

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Revision of Site Plan 2026/01 requesting the addition of a food and beverage store and a canopy for an existing gas station in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, the Prince George's County Planning Board has reviewed VSE-2026 for a variance from the setback requirement for a driveway, and Alternative Compliance Application No. AC-03029 for a reduction in the width of bufferyards, 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 September 25, 2003, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located on the south side of Piscataway Road about 200 feet east of Dalmatia Drive. It is developed with a small commercial center including several retail stores and a gas station with two pump islands and a service kiosk.

- B. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	gas station/retail commercial	gas station/food and beverage store and retail commercial
Acreage	1.74	1.74
Square Footage/GFA	7,904 retail 150 kiosk	9,558 retail

- C. **History:** Special Exception 2026 to construct and operate a three-bay gasoline service station on land in the C-2 Zone was approved without conditions in 1969. The three-bay service building was never constructed. However, a gas station, with a kiosk and four pump islands, was constructed in conformance with a permit approved in 1973. Since the time of that construction, the four pump islands have been consolidated to two pump islands and a canopy has been added. At some point during that time, a small retail strip center was also added to the property.
- D. **Master Plan Recommendation:** The *Subregion V Approved Master Plan and Sectional Map Amendment* (1993) recommends the continuation of commercial uses for this site. There are no sensitive environmental features noted. The property is also located within the Developing Tier of the 2002 General Plan. The vision for this 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:** This application was filed to permit the addition of a 1,654-square-foot food and beverage store, which is a permitted use in the C-S-C Zone. The store will include food and beverage preparation and a drive-thru window, which are permitted as accessory uses per Section 27-461. The application also seeks to validate the previous canopy and pump island changes. Alternative compliance has been requested to address bufferyards along the Community College property, the adjoining residence, and the 7-Eleven store. A variance is required because the entrance shared with the adjoining 7-Eleven store is located six feet closer to the property line than the 12-foot setback required. Finally, a departure of 3.5 feet from the setback requirement from the front street line for the existing freestanding sign is required and requested.

F. **Neighborhood and Surrounding Uses:** The subject property is located on the northwest quadrant of a neighborhood bounded by:

North—Piscataway Road  
East—Brandywine Road  
South—Thrift Road  
West—Tippett Road

The eastern portion of the neighborhood contains some suburban development, but the western portion is dominated by large open spaces including the Louise Cosca Regional Park, the Prince George's Community College property, and the Clinton Boys and Girls Sports Center.

The properties immediately surrounding the subject property are:

North—Across Piscataway Road is a single-family detached development in the R-R Zone and a small commercial business in the C-S-C Zone.

East—A single-family residence in the R-R Zone.

Southeast—Undeveloped land in the R-R Zone owned by Prince George's Community College, a portion of which is used by the Clinton Boys and Girls Club.

Southwest—Pepco power transmission lines and a large church in the R-R Zone and, across Piscataway Road, the Washington Executive Airport (Hyde Field) in the E-I-A Zone.

G. Minor Change Provisions: **Sec. 27-325. Minor changes.**

(b) **Minor changes, Planning Board.**

(1) **The Planning Board is authorized to approve the following minor changes:**

(A) **An increase of no more than fifteen percent (15%) in the gross floor area of a building;**

- (E) Any amendment described in (b) above.**

may not be approved by the Planning Director but must be heard by the Planning Board.

H. **Specific Special Exception Requirements: Sec. 27-358. Gas station.**

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

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

The site has 426 feet of frontage on and direct vehicular access to Piscataway Road, a state road with a right-of-way of 120 feet.

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

The subject property is not located within 300 feet of a lot developed with a school, playground, library, or hospital.

- (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 site plan indicates that the site will not include the display and rental of cargo trailers or trucks.

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

Compliance with this requirement is also noted on the site plan.

- (5) **Access driveways shall be not less than thirty (30) feet wide 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 access point that is shared with the adjoining 7-Eleven store is on the subject property and is less than the required distance from the 7-Eleven property line; therefore, a variance is required.

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

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;**

The area does not lend itself to pedestrian traffic and, therefore, a sidewalk is not required.

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

The closest gasoline pump is located 25 feet from the right-of-way for Piscataway Road.

**(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 are no repair facilities or accessory buildings proposed for the site.

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

The applicant has submitted architectural details that show a building compatible with the surrounding retail development. The Urban Design Section's review of the architecture also found the design to be acceptable.

**(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);**

The site plan shows the required topography.

**(2) The location and type of trash enclosures;**

The site plan shows that one of two existing dumpsters will be removed and the other will be relocated and enclosed by a sight-tight fence and gate.

**(3) The location of exterior vending machines or vending area.**

The proposed revision does not involve vending machines or vending areas.

**(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) 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.**

The District Council determined in 1969 that there was a need for a gas station at this location. There are no changes proposed to the operation of the gas station itself. Therefore, the above requirements have been met.

