

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER**

SPECIAL EXCEPTION

4812

VARIANCE

4812

DECISION

Application:	Gas Station and Car Wash
Applicant:	Dash-In Food Stores, Inc.
Opposition:	None
Hearing Date:	August 14, 2018
Hearing Examiner:	Joyce B. Nichols
Disposition:	Approval with Conditions

NATURE OF PROCEEDINGS

(1) Special Exception 4812 is a request for permission to raze an existing Gas Station and Convenience Store and redevelop the site with a Gas Station and Convenience Store, and a Car Wash, all on approximately 2.23 acres of land, in the C-S-C (Commercial Shopping Center) and M-I-O (Military Installation Overlay) Zones, located in the southeast quadrant of the intersection of Dangerfield Road (to the south), and Old Alexandria Ferry Road (to the north) with Woodyard Road (MD 223), approximately 5,500 feet east of Branch Avenue (MD 5), also identified as 8828 Woodyard Road, Clinton, Maryland. The Applicant also seeks a Variance from §25-122(b)(1)(G) to remove two (2) specimen trees.

(2) The Planning Board did not elect to hold a hearing and in lieu thereof adopted the recommendation of the Technical Staff. (Exhibit 19) The Technical Staff recommended approval of the instant Application. (Exhibit 16)

(3) At the conclusion of the evidentiary hearing the record was left open for the inclusion into the record of several documents, upon receipt of which the record was closed September 20, 2018.

FINDINGS OF FACT

Subject Property

(1) The Special Exception area consists of two parcels and part of one lot (Parcel A, Parcel B, and part of Lot 34), with frontage along Woodyard Road (MD 223) and Dangerfield Road, which both provide access to the site. Parcel A, is currently improved with a 2,320-square-foot, 15 foot-high operating Shell Gas Station with a Convenience Store and a pump island covered with a canopy. Parcel B, is currently improved with a 2,200 square-foot vacant Convenience Store. The portion of Lot 34, which is included in the Special Exception area is wooded and undeveloped. The

subject site totals 2.23 acres and is located in the C-S-C and M-I-O (including Noise Intensity Zone 60-74db, Accident Potential Zones 1 and 2, and Height Clearance Zone (50:1) South End, B, which restricts height to approximately 100 feet) Zones.

(2) Access to the subject site is available from two existing entrances on Woodyard Road (MD 223), and from three existing entrances on Dangerfield Road. The concrete median in Dangerfield Road at the approach to the Woodyard Road intersections does not obstruct any of the three existing entrances.

Zoning History

(3) A full-service gasoline filling station was constructed on Parcel A in accordance with Special Exception 1433, approved on September 16, 1966.

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

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

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

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

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

Lot 34 is currently undeveloped. Parcels A and B were platted prior to October 27, 1990, and are exempt from resub division, in accordance with Section 24-111(c)(2) of the Subdivision Regulations, because the total development proposed for the final plat on a property does not exceed 5,000 square feet of gross floor area. However, development on Lot 34 must conform with Condition 4 above. Part of the subject development is proposed on Lot 34, and the traffic generated from the proposed development is evaluated further in the Transportation findings of the Technical Staff Report and is found not to surpass the identified number of trips.

The record plat for Lot 34, VJ 178-55, was approved by the Planning Board on February 6, 1997, and the plat notes the development restrictions, in accordance with PPS4-93036.

On October 27, 1994, a revision to SE 3698 was unconditionally approved by the Planning Board (PGCPB Resolution No. 94-314). The revision to the site plan approved the addition of a pump island and allowed the covering of all the pump islands with a larger canopy.

Master Plan and Sectional Map Amendment

(4) The subject property is located in Planning Area 81A. The applicable Master Plan is the Approved Subregion 5 Master Plan and Sectional Map Amendment, approved on July 24, 2013. The Master Plan designated the site for “Commercial” future land use. The Approved Sectional Map Amendment retained the site in the C-S-C Zone.

The Growth Policy Map in the May, 2014 General Plan placed the property in the Established Communities category, and the Generalized Future Land Use Map designated it for Residential Low land use. The site is not within a Priority Preservation Area.

Neighborhood and Surrounding Property

(5) The neighborhood of the subject property was not defined in the Technical Staff Report. The neighborhood was defined in Special Exception 3698 as having the following boundaries:

- North - Woodyard Road
- West - Dangerfield Road
- East - Piscataway Creek
- South - US Naval Reservation Radio Station on either side of Commo Road.

This neighborhood is accepted as the neighborhood in the instant Application with the addition of the properties on the other sides of Dangerfield and Woodyard Roads as they are only two-lane, undivided roadways.

(6) The subject property is surrounded by the following uses:

- North - Commercial retail establishments in the C-S-C Zone are located north of Woodyard Road (MD 223).
- East- Single-family detached residential development in the Rural Residential (R-R) Zone.
- West - General office development in the C-S-C Zone, located west of Dangerfield Road.
- South - The remaining part of Lot 34, which is undeveloped, and single-family detached residential development beyond in the C-S-C Zone.

(7) The following master-planned roadways are abutting the subject property:

- North - Woodyard Road (MD 223), a master-planned arterial road, is located north of the subject property.
- West - Dangerfield Road, a master-planned collector road, is located west of the subject property.

