However, the required landscape strip is still within the ultimate ROW of Woodyard Road.

## **ARCHITECTURAL REVIEW**

As pointed out in the prior Urban Design Section's comments, the proposed convenience store building is of a prototypical, franchise style for Dash-in. Some improvements on elevation design have been provided on the revised elevations in accordance with the previous comments. The Urban Design Section still has concerns over the rear elevation fronting an existing restaurant. The rear elevation in question shows a completely blank wall. Minor improvements such as brick soldier course accent have been added as the result of prior comments. However, the accent on the rear elevation is visually insignificant. Additional visually significant architectural elements such as canopy that matches the red color tone of the entire building should be located on the top of the insert brick panels to improve the visual interest of the rear elevation. Similar canopy should also be used on the top of the windows on the right and left elevations of the proposed convenience store.

## LANDSCAPE MANUAL

The application to redevelop an existing gas station site involves new construction and is therefore subject to the requirements of Section 4.2 Requirements for Landscape Strips Along Street, Section 4.4 Screening Requirements, Section 4.6 Buffering Development from Streets (Designated historic roads), Section 4.7 Buffering Incompatible Uses, and Section 4.9 Sustainable Landscaping Requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Since the entire parking lot is smaller than 6,999 square feet, this application is exempt from Section 4.3 (c) Parking Lot Interior Planting Requirements

The revised Landscape Plan shows conformance with Section 4.2 along the site's Woody Terrace and Stuart Lane frontages; Section 4.4 for screening the trash receptacle; and Section 4.9 for the minimum percentage of native plants. However, regarding the material of Section 4.4 screening fence, the plan still shows the wood sight-tight fence that was recommended specifically to avoid in a prior memorandum. The screening wall using the same brick on the building should be utilized to screen both the trash receptacle and any mechanical equipment on the site. The site also has an approved Alternative Compliance from the requirements of Section 4.6 regarding designated historic road-Woodyard Road; and from the requirements of Section 4.7 for the southwest boundary area where the subject site is abutting a cell tower, which is a public utility structure.

## TREE CANOPY COVERAGE

This application is subject to the Tree Canopy Coverage Ordinance (TCC) as it proposes disturbance of 1,500 square feet or greater. The SE area of 0.71 acres is zoned C-S-C and is required to provide 10 percent, or 3,093 square feet, of tree canopy coverage. A tree canopy coverage worksheet has been provided on the landscape plan specifying that this requirement is being met through the proposed tree planting on-site for a total of 3,800 square feet.

## URBAN DESIGN RECOMMENDATIONS

Based on the above analyses, the Urban Design Section recommends APPROVAL of the Special Exception SE-4654, Departure from Sign Design Standards DSDS-663 and Permit within the ROW of Woodyard Road, DISAPPROVAL of Variance to Special Exception VSE-4654, and would suggest inclusion of the following conditions in the Zoning Section's recommendation on the case:

1. Prior to approval of SE-4654 and DSDS-663, the applicant shall
  - a. Provide a brick base for the proposed freestanding sign. The brick to be applied at the sign base shall be the same brick as on the proposed building.
  - b. Use a brick wall to provide sight-tight screening for both the trash receptacle and mechanical equipment.
  - c. Provide red-colored fabric canopies on top of each insert brick panel on the rear elevation of the proposed convenience store and on the top of the windows on both the right and left elevations.
  - d. Close the two existing accesses off Woodyard Road.



Prince George's County Planning Department  
Community Planning South Division

301-952-3972  
www.mncppc.org

March 30, 2012

## MEMORANDUM

TO: John Ferrante, Zoning Section, Development Review Division  
VIA: Cynthia Fenton, Community Planning South Division *cf*  
FROM: Kevin Waskelis, Community Planning South Division *kw*  
SUBJECT: **SE-4654/VSE-4654/DSDS-663 Dash-In Woodyard Road (Amended)**

## DETERMINATIONS

- This application is not consistent with the 2002 General Plan Development Pattern policies for a Corridor Node in the Developing Tier with respect to land use or site design.
- This application for redevelopment of an existing gas station does not conform to recommendations of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* land use policies for transit- and pedestrian-oriented development patterns or for vehicular access that are recommended for this part of the Clinton community in conjunction with a proposed future transit stop in the MD 5 corridor. However, the proposed use is permitted in the C-S-C Zone with a special exception.
- The access and circulation patterns for the redevelopment proposed in this application encroach on the proposed public right-of-way that is needed to make improvements to MD 223 for road widening, bike lanes and sidewalks.
- Limiting access for this redeveloped site to the side streets (Woody Terrace or Stuart Lane), or to a single access point from MD 223, would be more in keeping with the master plan policies and would help address existing transportation problems along MD 223.

