



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 14-40

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. SP-130007

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed SP-130007, BP Amoco – 4801 Silver Hill Road, requesting a special permit approval in order to vary from the standards of the Suitland M-U-TC Development Plan for the reestablishment of a food and beverage store, canopies, and existing gas station 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 May 1, 2014, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The 0.671-acre site is rectangular in shape and is located in the northeast quadrant of the intersection of Suitland Road (MD 218) and Silver Hill Road (MD 458) in Suitland, Maryland. The site is improved with a gas station with four pump islands, two parallel to Suitland Road and two similarly positioned to Silver Hill Road, for a total of 12 fueling positions. Presently, only the pumps along Suitland Road are covered by a canopy. The remainder of the site is paved, with a trailer being the only other on-site structure.

B. **History:**

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| 1949: | The property was placed in the Local Commercial, Existing (C-1) Zone by adoption of the 1949 Comprehensive Zoning Map. |
| May 1965: | Special Exception 1182 was approved permitting an automobile filling station. |
| July 1970: | Special Exception 2339 was approved to permit the display of rental automobiles. |
| 1981: | The Prince George's County Planning Board approved a minor revision (ROSP-1182/1) to add canopies over the pumps along Suitland Road (MD 218). At the same time, the Board of Zoning Appeals approved a variance to the ten-foot setback requirement for the canopy, pump island setback, driveway width, driveway locations, and a waiver for landscaping. |
| May 1985: | The 1985 <i>Approved Master Plan for Suitland-District Heights and Vicinity, Planning Areas 75A, and 75B</i> rezoned the property from the C-1 Zone to the Commercial Shopping Center (C-S-C) Zone. |
| April 1999: | The Planning Board approved a second minor revision and alternative compliance for the site (ROSP-1182/2 and AC-98029) to allow a |

complete renovation of the property and the addition of a convenience store.

- January 2002:** The District Council approved a Special Exception (SE-4394) to add a food and beverage store and fast-food restaurant to the existing gas station. This was never pursued.
- February 2006:** The 2006 *Approved Suitland Mixed-Use Town Center Zone Development Plan* (Suitland M-U-TC Development Plan) classified the property in the Mixed Use Town Center (M-U-TC) Zone.
- 2006–2014:** A fire destroyed the main gas station/convenience store building on the site. A trailer was brought onto the property and gasoline sales have continued unabated since that time.
- July 2013:** The Suitland Mixed-Use Town Center Design Review Committee reviewed the applicant's proposal. Upon review of the application for compliance with the development plan's vision, goals, and design standards, the committee found that the application did not comply with the following requirements:
1. Commercial District Section maximum building setback of 22 feet from the edge of curb, the use of low-impact development techniques and strategies, placement of utility lines underground or relocation to the rear of the property, the separation of sidewalks from the curb by a six-foot wide landscaped strip, a minimum eight-foot-wide sidewalk, continuation of sidewalk materials across curb cuts, and meeting with the regulations of the Americans with Disabilities Act (ADA).
 2. Parking and Loading Section requirement for parking to be located at the rear or on the side of the building.
 3. Signage Section requirement that disallows freestanding pole-mounted commercial signs.

As a result, the Committee recommended denial and encouraged the special permit process with the Planning Board to seek departures from various design requirements that could be difficult to meet given the nature of the existing business operation and site constraints.

- C. **Master Plan Recommendation:** The 2002 *Prince George's County Approved General Plan* (General Plan) places the site within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to

high-density neighborhoods. The vision for centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. This application is consistent with the General Plan Development Pattern policies for the Developed Tier.

The Suitland M-U-TC Development Plan classified the property in the M-U-TC Zone. The M-U-TC Zone:

- **provides for a mix of commercial and limited residential uses which establish a safe, vibrant, 24-hour environment; designed to promote appropriate redevelopment of, and the preservation and adaptive reuse of selected buildings in older commercial areas;**
- **establishes a flexible regulatory framework, based on community input, to encourage compatible development and redevelopment;**
- **mandates approval of a development plan at the time of zoning approval, that includes minimum and maximum development standards and guidelines, in both written and graphic form, to guide and promote local revitalization efforts; and**
- **provides for legally existing buildings to be expanded or altered, and existing uses for which valid permits have been issued to be considered permitted uses, and eliminating nonconforming building and use regulations for the same.**

This application conforms to the mixed-use town center land use recommendations of the Development Plan because the gas station has an approved special exception and the food and beverage store (without alcohol sales) is a permitted use. However, because the proposal does not comply with the design standards of the Suitland M-U-TC Development Plan, the applicant must gain approval from the Planning Board.

D. **Request:** The special permit application is required in this instance because the applicant cannot meet most of the design standards contained in the Development Plan. The special permit process is the vehicle by which the applicant can receive departures from these standards.

E. **Surrounding Uses:** The site is surrounded by the following uses:

North— Auto sales and service in the M-U-TC Zone.

East— A dry cleaners (possibly closed) in the M-U-TC Zone.

South— Across Suitland Road (MD 218) is a gas station in the M-U-TC Zone.

