

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed DPLS-338 requesting a departure of seven parking spaces and one loading space in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on April 23, 2009, the Prince George’s County Planning Board finds:

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

B. **Development Data Summary:**

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

C. **History:** In October 1980, the property was approved for a gas station pursuant to Special Exception SE-3215. The gas station ceased operation in 2004 and the underground tanks were removed. In 1990, the *Approved Master Plan and Sectional Map Amendment for Subregion I, Planning Areas 60, 61, and 62* rezoned the property from the General Commercial, Existing (C-G) Zone to the Commercial Shopping Center (C-S-C) Zone.

D. **Master Plan Recommendation:** This application conforms to the land use recommendations of the 1990 master plan for Subregion I for retail commercial land uses. The 2002 *Prince George’s County Approved General Plan* placed the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

- E. **Request:** The applicant is requesting a departure of seven parking spaces for a seven-bay car wash, since some of the parking they are providing would be combination parking/vacuuming stations, an arrangement not permitted by Section 27-551(a) of the Zoning Ordinance.
- F. **Neighborhood and Surrounding Uses:** The applicant has not specified a neighborhood, but staff would suggest that the neighborhood is defined by the following boundaries:

North: Baltimore-Washington Parkway/Patuxent River

East: Patuxent Research Refuge

South and West: Laurel-Bowie Road (MD 197)

**Surrounding Land Uses:**

North: Across Mallard Drive are a convenience store and a small shopping center (Pheasant Run) in the C-S-C Zone.

East: The Montpelier Executive Center office building in the Commercial Office (C-O) Zone.

South: Undeveloped homeowners association land in the One-Family Detached Residential (R-55) Zone, beyond which are single-family residences in the R-55 Zone.

West: The wide median separating the travel lanes of Laurel-Bowie Road (MD 197).

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

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

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

The purposes of the parking regulations are as follows:

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

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

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

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

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

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

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

The parking area will be located on-site so that it is convenient to customers and is designed to provide for an even flow of traffic with a minimum of conflict. The one loading space ordinarily required is not required for this type of use, since all

of the supplies and materials will be delivered in a standard pick-up truck or SUV and will not involve a large truck or tractor-trailer.

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

The departure of seven spaces is the minimum necessary. As previously explained, the spaces are provided, but technically do not count toward required parking under Section 27-551(a)(2), because they will be used for vacuuming services.

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

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

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

All methods for calculating the number of spaces required have been used, considering the configuration and relatively small size of the property, and the requirements of Section 27-568 regarding the minimum number of parking spaces for this property.

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

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

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

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

- (i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;**

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

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

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

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

This site is not within a municipality.

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

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

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

- (i) Public transportation available in the area;**

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

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

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

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

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

- (iv) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10 and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

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

- H. **Additional Conclusions:** None of the referral replies received by the Planning Board had any objection to the application. The Planning Board finds that the critical issue for a car wash is the queuing of vehicles on the site, and concludes that sufficient queuing space is provided. The Board also strongly endorses the closure of the access points onto MD 197, finding it to be beneficial to its operation as an arterial. The site is exempt from the Woodland Conservation and Tree Preservation Ordinance requirements, and no environmental issues have been identified. The Board would prefer a non-wood fencing material be used for the dumpster enclosure. The National Park Service concurs with the use of a ground-mounted sign for the property and recommends that all lights on-site be shielded, full cut-off fixtures to minimize light spillage and glare.
- I. **Zone Standards:** The site plan, with the approved request for alternative compliance and departures, along with recommended conditions, will be in conformance with all zoning requirements and regulations.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Clark, with Commissioners Vaughns, Clark, Squire, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, April 23, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of May 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator