



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

PGCPB No. 10-124

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 File No. DSP-10006

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 2, 2010, regarding Detailed Site Plan DSP-10006 for Quarles Petroleum Gas Station #403, the Planning Board finds:

1. **Request:** Detailed Site Plan DSP-10006 requests approval to install a 24 (D) by 81 (L) by 20 (H)-foot canopy roof over three existing fuel-dispensing islands and to permit the continued use of the gas station.
2. **Development Data Summary**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	C-M	C-M
Use(s)	Fuel Station	Fuel Station
Acreage	0.6	0.6
Lots	3	3
Square Footage/GFA	875	875

**Other Development Data**

	<b>REQUIRED</b>	<b>APPROVED</b>
Parking	5	12
Van accessible, handicap	1	1

3. **Location:** The site is located in Planning Area 61 on the western side of Baltimore Avenue (US 1), approximately one-quarter mile north of its intersection with Powder Mill Road (MD 212).
4. **Surrounding Uses:** The subject property is bounded to the east by the right-of-way for Baltimore Avenue (US 1). To the south, the site is adjacent to Garret Avenue. To the west, the property is adjacent to a contractor in the Commercial Miscellaneous (C-M) Zone. To the north is a used car lot also in the C-M Zone.

5. **Previous Approvals:** On February 21, 1968, the District Council approved a Special Exception, SE-1676, to permit an automobile filling station in the General Commercial, Existing (C-2) Zone. Since that time, the zoning of the property has been changed to C-M. The filling station is a permitted use in the C-M Zone requiring detailed site plan approval.
6. **Design Features:** The subject property is rectangular and is currently improved with gas pumps, a service building, signage, and parking. The existing filling station is accessed by three entrances, one from Baltimore Avenue, and two from Garret Avenue. The site is organized with the parking on the northern and western portions of the property. The existing, painted concrete masonry unit (CMU) building is located on the southern edge of the site. There are no sidewalks or sidewalk connections provided on Baltimore Avenue or Garret Avenue. The sidewalks and pedestrian features will be discussed in the findings below.

This application is not subject to the *Prince George's County Landscape Manual*, as the development legally existed prior to January 1, 1990. The applicant is proffering landscaping, in accordance with the Landscape Manual, to improve the appearance of the site.

The existing CMU building was constructed in 1968 and is painted red and white. The existing gas pumps and building are adequately lit. There are two existing ground signs, both currently located within the Maryland State Highway Administration (SHA) right-of-way for Baltimore Avenue. The applicant is proposing to remove the smaller ground sign and to remodel the other. The signpost will be repainted to be black and the panels will be replaced with blue panels bearing the Quarles Petroleum name. This sign has been relocated outside of the SHA right-of-way.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the C-M Zone; Section 27-358, Gas Station; Part 11, Parking and Loading; and Part 12, Signs of the Zoning Ordinance.
  - a. The filling station is a permitted use in the C-M Zone under Section 27-461, subject to detailed site plan approval and conformance with the guidelines in Section 27-358.
  - b. The site conforms to the design guidelines of Section 27-358 of the Zoning Ordinance. The request is to add a canopy to an existing fuel station developed in 1968. The applicant is proffering additional landscaping and site improvements to enhance the quality of development of the site.

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

- (1) **The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;**

The property has 150.15 linear feet of frontage on Baltimore Avenue (US 1), which has an existing right-of-way of 75 feet. This requirement has been met.

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

The property is located over 300 feet from any schools, playgrounds, libraries, or hospitals.

- (3) **The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a Special Exception in accordance with the provisions of Section 27-417;**

The use does not include the display or rental of vehicles.

- (4) **The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;**

The applicant will not store junked or wrecked vehicles on the property. The request is for a filling station only. There is no repair service.

- (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;**

Each of the site's three entrances is 35 feet wide. The driveways are each located over 20 feet from the point-of-curvature at the corner, and each is over 12 feet from any adjoining lot lines.

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

The site plans have curbing to define the access driveways and landscape islands.

- (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;**

There are no sidewalks along Baltimore Avenue (US 1) in the vicinity of this application or at the subject site. Section 27-358 of the Zoning Ordinance requires gas stations to provide a five-foot wide sidewalk in the area between the building line and the curb in those areas serving pedestrian traffic. It is recommended that a five-foot-wide sidewalk be provided along the subject property frontage. In a letter dated May 10, 2010, SHA recommended that sidewalks be constructed along the subject property's Baltimore Avenue (US 1) frontage. Two conditions have been added to the Recommendation section of this report to require that sidewalks be constructed along the frontage of both Baltimore Avenue (US 1) and Garret Avenue, subject to modification by SHA and the Department of Public Works and Transportation (DPW&T) respectively.

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

The existing pumps are set back more than 25 feet from 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.**

There is no vehicle repair service or accessory buildings 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.**

The existing CMU building is in need of repainting. The applicant has agreed to repaint this structure using the same blue, black, and white color scheme as the remainder of the filling station.

- c. The site conforms to the requirements of Part 11, Off-Street Parking and Loading, except for the following issue regarding the surfacing of the lot.

**Section 27-554**

**All parking lots shall be surfaced in such a manner as to be dust free.**

The existing pavement within the fuel station is in poor condition and staff has included a condition to require the lot to be leveled and patched. The applicant has agreed to have the asphalt pavement patched and sealed.

