



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Revision of Site Plan

ROSP-1733-03

Application	General Data	
Project Name: Lowest Price Gas Station Location: Located along the northern side of Marlboro Pike at its intersection with Brooks Drive. Applicant/Address: Lowest Price Gas Station 5258 Marlboro Pike Capitol Heights, MD 20743 Property Owner: Rajesh and Sadhna, LLC 16527 Harbour Town Drive Silver Spring, MD 20905	Planning Board Hearing Date:	06/02/11
	Staff Report Date:	05/18/11
	Date Accepted:	11/24/09
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.601
	Zone:	C-S-C
	Gross Floor Area:	3,472 sq. ft.
	Lots:	None
	Parcels:	1
	Planning Area:	75A
	Tier:	Developed
	Council District:	07
	Election District	18
Municipality:	None	
200-Scale Base Map:	203SE05	

Purpose of Application	Notice Dates	
A revision of site plan to enclose an existing canopy, relocate parking and loading spaces, relocate the trash enclosure, and remove interior fencing, four gasoline dispensers, and a freestanding sign.	Informational Mailing	05/01/09
	Acceptance Mailing:	11/13/09
	Sign Posting Deadline:	05/03/11

Staff Recommendation		Staff Reviewer: John Ferrante Phone Number: 301-952-3665 E-mail: John.Ferrante@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Zoning Supervisor

FROM: John Ferrante, Senior Planner, Zoning Section

SUBJECT: **Revision of Site Plan (Minor Change) Special Exception Application
No. RO SP-1733-03, Lowest Price Gas Station**

REQUEST: A minor revision to enclose an existing canopy in order to construct a 1,339-square-foot building addition, the restriping of the existing parking compound, and the removal of four gasoline dispensers, interior fencing, and a freestanding sign.

RECOMMENDATION: **Approval with Conditions**

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of June 2, 2011. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

FINDINGS

A. **Location and Field Inspection:** The subject property is situated within Planning Area 75A within the Capitol Heights community. The site is located along the northern side of Marlboro Pike at its intersection with Brooks Drive. The property is a small, rectangular parcel developed with a 2,362-square-foot, full-service gas station with two service bays. Access is gained via driveways along both road frontages. The station has two canopies, one of which covers four gasoline dispensers. The other, perpendicular to Brooks Drive, is to be enclosed for the purposes of enlarging the interior storage and vending area for enhanced employee and customer convenience.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Auto Filling Station	Auto Filling Station
Acreage	0.601	0.601
Square Footage/GFA	2,362	3,701 (1,339 New)

C. **History:**

December 12, 1968—Special Exception SE-1733 was approved by the District Council for an auto filling station in the General Commercial (C-2) Zone (Zoning Resolution No. 563 1968).

March 12, 1992—Special Exception ROSP-SE-1733 was approved by the Planning Board authorizing the installation of an eight-foot-high chain-link fence on the subject property, subject to the approval of a variance from the Board of Zoning Appeals.

July 23, 1992—Appeal No. 11695 was approved by the Board of Zoning Appeals to waive the fence height and setback requirements contained in Section 27-447(a) of the Zoning Ordinance in order to construct an eight-foot-high fence on the subject property.

September 27, 2004—Special Exception ROSP-SE-1733/02 was remanded by the District Council to the Planning Board. This application proposed the addition of a shed and the expansion of the existing building to add the new use of a vehicle parts or tire store to the existing auto filling station use. The applicant did not pursue the application further, and a final decision was never rendered on the case.

D. **Master Plan and General Plan Recommendations:** This property is located 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 2009 *Marlboro Pike Sector Plan and Sectional Map Amendment* envisions multilevel, mixed commercial buildings three to four stories high with retail on the ground floor and office space above at this location.