## BACKGROUND

Location: Located south of MD 223 (Woodyard Road) between Stuart Lane  
Woody Terrace

Size: 0.71 acre

Existing Uses: Gas station

**Proposal:** Demolition and reconstruction of an existing gas station in the C-S-C Zone. The applicant is requesting a variance from Section 27-358(a)(5) of the Zoning Ordinance for the required distance of the entrances from the curb return, and a departure from sign design standards for an existing freestanding sign where the associated building is less than 40 feet from the front street line. The applicant is also seeking Alternative Compliance from the Landscape Manual.

**GENERAL PLAN, MASTER PLAN AND SMA**

**2002 General Plan:** This application is located at a Corridor Node in the Developing Tier. The vision for Corridor Nodes is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

**Master Plan:** *2009 Approved Subregion 5 Master Plan and Sectional Map Amendment*

**Planning Area/Community:** PA 81A/Clinton

**Land Use:** Commercial

**Environmental:** See the Environmental Planning Section referral for comments based on the *2005 Approved Countywide Green Infrastructure Plan*.

**Historic Resources:** None identified

**Transportation:** Access to the site is from MD-223 (Woodyard Road) to the north, Woody Terrace to the west and Stuart Lane to the east. MD 223 is classified as an arterial road (A-54) within a minimum 120-foot right of way. An on-road, dual-route bicycle facility is recommended along MD 223, which includes sidewalks and bike lanes (pp. 118-123); none currently exist along the frontage of this property.

**Public Facilities:** None identified

**Parks:** None identified

**SMA/Zoning:** The *2009 Approved Subregion 5 Master Plan and Sectional Map Amendment* retained the C-S-C Zone for this property.

**PLANNING ISSUES**

**2002 General Plan Corridor Node**

The *2002 Approved General Plan* designates the area located one-quarter mile from the intersection of Woodyard Road (MD 223) and MD 5 as a corridor node. At corridor nodes, the General Plan “promotes development and redevelopment of higher intensity residential and nonresidential mixed uses at

appropriate locations along key transportation routes” and further recommends that corridor nodes should “be planned as transit-oriented development” (p. 50). A gas station is not in keeping with General Plan policy that development in a corridor node should be higher intensity, mixed-use and transit-oriented.

Additionally, the General Plan states as an urban design strategy for the Developing Tier: “Ensure that the design of new development is attractive and vital and that the design of contiguous development maintains or enhances the character of existing communities” (Pg. 84). New development should be designed in such a way that it contributes to the overall look and feel of an area in a positive manner.

### ***The 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment***

The 2009 Approved Subregion 5 Master Plan recognizes that the General Plan corridor node at MD 5 and MD 223 in Clinton (where this application is located) “is largely built out at medium to high residential densities, with concentrations of commercial uses within one-quarter mile of MD 5. This plan envisions medium density infill in Clinton, focusing specifically in the area between the MD 5/MD 223 interchange and the MD 223/Brandywine Road/Old Branch Avenue intersection.” (p. 54) The plan further acknowledges that the Maryland Transit Administration is planning a transit corridor along MD 5 that envisions a bus rapid transit (BRT) or light rail transit (LRT) station in Clinton near MD 223. The future station could be located on either the east side of MD 5 in the vicinity of the Clinton Park shopping center (p. 55).

The Subregion 5 Master Plan indicates that a key to the development of higher intensity, mixed-use, transit-oriented development in Clinton is the implementation of the MD 5 transit corridor featuring either bus rapid transit (BRT) or light rail (p.64). The master plan anticipated the need to develop additional strategies and land use concepts in order to guide future growth toward higher intensity transit- and pedestrian-oriented uses. As such, a long term strategy cited in the plan text is to: “Prepare a Clinton sector plan to clarify land use goals and strategies and further refine the recommendations of this master plan for the Clinton community.”(p. 65). This recommended plan is currently underway as the Central Branch Avenue Corridor Revitalization Sector Plan.

