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PGCPB No. 16-28

File No. DPLS-413

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Parking and Loading Standards DPLS-413, Marlow Heights Citgo, requesting a departure of one required loading space 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 February 25, 2016, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is a rectangular-shaped parcel at the northwest corner of the intersection of St Barnabas Road and Dallas Drive. The 0.32-acre parcel is zoned Commercial Shopping Center (C-S-C) and is improved with an existing gas station with three service bays and a small (150-square-foot) convenience store. Additional structures on the site include three concrete pump islands, three gasoline pump dispensers, one canopy, three underground storage tanks, one freestanding sign, and 11 surface parking spaces. The property has direct vehicular access via four driveway cuts, two each on St Barnabas Road and Dallas Drive.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Gas Station (6 fueling positions) with 3 Service Bays & Convenience Store	Gas Station (6 fueling positions) with 3 Service Bays & Convenience Store
Acreage	0.32	0.32
Lots	1	1
Square Footage/GFA	1,800	1,800

C. **History:** The subject property was developed with a gas station in 1956, and was placed in the C-2 Zone when the property was annexed into the Regional District in 1957. At some point in the 1980s, a canopy was erected to cover the pump islands. The property has been rezoned twice by Sectional Map Amendment, first to the C-M Zone by the 2000 *The Heights and Vicinity Approved Master Plan and Sectional Map Amendment*, and later to the C-S-C Zone by the 2008 *Approved Branch Avenue Corridor Sector Plan and Sectional Map Amendment*. Permit 33681-2001-U was approved and issued on April 18, 2002 by the Department of Environmental Resources (DER) for the gas station when the property was zoned C-M. The existing three-bay auto repair business was certified as a nonconforming use in 2005 pursuant to Permit 32423-2005-U. It is operated as a separate business by a tenant. The existing gas station building itself has remained in its current configuration since the time it was initially built.

- D. **Master Plan Recommendation:** The subject property is located in the Established Communities 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 vision for Established Communities in Prince George's County is to have context-sensitive infill and low to medium-density development. Located in an established industrial area, the proposed use is the context-sensitive development Plan Prince George's 2035 encourages. The 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* recommends retaining the neighborhood commercial use on the property. The subject property is within the plan identified Beech Road Focus Area. The sector plan examines the Beech Road focus area to address conflicts between residential, commercial, and industrial land uses. The plan envisions this area as a community-scaled commercial area that supports the residential neighborhoods by providing locally-serving retail, offices, and public uses closely integrated with residential development. This is done by creating adequate on-site parking, landscaping and sidewalks, and code compliance of commercial properties.
- E. **Neighborhood and Surrounding Uses:** The subject property, 4801 St Barnabas Road, is located in the Marlow Heights neighborhood. The general neighborhood for this site is bounded to the north by the Barnaby Run Stream Valley and Saint Clair Drive, to the northeast by 28th Avenue, to the southeast by St Barnabas Road and to the west by Raleigh Road. The neighborhood contains a mix of uses, primarily service-commercial and auto-related uses along St Barnabas Road with single- and multifamily dwellings further to the north and west and industrial uses to the east and south across St Barnabas Road. The uses immediately surrounding the proposed special exception are as follows:
- North—** A convenience store and restaurant in the C-S-C Zone.
- East—** Across Dallas Drive is the AMF Marlow Heights Bowling Alley in the C-S-C Zone.
- West—** Strip commercial uses in the C-S-C Zone.
- South—** Across St Barnabas Road are several auto repair and sales lots in the C-S-C Zone.
- F. **Parking and Loading Regulations:** Based on the mix of uses proposed for the site, a total 11 spaces are required. The site plan shows a total of 11 spaces provided. Because the applicant wishes to grandfather the previously existing parking and loading spaces pursuant to Section 27-584, the applicant would be required to provide a loading space, although no such space is required by today's standards. The applicant has requested a departure (DPLS-413) in lieu of providing the loading space.
- G. **2010 Prince George's County Landscape Manual Requirements:** Because the application to validate the existing gas station does not involve new construction it is not subject to the requirements of the 2010 *Prince George's County Landscape Manual*.

Tree Canopy Coverage

This application is not subject to the Tree Canopy Coverage Ordinance (TCC), as it does not propose disturbance of 5,000 square feet or greater.