The sectional map amendment for the Marlboro Pike Sector Plan retained the subject property within 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 enclose an existing canopy for the new construction of a 1,339-square-foot building addition

for increased storage and vending area space for employees and customers. In order to accommodate the land area needed for the proposed building addition, four existing gasoline dispensers are proposed to be removed from the site. Also proposed is the restriping of the existing parking compound, the installation of required landscaping, the removal of interior fencing, and the removal of the existing freestanding sign which no longer complies with current setback requirements.

- F. **Neighborhood and Surrounding Uses:** The neighborhood is primarily dominated by commercial land uses along the street frontage of Marlboro Pike and multifamily buildings and detached single-family dwellings to the rear. The neighborhood is defined by the following boundaries that were accepted by the Zoning Hearing Examiner (ZHE) for the prior Special Exception Application, RO SP-SE-1733/02:

North—	Brooks Road
East—	Walker Mill Road and Rollins Avenue
South—	Pennsylvania Avenue (MD 4)
West—	Pacific Avenue and Capitol Heights Boulevard

The subject property is surrounded on all sides by other parcels in the C-S-C Zone. A liquor store abuts the property along the northwest property line, and beyond is a small shopping center located in the C-S-C Zone. An undeveloped parcel in the C-S-C Zone abuts the subject property along the northern and northeastern property lines, and beyond is a multifamily residential development in the R-18 Zone. The submitted site plan indicates that the undeveloped parcel that abuts the subject property to the north and northeast is also under the ownership of the applicant. To the southeast, the site abuts Brooks Drive, a designated arterial roadway, and beyond is a fast-food restaurant (Popeye's) in the C-S-C Zone. To the southwest, the property abuts Marlboro Pike, a designated collector roadway, and beyond is a church or similar place of worship in the C-S-C 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.**

Comment: On September 27, 2004, the District Council remanded RO SP SE-1733/02 to the Planning Board, who initially elected not to hear the application. However, the applicant never pursued the required Planning Board hearing and, therefore, the prior special exception application was never approved. The applicant now proposes a similar building addition to what was proposed during the prior 02 special exception revision, as well as the relocation of required parking and loading spaces, the removal of interior fencing, pump islands, and the existing

freestanding sign, and the installation of required landscaping. The proposed 1,339-square-foot building addition will provide a storage and vending area as permitted in Section 27-325(f).

(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.

Comment: The applicant argues that there are no limitations imposed by Section 27-325(f)(1) that requires the proposed building addition for a storage and vending area to remain below a 15 percent increase in the GFA of the building. Within the revised statement of justification, the applicant stated the following:

“If one were to assume that Section 27-325(b)(1) and (2) were required to only be read together, then there is no purpose or meaning in Section 27-325(f)(1)(E) and would render such language a nullity. Therefore, the only logical and meaningful way to interpret Sections 27-325(b)(2) and 27-325(f) is to conclude that the Planning Board has been given authority to amend Special Exception site plans for the addition of storage areas and vending areas without the 15% gross floor area restriction set forth in Section 27-325(b)(1).”

The Zoning Section agrees with the applicant’s position, in that there are no limitations on the amount of GFA that can be constructed for those changes specifically listed in Section 27-325(f)(1)(A) through (E) of the Zoning Ordinance.

(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.**

Comment: 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;**

Comment: The subject property has 150 feet of frontage on Brooks Drive and 168 feet of frontage on Marlboro Pike. Direct vehicular access is provided to both streets which have rights-of-way that are in excess of 70 feet in width.

- (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;**

Comment: 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;**

Comment: 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;**

Comment: 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;**

Comment: The driveway connections were found to meet these criteria during the prior approved special exception applications. However, the existing driveway along Brooks Drive that is located closest to the intersection with Marlboro Pike is set back 15 feet from the point of curvature, and the existing driveway along Marlboro Pike that is located closest to the intersection with Brooks Drive is set back 18 feet from the point of curvature.