West— Across Silver Hill Road (MD 458) is an existing shopping center and the Suitland Federal Center, both in the M-U-TC Zone.

F. **Design Standards of the Suitland M-U-TC Development Plan:** The applicant has requested departures from many of the standards contained in the plan, which have been evaluated by the Planning Board for conformance to the required findings. The Planning Board offers the following discussion regarding the requested departures (all page numbers refer to the Development Plan):

1. **Building Placement #1 (pg. 25-26)**—This standard requires a minimum building setback of 14 feet and a maximum setback of 22 feet from the edge of curb. The food and beverage store, however, is proposed to be set back more than 80 feet from each public right-of-way due to the existing location of gasoline pumps and tanks along the property frontages. The building's main entrance, however, is oriented to the street as required by the second standard in this section. The Planning Board supports this departure as there appears no alternative workable site design, given the existing conditions.
2. **Utilities and Services #3 (pg. 26-27)**—This standard requires all utility service components to be screened from adjacent development and public rights-of-way. Though the proposed dumpster pad is screened by an eight-foot-high solid masonry enclosure, the loading area on the western side of the building is not screened. The Planning Board would suggest that the plan be revised to provide proper screening for the proposed loading area in conformance with this standard.
3. **Building Design #2 (pg. 27)**—This standard requires that buildings along Silver Hill Road (MD 458) be a minimum of two stories in height. The proposed building is only one story high, but is more than 23 feet high, comparable to many two-story buildings. Therefore, the Planning Board supports this departure.
4. **Building Lighting and Security #1 (pg. 29)**—This multipart standard provides requirements for site lighting. Conformance with these requirements is difficult to judge as neither the site plan nor the architectural elevations designates proposed building-mounted lighting. The site plan, however, indicates existing site lighting "to remain," including one light fixture located within the striped handicapped parking space access aisle. The Planning Board recommends that building-mounted lighting should be shown on the provided architecture and photometric plan, and that the existing light fixture in the striped handicapped parking space access aisle be suitably relocated.
5. **Sidewalks and Storefronts #1, #2, #3 and #4 (pg. 30)**—These standards require that sidewalks be designed to be separated from streets by landscape strips, a minimum of eight feet wide, constructed of concrete accented with brick, continue across curb cuts, and comply with ADA regulations. The sidewalks are existing, but the applicant is supplementing them with permeable brick/concrete pavers with landscaping interspersed between the sidewalk and the property line. The Planning Board sees this as a good-faith effort on the part of the applicant, and supports this departure. This is subject to the agreement of the Maryland State Highway Administration (SHA), however, as the sidewalks are within the public right-of-way.

6. **Street Furniture and Streetscape Elements (pg. 31)**—This group of standards requires various improvements along the streetscape to enhance the pedestrian realm. The Planning Board recommends that the plans be revised to demonstrate conformance to these standards. More specifically, bicycle parking should be provided near the entrance to the proposed store. In keeping with citizen wishes, no new bus shelters shall be built.
7. **Site and Streetscape Lighting (pg. 31–32)**—This group of standards requires provision of the location and details of both freestanding and building-mounted light fixtures. No building-mounted lighting is shown on the submitted architectural elevations or the photometric plan, nor does the site plan indicate any freestanding light fixtures along the streets and sidewalks, in conformance with this requirement. Therefore, the Planning Board would suggest that the applicant revise the plans to conform to the Development Plan standards of this section.
8. **Street Trees (pg. 38–39)**—The submitted site plan does not provide regularly spaced street trees as required. The Planning Board recommends that the applicant revise the plans to conform to the Development Plan standards of this section.
9. **Screening and Buffering (pg. 40)**—The site plan does not indicate any screening being provided for the loading space, as required by this section. The Planning Board recommends that the applicant revise the plans to relocate the dumpster and loading space to the south side of the building in order to conform to the Development Plan standards of this section.
10. **Circulation and Parking Area Design #18 (pg. 42–43)**—The applicant requested a departure from this standard which requires parking to be located at the rear of the site or on the side of the building. The submitted site plan does not meet this standard as all of the parking is located between the building and the public rights-of-way. This appears to be necessary due to the existing circulation patterns of the existing gas station.
11. **Landscaping, Buffering and Screening #3 (pg. 43–44)**—This standard requires perimeter landscaping for parking lots. A departure is required along the northern property line, most likely due to the placement of a new sidewalk connection between the parking spaces and the property line. The Planning Board recommends that the site plan be amended by making the four parking spaces along the northern property line compact instead of standard-size parking spaces. This should free up sufficient space for both a five-foot-wide strip and a five-foot-wide sidewalk in this area. Therefore, the Planning Board recommends that the applicant be required to conform to this Development Plan standard.
12. **Sign Provision #2 (pg. 45)**—This standard does not allow for freestanding pole-mounted commercial signs such as the existing one at the southwestern corner of the site. The applicant intends to retain the existing sign and has requested a departure from this

standard. The Planning Board finds this acceptable given the limited nature of the applicant's request.