- H. **Zone Standards:** The applicant's proposal appears to be in general compliance with the requirements of the C-S-C Zone. The applicant is seeking a variance to Section 27-462(b) to waive the assumed 70-foot right-of-way (ROW) along Dallas Drive.
- I. **Signage:** The applicant is proposing canopy and freestanding signage that are prototypical red, white, blue and orange franchise-style for Citgo including the familiar "Trimark" pyramid logo. The freestanding sign will have the same colors and will include three types of gasoline price signs. The freestanding sign will be relocated to meet the 10-foot setback requirement. A departure of four feet from the required 40-foot setback for a building identified by a freestanding sign is requested. The applicant also requests a departure to permit additional canopy signage.
- J. **Required findings for Departures from Parking and Loading Standards (DPLS-413):** The applicant has requested a departure from Section 27-568 of the Zoning Ordinance, because the prior parking and loading standards they wish to continue requires a loading space which the applicant cannot provide. Therefore, a departure of one loading space is sought.

Section 27-588. Departures from the number of parking and loading spaces required.

27-588(b)(7) Required Findings:

- (A) **In order for the Planning Board to grant the departure, it shall make the following findings:**
 - (i) **The purposes of this Part (Section 27-550) will be served by the applicant's request;**

Section 27-550. Purposes

- (a) **The purposes of this Part are:**
 - (1) **To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**
 - (2) **To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
 - (3) **To protect the residential character of residential areas; and**

(4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.

The purposes of the parking and loading regulations will be served by the applicant's request. The Zoning Ordinance does not require a loading space for a gas station/convenience store this size. However, because the applicant is relying on older "grandfathered" design standards, the space must be either provided or waived. The site has apparently survived for many years without a dedicated loading space. The convenience store is so small that it can be restocked without relying on a large truck. Similarly, auto parts and tools for the auto repair portion of the business are delivered in either small trucks or step vans. On a recent visit to the site, staff saw a "Snap-On Tool" van making a delivery without affecting the circulation of the vehicles using the pumps. Although staff can imagine that the site does get crowded when a tanker comes to refill the underground tanks, that operation would not take place in a loading space.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

The departure is the minimum necessary per the site plan conditions, as there is no usable area which would not take parking spaces for vehicles being serviced, which staff believes are more important to the smooth operation of the site.

(iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;

The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. The site is a small lot which was developed prior to current regulations and which has remained in the same configuration for nearly 60 years. The purposes of the Parking and Loading Regulations will be served by the request.

(iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and

All methods of calculation have been fully applied to this site. The applicant would not have to seek a waiver of the loading space if they could conform to today's parking and loading design standards. Because of the way the site was developed, this is not possible.

(v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

The applicant submits that the parking and loading needs of the residential areas will not be infringed upon if this request is granted. The nearest residentially-zoned properties are 300 feet further down Dallas Drive which have adequate on-site parking.

(B) In making its findings, the Planning Board shall give consideration to the following:

- (i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;**

There is no indication of a shortage of parking within the general vicinity of this facility. The area within 500 feet of the subject property is characterized by commercial, office, and residential development. All such uses have adequate parking.

- (ii) The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;**

The proposed use is consistent with the plan recommendations and will not impair the integrity of the master plan.

- (iii) The recommendations of a municipality (within which the property lies) regarding the departure; and**

The subject property is not located within a municipality.

- (iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.**

There are no public parking facilities proposed for this area.

(C) In making its findings, the Planning Board may give consideration to the following:

- (i) Public transportation available in the area;**

Public transportation is available at this location. However, this is an automobile-related use, as such it is not anticipated that many patrons will use public transportation. Also, this would not have an impact on loading needs.

- (ii) Any alternative design solutions to off-street facilities which might yield additional spaces;**

There is no alternative design solution which would result in both a loading space and the required parking for the use.

- (iii) The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;**

The full service gas station and convenience store will continue to operate as it has for nearly 60 years. The proposed development is within 500 feet of residential and retail uses. The use as a gas station has existed since the mid-1950s and is compatible with the nature and operation of other uses in the area.

- (iv) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The subject property is located in the C-S-C Zone and, therefore, is not subject to this provision.

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 APPROVE the above-noted application.

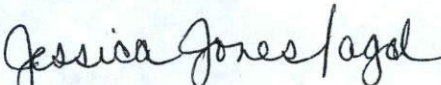
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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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 Shoaff, with Commissioners Washington, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo temporarily absent at its regular meeting held on Thursday, February 25, 2016, in Upper Marlboro, Maryland.

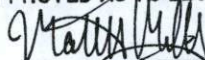
Adopted by the Prince George's County Planning Board this 17th day of March, 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:TL:ydw

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department
Date 3/7/16