

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed Revision of Site Plan ROSP-856-05 requesting a minor revision of a special exception to increase the canopy size, replace underground tanks, and add a diesel fuel dispenser, including a variance from Section 27-358(a)(8), 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 January 21, 2016, the Prince George’s County Planning Board finds:

A. **Location and Field Inspection:** The subject property is located on the southwest side of Greenbelt Road (MD 193) between Cipriano Road and Baywood Road. It is an irregularly shaped parcel developed with a Shell Oil gas station that includes a small food and beverage store in an one-story structure and two pump islands. Access to the site is via two entrances off of MD 193 which are separated by a curbed island.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Auto Filling Station / Food & Beverage (8 fueling positions)	Auto Filling Station / Food & Beverage (9 fueling positions)
Acreage	0.811	0.811
Square Footage/GFA	1,753	1,753
Variance		Yes, Section 27-358 (a)(8)

C. **History:** Zoning Map Amendment No. A-2796, approved in 1951, rezoned the majority of the subject property from the Rural Residential (R-R) Zone to the General Commercial, Existing (C-2) Zone. Zoning Map Amendment No. A-9513, approved in February 1985, rezoned the adjacent 30-foot-wide easement, which affords access through the subject site to the Commercial Office (C-O) zoned parcel to the south. Special Exception Application No. 856 for a gasoline filling station was approved in 1963. Since that time, the site plan has had four previous minor revisions, this being the fifth. The site has also been the subject of several departure and variance applications to validate the existing conditions on the site caused by changes to the Prince George’s County Code and the surrounding road network.

D. **Master Plan and General Plan Recommendations:** The subject property is located in the Established Communities policy area of the Prince George’s County Growth Policy Map in the *Plan Prince George’s 2035 Approved General Plan* (Plan Prince George’s 2035).

The property is located within the boundaries of the 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning*

Areas 65, 66, and 67 (Langley Park-College Park-Greenbelt and Vicinity Master Plan and SMA), which recommends a commercial use for the site. The SMA retained this property in the Commercial Shopping Center (C-S-C) Zone.

- E. **Request:** The applicant seeks the approval of a minor revision of the approved site plan in order to slightly increase the size of an existing canopy, replace underground tanks, and add a single-sided diesel fueling position and canopy to the rear of the site. The existing building, monument sign, parking area, and access drives are to remain unchanged. A variance from the Prince George's County Zoning Ordinance is also sought for the proscribed setback for the pump islands (Section 27-358(a)(8)).
- F. **Neighborhood and Surrounding Uses:** The neighborhood is primarily dominated by the Goddard Space Flight Center complex across Greenbelt Road (MD 193) to the north. Much of the area south of MD 193 is a combination of multifamily, townhouse, and single-family residences. The nearest commercial uses are found at the Cipriano Square Shopping Center, approximately 700 feet to the east, at the intersection of Cipriano Road and MD 193.

The property is surrounded by the following uses:

- North—** Across MD 193 is the Goddard Space Flight Center in the Open Space (O-S) Zone
- East—** Townhouses in the Townhouse (R-T) Zone
- South—** Townhouse-style offices in the C-O Zone
- West—** Garden apartments in the Multifamily Medium Density Residential (R18) Zone

- G. **Minor Change Provisions:** Section 27-325 of the Zoning Ordinance, which governs minor revisions to special exception site plans, provides that:

(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;**
 - (B) **An increase of no more than fifteen percent (15%) in the land area covered by a structure other than a building;**
 - (C) **The redesign of parking or loading areas; or**
 - (D) **The redesign of a landscape plan.**

The applicant's proposal conforms to these limitations.

(f) Changes of gas station site plans.