The site plan approved with the original special exception application in 1968 is not very legible for the purposes of driveway locations or dimensions from the point of curvature. However, the site plan approved with the following 01 special exception revision, RO SP SE-1733/01, appears to be in compliance with the required 20-foot driveway setback from the point of curvature. The following special exception application, RO SP SE-1733/02, was never approved by the District Council. Therefore, there is no approved site plan for that application. However, the staff report for the 02 revision states that the access driveways that were shown on the plan were in compliance with the above criteria. The Zoning Hearing Examiner (ZHE) also found the driveway locations on the prior special exception site plan to meet the requirements of the Zoning Ordinance and approved RO SP SE-1733/02 on October 15, 2003.

The driveway locations that are shown on the current site plan do not meet the required 20-foot setback from the point of curvature, and it is unclear if the driveway locations meet the required 12-foot setback from the adjoining lot lines because no dimensions are provided to demonstrate compliance with that requirement.

However, in reviewing the current site plan as well as the prior approved site plans for the property, it appears that no changes have occurred on the site in regards to the locations of the driveway entrances which were previously determined to meet the required 20-foot setback from the point of curvature. Staff believes that the 15-foot dimension provided on the site plan for the driveway entrance along Brooks Drive is not correctly shown from the actual point of curvature, and the 18-foot dimension provided on the site plan for the driveway entrance along Marlboro Pike does not extend all the way to the southern limits of the existing driveway. Therefore, it would appear that the site plan could be revised to meet the required 20-foot setback from the point of curvature. A condition has been recommended as part of this report to require the site plan to be revised prior to certification to demonstrate compliance with the above criteria, or obtain approval of a variance prior to the issuance of a building permit.

(6) Access driveways shall be defined by curbing;

Comment: 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;

Comment: There are five-foot-wide sidewalks along both street frontages.

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

Comment: All pump islands and other service appliances are located accordingly.

- (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.**

Comment: No prior special exception applications have been approved for this property for the use of an auto repair service. However, gas stations are permitted to perform vehicle-related services that are incidental to the primary use of a gas station in accordance with Section 27-107.01(a)(99) of the Zoning Ordinance. The applicant's statement of justification indicates that the repair service will comply with these requirements.

- (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.**

Comment: Revised elevations and details of the proposed building addition have been provided for evaluation. The proposed building enclosure is to be finished with white painted masonry brick to match the brick on the existing building, and aluminum-framed, impact resistant windows. The hipped roof on the existing canopy is to remain unchanged. The Urban Design Section finds that, while the proposed architecture is plain and unremarkable, it matches the style of the existing building and proposes a substantial amount of well-balanced fenestration on all three sides. Therefore, the architectural character of the proposed building addition 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.**

Comment: 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.

Comment: 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.

Comment: There has been a gas station on this site for more than 42 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 six parking spaces and one loading space to serve the building. There are nine parking spaces shown on the site plan, including one van space for the physically handicapped.

J. **Prince George’s County Landscape Manual Requirements:** The application to enlarge an existing gas station involves new construction and is subject to the requirements of the 2010 *Prince George’s County Landscape Manual*. The applicant originally submitted an alternative compliance (AC) application for Section 4.7 along the northwestern property line. However, the Alternative Compliance Committee determined that AC would not be necessary under the requirements of the new Landscape Manual.

The submitted revised site plan indicates that the correct number of plants is provided within the landscaped strip along Marlboro Pike; however, the landscape strip along Brooks Drive is deficient as four shade trees are required and only six ornamental trees are provided. Section 4.2 of the Landscape Manual requires shade trees within the landscaped strips, unless overhead utility wires are an issue, at which point, two ornamental trees may be substituted for every one shade tree required. A condition has been recommended as part of this report to require the site plan to be revised prior to certification to provide eight ornamental trees within the landscaped strip along Brooks Drive. With the recommended condition, the site plan will be in substantial compliance with the requirements of the *Prince George’s County Landscape Manual*.