Applicant's Request

(8) The proposed use for SE-4812 is the razing of the existing Gas Station and Convenience Store as well as the vacant, adjacent Convenience Store, and their replacement with a new Gas Station, a new larger 3,357 square foot Convenience Store and a 1,358 square foot Car Wash. The new Convenience Store will be relocated to the southeast and the pump islands will be extended northward; four multi-product dispensers (MPD) will be added to the four which currently exist along with a 48 x 133 foot canopy. The new Car Wash will be provided with a long access lane around the rear of the Convenience Store, providing for ample queueing area. The new facility will be provided with modern stormwater management using Environmental Site Design (ESD) techniques where no stormwater management now exists. Existing entrances along both Woodyard Road and Dangerfield Road will be combined, reducing the number of entrances from five to two. Additionally, both new entrances will be moved further away from the intersection, providing greater safety. A variance to §25-122(b)(1)(G) of the Prince Georges County Code is also requested for the removal of two specimen trees.

LAW APPLICABLE

(1) A Special Exception for a Gas Station and a Car Wash in the C-S-C/M-I-O Zone is permitted pursuant to §27-461(b)(1)(B) in accordance with §27-358 of the Zoning Ordinance. All Special Exceptions must be found to comply with the general criteria of §27-317.

(2) Section 27-358 states:

(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 facade, 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.

(3) Section 27-317 states:

- (a) A Special Exception may be approved if:
- (1) The proposed use and Site Plan are in harmony with the purpose of this Subtitle;
 - (2) The proposed use is in conformance with all 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;
 - (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;
 - (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
 - (6) The proposed Site Plan is in conformance with an approved Tree Conservation Plan.
 - (7) The proposed Site Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

(4) The Application must also satisfy the general purposes of Commercial Zones (§27-446) and the specific purposes of the C-S-C Zone (§27-454).

(5) §27-446(a) states:

- (a) The purposes of Commercial Zones are:
- (1) To implement the general purposes of this Subtitle;
 - (2) To provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;
 - (3) To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;
 - (4) To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;
 - (5) To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;

- (6) To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;
- (7) To increase the stability of commercial areas;
- (8) To protect the character of desirable development in each area;
- (9) To conserve the aggregate value of land and improvements in the County; and
- (10) To enhance the economic base of the County.

(6) §27-454(a)(1) provides:

- (1) The purposes of the C-S-C Zone are:
 - (A) To provide locations for predominantly retail commercial shopping facilities;
 - (B) To provide locations for compatible institutional, recreational, and service uses;
 - (C) To exclude uses incompatible with general retail shopping centers and institutions; and
 - (D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.

Necessity

(7) The Zoning Ordinance and the County Code do not define the term “necessary”. However, undefined words or phrases shall be construed according to common usage, while those that have acquired a particular meaning in the law shall be construed in accordance with that meaning. (Prince George’s County Code, Section 27-108.01(a)) Webster’s New World Dictionary (2nd College Edition) defines it as “essential” and “indispensable”. In Brandywine Enterprises, Inc. v. County Council, 117 Md. App. 525,540 (1997), the Court of Special Appeals addressed the definition of “necessary” in the County’s Zoning Ordinance as it relates to rubble fills and noted that “necessary’ ... means necessary rather than reasonably convenient or useful.” The Court went on to note that the best method for determining need for a rubble fill would be to assess whether there would be an actual deficit of capacity. In a case involving liquor licenses, Baltimore County License Beverage Association, Inc. v. Kwon, 135 Md. App. 178, 194 (2000), the Court of Special Appeals held that the meaning is dependent upon the context in which “necessary” is used. The Court then found that “necessary,’ in this instance, means that the transfer of the liquor license to the transfer site will be ‘convenient, useful, appropriate, suitable, proper, or conducive’ to the public in that area.” Thus, the proper standard to apply in the review of the instant request is whether the Gas Station will be “convenient, useful, appropriate, etc.” given the nature of the use.

Variance

(8) A variance may be granted to §25-122(b)(1)(G) if the request satisfies the provisions of Section 25-119(d) of the County Code, which provides as follows:

(1) An applicant may request a variance from this Division as part of the review of a TCP where owing to special features of the site or other circumstances, implementation of this subtitle would result in unwarranted hardship to an applicant. To approve a variance, the approving authority shall find that:

- (A) Special conditions peculiar to the property have caused the unwarranted hardship;
- (B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;
- (C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;
- (D) The request is not based on conditions or circumstances which are the result of actions by the applicant;
- (E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and
- (F) Granting of the variance will not adversely affect water quality.

(9) Variances granted under this Subtitle are not considered zoning variances.

Special Exceptions

(10) The Court of Appeals provided the standard to be applied in the review of a Special Exception Application in Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319, 1325 (1981):

Whereas, the Applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements; he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the [administrative body] that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material....But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an Application for a special exception use is arbitrary, capricious, and illegal.

The record in this case reveals “no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the

comprehensive plan”. It would, therefore, be proper to grant the request, once the variances are granted and the conditions addressed below are satisfied.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

General Requirements

(1) Section 27-317(a) requires that the proposed Use and Site Plan be in harmony with the general purposes of the Zoning Ordinance §27-102(a), the general purposes of the Commercial Zones §27-446(a), and the specific purposes of the C-S-C Zone §27-454(a)(1).

(2) The general purposes of the Zoning Ordinance are listed in §27-102(a). The instant Application is in harmony with the general purposes as follows:

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

The proposed Gas Station will be redeveloped to provide substantive environmental and safety upgrades in the form of modern stormwater management (where none now exists) and a more-safely-located, reduced number of vehicular entrances, and will thus promote the health and safety of the present and future inhabitants of the County by continuing to provide for a safe and convenient accommodation of the shopping public.