The master plan also states that: “The primary development issue in Clinton is ensuring that the community functions well in the future, especially with respect to transportation and public facilities” (p. 61). This section of MD 223 is one of the roadway links that currently fails to meet adequacy standards and is being evaluated in a state planning study to identify potential improvements (pp. 96-98). As such, a primary issue to address for new development in this part of Clinton should be the design of pedestrian and vehicular circulation patterns to improve existing deficiencies and to help facilitate transit- and pedestrian-oriented development in the future. The proposed redevelopment of the subject site with a gas station is not consistent with master plan development policies. However, it is recognized that the existing zoning allows the use with a Special Exception.

#### **Site Access**

A master plan strategy for short-term improvements to address the road congestion problems, such as in Clinton, is to implement driveway access controls (p. 111). Limiting access for this redeveloped site to the side streets (Woody Terrace or Stuart Lane), or to a single access point from MD 223 (instead of the two shown on the site plan), would be more in keeping with the master plan policies and would help to address existing transportation problems along MD 223.

#### **Proposed Right-of-Way for MD 223**



The location of the recommended public right-of-way along MD 223 (A-63) is a significant planning issue for the proposed redevelopment of this site. The location of the existing right-of-way, upon which the site design for this application is based, appears to include approximately 20 feet ( $\pm$ ) of the recommended right-of-way for this section of MD 223. The access and circulation patterns for the redevelopment proposed by this application encroach on the proposed public right-of-way that is needed to make improvements to A-63 for road widening, bike lanes and sidewalks. Thus, the proposed layout of the redeveloped gas station should be reconfigured so that the development does not encroach on the right-of-way.

### **Urban Design/Architecture**

The 2009 *Subregion 5 Master Plan and Sectional Map Amendment* (Pg. 62) provides guidelines for successful infill development in Clinton:

- **Compatibility:** Ensure that buildings are appropriately scaled for their site and recognize adjacent land use and development. Give consideration to similarity in...style, bulk, materials, and site layout to surrounding residential areas
- **Variety:** Use quality materials and architectural detailing

Should the development be approved, the gas station should incorporate new design features and use high quality materials to create visual interest and improve the aesthetics of this corridor. Listed below are more specific ways by which the new development can be improved. This list is not intended to be exhaustive.

- The development proposal should provide the exact colors of the concrete blocks that are used for the building façade;
- The signage material and design elements should match the rest of the structure;
- Building façades facing Stuart Lane and Woody Terrace should be redesigned to create visual interest by providing fenestration;
- The new building should use brick as the primary building material and include architectural details such as pilasters, mouldings, keystone arches over the windows, etc.;
- The building's roofline should provide more visual interest;
- The style, materials and color of the canopy structure should be consistent with the building;
- The new development needs to fully comply with the landscape manual.

### **Conclusion**

SE-4654/VSE-4654/DSDS-663 Dash-In Woodyard Road (Amended)

March 30, 2012

Page 5

The proposed site design does not conform to land use polices for transit- or pedestrian-oriented development patterns or for improving current vehicular circulation patterns. Redesign of the site regarding access from MD 223 and the needed future right-of-way acquisition of right-of-way for road, bicycle and pedestrian facilities should be evaluated.

c: Ivy A. Lewis, Chief, Community Planning South Division  
Tom Masog, Transportation Planning Section, Countywide Planning Division  
Dan Janousek, Transportation Planning Section, Countywide Planning Division  
Long-range Agenda Notebook

**Ferrante, John**

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**From:** Waskelis, Kevin  
**Sent:** Thursday, September 27, 2012 11:55 AM  
**To:** Ferrante, John  
**Subject:** Dash-In Woodyard Road (SE-4654/VSE-4654/DSDS-663)

John,

I reviewed the most recent development proposal and have no comments.

Thanks,  
Kevin Waskelis

Senior Planner, Community Planning South Division  
Prince George's County Planning Department  
The Maryland-National Capital Park and Planning Commission  
14422 Old Mill Road, Upper Marlboro, MD 20772

(301) 780-8311 Phone  
(301) 952-4121 Fax  
[Kevin.Waskelis@ppd.mncppc.org](mailto:Kevin.Waskelis@ppd.mncppc.org)

Countywide Planning Division  
Environmental Planning Section  
301-952-3650

October 25, 2010

**MEMORANDUM**

TO: John Ferrante, Senior Planner, Zoning Section  
VIA: CJ Lammers, Supervisor, Environmental Planning Section  
FROM: Pat Vance, Planner Coordinator, Environmental Planning Section  
SUBJECT: **Dash-In Woodyard Road; SE-4654/VSE-4654/DSDS-663**

The Environmental Planning Section has reviewed the above referenced Special Exception for Dash-In Woodyard Road, stamped as received by the Environmental Planning Section on October 18, 2010. The Environmental Planning Section provides the following information for your consideration.