K. **Zone Standards:** The development proposal meets the requirements of the C-S-C Zone. On July 23, 1992, Appeal No. 11695 was approved by the Board of Zoning Appeals to waive the fence height and setback requirements contained in Section 27-447(a) of the Zoning Ordinance in order to construct an eight-foot-high fence on the subject property.

L. **Signage:** The existing freestanding sign that is located at the intersection of Marlboro Pike and Brooks Drive does not meet the required 10-foot setback from the front street line, and the proposed building addition is not set back 40 feet from the front street line as required by Section 27-614(a)(1) of the Zoning Ordinance in order to have a freestanding sign on the property. Staff requested that a departure from sign design standards (DSDS) application be submitted in order to validate the existing freestanding sign. However, revised plans were submitted which propose the

removal of the existing freestanding sign. No building signs are proposed at this time. Any future signage proposed on this property will require the approval of a revised special exception site plan prior to the approval of a sign permit.

M. Referrals:

1. **Community Planning South Division**—In a memorandum dated April 27, 2011, the Community Planning South Division provided the following comments concerning the special exception application:

This property is located 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. This application is consistent with the 2002 *Prince George's County General Plan* Development Pattern policies for the Developed Tier.

The 2009 Marlboro Pike Sector Plan envisions multilevel, mixed commercial buildings three to four stories high with retail on the ground floor and office space above at this location. The development proposal conforms to the sector plan recommendations for a commercial land use.

The sectional map amendment for the Marlboro Pike Sector Plan retained the subject property in the C-S-C Zone.

Planning Issues

The subject property is located in Priority Area 3: Brooks Drive Main Street Gateway of the Marlboro Pike Sector Plan (see Chapter 3: Community Development B. Revitalization with Priority Area Redevelopment).

The vision for Priority Area 3: Brooks Drive Main Street Gateway on page 24 of the sector plan states:

The intersection at Brooks Drive serves as a main entry point to Marlboro Pike. It therefore warrants a change in character to make it serve as a defining gateway into the Marlboro Pike Corridor. It's important that this intersection have an enhanced main street feel, with buildings fronting the sidewalk—without setbacks—and ground floor retail. Pedestrian amenities should be incorporated into the streetscape to invite people to step out of their cars and walk. . . . Commercial establishments that would work well in this priority area include neighborhood-scale businesses. Ground floor businesses should include retailers such as arts and craft suppliers, art galleries, bookstores, music stores and family restaurants. Upper levels should include small or medium size offices.

The Brooks Drive intersection is one of the two intersections within the corridor that has significantly higher accident rates than other intersections (p. 48). One of the first strategies in the Roads section of the Transportation chapter is to “conduct traffic and engineering studies to pinpoint factors that will improve safety for motorists and pedestrians,” particularly at high accident intersections.

Pedestrian and street enhancements are also proposed for this area to encourage pedestrian activity. This location is one of four along Marlboro Pike recommended for the implementation of the main street streetscape (pp.50 and 53). A typical main street

section includes two through lanes in each direction, bike lanes, on-street parking, a landscaped median (where feasible), wide sidewalks with decorative pavement (using scoring patterns or unit pavers), and buildings fronting the sidewalks without significant setbacks.

The plan design guidelines pertaining to this property are as follows:

Buildings in Activity Nodes (pp. 96 and 98):

- **Encourage new buildings to be built up to the sidewalk without setbacks, with entrances and windows along the street frontage.**
- **Building height should range from two to four stories. Building façades should provide pedestrian-scale architectural features. Façades should provide a regular and frequent pattern of architectural variety through modulation of wall plane, detailing, color, texture, and material. Encourage builders to construct buildings using LEED principles, which include green building technologies to reduce environmental impacts and improve energy efficiency.**
- **Encourage signature architectural styles that complement the surroundings and that are also unique and attractive.**

Gateways in Activity Nodes (pp. 96 and 104):

- **Demarcate gateway areas with decorative and thematic welcome signs.**

All of the parking spaces are proposed to be located at the rear of the building. It is not clear if customers will use the rear service door to access the waiting room or if the rear entry door will be used for employees only. A view of the floor plan would assist in making that determination. If the rear door is not for customer access, pedestrian safety would be better served if a sidewalk was installed on the east side of the new building addition to accommodate access to the main front entry door. The rear door should be labeled on the submitted elevation plan.