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

The relevant Plans which apply to this site are the 2014 General Plan, the 2013 Approved Subregion 5 Master Plan and Sectional Map Amendment, and a number of Functional Master Plans, including the Green Infrastructure Plan, the County Master Plan of Transportation, the Public Safety Facilities Master Plan, the Historic Sites and Districts Plan, and the Water Resources Functional Master Plan.

General Plan

As noted above, the General Plan classified the subject site in its Growth Policy Map¹ in the Established Communities category, and the Generalized Future Land Use Map² designated it for Residential Low land use.

“Established Communities” are described by the General Plan as “the County’s heart – its established neighborhoods, municipalities and unincorporated areas outside designated centers,”³

¹ M-NCP&PC, Plan Prince George’s 2035 – Approved General Plan (May, 2014), p. 107.

² General Plan, p. 101.

³ Ibid., p. 106.

and recommends that, “Established communities are most appropriate for context-sensitive infill and low- to medium-density development....”⁴

“Residential Low” land use is described by the General Plan as, “residential areas up to 3.5 dwelling units per acre. Primarily single-family detached dwellings.”⁵ It is noted that the Generalized Future Land Use Map generally replicates the recommendations of the Master Plan or Sector Plan in force at the time of the approval of the General Plan, though in this case it did not: The Subregion 5 Master Plan, in force prior to the adoption of the General Plan, recommended “Commercial” land use instead of the “Residential Low” designation in the General Plan. The note under the Generalized Future Land Use Map, however, directs the reader that, “by definition, this map should be interpreted broadly and is intended to provide a countywide perspective of future land use patterns. To identify the future land use designation for a specific property, please refer to the property’s relevant approved sector or master plan.”⁶

Given its location at a site long used for a Gas Station in a historic commercial cluster surrounding the Woodyard Road/Dangerfield Road intersection, the approval of the subject Application would constitute context-sensitive infill.

Master Plan

The applicable Master Plan is the Approved Subregion 5 Master Plan and Sectional Map Amendment, approved on July 24, 2013. Map IV-1, the Future Land Use Map, recommends the subject property for “Commercial” land use.⁷

The Master Plan, in its discussion of commercial areas in its “Description and Location of Land Use Categories,” notes that, “other smaller commercial areas are scattered in diverse locations, mostly reflecting crossroads sites established years ago when the entire area was more rural.”⁸ The subject property is at one of the historic crossroads sites.

The Land Use and Development Pattern Element contains a number of Policies, which includes the following applicable Policy: “Support redevelopment and infill development in existing and planned development areas over ‘green field’ development that uses natural resource lands.”⁹

There is an extensive discussion of the impact of operations at Andrews Air Force Base; the Plan’s recommendations, policies and strategies have since been addressed by the County through its imposition of the M-I-O Zone, the effects of which are discussed below.

⁴ Ibid., p. 20.

⁵ Ibid., p. 100.

⁶ Ibid., p. 101.

⁷ M-NCP&PC, Approved Subregion 5 Master Plan and Sectional Map Amendment (July, 2013), p. 31.

⁸ Sector Plan, p. 32.

⁹ Ibid., p. 34.

The Master Plan has a long discussion on development in the Clinton Community, of which the subject property is a part. That discussion, however, focuses on the areas west of Branch Avenue, and makes no recommendations which are specifically applicable to the subject property.

The “Transportation” element of the Master Plan provides that right-of-way be reserved for the upgrade of Woodyard Road from a two-lane road to a six-lane arterial classification; the recommended 120’ right-of-way was previously dedicated along the subject property’s frontage. Similarly, there is a provision that right-of-way be reserved for the upgrade of Dangerfield Road from a two-lane road to a four-lane collector arterial classification; the recommended 80’ right-of-way was also previously dedicated along the subject property’s frontage. Woodyard Road is also identified as a Historic Road; the proposed Landscape Plan reflects buffering which is required along Historic Roads.

Because the proposed Application is consistent with the Master Plan’s land use recommendation, its transportation recommendations, its environmental recommendations (including the use of environmentally sensitive design for stormwater management at the subject property), the approval of the subject Gas Station and Car Wash would be in harmony with the recommendations of the Sector Plan.

Other Applicable Functional Master Plans

The Special Exception area is not mapped as containing any Regulated Areas of the County’s Green Infrastructure Network; as such, the subject application conforms to the Green Infrastructure Plan.

With regard to the Historic Sites and Districts Plan, no historic sites or resources are located within the vicinity of the subject site; as such, the approval of the instant Application will have no adverse impact on this Functional Master Plan.

The Water Resources Functional Master Plan addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the instant Application.

No proposed sites for Public Safety facilities are in the area affected by the instant Application.

The Countywide Master Plan of Transportation preceded the adoption of the Subregion 5 Master Plan, which amended the Master Plan of Transportation by its adoption. As such, the instant Application is in conformance with this Functional Master Plan.

In conclusion, because the proposed Gas Station and Car Wash are not in conflict with the General Plan, the Sector Plan or the applicable Functional Master Plans, approval of the instant Application will be in harmony with the Ordinance's purpose of implementing those Plans.

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

Because this Application proposes the renewal of a long-existing use at a site which is being redeveloped in accordance with provisions of the laws which assure the adequacy of local public facilities, approval of it would be in harmony with this purpose of promoting the conservation of a community which will be developed with adequate public facilities.