- (1) Changes of a site plan for an approved gas station may be permitted under the site plan amendment procedures in Section 27-324. The Planning Board and Planning Director may permit the following modifications under the procedures in this Subsection and in (a) and (c) above:**
 - (A) The enlargement or relocation of pump islands;**
 - (B) The addition of one (1) pump island;**
 - (C) The addition, relocation, or modification of a fence, kiosk, island shelter, island canopy, storage area, trash enclosure, vending area, or lavatory facility;**
 - (D) The addition, relocation, or modification of an accessory building used solely for the storage of automotive replacement parts or accessories. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to that of 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 approved as a part of the minor change;**
 - (E) Any amendment described in (b) above.**

The applicant is proposing to slightly modify the pump canopy along Greenbelt Road (MD 193) and to add a single one-sided diesel pump island and canopy to the rear of the property, all of which are permitted by this section of the Code.

(a) Minor changes, in general.

- (4) The revised site plan shall comply with all applicable requirements of this Subtitle, and with any conditions, relating to the use, imposed in the approval of the Special Exception or of any applicable Zoning Map Amendment, subdivision plat, or variance.**

The revised site plan is in compliance with all prior approved conditions and applicable requirements of the Zoning Ordinance, and no variances have been requested as part of the special exception application.

H. Specific Special Exception Requirements:

Section 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 subject property has 143 feet of frontage and direct vehicular access on Greenbelt Road (MD 193), which has a 120-foot right-of-way. A variance of seven feet was approved by the Board of Zoning Appeals in 1987 (Appeal No. 8890).

- (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 site is not within 300 feet of 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 display and rental of cargo trailers, trucks, or similar uses is not proposed on the property, and the site plan does not reflect these uses.

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

The applicant does not propose auto repair, storage, or junking at this site.

- (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 driveway connections met these criteria.

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

All of the 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;**

There is a five-foot-wide sidewalk along MD 193.

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

The gasoline pump islands are 12.08 feet behind the street line. A variance of ten feet was previously approved and the applicant is now requesting a variance of an additional three feet.

- (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 applicant is not proposing vehicle repair at this location.

- (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.**

Revised elevations and details of the proposed canopy have been provided for evaluation. The proposed canopy is to be finished with the familiar Shell insignia with white, red, and yellow colors to match the existing building. A similar scheme is shown for the proposed canopy and diesel pump. Therefore, the architectural character of the proposed additions will be compatible with the 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.

The site plan shows the required topography and the location and type of trash enclosure that is proposed on the site. No exterior vending areas or vending machines are proposed on the property.

(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.

The statement of justification indicates that the applicant is aware of this provision and will abide by it.

(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.

There has been a gas station on this site for more than 52 years, indicative that the use is necessary to the public in the surrounding area. In that time, the use has provided a convenient service to the surrounding neighborhood. The continuation of this long-existing use will not restrict the availability of land or upset the balance of commercial land uses in the area.

- I. **Parking Regulations:** The use requires 12 parking spaces to serve the building. There are 12 parking spaces shown on the site plan, including one van space for the physically handicapped.
- J. **2010 Prince George's County Landscape Manual Requirements:** The application does not involve new construction and is therefore not subject to the requirements of the *Prince George's County Landscape Manual*. Much of the landscaping which would have previously been required has been waived by the Planning Board in Departure from Design Standards DDS-304 (six-foot strip along the street) and the Board of Appeals in Appeal No. 7485 (allowing landscaping within the right-of-way for Greenbelt Road).

- K. **Zone Standards:** The development proposal generally meets the requirements of the C-S-C Zone. The applicant will no longer require a variance for the setback for the canopy along Greenbelt Road.
- L. **Signage:** The existing freestanding monument sign meets the proscribed ten-foot setback from Greenbelt Road. Any future signage proposed on this property will require the approval of a revised special exception site plan prior to approval of a sign permit.
- M. **Variance Request:** The applicant is seeking additional relief for a variance which has previously been approved. **Section 27-358(a)(8)** of the Zoning Ordinance requires gasoline pumps and other service appliances to be located at least 25 feet behind the street line. The gasoline pump islands are 12.08 feet behind the street line. A variance of ten feet was previously approved and the applicant is now requesting a variance of an additional three feet.

