



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 13-48

File No. DSP-12058

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 May 2, 2013, regarding Detailed Site Plan DSP-12058 for Amara MLK, the Planning Board finds:

1. **Request:** The subject application requests approval of a 280-square-foot building addition to expand a food and beverage service in an existing gas station with service bays.
2. **Location:** The property is located in the southwest quadrant of the intersection of Martin Luther King, Jr. Highway (MD 704) and Goodland Drive, approximately one-third mile south of Landover Road (MD 202). It comprises approximately 37,806 square feet (.87 acre) of land and is currently improved with a three-bay gasoline station. The property is zoned C-M and has approximately 180 feet of frontage on Martin Luther King, Jr. Highway to the east and approximately 190 feet of frontage on Goodland Drive to the north.
3. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-M	C-M
Use(s)	A Gas Station with Service Bays	A Gas Station with Service Bays and Food and Beverage Sales
Acreage	.87	.87
Total Square Footage/GFA	1,960	2,240
of which is the gas station with service bays	1,790	1,790
of which is food and beverage sales	115	395
of which is the storage shed	55	55

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OTHER DEVELOPMENT DATA

Parking Requirements:

	REQUIRED	APPROVED
Total Parking Spaces	13	15
gas station employee (1 per employee)	1	
3 service bays (3 per bay)	9	
food and beverage sales (1 per 150 sq. ft.)	3	
of which Handicap Spaces	1	2
	(1 Van-Accessible)	(1 Van-Accessible)
Total Loading Spaces for retail sales and service	1	0

4. **Surrounding Uses:** The neighborhood in which the subject site is located is generally defined by Landover Road (MD 202) to the north, Martin Luther King, Jr. Highway (MD 704) to the east, Columbia Park Road to the south and Kent Village Drive to the west. The immediate neighborhood is predominantly residential in the Townhouse (R-T) and Single-Family Detached (R-55) Zones. The site is bounded to the east by the right-of-way for Martin Luther King, Jr. Highway, to the north by Goodland Drive, to the south by the Kentland Elementary School property, which is currently owned by a church, and to the west by townhouse development. Townhouses are located across Goodland Drive north of the site.
5. **Previous Approvals:** The property has an approved Special Exception SE-4327, which was approved by the Zoning Hearing Examiner on December 15, 1998, to allow the conversion of three existing service bays to a 1,790-square-foot convenience store within an existing gasoline station. The approved special exception has never been implemented. The subject DSP proposes a 280-square-foot addition to the food and beverage store portion of the building, retaining the three existing service bays, validating an existing 55-square-foot shed, relocating the trash enclosure and reconfiguring the parking lot.
6. **Design Features:** The subject site is located in the southwest quadrant of the intersection of Martin Luther King Jr. Highway (MD 704) and Goodland Drive. The existing 1,907-square-foot gas station with three service bays has two points of access onto Goodland Drive and two points of access onto MD 704. Surface parking spaces are located on the north, west, and south sides of the existing building. Existing gas station pumps are located on the east side of the gas station between the building and the right-of-way for MD 704. The main customer entrance is located along the building's east elevation.

The subject application proposes a 280-square-foot building addition to the existing brick, one-story gas station. The building addition is proposed on the north side of the gas station building to increase the area available for food and beverage sales. A reface of the east and north building elevations is proposed. The revisions include: a new beige, concrete-based, exterior

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insulation finishing surface (EIFS) building face along the east and north building elevations over an area of existing brick; additional storefront windows on the east elevation; a new parapet that increases the height of the building along the east and north building elevations; a new awning over the main building entrance along the east elevation; and a new metal sign board. The colors of all proposed building materials shall be provided.

The building will be faced in a durable EIFS material at the ground level of the building. The EIFS at the ground level will be applied to a concrete base directly onto the building's brick face. Along the top of a building where physical contact with patrons will be limited a standard EIFS product is proposed. The Planning Board finds that the materials proposed are capable of withstanding wear associated with day-to-day interactions with patrons.