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

Approval of the instant Application would recognize the needs of the County's workers by renewing an existing use in a developed area, and so would abet the orderly growth and development of the County, making the instant Application in harmony with this Purpose of the Ordinance.

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

The subject Gas Station and Car Wash will be in harmony with this Purpose as it will be developed in conformance with the various regulations in the Zoning Ordinance to ensure the provision of adequate light, air and privacy, both for the occupants of the subject site and for its neighbors. These principles include the provision of sufficient setback distances, buffering between the proposed use and neighboring uses, and conformance with height limitations in order to allow for access to light and air.

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

The subject Gas Station and Car Wash would be in harmony with this Purpose as it will be developed in accordance with the various principles that have been codified in the Zoning Ordinance to promote the beneficial relationships between land and buildings, including conformance with the Tables of Permitted Uses for the various zones as laid out in the Ordinance, and in conformance with the provisions of the Landscape Manual which provide for the screening of service functions and the buffering of incompatible adjoining uses.

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

The subject Gas Station would be in harmony with this Purpose as it will be developed in conformance with regulations established in the body of the Zoning Ordinance, as well as other County Ordinances, which are intended to protect from fire, flood, panic and other dangers, namely: the Floodplain Regulations, Stormwater Management Regulations, the Fire Prevention Code, the Building Code, and the Tables of Permitted Uses for the various zones.

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

Because the subject use is commercial in nature, this Purpose is not directly applicable to this Application.

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

The renewal of the subject Gas Station would be in harmony with this Purpose because it would augment the tax base of the County directly and through the employment provided to its workers.

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

The subject Gas Station and Car Wash would be in harmony with this Purpose as it will be redeveloped in accordance with various principles that have been codified in the Ordinance to ensure the prevention of overcrowding, including the provisions of the Table of Uses that provides for the compatibility of uses, height limits, and setbacks. Note also that the existing Gas Station occupies only 0.51 acres of land; the proposed redeveloped station will have 2.22 acres instead.

- (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;***

The approval of the subject Gas Station would be in harmony with this Purpose because of several factors.

First, the proposed Gas Station is a renewal of an existing station in a developed area. The proposed use will add 4 new MPDs, but will offset that addition by the demolition of the existing vacant Convenience Store, and as such will not add materially to the existing traffic on the streets. As noted above, its approval will be in accordance with the provisions of the subdivision ordinance which assures the adequacy of local public facilities.

Secondly, the combination of the five existing entrances into two, and their relocation to an increased distance from the intersection will materially lessen the danger of local traffic.

Thirdly, the proposed Car Wash will be provided with an unusually long queueing lane, ensuring that vehicles waiting to be washed will not back up onto the public road network.

And finally, the proposed Gas Station will be developed in accordance with the regulations established in the body of the Zoning Ordinance (and other County ordinances) which are intended to lessen the danger and congestion of traffic on roads, such as the requirements for the provision of adequate off-street parking, and the separation of entrances from nearby intersections.

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

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, conformance with the requirements and regulations of the Zoning Ordinance will be prima facie evidence of the Application's harmony with this purpose.

Beyond that, however, the subject Gas Station and Car Wash would promote the economic and social stability of the County by contributing to the tax base, by continuing to provide a useful and convenient service to the surrounding 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;

Because the subject Gas Station redevelopment is a renewal of an existing station, approval of the subject Application will have no impact to the natural features in the County: It will not itself generate noise pollution, and the use will be in compliance with the County's Woodland Conservation policies by virtue of the approval of its Tree Conservation Plan. No steep slopes or scenic vistas will be affected. The proposed Gas Station will be provided with stormwater management measures, and will thus better act against water pollution and protect the stream valleys than the existing development at the subject property. By conformance to these principles and regulations, the approval of this Application would be in harmony with this Purpose.

The final two Purposes,

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

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

are not directly applicable to the approval of this Gas Station and Car Wash. §27-317(a)(1)

(2) The instant Application is also in harmony with the general purposes of the Commercial Zones, §27-446(a), as follows:

(1) To implement the general purposes of this Subtitle;

As noted by the foregoing discussion, that the subject proposal will implement the general purposes of the Zoning Ordinance.

(2) To provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;

The approval of this facility at this location will allow the Gas Station to continue to provide a useful and convenient site for a needed service.

(3) To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;

Because the proposed Gas Station renewal involves the replacement of a compatible service commercial use (with a permitted retail component) in the immediate vicinity of a mixed-use area, this Purpose is not directly applicable to the instant Application.

(4) To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;

The renewal of the existing Gas Station would implement this purpose by the existing woods and supplemental planting which provide screening between it and its residential neighbor.

(5) To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;

The approval of the instant Application will improve traffic efficiency by the combination and relocation of vehicular entrances.

(6) To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;

Because the subject Gas Station and Car Wash will meet the intent for the land use provided for in the Master Plan, it will fulfill this Purpose.

(7) To increase the stability of commercial areas;

The renewal of a complementary service commercial use which will maintain the existing character of the surrounding commercial area will fulfill this Purpose.

(8) To protect the character of desirable development in each area;

Because the subject Station will: (1) be redeveloped and operated in accordance with the provisions specifically provided in the ordinance to promote the safe and orderly layout and operation of Gas Stations, and (2) be compatible with the materials, scale and character of the architecture of the surrounding development, the approval of this Application will fulfill this Purpose.