Comment: The architectural elevations that were submitted by the applicant demonstrate that entry doors are proposed along the front and rear of the proposed building for customer access purposes. Ramps for the physically handicapped will be provided at both entry doors.

2. **Historic Preservation Section**—In a memorandum dated December 4, 2009, the Historic Preservation Section stated that the proposed revision to SE-1733 will have no affect on identified historic sites, resources, or districts.
3. **Permit Review Section**—In a memorandum dated December 7, 2009, the Permit Review Section offered the following comments concerning the special exception application:

It appears that alternative compliance (AC) is required along the northwestern property line. Section 27-358(10) of the Zoning Ordinance requires details on architectural elements such as elevation depictions of each façade, a schedule providing exterior finishes, and a description of the architectural character of the proposed building that demonstrates compatibility with the existing and proposed surrounding development.

Comment: The Alternative Compliance Committee has determined that AC approval is not required for the subject property in accordance with the requirements of the 2010 Landscape Manual. The Urban Design Section has reviewed the architectural elevations for the proposed building addition, and their comments are provided below.

4. **Urban Design Section**—The Urban Design Section previously reviewed the application and generated a memorandum dated February 17, 2011. On May 9, 2011, the Urban Design Section reviewed a revised plan that was submitted for the application and offered additional comments. The following is a summary of both memorandums that were prepared by the Urban Design Section:

The Urban Design Section has reviewed the information provided in support of the revision to the special exception application. The site is improved with a 2,362-square-foot, one-story gas station with three service bays and four gasoline pumps. The property has been used continuously as a full-service gas station since Special Exception SE-1733 was originally approved in 1968. The current revision application requests approval of the enclosure of a canopy area on the southeast side of the building to create an additional 1,339 square feet of gross floor area for an interior storage and vending area. No new building signage is proposed as part of this application. The property is located in the northeastern quadrant of the intersection of Marlboro Pike and Brooks Drive. The subject property measures approximately 26,178 square feet and is zoned Commercial Shopping Center (C-S-C). The site is bounded to the north by a liquor store in the C-S-C Zone; to the west by Marlboro Pike with a church in the C-S-C Zone beyond; to the south by Brooks Drive with a fast-food restaurant in the C-S-C Zone beyond; and to the east and northeast by a vacant C-S-C-zoned lot.

Applicable Regulations

The project is subject to the following sections of the Prince George's County Zoning Ordinance: Section 27-454, C-S-C Zone; Section 27-461(b), Uses Permitted in Commercial Zones; Section 27-462, Regulations in Commercial Zones; Section 27-317, Required Findings for a Special Exception; and Section 27-358, Additional Requirements for a Special Exception for a Gas Station. Pursuant to Section 27-328.02(a), the site is subject to the 2010 *Prince George's County Landscape Manual*.

Requirements of the Zoning Ordinance

Section 27-358 of the Zoning Ordinance provides specific special exception requirements for a gas station. The urban design-related requirements are as follows:

- (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;**

Comment: Aerial photographs demonstrate that there are existing sidewalks along the periphery of the site within the existing rights-of-way of Marlboro Pike and Brooks Drive. The sidewalks are properly reflected on the revised site plan.

- (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.**

Comment: Revised elevations and details of the proposed building and canopy have been provided for evaluation. The proposed building enclosure is to be finished with white, painted masonry brick to match the brick on the existing building and aluminum-framed, impact resistant windows. The hipped roof on the existing canopy is to remain unchanged. The Urban Design Section finds that, while the proposed architecture is plain and unremarkable, it matches the style of the existing building and proposes a substantial amount of well-balanced fenestration on all three sides.