**Background**

This site was previously reviewed by the Environmental Planning Section on December 15, 2008 and was subsequently issued a standard letter of exemption from the Woodland Conservation Ordinance because the site contained less than 10,000 square feet of woodland had no previous TCP approvals. The proposed use of the property was for the issuance of a building permit for the construction of a gasoline station.

The site was reviewed again on September 23, 2009 for a Special Exception. On October 6, 2009, the Environmental Planning Section responded that based on the previous review and the issuance of the standard letter of exemption that was still valid until December 15, 2010; there were no issues with the subject application. No memorandum was written for the case.

**Site Description**

This 0.71 acre property in the C-S-C zone is located on the south side of Woodyard Road approximately 400 feet west of its intersection with Route 5, Branch Avenue. The property is currently developed with a retail gasoline station and associated parking.

**Environmental Review**

The site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance requirements contained in Division 2, Subtitle 25; however the site must conform to Division 3 of Subtitle 25, the Tree Canopy Coverage Ordinance, which went into effect September 1, 2010.

Subtitle 25, Division 3, the Tree Canopy Coverage (TCC) Ordinance, requires a minimum percentage of tree canopy coverage on properties that require a tree conservation plan or Letter of Exemption. Properties zoned C-S-C are required to provide a minimum of 10 percent of the gross tract area in tree canopy.

The gross tract area is 0.71 acres resulting in a requirement for TCC of 0.07 acres (3,093 square feet). The submitted landscape plan proposes to provide 3,800 square feet of tree canopy coverage using 16 large deciduous trees and 6 ornamental trees, which satisfies the minimum TCC requirement under the current underlying zone (C-S-C). The canopy coverage calculations were completed using the Tree Canopy Coverage Worksheet which needs to be added to the landscape plan to demonstrate conformance with the provisions of the TCC Ordinance.

**Recommended Condition:** Prior to certification of SE-4654/VSE-4654/DSDS-663, a Tree Canopy Coverage Worksheet shall be added to the landscape plan which demonstrates that the 10 percent TCC requirement has been fulfilled.

If you have any questions concerning these comments, please contact me at 301-952-3652 or by e-mail at [pat.vance@ppd.mncppc.org](mailto:pat.vance@ppd.mncppc.org)

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35



The Maryland-National Capital Park and Planning Commission  
14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772 301-952-3530  
Development Review Division - 301-952-3749 (fax)

**\*\* REFERRAL REQUEST \*\***

Date: 9/23/2009  
To: JANET GARRETT, ENVIRONMENTAL PLANNING  
From: TASLIMA ALAM, SENIOR PLANNER  
Subject: DASH-IN WOODYARD ROAD (SE-4654/VSE-4654/DSDS-663)

**IDENTIFICATION OF MAJOR ISSUES DUE DATE\*: 10/8/2009**  
**\*Note:** E-mail any major issues/problems to the reviewer by the above date.

**SUBDIVISION REVIEW COMMITTEE DATE: N/A**

**REFERRAL DUE DATE: 10/23/2009**

<input checked="" type="checkbox"/> Full Review of New Plan	<input type="checkbox"/> Revision of Previously Approved Plan
<input type="checkbox"/> Limited or Special Review	<input type="checkbox"/> Plans/Documents Returned for Second Review Following Revision by Applicant

**NOTE: This case is being reviewed at:**  Planning Board level    OR     Planning Director level

**COMMENTS:** Please e-mail major issues to Taslima Alam at Taslima.Alam@ppd.mncppc.org

Related Cases: \_\_\_\_\_

MD. NAT'L CAP. PK. & PL. COMM.  
PRINCE GEORGE'S COUNTY

**REFERRAL REPLY COMMENTS:**

\* Exempt from Woodland Ordinance (<\$1,000, no prior TCP, no woodline)  
No other Environmental issues. JL Phala 9/24/09  
OK CJF 10/6/09