The final two purposes,

**(9) To conserve the aggregate value of land and improvements in the County;
and**

(10) To enhance the economic base of the County.

are fulfilled by allowing for the redevelopment of an existing commercial use that will enhance the tax base and provide additional employment for residents of the County. §27-317(a)(1)

(4) The instant Application is also in harmony with the specific purposes of the C-S-C Zone, §27-454(a)(1), as follows:

(A) To provide locations for predominantly retail commercial shopping facilities;

While the subject application proposes the renewal of a service commercial use (with its by-right retail component), it is not in conflict with this Purpose. The reconstruction of this station – which does not propose visually disruptive auto repair services – will maintain the character of commercial uses which are found around the neighboring intersection.

(B) To provide locations for compatible institutional, recreational, and service uses;

The subject use – when redeveloped in accordance with the provisions of the Ordinance that promote a safe and orderly operation – fulfills this Purpose by being a compatible service use.

(C) To exclude uses incompatible with general retail shopping centers and institutions; and

As this use is compatible with general retail uses, it fulfills this Purpose.

(D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.

This purpose is not applicable to the instant Application. §27-317(a)(1)

- (5) The instant Application is also in harmony with the Purposes of the M-I-O Zone, §27-548.51, as follows:

The Purposes of the Military Installation Overlay Zone are to regulate the development and use of structures and property in order to promote land uses compatible with operations at Joint Base Andrews; to protect the safety and welfare of individuals in the area from the adverse impacts associated with high levels of noise from flight operations and the potential for aircraft accidents associated with proximity to Joint Base Andrews operations. The intent of the regulations is to recognize the rights of individual property owners while reducing interference with the military operations at Joint Base Andrews.

Part 10C includes three Impact Maps which establish the boundaries of the M-I-O Zone. Figure A establishes the area subject to restrictions related to height, Figure B establishes the area subject to restrictions related to noise, and Figure C establishes the area subject to the restrictions related to Accident Potential/Clear Zones North and South.

- (6) Requirements for maximum permissible structure height in the M-I-O Zone are found in Section 27-548.54. The subject site is located under the limits of Approach-Departure Clearance Surface B, and as such is subject to the height restrictions.

The provisions of §27-548.54(e)(2)(B) apply as follows: The distance between Surface A and the nearest boundary of the subject property is 7,760 feet; $19,420 \div 50 = 155$ feet. §27-548.54(e)(2) then requires that the difference between the highest elevation on the subject property (264) and the height of the runway surface (274), or ten (10) feet, be added to the 155-foot result to yield a highest permissible structure of 165 feet.

Given the very high permissible limit, the provisions of the M-I-O Zone will not restrict the subject site from being reasonably developed with the proposed uses provided for on the Special Exception Site Plan. §27-548.54

- (7) The subject property is located within the limit of the zone between the 74dB and the 60dB contours, but is not a residential use; as such, the noise reduction certification requirement of §27-548.55(b) is not applicable. It is not in the High-Intensity Noise Area as delineated on Figure B, and as such would not be subject to the non-residential noise reduction certification requirement of §27-548.55(c)(1)(A), or to the Application of the seven categories of prohibited uses laid out in §27-548.55(c)(1)(C).

(8) With respect to the use restriction listed in Section 27-548.56, the subject site is located within the limits of the Safety Zones APZ-1 and APZ-2; it is to be noted however, that only a sliver of the subject property is located in APZ-1, and that area contains no proposed buildings or structures above ground level. As such, the following restrictions, applicable to APZ-2, are discussed.

(9) Section 27-548.56(a) restricts a number of uses from being permitted within the Safety Zones; §27-548.56(a)(1)(G) prohibits, “Commercial and Industrial uses that include the sales, handling, above-ground storage, refining, fabrication or manufacturing of explosives, fireworks, or gunpowder; fertilizers, pesticides and insecticides; petroleum products (other than Gas Station or vehicle repair and service station), and other products constituting a potential hazard by fire, explosion or other means should an aircraft accident occur,” but specifically exempts Gas Stations from that class of uses. Car Washes are not included within the list of restricted uses. Retail uses are prohibited from the Clear Zone by 27-548.56(a)(2), but the subject property is not located in the Clear Zone.

(10) Section 27-548.56(b) identifies a number of “limited permitted uses” which can be restricted by size; a Gas Station, Car Wash or Convenience Commercial Store are not considered to be “limited permitted uses.”

(11) Section 27-548.56(c) establishes four requirements for a lighting plan. Those requirements are:

- (1) ***All lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the site;***
- (2) ***All external lighting must be projected downward at an angle of no less than ten (10) degrees below horizontal;***

No site lighting fixtures are indicated on the proposed Special Exception Site Plan; building lighting is indicated on the proposed elevations. Two types of building mounted lights are indicated on the elevations, but no specifications are provided to enable an analysis of their conformance to these two requirements.

It is also presumed that site lighting is desired, even though not indicated. It is a standard requirement for new exterior site lighting to be fully shielded, cut-off fixtures, and this requirement results in a light projection from those fixtures of more than ten degrees below horizontal.

Since a lighting plan was not submitted which confirms the conformance of the building and site lighting to the requirements of §27-548.56(c)(1) and (2), a condition will be imposed requiring conformance. §27-317(a)(1)

(12) Section 27-548.56(c) continues with two additional requirements:

- (3) ***Buildings shall not use glass or other highly reflective materials on any surface angled above horizontal; and***
- (4) ***Structures three (3) stories or taller shall use non-reflective wall surfaces and windows.***

Construed literally, §27-548.56(c)(3) would appear to require that buildings in the Safety Areas cannot have windows, which are invariably made of glass and on surfaces angled above horizontal; an examination of the following section (4), however, shows that the Ordinance clearly contemplates the provision of windows, and suggests that the limitation on the use of glass applies only to non-window surfaces such as spandrels and the wall surfaces between windows.