I. **Parking Regulations:** The site plan revised on 8/22/03 shows the appropriate number of parking spaces for the retail building and the proposed food and beverage store. The retail building includes a restaurant, a liquor store, a barbershop, two small churches, and a dry cleaner. Parking is also calculated for the proposed store. The total number of required spaces is calculated at 48, and 51 spaces are provided.

J. **Landscape Manual Requirements:** The inclusion of the gas station on the subject property creates a high impact use, according to the *Landscape Manual*. Alternative Compliance was requested for:

1. A Type D bufferyard required between the site and adjacent R-R-zoned property to the south;
2. A Type D bufferyard adjoining the existing single-family detached house in the R-R Zone to the northeast; and
3. A Type A bufferyard along the 7-Eleven store to the northwest.

The revised site and landscape plan submitted to the Alternative Compliance Committee on 8/23/03 demonstrates alternative landscaping which is equal to or exceeds normal compliance.

- K. **Zone Standards:** The proposed revisions do not affect the site plan's conformance with the requirements of the C-S-C Zone. However, the site plan does not meet the setback required for the access to a gas station. Although there is no change to the current situation, a variance is required from Section 27-358-(a)(5).

L. **Variance Request**

The criteria for granting a variance as provided in Section 27-230 are as follows:

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

Although the parcel is not particularly unusual in shape or size, the driveway entrance in question is a shared entrance with the adjoining convenience store. This is an extraordinary situation in that the shared driveway eliminates the need for a setback, intended to create minimum distances between access points.

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

The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to the owner of the property as well as the owner of the neighboring property. Strict compliance with the 12-foot setback requirement would necessitate the removal of one entrance driveway and the creation or addition of one or two new entrances, one of them on the 7-Eleven store property.

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

The variance will not substantially impair the intent, purpose, or integrity of the General Plan or the Subregion V master plan. As noted above, The General Plan placed the property in the Developing Tier, and the master plan recommends the continuation of commercial uses. The use of shared driveways has long been recommended by various master plans to limit the number of ingress and egress points along the county's roadways.

N. **Aviation Policy Issues; Section 27-548**

The property is located approximately one-half mile northeast of the end of the runway for

Washington Executive Airport (Hyde Field). It is located in Aviation Policy Areas APA-3 and APA-6. Commercial land uses are generally allowed in aviation policy areas; however, there may be restrictions on how such uses are developed.

**Section 27-548.38**

- (a) For an individual property, APA regulations are the same as in the property's underlying zone, except as stated in this Subdivision.**
- (b) Density**
  - (1) In APA-1: No new residential structures are permitted.**
  - (2) In APA-2 and APA-5: No new residential structures are permitted, except that one may be located on each lot recorded before September 1, 2002. Where a plat recorded prior to March 1, 2001, includes a condition requiring disclosure of a nearby airport, permits may be issued without Detailed Site Plan review. Yards for structures located outside APA-2 and APA-5 are permitted.**
  - (3) In APA-3S and APA-3M: 0.2 dwelling units per acre are permitted. If clustered in accordance with APA mitigation subdivision techniques, 0.5 dwelling units per acre are permitted. One unit may be located on each lot recorded before September 1, 2002. Where a plat recorded prior to March 1, 2001, includes a condition requiring disclosure of a nearby airport, permits may be issued without Detailed Site Plan review.**
  - (4) In APA-4 and APA-6, development densities and intensities are the same as in the underlying zone.**

These regulations do not alter the underlying intensities for commercial uses in the APA-3S and APA-6 Zones, therefore the proposed plans comply with this section.

- (c) Building Orientation and Massing**
  - (1) In APA-1 (where allowed), APA-2 (where allowed), APA-3S, APA-3M, and APA-5, all structures except those used for airport operations shall be located as far from the runway centerline as possible, after compliance with applicable yard and setback requirements.**
  - (2) In APA-2, APA-3S, APA-3M, and APA-5, development on a lot shall not exceed a floor area ratio (FAR) of 0.25.**
  - (3) Land in any APA may be used as part of a lot or to satisfy open space**

**requirements for cluster, lot size averaging, or APA mitigation subdivision development, for any property located in more than one APA.**

- (4) In APA-1, APA-2, APA-3S, APA-3M, or APA-5, land area subject to residential development restrictions should be a preferred sending area, under applicable transfer of development rights regulations.**

The proposed development has a Floor Area Ratio (FAR) of 0.13; therefore, the proposed revisions comply with this regulation.