2010 Prince George's County Landscape Manual

The application to enlarge an existing gas station involves new construction and is subject to the requirements of the *Prince George's County Landscape Manual*. The applicant originally submitted an alternative compliance (AC) application for Section 4.7 along the northwestern property line. However, the Alternative Compliance Committee determined that AC would not be necessary under the requirements of the new Landscape Manual. Revised plans have been submitted by the applicant. The following comments pertain to the revised site plans' conformance to the requirements of the Landscape Manual:

- a. **Section 4.2:** The submitted revised site plan indicates that the correct number of plants is provided within the landscaped strip along Marlboro Pike; however, the landscaped strip along Brooks Drive is deficient as four shade trees are required and only six ornamental trees are provided. Section 4.2 requires shade trees within the landscaped strips, unless overhead utility wires are an issue, at which point, two ornamental trees may be substituted for every one shade tree required. Therefore, the plan should be revised to provide eight ornamental trees within the landscaped strip along Brooks Drive.
- b. **Section 4.3:** The special exception plan proposes to reconfigure the existing parking spaces on-site and create a final parking area of 6,400 square feet with nine parking spaces. The parking compound is exempt from the requirements of Section 4.3 of the Landscape Manual because it is less than 7,000 square feet in size.
- c. **Section 4.4:** The submitted site plan indicates one proposed loading space which will be screened from public streets by the existing building. No outdoor merchandise storage or mechanical equipment that would require screening is shown on the submitted site plan.
- d. **Section 4.7:** The submitted site plan is correct in stating that no bufferyard is required along the northeastern property line where the site abuts vacant C-S-C-zoned property. Along the northwestern property line where the site abuts a liquor store, a medium impact use, a Type B bufferyard is required. However, per Section 4.7(c)(4)(F), because the site is located in the Developed Tier, the width and plant units can be reduced by 50 percent if a six-foot-high opaque fence is proposed. The submitted site plan meets this requirement by proposing a six-foot-high, board-on-board fence and providing the required bufferyard widths and plant units after the 50 percent reduction. The Urban Design Section appreciates that the applicant has changed the proposed fencing materials for the trash enclosure and for the incompatible use bufferyard to a six-foot-high, brown, vinyl, board-on-board fence, which is acceptable for both purposes.

- e. **Section 4.9:** The revised site plan provides all of the necessary notes and schedules to address the requirements of Section 4.9. No further information is required regarding Section 4.9.

Urban Design Review

The Urban Design Section appreciates that the applicant has revised the direction of the one-way driveway aisle along the north side of the building in order to provide an acceptable circulation pattern around the building. Appropriate signage is proposed to give proper notification to vehicles. Final review of the proposed circulation pattern for safety and accessibility should be done by the Transportation Planning Section.

Urban Design Conclusion

Based on the above analyses, the Urban Design Section recommends approval of ROSP-1733-03 subject to the following conditions:

- a. The plan shall be revised to provide a total of eight ornamental trees within the Section 4.2 landscaped strip along Brooks Drive.
- b. No new building signage, including any signage on the windows or doors of the building, is approved as part of this application.

Comment: The Urban Design Section’s recommendations have been carried forward as conditions of approval.

- 5. **Subdivision Review Section**—In a memorandum dated December 8, 2009, the Subdivision Section provided the following comments concerning the special exception application:

The site plan correctly indicates that the property is Parcel A-1, and the subject of Record Plat WWW 76 @ 35, approved on January 27, 1971. The record plat contains no plat notes. The Subdivision Section finds the submitted special exception site plan to be consistent with the recorded final plat of subdivision. There are no subdivision issues associated with the application. However, the Subdivision Section would recommend that a general note be provided on the site plan that provides the tax map number and grid location of the subject property.

Comment: The tax map number and grid location of the property has been added to the special exception site plan.

- 6. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated June 28, 2010, DPW&T provided the following comments concerning the special exception application:

The proposed site development is consistent with Stormwater Management Concept Plan 29580-2008-00, which was approved by DPW&T on September 26, 2008.