Given that the proposed building is not three stories tall, and that the non-window surfaces are indicated as being of non-reflective brick, stone, fiber cement and fabric, the proposed elevations comply with the provisions of §27-548.56(c)(3) and (4).

(13) As indicated by the foregoing analysis of Part 10C's limitations on structure height, noise impacts, and land uses, with the submittal of a lighting plan demonstrating conformance to the requirements of §27-548.56(c)(1) & (2), the approval of the subject Application will be in conformance with the Purposes of the M-I-O Zone. §27-317(a)(1)

(14) Special Exception commercial uses such as Gas Stations and Car Washes are presumed compatible with other commercial uses provided the established setbacks, lot coverage, landscaping, minimum acreage, traffic and parking improvements, and all other regulations can be met. The proposed redevelopment of the subject property will bring the subject property into conformance with current requirements and development standards. No departures or waivers are requested. With the approval of the requested Variance, the Amended Site and Landscape Plan (Exhibit 36), and the recommended conditions of approval, the proposed uses will be in conformance with all of the applicable requirements and regulations of the Zoning Ordinance. §27-317(a)(2)

(15) The instant Application is in harmony with the purposes of the Zoning Ordinance generally to implement the General and Master Plans and to provide for the efficient and desirable use of land in accordance with those Plans. Given its harmony, the approval of these uses will not impair the integrity of neither the approved Master Plan nor the County's General Plan. §27-317(a)(3)

(16) The subject Application is in conformance with the principles laid out in the purposes of the Zoning Ordinance, is in compliance with the provisions of the Zoning Ordinance, and is in compliance with the provisions of other State and County regulations for effects to the public health, safety and welfare. Beyond those basic principles, the substantive improvements to the existing

development, including the consolidation and relocation of vehicular entrances from Woodyard and Dangerfield Road, and the incorporation of modern stormwater management into the proposed development will actively improve the health, safety and welfare of residents and workers in the area as compared to the development currently existing on the subject property. §27-317(a)(4)

(17) The long existence of the existing Gas Station indicates that the character of the service commercial component of the development has been and will continue to be compatible with the surrounding commercial uses, and as such will not be detrimental to the use or development of adjacent properties or the general neighborhood. §27-317(a)(5)

(18) The Amended Site Plan and Landscape Plans (Exhibit 36) are in conformance with approved TCP2-007-2018. (Exhibits 30(o)-(p)) §27-317(a)(6)

(19) There are no regulated environmental features on the subject property that would require preservation and/or restoration. §27-317(a)(7)

(20) There are no specific Special Exception requirements for a Car Wash.

Gas Station

(21) Both Woodyard Road (MD 223) and Dangerfield Road have rights-of-way width of at least seventy feet, and the site has direct vehicular access to each. The subject site has 301.47' of frontage on Woodyard Road (MD 223), and 295.68' of frontage on Dangerfield Road. §27-358(a)(1)

(22) No lots containing schools, hospitals or outdoor playgrounds exist within 300' of the subject site. The nearest such facility appears to be the Tanglewood Regional Special Education Center on the north side of Woodyard Road, located approximately 700' away as the crow flies. §27-358(a)(2)

(23) No display or rental of any vehicles is proposed at the subject site. (Exhibit 36(e), Note 6(a)(3)), §27-358(a)(3)

(24) No storage or junking of any vehicles is proposed at the subject site. (Exhibit 36(e), Note 6(a)(4)), §27-358(a)(4)

(25) The Special Exception Site Plan (Exhibit 36) indicates that each of the proposed access driveways will be 35' wide. The edges of the driveways are 80' from the rear lot line of the adjoining lots facing Deborah Street, and 75' from the side lot line of the undeveloped portion of Lot 34. The proposed driveway along Woodyard Road (MD 223) begins approximately 145' west of the point of curvature (actually; point of tangency) of the intersection of Woodyard Road (MD 223) and Dangerfield Road; the proposed driveway along Dangerfield Road begins approximately 110' south of the point of curvature of the intersection. §27-358(a)(5)

- (26) The Special Exception Site Plan (Exhibit 36) indicates that the access driveways are to be defined by curbing. §27-358(a)(6)
- (27) The Special Exception Site Plan (Exhibit 36) indicates a 5' wide sidewalk along the site's frontages along both Woodyard and Dangerfield Road. §27-358(a)(7)
- (28) The Special Exception Site Plan (Exhibit 36) indicates that the nearest gas pump-the northernmost diesel pump on the west side of the paved area-will be approximately 27' behind the closes street line. §27-358(a)(8)
- (29) No repair service is proposed. (Exhibit 36(e), Note 6(a)(9)),§27-358(a)(9)
- (30) The architectural details of the proposed structure will harmonize with (but be more attractive than) the masonry character of Tucker's liquor store, the carry-out restaurant, and the Sunoco Gas Station diagonal to the subject property. §27-358(b)(1)
- (31) Topography of the subject lot and its surroundings has been shown on the subject Special Exception Site Plan. (Exhibit 36) §27-358(b)(1)
- (32) The location and details for the construction of a trash enclosure have been shown on the subject Special Exception Site Plan. (Exhibit 36) §27-358(b)(2)
- (33) No exterior vending machines or a vending area are proposed; sales will be inside the proposed convenience store. §27-358(b)(3)
- (34) 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. The term "abandonment" shall mean nonoperation as a Gas Station for a period of fourteen (14) months after the retail services cease. (Exhibit 36(e), Note 6(c), §27-358(c)
- (35) The approval of Special Exception 4812 for a Gas Station is in accordance with the District Council's legislative intent that the "necessary to the public in the surrounding area" provision in §27-358(d)(1) is tantamount to a finding that a proposed Gas Station is "convenient, useful, appropriate, suitable, proper, or conducive" to providing fuel to the motoring public. Thus the Zoning Ordinance requires a standard less strict than that expressed in Brandywine Enterprises, Inc. v. County Council, 117 Md. App. 525, 700 A2d 1216 (1997) and more stringent than that expressed in Baltimore County Licenses Beverage Assoc., Inc. v. Kwon, 135 Md. App. 178, 761, A2d 1027 (2000). The continued existence of a Gas Station use at the subject site which has existed since 1966 is ample evidence that the use has been convenient, useful, appropriate, suitable and proper. Its