- d. The proposed signage meets the requirements of Part 12, Signs.
8. **The Prince George's County Landscape Manual:** The property is not subject to the Landscape Manual as the gas station legally existed prior to January 1, 1990, and the proposed canopy does not represent an increase in the gross floor area (GFA).
9. **Woodland and Wildlife Habitat Conservation Ordinance:** The 0.59-acre site is zoned C-M and is located on the northwest corner of Baltimore Avenue (US 1) and Garret Avenue, Beltsville, Maryland. The site is located in the drainage area of Indian Creek in the Anacostia River Basin. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this site. There are no streams or 100-year floodplain located on-site. There is no Marlboro clay or scenic or historic roads located on or adjacent to the subject property. The site has frontage on Baltimore Avenue (US 1), a designated arterial roadway that is a major noise generator; however, residential uses are not proposed so a noise analysis is not required. The site does not contain any elements within the designated network of the *Approved Countywide Green Infrastructure Plan*. This property is in the Developing Tier as delineated on the approved *Prince George's County Approved General Plan*.
- a. Legislation was adopted by the County Council on July 13, 2010 that affects the submission requirements for this application. Because this case did not receive final approval prior to September 1, 2010 (the implementation date of the recently adopted environmental legislation: County Council Bills CB-26, CB-27, and CB-28), a natural resources inventory (NRI) will need to be approved for this site. The legislation and technical manual are available on the internet at: [www.pgplanning.org](http://www.pgplanning.org) or assistance can be obtained by contacting the Environmental Planning Section at 301-952-3650.

Because there are no regulated features located on-site, the NRI will be similar to an existing features plan; however, an approved NRI is a requirement that must be met. An approved NRI runs with the land and is valid for five years.

Prior to certification of this detailed site plan, an approved NRI must be submitted.

- b. The site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance because the property is less than 40,000 square feet in size and has no previous tree conservation plan (TCP) approvals.
- c. The project is subject to the requirements of Subtitle 25, Division 3, Tree Canopy Coverage Ordinance. The requirement for the subject property is 10 percent of the gross tract area or 2,570 square feet based on the C-M zoning. This requirement is proposed to be met through the provision of 5,820 square feet of landscape trees. A tree canopy coverage schedule that demonstrates how this requirement is being met needs to be shown on the landscape plan.

Prior to certification of the detailed site plan, a tree canopy coverage schedule that demonstrates how the tree canopy coverage requirement is being fulfilled shall be placed on the landscape plan.

- d. A Stormwater Management Concept Plan Approval Letter (32977-2009-00) dated December 10, 2009 was submitted with the subject application.

No further information is required with regard to stormwater management.

10. **Further Planning Board Findings and Comments from Other Entities:**

- a. **Transportation Planning:** The Transportation Planning Section provided two comments, which have been addressed by the applicant.
- b. **Subdivision Review:** The Subdivision Review Section provided two comments, which have been addressed by the applicant.
- c. **Trails:** The trails coordinator provided two comments, which have been addressed in the preceding findings of this report.
- d. **Permit Review:** The Permit Review Section provided seven comments. These comments have been addressed by the applicant.
- e. **Zoning:** The Zoning Section indicated that Special Exception SE-1676 was approved in 1968 when the property was in the C-2 Zone. The zone was changed to Commercial Miscellaneous (C-M) in which a gas station is a permitted use. There is no active special exception.

- f. **The Department of Public Works and Transportation (DPW&T):** DPW&T stated that the proposal is in conformance with approved Stormwater Management Concept Plan No. 32977-2009.
  - g. **The Maryland State Highway Administration (SHA):** SHA commented that the existing entrance is in poor condition and that replacement of the curb and gutter will be required. SHA also indicated that an ADA-compliant (Americans with Disabilities Act) sidewalk would be required on Baltimore Avenue (US 1). These requirements will be enforced by SHA at the time of permit issuance.
11. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

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 APPROVED the Detailed Site Plan DSP-10006, subject to the following conditions:

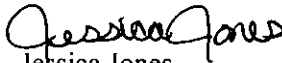
- 1. Prior to signature approval of this detailed site plan, the applicant shall revise the plans for the project as follows:
  - a. Add a general note to the plans that states that the application is not subject to the *Prince George's County Landscape Manual*, and remove the schedules from the plans.
  - b. Add a general note and a separate note directly on the plans indicating that the asphalt parking lot will be leveled, patched, and sealed.
  - c. Add a general note and a separate note directly on the plans indicating that the existing concrete masonry unit (CMU) building will be repainted using the current color scheme of blue, black, and white.
  - d. An approved natural resources inventory (NRI) shall be submitted.
  - e. A tree canopy coverage schedule that demonstrates how the tree canopy coverage requirement is being fulfilled shall be placed on the landscape plan.
  - f. Provide a five-foot-wide sidewalk along the subject property's entire frontage of Baltimore Avenue (US 1), unless modified by the Maryland State Highway Administration (SHA).

\* \* \* \* \*

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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Clark, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, December 2, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13<sup>th</sup> day of January 2011.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Acting Planning Board Administrator

PCB:JJ:CJ:arj

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPC Legal Department

Date 12/10/10