7. **Prince George's County Zoning Ordinance:** The Planning Board finds that the subject application complies with the requirements of the C-M Zone; the site plan design guidelines of the Zoning Ordinance; Part 11, Off-Street Parking and Loading; and Part 12, Signs, as follows:

- a. The Planning Board finds that the proposed food and beverage store is permitted in combination with a gas station, subject to detailed site plan review. The existing gas station use is permitted in the C-M Zone, subject to detailed site plan review in accordance with Section 27-358(a)(1),(2),(4),(5),(6),(7),(8),(9) and (10). The subject site meets these requirements, as follows:

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

The subject property has at least 150 feet of frontage on and a direct vehicular access to both Martin Luther King, Jr. Highway (MD 704) and Goodland Drive with a right-of-way width of 130-150 feet and 70 feet, respectively.

- (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 adjoining property to the south was formerly owned by the Board of Education (BOE) and was the location of the Kentland Elementary School. It was later conveyed to others as a surplus property. Tax records indicate that the current owner is Iglesia de Dios Pentecostal Nueva (New Pentecostal Church of God). Nevertheless, the applicant has an approved variance from the above requirement. In Appeal No. 7741 dated September 12, 1985, the Board of Appeals granted the subject property a variance from Section 27-358(a)(2) of the Zoning Ordinance because the gas station was built before the school property was developed.

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The correct use of the adjacent property to the south shall be provided on the submitted detailed site plan and landscape plan. The use of the adjacent property shall be reflected correctly within the landscape plan schedules. The location of existing structures on the adjacent property shall also be corrected.

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

The proposed gas station shall not include the storage or junking of wrecked motor vehicles (whether capable of movement or not). A note to this effect shall be placed on the detailed site plan.

- (5) Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot;**

The submitted DSP indicates that the minimum width of access driveways will be met. The proposal also meets the zoning requirements for a 20-foot setback from the point of curvature and the 12-foot setback from the side or rear lot line of any adjoining lot.

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

The site plan indicates that all access driveways are defined by curbing.

- (7) A sidewalk at least five (5) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;**

Five-foot-wide sidewalks are provided along Martin Luther King, Jr. Highway (MD 704) and four-foot-wide sidewalks are provided along Goodland Drive. The width of the sidewalks is not noted on the DSP and shall be prior to signature approval. During review of Special Exception SE-4327, the Zoning Hearing Examiner determined that a variance from Section 27-358(a)(7) of the Zoning Ordinance should not be required along Goodland Drive, because increased pedestrian traffic would be anticipated along Martin Luther King, Jr. Highway (MD 704) and the sidewalk width along this roadway meets the zoning requirement. The Planning Board adopts this finding of the Zoning Hearing Examiner.

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The existing sidewalks along Goodland Drive are under the jurisdiction of the Department of Public Works and Transportation and are subject to further modification by DPW&T.

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

The existing gasoline pumps are located at least 25 feet behind the street line. The existing air/vacuum stand, however, needs to be moved back 25 feet behind the right-of-way line or a variance is required. The DSP shows that the existing air pump will be relocated.

- (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.**

The existing building includes three services bays that are integrated with the building; therefore the repair service component will be enclosed. A note shall be provided on the site plan to indicate that repair service shall be completed within forty-eight hours after the vehicle is left for service; and discarded parts resulting from any work shall be removed promptly from the premises.

- (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.**

Photographs of the existing building have been provided along with architectural elevations of the proposed building additions. The proposed revisions will add more visual interest to the existing unadorned brick building. A review of available information about surrounding development indicates that there are single-family attached residences in the vicinity. The building materials in the area are mixed and are mainly brick and siding. The Planning Board finds that the proposal is compatible with the existing surrounding development, and is unaware of any major proposed development within this immediate vicinity.

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- b. In accordance with Section 27-462, Regulations, the proposal meets the required setbacks of the C-M Zone.
- c. The DSP is in conformance with the applicable site design guidelines as referenced in Section 27-283 and contained in Section 27-274 of the Zoning Ordinance. Specifically, the service bays are oriented away from the primary roads, which is consistent with Section 27-274(a)(8)(A).
- d. Section 27-582 of the Zoning Ordinance requires one loading space for retail sales and service (per store) comprising over 2,000 square feet of gross floor area (GFA). The subject facility is one store, as the food and beverage sales and repair service are both permitted as components of the gas station use. The facility is now 2,185 square feet, which requires one loading space. All of the proposed uses fall under the category of retail sales and service. A loading space shall be provided on the detailed site plan consistent with Applicant's Exhibit 2.