location in a commercial/industrial are is suitable and appropriate, as it is convenient and useful to traffic which passes the site in the vicinity of an arterial roadway (Woodyard Road (MD 223)) and a collector roadway (Dangerfield Road). §27-358(d)(1)

(36) §27-358(d)(2) requires that, “the District Council shall find that the proposed use... Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.” As the proposed use is renewal of a use which has existed at the site since 1966 because it is in the midst of a group of compatible commercial and industrial uses which has grown up around the subject site and its historic use, because it will be (re)constructed to a high standard of site planning, and because it is modest in scale, these facts all support a conclusion that the proposal will not upset the balance of land use, or restrict the availability of land for other trades and commercial uses.

Variance

(37) §25-122(b)(1)(G) requires:

Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.

(38) Specimen Tree Schedule Summary

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

(39) Pursuant to §25-119(d) variances may be granted where, owing to special features of the site or other circumstances, preservation of the specimen tree(s) would result in an unwarranted hardship to the Applicant. Such a variance may be approved in accordance with the following criteria:

A. Special conditions peculiar to the property have caused the unwarranted hardship.

The two trees proposed to be removed are located along the eastern parameter of the Special Exception area of the site, but at a critical area at the sites frontage along Woodyard Road. Retaining these trees would make development of the site difficult because of the need to clear and grade that area of the site and add approximately three feet of controlled fill that is required in preparation for

developing the commercial pad site being proposed. The preservation of the identified specimen tree and its critical root zone would at a minimum cause the elimination of a drive aisle and the diesel fuel pump associated with that drive aisle.

One tree proposed for removal is a Scarlet Oak that is rated in poor condition. Retention of this, while possible does not provide a substantial woodland or habitat benefit on the site as it is not related to a green infrastructure corridor, and would be isolated on the site based on the development pattern proposed. The other tree to be removed is a Black Oak. At the time the original TCP2 was prepared, this tree was rated in good condition, but has since been rated as dead.

The hardship on this site is created by the location of the Scarlet Oak along the parameter of the proposed development and the need to provide for adequate site circulation and access to the proposed diesel fuel pump. If an attempt to preserve the tree was made, the development on the site would result in poor vehicular circulation and the elimination of the diesel fuel pump. In addition, since the Black Oak is now being rated as dead, it should be removed as it may cause a potential hazard during the construction of the new facility as well as a hazard to future customers to the site.

B. Enforcement of these rules will deprive the Applicant of rights commonly enjoyed by others in similar areas.

The circumstances impacting the development of the subject property are unique and do not allow the Applicant to avoid impacting the specimen trees identified in this Application. As such, these unique impacts would not impact other C-S-C zoned properties. If other properties, similarly zoned, encounter trees in a similar condition in a similar location on a site, the same considerations would be provided during the review of the required variance Application. Thus, if the Applicant is prohibited from removing the specimen trees, he/she would be deprived from utilizing its property in a manner commonly enjoyed by other owners of similarly zoned property.

C. Granting the variance will not confer on the Applicant a special privilege that would be denied to other Applicants.

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

D. The request is not based on conditions or circumstances which are the result of actions by the Applicant.

The Applicant submits that the facts set forth above equally apply to this criterion of the variance standard. The unique circumstances impacting this property were either the result of physical constraints or prior use and development of the property over which the Applicant had no control. Rather, the Applicant seeks to respond to the existing conditions in a balanced manner which achieves the Master Plan's goal to redevelop commercial properties along Woodyard Road.

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

While the development of the subject property must be planned to coordinate and be compatible with land or building uses on the neighboring properties, the request for the variance to remove two (2) specimen trees does not arise from any condition on the neighboring property.

F. Granting the variance will not adversely affect water quality.

The granting of this variance will in no way affect water quality. The Applicant will provide stormwater management on this site. Granting this variance would also have no adverse effect on water quality.