**(d) Use Restrictions**

- (1) In APA-1, APA-2, APA-3S, APA-3M, and APA-5, assisted living and day care facilities, hospitals, nursing and care homes, and public and private schools are prohibited.**
- (2) Storage above ground of flammable materials or other hazardous substances is prohibited in APA-1 and APA-2.**
- (3) In all APAs, uses of land should, to the greatest extent possible, not:**
- (A) Cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft;**
  - (B) Emit fly ash, dust, vapor, gases, or particulate matter that may conflict with operation of the airport;**
  - (C) Foster a substantial increase in bird population;**
  - (D) Make it difficult for pilots to distinguish between airport lights and other lights, or impair pilot or ground operator visibility in the vicinity of an airport; or**
  - (E) Otherwise endanger the landing, taking off, or maneuvering of aircraft.**

**(e) Exceptions**

- (1) Land uses and structures in existence on September 1, 2002, are not required to be modified to meet APA regulations, and no such use or structure shall be deemed nonconforming. But after that date, no use or structure may be changed to increase substantially its nonconformance with the regulations. All such changes of use or structure after that date shall meet all APA regulations,**

**as approved or as amended under procedures in Division 2.**

- (f) Existing restrictions on aircraft operations at individual airports, and the ability to impose and enforce new restrictions on the operation of aircraft, may be taken into account by the Planning Board and District Council during review of development applications in any areas subject to APA regulations.**

The proposed food and beverage store does not have an impact on these regulations and prior development on the site is not required to meet these standards. It is noted that there are no above-ground storage tanks of flammable materials on the site. A referral was sent to the Maryland Aviation Administration (MAA). MAA has found this application to be in conformance with federal and state aviation laws.

**O. Required Findings:**

**Section 27-317(a)** of the Zoning Ordinance provides that a special exception may be approved if:

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

The purposes of the Zoning Ordinance listed in Section 27-102(a) are to promote the health, safety and welfare of county residents by providing for the orderly growth and development of the county and promoting the most beneficial relationship between the uses of land and buildings. The existing gas station has provided a service that has been beneficial and convenient to the surrounding residents. The proposed revision will permit the improvements to the property that will, especially through the use of additional landscaping, promote a better visual relationship between the property and surrounding uses.

The Planning Board recognizes, however, that the lighting on the canopy has, in recent years, caused glare upon neighboring properties. This approval is therefore subject to a site plan revision detailing modifications to the canopy lighting to ensure that light will be directed downward and not cause glare on other properties or the public street.

- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

In addition to permitting the requested food and beverage store, this application seeks to bring this development into conformance with current regulations. With the recommended conditions and the approval of accompanying variance, sign departure, and alternative compliance, the proposed use meets or exceeds all applicable requirements.

- (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 Map Plan, the General Plan.**

As noted above, the property is located within the Developing Tier of the 2002 General Plan. The vision for this 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. The Subregion V Master Plan recommends the continuation of commercial uses on this site. The continuation of the proposed use conforms to these plans and the accompanying variance and departure requests do not raise any master plan land use issues.

In addition, the property is located approximately one-half mile northeast of the end of the runway for Washington Executive Airport (Hyde Field). The proposed use has been evaluated for conformance with Section 27-548 of the Zoning Ordinance regarding development surrounding aviation policy areas. The proposed development does not have an impact on the site's compliance with these regulations.

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

The proposed food and beverage store will not have a measurable effect upon the operations of the gas station; nor will it adversely affect the health, safety or welfare of residents or workers in the area. Most of the traffic to the site will be generated by trips already on the road and will often involve patrons who already use the gas station and existing retail uses on the site. As noted above, the approval of this revision is subject to modifications to the lighting system on the canopy to prevent glare on neighboring properties and the public street.

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

With the improvements in landscaping depicted on the landscape plan, the site plan improves upon the current visual relationship between the subject property and its surrounding uses. The applicant's requested Alternative Compliance proposal has provided plant materials above the required number wherever existing paving makes it impossible to meet current setback requirements. The proposed use is consistent with other uses in this small retail center and will not be detrimental to the use or development of adjacent properties or the general neighborhood, with the understanding that the canopy lighting will be modified as noted above.

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

The proposed revision is exempt from this requirement due to the fact that less than 10,000 square feet of woodlands currently exist on the site.

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 ROSP-2026, APPROVED VSE-2026, and further APPROVED AC-03029, subject to a site plan revision to add the following notes:

1. The applicant shall install shields on all canopy lights. The shields shall be external and shall extend a minimum of two (2) inches below the bottom of the lens on each of the existing lamps. The interior of each shield shall be painted flat black. In the alternative, the applicant may substitute for the existing Scottsdale lamps, a flat lens fixture fitted flush to the canopy.
2. Should Piscataway Road be widened so that the paved section is within ten feet of the freestanding sign, the sign shall be relocated at the owner's expense to meet the setback requirements of Part 12.
3. The site plan shall show that all other freestanding or temporary signs, other than those required by state law or authorized by permit issuance, shall be removed from the property.

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

\* \* \* \* \*

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 Eley, with Commissioners Vaughns, Eley, Harley and Hewlett voting in favor of the motion, and with Commissioner Lowe opposing the motion at its regular meeting held on Thursday, September 25, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of October 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:CW:rmk