SEP 24 2009  
COUNTYWIDE PLANNING DIVISION  
ENVIRONMENTAL PLANNING SECTION

**NOTE: IF YOU HAVE NO COMMENTS, PLEASE INDICATE ABOVE AND FORWARD OR FAX TO THE REVIEWER'S ATTENTION.**



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

LETTER OF EXEMPTION  
STANDARD EXEMPTION FOR THE SITE  
PRINCE GEORGE'S COUNTY WOODLAND CONSERVATION ORDINANCE

Property Identification: 212SE06 8906 Woodyard Road Clinton, MD 20735  LOT 8, BLOCK G	Receipt #: 4765
	Date Issued: <b>March 27, 2012</b>
	Expiration Date: <b>March 27, 2014</b>

TO: SMO Incorporated  
The Willis Group  
6355 Crain Highway  
La Plata, MD 20646

VIA: Kim I. Finch, Planner Coordinator, Environmental Planning Section *KIF*

FROM: Ernest J. Fields Jr., Senior Planning Technician, Environmental Planning Section *ef*

Your request for a standard letter of exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) is hereby **approved**. The property is identified as 8906 Woodyard Road, Clinton, Maryland. The property is further identified as Lot 8, Block G. The property is zoned C-S-C and totals 0.71 acres. There are no previously approved tree conservation plans (TCPs) associated with this property.

This Letter of Exemption is issued because the property is less than 40,000 square feet in size and has no previous TCP approvals. The information was obtained from a 2009 aerial photography, the PGAtlas.com environmental layer and the M-NCPPC Log Book. The proposed permit application is for renovation to the existing gas station. This Letter of Exemption is issued solely for that purpose.

**This Letter of Exemption is valid for a period of two years from the date of issuance and shall accompany all permit applications.**

EF:kf

I:\Environ\Woodland Conservation\Exemptions\Standard Exemptions\Ex2012\S-052-12\_8906 Woodyard Road\_ef.doc



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

November 2, 2009

**MEMORANDUM**

TO: Taslima Alam  
Zoning Section

VIA: Whitney Chellis *WChellis*  
Subdivision Section

FROM: Justin Thornton *JThornton*  
Subdivision Section

SUBJECT: Referral for SE-4654/VSE-4654/DSDS-663  
DASH-IN Woodyard Road

The subject property is located on Tax Map 116, in Grid E2 and is known as Lot 8. The property is 30,928 square feet and zoned C-S-C. This property is subject to record plat WTW 66@9 (attached) recorded in land records on September 8, 1967. The plat contains one note:

"Easements 5 feet in width, 2.5 feet each side of all side lot lines of lots shown on this plat are hereby reserved for subsurface drainage where deemed necessary by the Health Department of Prince George's County, Maryland, until such time as public sewerage is available."

**Comment:** The subject property is located in water/sewer category 3, therefore public water and sewer is available.

The site currently is improved with a structure of 2,095 square foot of gross floor area and can develop an additional 5,000 sq. ft without filing for preliminary plan pursuant to Section 24-111(c)(2) of the Subdivision Regulations:

- (2) The total development proposed for the final plat does not exceed five thousand (5,000) square feet of gross floor area.

Therefore, the maximum allowed gross floor area is 7,095 sq. ft before a new preliminary plan of subdivision is required.

In this case, the subject application proposes to raze all existing structures on the property and construct a 2,580 square foot food and beverage store, a canopy and eight multi-product dispensers. The applicant may do so without filing for preliminary plan. However, when the applicant wants to construct any additional development above and beyond 7,095 square feet, he will need to file a preliminary plan.



To ensure that the maximum size development of 7,095 sq. ft. for this site, the applicant needs to file a final plat for the site in accordance with Section 24-108 of the Subdivision Regulations for which no preliminary plan is required. The final plat will include a note to vest the size of the existing 2,095 square foot building as described above. We strongly recommend that the applicant file a final plat for the site to vest the existing development and acknowledge that an additional 5,000 sq. ft is permitted prior to the demolition of the existing structures. If the structures are razed prior to the plat vesting then the maximum size development will be 5,000 sq. ft and any additional development beyond that will require a new preliminary plan of subdivision.

The bearings on each side of the property have been slightly altered since the 1967 plat and could reflect improvements in survey technology. The minor differences are not substantive. The site plan is found to be in substantial conformance to the record plat (WWW 66@9).

**Plan Comments:**

There are no other Subdivision issues at this time.