Parking/Loading

(40) In accordance with the parking and loading regulation contained in Part 11 of the Zoning Ordinance, 22 parking spaces, including two handicap parking spaces, are required, given the 20 percent joint-use reduction allowed pursuant to Section 27-512 of the Zoning Ordinance. The subject Site Plan shows 36 parking spaces being provided, including four handicap parking spaces, satisfying the parking regulations of the Zoning Ordinance. The Site Plan also correctly shows one loading space. (Exhibit 36)

Landscape Manual

(41) Section 4.2 Requirements for Landscape Strips Along Street

The proposal is subject to Section 4.2 along its frontage on Dangerfield Road. The Applicant has provided a Landscape Plan demonstrating conformance with the requirements. (Exhibit 36)

Section 4.3-2 Parking Lot Requirements

The Application is subject to Section 4.3-2 for interior planting and has provided the required amount of interior green area and shade trees to meet this requirement. (Exhibit 36)

Section 4.4 Screening Requirements

The Application proposes a trash facility and loading area at the southwest corner of the Convenience Store. Staff notes that the Application has not provided details of screening for the proposed trash facility and loading space, in conformance with Section 4.4, and should revise the Plan accordingly. (Exhibit 36)

Section 4.6 Buffering Development from Streets

The Application is in conformance with Section 4.6 for buffering Woodyard Road, which is categorized as a historic roadway. (Exhibit 36)

Section 4.7 Buffering Incompatible Uses

The site is subject to the requirements of Section 4.7 along the subject property's eastern boundary. The adjacent properties along this property boundary are single-family detached residential dwellings, which require a Type D buffer yard. A Type D buffer yard requires a 50-foot building setback and a 40-foot landscape yard. The Applicant has provided the required building setback, which is approximately 126 feet, but it is not reflected on the Plan and a dimension should be shown for clarification. Additionally, the landscape buffer of 40 feet is provided, but the number of plant units required is not shown in the landscape schedule and should be shown for clarification. Based on the amount of existing plant material being preserved, in addition to the landscaping being proposed, it appears that the Application will meet the requirements. (Exhibit 36)

Section 4.9 Sustainable Landscaping Requirements

The Application is in conformance with Section 4.9 and is proposing all native plant material. (Exhibit 36)

Tree Canopy

(42) This Application is subject to the Tree Canopy Coverage Ordinance because the project proposes more than 5,000 square feet of disturbance. The subject 2.32 acre area of the Special Exception is zoned C-S-C and is required to provide 10 percent, or approximately 10,106 square feet, of tree canopy coverage (TCC). A TCC worksheet has been provided that demonstrates

conformance to the requirements of this section through existing vegetation and proposed planting onsite.

Sign Regulations

(43) This Application includes the review of a freestanding sign and building-mounted signs for the Car Wash, the Convenience Store, and the canopy. The building-mounted signs, in addition to the one freestanding sign, on the property meet all area, height, and setback requirements of the applicable sign regulations of the Zoning Ordinance.

DISPOSITION

Special Exception 4812 and Variance 4812 are APPROVED subject to the following Conditions:

1. Prior to certification of the Special Exception, the Special Exception Site Plan shall be revised, as follows:
 - a. Dimension of the sidewalks along Dangerfield Road and MD 223 (Woodyard Road), which shall be a minimum of five feet wide.
 - b. Dimension of the gasoline and service appliances, demonstrating that a minimum 25-foot setback is provided from the street line.
 - c. Provide a stone veneer water table on all sides of the Convenience Store and the Car Wash.
 - d. Revise the site and landscape plans to provide details and specifications for screening the trash facility and loading space in conformance with Section 4.4 of the 2010 Prince George's County Landscape Manual. The building material for screening shall complement the architecture onsite.
 - e. Dimension of the setback of the freestanding sign on the Site Plan.
 - f. Revise Landscape Plan to provide dimensions showing the building setback proposed and update the landscape schedule to show the number of plant units required by Section 4.7 of the 2010 Prince George's County Landscape Manual.
 - g. Revise the survey notes to include Parcel A.
 - h. Add a note specifying that the subject property is in a high-intensity noise area.

2. Prior to certification of the Special Exception, the Type 2 Tree Conservation Plan (TCP2) shall be revised, as follows:
 - a. Add “TCP2-007-2018” to the worksheet.
 - b. Remove the primary management area (PMA) line from the plan and the legend. According to the Natural Resources Inventory, this site does not contain PMA.
 - c. Provide a complete critical root zone ring around Specimen Trees 2 and 3 (ST-2 and ST-3)
 - d. Remove the specimen/historic tree credit from the worksheet. This credit only applies to existing, individual trees outside of a forested area, in an approved historic setting. Note that this will impact the “meeting the requirements” calculation, which then must be adjusted to match the “woodland conservation required.”
 - e. Provide an Owner’s Awareness Certification on the Plan.
 - f. Have the revised Plan signed and dated by the qualified professional preparing the Plan.
3. Prior to certificate approval of the Special Exception Site and Landscape Plan, the Applicant shall submit to the Zoning Hearing Examiner a lighting plan that demonstrates conformance with Section 27-548.56(c) of the Zoning Ordinance.
4. Prior to signature of the Type 2 Tree Conservation Plan (TCP2) for this site, documents for the required Woodland Conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Prince George’s County Office of Law, and submission to the Prince George’s County Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the Plan, as follows:

“Woodlands preserved, planned, planted, or regenerated in fulfillment of woodland conservation requirements onsite have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber _____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”
5. Prior to issuance of the first grading permit, copies of the recorded easement documents, with the approved Liber and Folio, shall be provided to the Environmental Planning

Section. The Liber and Folio of the recorded Woodland Conservation easement shall be added to the Type 2 Tree Conservation Plan.

6. Provide an approved Stormwater Concept Plan and letter prior to signature approval of the Special Exception, address any changes resulting from that review.
7. At the time of building permit, if a nonresidential use is required by Subtitle 4 (Building Code) of the Prince George's County Code to provide noise-level reduction within the interior of a building, such noise reduction must be certified by an acoustical engineer or qualified professional of competent expertise.

b.