Section 27-230 of the Zoning Ordinance provides that a variance may be granted based on the following findings:

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions.**
- (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.**
- (3) **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

The applicant submits that the property has exceptional narrowness between the Greenbelt Road (MD 193) right-of-way line and the existing service station building which is to remain. This is, in part, caused by the expansion of the right-of-way for MD 193 over the intervening decades since the improvements on the site were built. This results in a constrained area for pump islands and the canopy to cover them. In reality, the pump islands exceed the required setback requirement from the existing edge of pavement, but are subject to a wide unused portion of right-of-way now developed with grass and the sidewalk. The existing pumps have existed without detriment for many years. An additional three feet will not be problematic or noticeable. Given the minor alterations proposed for the use in this case, strict application of the setback requirements for the pump islands would result in undue hardship on the property owner. Full compliance with the setback requirements would require that all structures be razed and an entirely new facility would have to be built at significant cost to the owner.

The variance will not substantially impair the integrity of the Langley Park-College Park-Greenbelt and Vicinity Master Plan and SMA, which recommends commercial use of the subject property.

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

1. **Transportation Planning**—The applicant is proposing to increase the size of the existing canopy to cover four fueling stations. In addition, new underground storage tanks are proposed replacing the existing tanks. A new diesel fuel dispenser is proposed at the rear of the property. The site plan also shows a relocated wheel stop.

The site is adjacent to Greenbelt Road (MD 193), an arterial roadway listed in the Langley Park-College Park-Greenbelt and Vicinity Master Plan and SMA. No structures are proposed within the right-of-way of MD 193.

From the standpoint of transportation, the proposed site plan revision would not pose health, safety, or welfare issues beyond those that would have been considered at the time of the original approval.

2. **Environmental Planning**—The subject property is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), because the site is less than 40,000 square feet in size and has no previous tree conservation plan approvals. The site has an approved WCO Exemption Letter (S-098-14) that expires on July 17, 2016 and a Natural Resources Inventory Equivalency Letter (NRI-114-14) that expires on July 17, 2019. Therefore, there are no environmental issues associated with the applicant's proposal.

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 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).**

The District Council, in its 1963 special exception review of the existing gas station (SE-856), found that the use and site plan met and satisfied all of the provisions of Section 27-317. The minor revisions proposed do not increase the intensity of the special exception use. It is, therefore, reasonable to conclude that the proposed use will continue to be in harmony with the purposes of the Zoning Ordinance and that all of the criteria set forth in Section 27-317 are satisfied.

If the proposed site plan revisions are made, the proposed use will be in conformance with all of the applicable requirements and regulations of the Zoning Ordinance. The use and the proposed building addition will not impair the integrity of the Langley Park-College Park-Greenbelt and Vicinity Master Plan, which recommends a commercial land use for the subject property. The gas station use has existed at this site for more than 52 years without causing any apparent adverse impact on the health, safety, or welfare of residents or workers in the area. The proposed changes will not be detrimental to the use or development of adjacent properties, as the abutting properties are the same long-existing zoning and uses as have surrounded this site for decades. The site is exempt from the requirement to file a tree conservation plan because the site is less than 40,000 square feet in size and there is no previously approved tree conservation plans associated with the property. There are no regulated environmental features associated with this property.

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 above-noted application, subject to the following conditions:

1. Prior to certification, the statement of justification and site plans shall be revised to remove any reference to a variance from Section 27-462(b) of the Prince George's County Zoning Ordinance.
2. Prior to certification, the site plan shall be revised to show the following:
 - a. Correct the general note to include Parcel B and add plat reference VJ 161-66.
 - b. Correct the line weight on the plan for the ingress/egress easement over Parcel B, Liber 5030 folio 551, so it is readable on the plan.
 - c. Correct the plat reference for adjacent Lot 1 to reflect NLP 144-68.

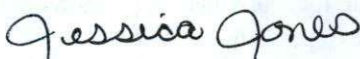
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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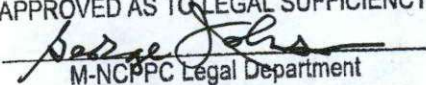
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Shoaff, and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, January 21, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of February, 2016.

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

PCB:JJ:TL:rpg

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 1/28/16