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

**Prince George's County Planning Department  
Countywide Planning Division**

**(301) 952-3680  
www.mncppc.org**

October 12, 2009

**MEMORANDUM**

**TO:** Taslima Alam, Senior Planner, Zoning Section, Development Review Division

**VIA:** Tiffany Williams Jennings, Planner Coordinator, Special Projects Section, Countywide Planning Division *TWJ*

**FROM:** Jay Mangalvedhe, Planner, Special Projects Section, Countywide Planning Division *JM*

**SUBJECT: SE-4654/VSE-4654/DSDS-663; Dash-In Woodyard Road**

Dash-In Woodyard Road property is located southwest of Woodyard Road at the intersection of Stuart Lane and Woodyard Road. The Special Projects Section, Countywide Planning Division has reviewed the subject applications. Staff has no further comments.

I:\PFS\Development Review\Special Exceptions\SE-4654 JM  
G:\Referrals\_DRD\SE-4654 JM.sp

October 22, 2012]

MEMORANDUM

TO: John Ferrante, Senior Planner, Zoning Section  
FROM: Debbie Gallagher, Information and Permit Review Supervisor *DD*  
SUBJECT: Referral Comments for SE-4654/VSE-4654/DSDS-663

1. The proposed right-of-way at the greatest point must clearly be demonstrated on the site plan in order to determine the required setbacks. Any structures to be located within the proposed right-of-way will require approval by the District Council pursuant to Section 27-259.
2. Is the loading space adequately screened from the right-of-way?
3. Is the site plan in conformance with the Subdivision Regulations? Refer to Subdivision Office for review.
4. A Tree Conservation plan or exemption letter will be required. Refer to Environmental Planning for review.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 14741 Governor Oden Bowie Drive  
 Upper Marlboro, Maryland 20772

RECEIVED  
 SEP 10 2012  
 DEVELOPMENT REVIEW  
 DIVISION

DATE: August 6, 2012  
 TO: Fern V. Piret, Planning Director  
 FROM: Meika Fields, Alternative Compliance Committee  
 PROJECT NAME: Dash-In Woodyard Road, Lot 8, Block G of Clinton Gardens  
 PROJECT NUMBER: AC-10018-01  
 COMPANION CASE: Special Exception SE-4654

SE-4654  
 VSE-4654  
 DSDS-663

**ALTERNATIVE COMPLIANCE COMMITTEE REVIEW**

Recommendation:  Approval  Denial

Justification: SEE ATTACHED

Meika Fields  
*Meika Fields*  
 Reviewer's Signature

**PLANNING DIRECTOR'S REVIEW**

Final Decision  Approval  Denial  
 Recommendation  Approval  Denial

To Planning Board  
 To District Council  
 To Zoning Hearing Examiner

Planning Director's Signature *Fern Piret* Date *8-7-12*

**APPEAL OF PLANNING DIRECTOR'S DECISION**

Appeal Filed:  
 Planning Board Hearing Date:  
 Planning Board Decision:  Approval  Denial  
 Resolution Number:

Alternative Compliance: AC-10018-01  
Name of Project: Dash-In Woodyard Road, Lot 8, Block G of Clinton Gardens  
Underlying Case: Special Exception SE-4654  
Date: August 6, 2012

Alternative Compliance is requested from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) for Section 4.6(c)(2), Buffering Development from Special Roadways, along Woodyard Road (MD 223); and Section 4.7, Buffering Incompatible Uses, along the southwestern property line adjacent to a public utility structure.

**Location:**

The subject site is located on the south side of Woodyard Road (MD 223) between Woody Terrace and Stuart Lane in Clinton, Maryland, in the Developing Tier.

**Background:**

The applicant has submitted a special exception application to raze an existing one-story, approximately 2,095-square-foot gas station building with four gas pumps and 20 parking spaces and replace it with a new 2,580-square-foot convenience store, 6 gas pumps, and 18 parking spaces. Lot 8, Block G of the Clinton Gardens Subdivision measures approximately 0.71 acre and is zoned C-S-C (Commercial Shopping Center). The site is bounded to the north by Woodyard Road (MD 223), to the east by Stuart Lane, to the west by Woody Terrace, and to the south by an existing fast-food restaurant in the C-S-C Zone. The property has multiple previous approvals dating from 1967 for the existing gas station use, but because of its complete removal and the redevelopment of a new gas station use, a new special exception is required because there is an increase in gross floor area (GFA) per Section 27-323 of the Zoning Ordinance. The site is subject to Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6(c)(2), Buffering Development from Special Roadways; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements of the Landscape Manual because the demolition of the existing site and the redevelopment of a new station requires full compliance.