The loading space in Applicant's Exhibit 2 as well as the access to the loading space is located at least 50 feet from residentially-zone property. The loading space is generally screened pursuant to Section 4.4 of the 2010 *Prince George's County Landscape Manual*.

- e. The existing freestanding sign is located within eight feet of the property line. Pursuant to Section 27-614(a)(4) of the Zoning Ordinance, a freestanding sign must be set back ten feet from the property line. Otherwise, a departure from sign design standards (DSDS) is required. The site plan shows that the freestanding sign will be relocated. All signs that will be placed on the property including those on the store building and the canopy must meet all area, height and setback standards.

No building-mounted signage is currently indicated on the architectural elevations for approval.

- 8. **2010 Prince George's County Landscape Manual:** Conformance with the requirements of the applicable sections of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) is required, as the application requests a building expansion that involves an increase in gross floor area (GFA) of more than ten percent of an existing building. The Planning Board adopts the following:

- a. **Section 4.2, Requirements for Landscaped Strips along Streets**—Section 4.2 specifies that, for all nonresidential uses in any zone and for all parking lots, a landscape strip shall be provided on the property abutting all public and private streets. Because of the increase in GFA, the site is subject to Section 4.2 of the Landscape Manual along its Goodland Drive and Martin Luther King Jr. Highway (MD 704) frontages. The submitted site plan provides Section 4.2 schedules showing the requirements being met; however, through the review of aerial photographs, the Planning Board found that the plan is incorrect and unclear about the existing and proposed plants shown along the road frontages. The

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landscape plan shall be revised to correctly label and identify all existing and proposed trees and shrubs along the roadway frontages and designate whether the existing trees and shrubs are to remain or be removed.

- b. **Section 4.3, Parking Lot Requirements**—The site appears to be exempt from the requirements of Section 4.3, Parking Lot Requirements, of the Landscape Manual, because the proposal does not result in an increase of impervious area for parking or loading spaces. A note indicating the site's exemption from the requirements of the Landscape Manual shall be provided on the plan.
- c. **Section 4.4, Screening Requirements**—The project is subject to the requirements of Section 4.4 of the Landscape Manual, as there are trash facilities and mechanical equipment on the site. To fulfill these requirements, a seven-foot-high block wall enclosure is provided for the trash area and the subject mechanical equipment is located on the west side of the building, screened from the public rights-of-way by the building and trash enclosure and from the adjacent property to the west by existing landscaping. A detail of an attractive and durable dumpster enclosure shall be provided on the plans prior to signature approval.
- d. **Section 4.7, Buffering Incompatible Uses**—Due to the increase in gross floor area (GFA), the site is subject to the requirements of Section 4.7 of the Landscape Manual. The provided Section 4.7 schedules indicate that incompatible uses, townhomes and a school, are located adjacent to the subject property to the west and south, respectively. The minimum landscape yard width along the western property line is not being met and requires a separate Alternative Compliance (AC) application. Also, along the southern property line, the plan labels existing trees that do not correspond to aerial photographs of the site; and the use of the adjacent property to the south shall be confirmed and provided.

The Alternative Compliance Committee and Planning Director provided the following evaluation of Alternative Compliance AC-13008, and the Planning Board adopts the following:

The applicant requests Alternative Compliance from Section 4.7, Buffering Incompatible Uses, along the western property line. The subject gas station use is a high-impact use and a Type "D" bufferyard, inclusive of a 50-foot building setback and a 40-foot landscape yard, is required between the gas station and the adjacent townhouse property. A 20-foot-wide buffer of existing trees exists on the subject property.

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REQUIRED: 4.7 Buffering Incompatible Uses, along the western property line, adjacent to townhouses.