G. **Required Findings:** Section 27-548.00.01(a) of the Zoning Ordinance states:

- (1) **A Special Permit may be permitted by the Planning Board, in accordance with the provisions of Section 27-239.02.**
- (2) **The Planning Board is authorized to allow departures from the strict application of any standard or guideline approved in a Town Center Development Plan in accordance with the procedures set forth in Section 27-239.01 and subject to the following findings:**
 - (A) **A specific parcel of land has exceptional narrowness, shallowness, or shape; exceptional topographic conditions; or other extraordinary situations or conditions;**
 - (B) **The strict application of the Development Plan will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**
 - (C) **The departure will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the Town Center Development Plan.**

The subject property has a unique situation relative to the standards contained in the Suitland M-U-TC Development Plan. The Development Plan envisions redevelopment of sites along the boulevards making up the axis of the town center, whereas the applicant wishes to reestablish part of their use that has been destroyed by fire. The multi-story mixed-use seen for the property would be difficult to achieve, or perhaps even ill-advised, considering the limitations involved with gasoline sales. More significantly, nothing that the applicant proposes would impair the future redevelopment of the site beyond the fact that the site has been used for almost 50 years as a gas station. Based on these factors, the Planning Board feels there is enough of a unique situation to recommend that some of the standards should be varied, but not all. In those instances where we feel that fairly simple changes can be made towards compliance, the Planning Board is recommending conditions along those lines.

Strict application of the Development Plan standards would result in unusual practical difficulties for the applicant, as it would require them to remove the existing pumps and canopy, as well as the underground tanks and supply lines, since that is where the store would have to be placed. On-site circulation would also be affected, with two of the existing access drives having to be closed. This level of burden is not commensurate with what the applicant proposes. The departures will not substantially impair the integrity of the Development Plan. They will allow the reestablishment of an attractive store on the site, removal of a trailer, and improvements to the landscaping and streetscape. In addition, the Planning Board's recommended conditions will further bring the

proposal into harmony with the standards of the Development Plan. The possibility for redevelopment will remain; although, as stated previously, the site's long use as a gas station may limit the redevelopment potential.

- H. **Parking Requirements:** The Suitland M-U-TC Development Plan contains parking standards which differ from those contained in the Zoning Ordinance, having both a maximum (80 percent or 17 spaces) and minimum (50 percent or 11 spaces) number of parking spaces based on what is required by Section 11. The applicant is providing 16 parking spaces; however, the Development Plan requires that all on-site parking be located at the side or rear of the subject property. This is not possible due to the existing conditions and nature of the use on the subject site. The Planning Board supports a variance to this standard.
- I. **Tree Canopy Coverage:** The Tree Canopy Coverage Ordinance is applicable to all projects that propose 5,000 square feet or greater of gross floor area or disturbance on-site. It is unclear from the submitted site plan the exact area of disturbance, so this should be confirmed in order to be able to determine whether or not the Tree Canopy Coverage Ordinance is applicable. The submitted site plan provides a tree canopy coverage (TCC) schedule demonstrating conformance to the requirements through the provision of landscape trees. However, a portion of these trees are within the adjacent public rights-of-way and cannot be counted towards this requirement. There is a large grassed area to the east of the proposed building that could be planted with additional trees in order to meet the TCC requirement, if it is found to be applicable.

CONCLUSION

The Planning Board may grant departures from the standards contained in the 2006 *Approved Suitland Mixed-Use Town Center Zone Development Plan* through the special permit process. The submitted site plan, justification statement, and other submitted materials are not in full conformance with the Development Plan standards. However, this proposal essentially requests a return to the pre-fire use of the site, only with a modern store, upgraded landscaping, streetscape improvements including brick/concrete pavers to extend the sidewalk, benches, and a new bus stop along Suitland Road (MD 218). The Planning Board supports many of the requested departures; however, in those instances where we feel relatively simple changes can be made, we have included conditions of approval.

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 issuance of permits, the site plan shall be revised to show the following, in conformance with the standards of the 2006 *Approved Suitland Mixed-Use Town Center Zone Development Plan*:
 - a. Proper screening of the proposed loading area.

- b. Building-mounted lighting shall be shown on the architectural elevations and photometric plan, and the existing site lighting should be adjusted to not conflict with proposed site features.
 - c. Bike racks near the entrance to the convenience store.
 - d. Perimeter landscaping for the parking lot along the northern property line.
 - e. Regularly-spaced street trees.
2. If the Tree Canopy Coverage Ordinance is found to be applicable, the schedule and plan shall be revised to demonstrate conformance to the tree canopy coverage requirements within the limits of the subject property.
 3. The site plan shall be revised at the time of certification in accordance with the SHA letter of April 24, 2014 (Applicant's Exhibit 1), unless otherwise determined by SHA. The improvements proposed on the site plan shall be retained to the extent possible.


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 Hewlett, with Commissioners Washington and Hewlett voting in favor of the motion, with Commissioner Geraldo opposing the motion, and with Commissioners Bailey and Shoaff abstaining at its regular meeting held on Thursday, May 1, 2014, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 22nd day of May 2014.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:TL:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department
Date 5/12/14