On November 1, 2010, the Alternative Compliance Committee and the Planning Director recommended approval of Alternative Compliance AC-10018 from Sections 4.2 and 4.3(a) of the 1990 Prince George's County Landscape Manual for Woody Terrace. In addition, the Planning Director and Alternative Compliance Committee recommended denial of a reduced landscape strip along Woodyard Road (MD 223), so the applicant provided a plan that complied with Option 4.

On December 13, 2010, the 2010 *Prince George's County Landscape Manual* became effective and the plan is now subject to its requirements. The recommendation of approval of alternative compliance for a reduced landscape strip along Woody Terrace remains valid because the requirements of Sections 4.2 and 4.3(a) of the 1990 Prince George's County Landscape Manual are identical to the requirements of Section 4.2 of the 2010 *Prince George's County Landscape Manual* when Option 1 is chosen. The site is now subject to Section 4.6(c)(2), Buffering Development from Special Roadways, along Woodyard Road (MD 223), which is a categorized historic road.

The subject revision to an alternative compliance application requests approval of a reduced landscape strip along Woodyard Road, and a reduced bufferyard along the southwestern property line adjacent to a

public utility structure.

REQUIRED: 4.6(c)(2) Buffering Development from Special Roadways adjacent to Woodyard Road (MD 223).

Linear feet of frontage	120
Width of landscape strip required	20 feet
Plant Units Required	96

PROVIDED: 4.6(c)(2) Buffering Development from Special Roadways adjacent to Woodyard Road (MD 223).

Linear feet of frontage	120
Width of landscape strip provided	± 10 feet
Shade Trees Provided	4
Shrubs Provided	51
Plant Units Provided	96

**Justification of Recommendation:**

Alternative Compliance is requested from Section 4.6(c)(2), Buffering Development from Special Roadways, of the 2010 *Prince George's County Landscape Manual* to reduce the width of the required landscape strip along Woodyard Road (MD 223). The subject site is a compact, 0.71 acres, and space limitations make providing the required 20-foot-wide landscape strip impractical. Along the Woodyard Road frontage, the subject application proposes a standard sidewalk, an approximately ten-foot-wide landscape strip, and a three-foot-tall decorative brick wall. A portion of the proposed landscape strip is located within the ultimate right-of-way of Woodyard Road.

The Alternative Compliance Committee believes the request for a modified Section 4.6 treatment is justified. The required amount of plant materials is proposed and the applicant proposes an attractive low brick wall at the center of the frontage, which will improve the appearance of the site while further screening some vehicles and gas pumps. The Alternative Compliance Committee finds the proposal to be an equally effective alternative to the normal requirements of the Landscape Manual along Woodyard Road.

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the southwestern property line adjacent to a public utility structure.

Length of bufferyard	51 feet
Minimum building setback	30 feet
Landscape yard	20 feet
Fence or wall	Yes (on the adjacent property)
Plant Units (80 per 100 l.f.)	41

PROVIDED: Section 4.7, Buffering Incompatible Uses, along the southwestern property line adjacent to a public utility structure.

Length of bufferyard	51 feet
Minimum building setback	N/A
Landscape yard	10-foot-wide variable width
Fence or wall	Yes (on the adjacent property)
Plant Units (80 per 100 l.f.)	73

**Justification of Recommendation:**

Alternative Compliance is requested from Section 4.7, Buffering Incompatible Uses, of the of the 2010 *Prince George's County Landscape Manual* to reduce the width of the bufferyard required along the southwestern property line abutting a public utility structure.

Section 4.7 of the Landscape Manual categorizes a gas station as a high-impact use. Along the southwestern property line, the subject property abuts a cell tower, which is categorized as a public utility structure, which is a medium-impact use in the Landscape Manual. A Type "B" buffer, inclusive of a 30-foot building setback and a 20-foot-wide landscape yard, is required along this portion of the southwestern property line. In this area, the submitted landscape plan indicates a ten-foot-wide variable width landscape yard to be planted with 3 shade trees and 43 shrubs for a total of 73 provided plant units. The landscape plan also proposes two additional ornamental trees and three additional shrubs adjacent to the indicated landscape yard, which will effectively provide a 20-foot-wide landscape yard in some locations. The base of the cell tower is also screened with a six-foot-tall sight-tight fence that is located on the adjacent property.