Length of bufferyard	191 feet
Minimum building setback	50 feet
Landscape yard	40 feet
Fence or wall	No
Plant Units (160 per 100 l.f.)	306

APPROVED: 4.7 Buffering Incompatible Uses, along the western property line, adjacent to townhouses.

Length of bufferyard	191 feet
Minimum building setback	61 feet
Landscape yard	*40 feet
Fence or wall	No
Plant units	100% existing trees

*Additional yard and existing trees provided on adjacent townhouse property.

The applicant requests approval of the alternative compliance request to reduce the landscape buffer required on the subject property from 40 feet in width to 20 feet in width. The applicant believes the request is justified because a full 40-foot-wide Type "D" bufferyard was required and provided on the adjacent townhouse property, and is shown on the approved landscape plans for Detailed Site Plan DSP-92026, Kentlands. The Planning Board finds that the request is justified. Existing site conditions, including the location of existing parking and drive aisles that are necessary for the operation of the gas station, make it impractical for the applicant to widen the buffer on the subject lot. Furthermore, the building addition is proposed on the north building elevation, which will pose little to no impacts to the townhouse property to the west. With the 20-foot bufferyard shown on the subject property and allowing credit for the previously approved bufferyard on the adjacent property, the intent of Section 4.7, Buffering Incompatible Uses, is effectively met by the alternative design.

The Planning Board approves of Alternative Compliance for Section 4.7 of the 2010 *Prince George's County Landscape Manual* along the western property line for Amara MLK (Parcel 1, Block B, Kentland).

- e. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires a percentage of plants within each plant type, including shade trees, ornamental trees, evergreen trees, and shrubs, to be native species or the cultivars of native species.

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During the review of the landscape plans it was observed that there are existing invasive trees shown on the landscape plan. The plan notes indicate that existing Bradford Pears are located on the site and are to remain. In accordance with Section 4.9, Sustainable Landscaping Requirements, invasive species present in vegetated areas to be retained according to the requirements of the Landscape Manual shall be removed in order to allow for long-term sustainability of the ecosystem of the area. The Bradford Pears are located within a required Section 4.7 bufferyard and perhaps elsewhere on the site, and shall be removed to provide ample space for establishment of the native trees both proposed and existing on the site.

9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The Planning Board finds that the project is not subject to the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site contains less than 10,000 square feet of woodland and has no previous Tree Conservation Plans. A standard letter of exemption has been issued and is valid until January 3, 2015.
10. **Tree Canopy Coverage Ordinance:** The Tree Canopy Coverage (TCC) Ordinance became effective on September 1, 2010. As the subject application involves only a small building addition, which will not require a permit for more than 1,500 square feet of disturbance, it is exempt from the requirements of the Tree Canopy Coverage Ordinance (TCC). The submitted plan provides a TCC schedule that shall be removed.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Community Planning**—The Planning Board adopts the following:
 - (1) **Conformance with the 2002 Prince George's County Approved General Plan:** This application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.
 - (2) **Conformance with the 2010 Approved Subregion 4 Master Plan and Sectional Map Amendment:** The application conforms to the land use recommendations of the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* for commercial land use.

The site is located in the Developed Tier of the 2002 Approved General Plan. One of the goals of the Developed Tier is to strengthen existing neighborhoods which is consistent with the proposed improvements for the site. The proposed improvements will also comply with the master plan's Chapter 13, Plan Implementation, Goal 5, to support the continued revitalization of neighborhood-serving retail and service centers at appropriate locations.

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- b. **Transportation Planning**—The conversion of the three existing service bays to a 1,790-square-foot convenience store for retail use was approved by special exception in 1998, although the conversion was never completed. The subject application, which proposes a 280-square-foot building addition, has a de minimus traffic impact.

The existing site is well served by four commercial driveways, two on Goodland Drive and two on Martin Luther King, Jr. Highway (MD 704). No major changes are proposed on the site besides allocating parking spaces and providing a one-way driveway behind the existing service station building to the fueling area. Overall the site will be adequately served by four existing commercial driveways and improved access to the eight fueling positions. Therefore the proposal will not adversely affect the health, safety, or welfare of residents or workers in the area nor be detrimental to the use or development of adjacent properties.