Conformance with DPW&T’s Street Tree, Street Lighting, and Utility Policy is required. All improvements within the public right-of-way, as dedicated to the county, are to be in accordance with the County’s Road Ordinance, DPW&T’s specifications and standards, and the Americans with Disabilities Act (ADA). Sidewalks are required along all

roadways in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. DPW&T has no objections to Revision of Site Plan ROSP-1733-03.

7. **The Maryland State Highway Administration (SHA)**—In a memorandum dated December 1, 2009, SHA stated that they have no comments concerning the special exception application.
8. **Transportation Planning Section**—In a memorandum dated December 2, 2009, the Transportation Planning Section provided the following comments concerning the special exception application:

Brooks Drive is an arterial roadway and Marlboro Pike is a collector roadway and the ultimate right-of-way matches the existing right-of-way. The expansion would have a minimal impact on site trip impact because the gas station itself is the primary use and the number of fueling positions is the primary determinant of the traffic impact.

Comment: The applicant is not proposing to add any additional fueling positions as part of the special exception revision. Four gasoline dispensers are proposed to be removed as part of the proposed canopy enclosure. Although the pumps have already been removed from the site, staff has included the removal of the four pumps as part of the subject special exception in order to validate the existing conditions.

9. **Environmental Planning Section**—In an e-mail dated December 1, 2009, the Environmental Planning Section stated that the subject property is exempt from the Woodland and Wildlife Habitat Conservation Ordinance. Therefore, there are no environmental issues associated with the applicant's proposal.

The site is less than 40,000 square feet in size and there is no previously approved tree conservation plan associated with the property. A standard letter of exemption from the Woodland Conservation Ordinance was issued by the Environmental Planning Section on May 7, 2009.

Comment: The standard letter of exemption from the Woodland Conservation Ordinance that was issued by the Environmental Planning Section had a two year validity period that expired on May 7, 2011. As a result, the applicant will have to reapply for a new letter of exemption prior to the approval of a permit for the proposed building addition.

10. **Special Projects Section**—In a memorandum dated December 1, 2009, the Special Projects Section stated that they have no comments concerning the special exception application.
11. **City of District Heights**—In a memorandum that was received on December 3, 2009, the City of District Heights stated that the subject property is located approximately one mile from the city's municipal boundaries. Therefore, the City of District Heights has no comments to offer concerning the special exception application.
12. **Town of Capitol Heights**—The special exception application was referred to the Town of Capitol Heights; however, no response had been received from the municipality at the time of the writing of the staff report.

N. **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.**

Comment: The District Council, in its 1968 special exception review of the existing gas station (SE-1733), found that the use and site plan met and satisfied all of the provisions of Section 27-317. The additional storage and vending area that is now proposed does 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 the applicable requirements and regulations of the Zoning Ordinance. The use and the proposed building addition will not impair the integrity of the 2009 *Marlboro Pike Sector Plan and Sectional Map Amendment*, which recommends a commercial land use for the subject property. The gas station use has existed at this site for more than 42 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 property to the northwest is currently improved with a retail commercial use, and the remaining surrounding property is undeveloped, located within the same commercial zoning category as the subject property, and is currently under the ownership of the applicant. Finally, 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.

CONCLUSION:

Based on the preceding analysis and findings, staff recommends APPROVAL, subject to the following conditions:

1. Prior to certification, the following revisions shall be made to the special exception site plan:
 - a. Provide a total of eight ornamental trees within the Section 4.2 landscaped strip along Brooks Drive, or obtain approval of an alternative compliance application.

- b. No new building signage, including any signage on the windows or doors of the building, is approved as part of the subject application.
2. Prior to the issuance of a building permit, demonstrate compliance with the setback requirements within Section 27-358(a)(5) of the Zoning Ordinance for the existing driveway locations, or obtain approval of a variance.