With the mix of proposed plant materials and existing fencing, the Alternative Compliance Committee finds the proposal to be an equally effective alternative to the normal requirements of the Landscape Manual along the southwestern property line.

In addition to the alternative compliance request, staff reviewed the entire landscape plan for compliance with the requirements of the Landscape Manual and the Tree Canopy Coverage Ordinance. Staff recommends a few revisions to the submitted landscape plan prior to signature approval. The recommended revisions are not conditions of the alternative compliance approval.

**Recommendation:**

The Alternative Compliance Committee recommends APPROVAL of Alternative Compliance from Section 4.6(c)(2), Buffering Development from Special Roadways, along Woodyard Road (MD 223); and Section 4.7 of the 2010 *Prince George's County Landscape Manual* along the southwestern property line.

Staff additionally recommends that the following revision be made to the landscape plan.

1. One additional ornamental tree should be noted as provided within the Tree Canopy Coverage Schedule for a total of three ornamental trees provided.



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

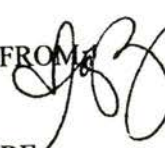
Department of Environmental Resources



Charles W. Wilson  
Director

October 6, 2009

TO: Taslima Alam, Senior Planner  
Maryland-National Capital Park & Planning Commission

FROM:  Shirley Anthony Branch, Water and Sewer Plan Coordinator  
Program Support Team, ESG, DER

RE: Special Exception

Below are our comments on a Special Exception to be reviewed at the Planning Board level. Should you have any questions, please feel free to call me at (301) 883-5108. In my absence, you may contact Mike Bashore at (301) 883-5904.

**SE/VSE-4654/DSDS-663**

**Dash-In (Woodyard Road)**

116, E-2, Lot 8, 0.71 acres WSSC Grid 212SE06

1. The adopted 2008 Water and Sewer Plan designates this property in Water and Sewer Category 3.
2. Water and sewer lines in Woodyard Road and Stuart Lane abut the property.
3. Please modify Note 15 to reflect "Water and Sewer Category 3" on the special exception plan.

*The Department of Environmental Resources (DER) determines the validity in category designations of the Prince George's County Water and Sewer Category Maps. Information reflects the category designated by the 2008 Water and Sewer Plan, and deemed accurate as of September 30, 2009. Any dispute of the designated category may be addressed to the Program Support Team, Water and Sewer Unit, at 301-883-5108.*

cc: Michael Bashore, Water and Sewer Unit  
Mojisola Banjoko, Water and Sewer Unit

9400 Peppercorn Place – Largo, Maryland 20774  
TDD: (301) 985-3894





The Maryland-National Capital Park and Planning Commission  
 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772 301-952-3530  
 Development Review Division – 301-952-3749 (fax)



**\*\* REFERRAL REQUEST \*\***

Date: 9/23/2009  
 To: CECELIA MOORE, HISTORIC PRESERVATION  
 From: TASLIMA ALAM, SENIOR PLANNER  
 Subject: DASH-IN WOODYARD ROAD (SE-4654/VSE-4654/DSDS-663)

**IDENTIFICATION OF MAJOR ISSUES DUE DATE\*: 10/8/2009**  
 \*Note: E-mail any major issues/problems to the reviewer by the above date.

**SUBDIVISION REVIEW COMMITTEE DATE: N/A**

**REFERRAL DUE DATE: 10/23/2009**

X Full Review of New Plan                       Revision of Previously Approved Plan  
 Limited or Special Review                       Plans/Documents Returned for Second Review Following Revision by Applicant

NOTE: This case is being reviewed at: X Planning Board level    OR     Planning Director level

COMMENTS: Please e-mail major issues to Taslima Alam at Taslima.Alam@ppd.mncppc.org  
 \_\_\_\_\_  
 \_\_\_\_\_

Related Cases: \_\_\_\_\_

**REFERRAL REPLY COMMENTS:**

*\* The proposed SE + DSDS for demo + reconstruction of a gasoline filling station will have no effect on identified Historic Sites, Resources or Districts. Cgmoore  
 9/25/09*

NOTE: IF YOU HAVE NO COMMENTS, PLEASE INDICATE ABOVE AND FORWARD OR FAX TO THE REVIEWER'S ATTENTION.