The site has frontage on Martin Luther King Jr. Highway (MD 704). This is a master plan arterial facility with an existing right-of-way of 160 feet. This far exceeds the master plan requirement, and no additional dedication of rights-of-way will be required in the future.

- c. **Subdivision Review**—The Planning Board adopts the following:

- (1) The property is known as Parcel 1, located on Tax Map 59 in Grid F-2, and is 37,506 square feet. Parcel 1 was recorded in plat book WWW 70-82 on January 29, 1969. The bearings, distances, and boundary of the property as reflected on the site plan are consistent with the record plat.
- (2) Pursuant to Section 24-111(c)(2) of the Subdivision Regulations, the site is exempt from the requirement of filing a preliminary plan of subdivision because the final plat was approved prior to October 27, 1970 and the total gross floor area (GFA) of development does not exceed 5,000 square feet. Failure of the site plan and record plat to match will result in the building permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

- d. **Environmental Planning**—The site is exempt from the 2010 *Prince George's County Woodland and Wildlife Habitat Conservation Ordinance*.

- e. **Permit Review**—All plan revisions not previously addressed by the applicant shall be provided prior to signature approval of the detailed site plan.

- f. **The Department of Public Works and Transportation (DPW&T)**—In comments dated December 13, 2012, DPW&T provided an evaluation of the subject proposal, summarized as follows:

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- (1) The property is located on the southeast corner of the intersection of Martin Luther King Jr. Highway (MD 704) and Goodland Drive. The necessary rights-of-way exist along the frontage of the property.
- (2) MD 704 is a State-maintained roadway; therefore, coordination with the Maryland State Highway Administration (SHA) is necessary.
- (3) A Department of Public Works and Transportation (DPW&T) stormwater concept plan is required for the proposed development.
- (4) Existing utilities may require relocation and/or adjustments. Coordination with various utility companies is required.

The applicant shall provide a stormwater concept approval letter, or a letter of exemption, prior to signature approval of the plans.

- g. **State Highway Administration (SHA)**—SHA indicated that it has no objection to plan approval as the existing access is adequate.
12. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the Planning Board finds that 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.
13. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board shall also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5) of the Subdivision Regulations. The site contains no regulated environmental features; therefore, this finding is not applicable.

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-12058 and further APPROVED Alternative Compliance No. AC-13008, subject to the following conditions:

1. Prior to certificate of approval of the detailed site plan, the following revisions shall be made, or information shall be provided:
 - a. The colors of all proposed building materials shall be provided.
 - b. The correct current use of the adjacent property to the south shall be provided on the submitted detailed site plan and landscape plan.

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- c. The location of existing structures on adjacent properties shall be corrected.
 - d. The following notes shall be placed on the plan:
 - (1) The proposed gas station shall not include the storage or junking of wrecked motor vehicles (whether capable of movement or not).
 - (2) Repair service shall be completed within forty-eight hours after the vehicle is left for service.
 - (3) Discarded parts resulting from any work shall be removed promptly from the premises.
 - e. The width of the sidewalks shall be labeled.
 - f. The applicant shall obtain a stormwater concept approval, or a letter of exemption. A note indicating the approval number, or letter of exemption date, shall be provided on the plan.
2. Prior to certificate of approval of the detailed site plan, the following revisions shall be made to the landscape plan or information shall be provided:
- a. Revise the plan to correctly show and clearly label all existing and proposed trees and shrubs and designate the disposition of the existing trees.
 - b. The use of the adjacent property to the south shall be reflected correctly within the landscape plan schedules.
 - c. Revise note 1.1(g) by selecting a specific exemption to Section 4.3.
 - d. Demonstrate conformance to Section 4.9 of the 2010 *Prince George's County Landscape Manual*, by adding a note stating that the existing Bradford Pear trees shall be removed
 - e. Provide a detail of a durable and attractive dumpster enclosure, which is to be utilized on the site.
3. A loading space shall be provided on the detailed site plan in accordance with Applicant's Exhibit 2.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

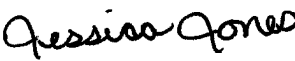
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo Shoaff and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, May 2, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of May 2013.

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj


APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 5/9/13