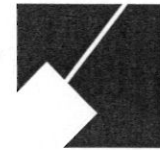


The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530



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

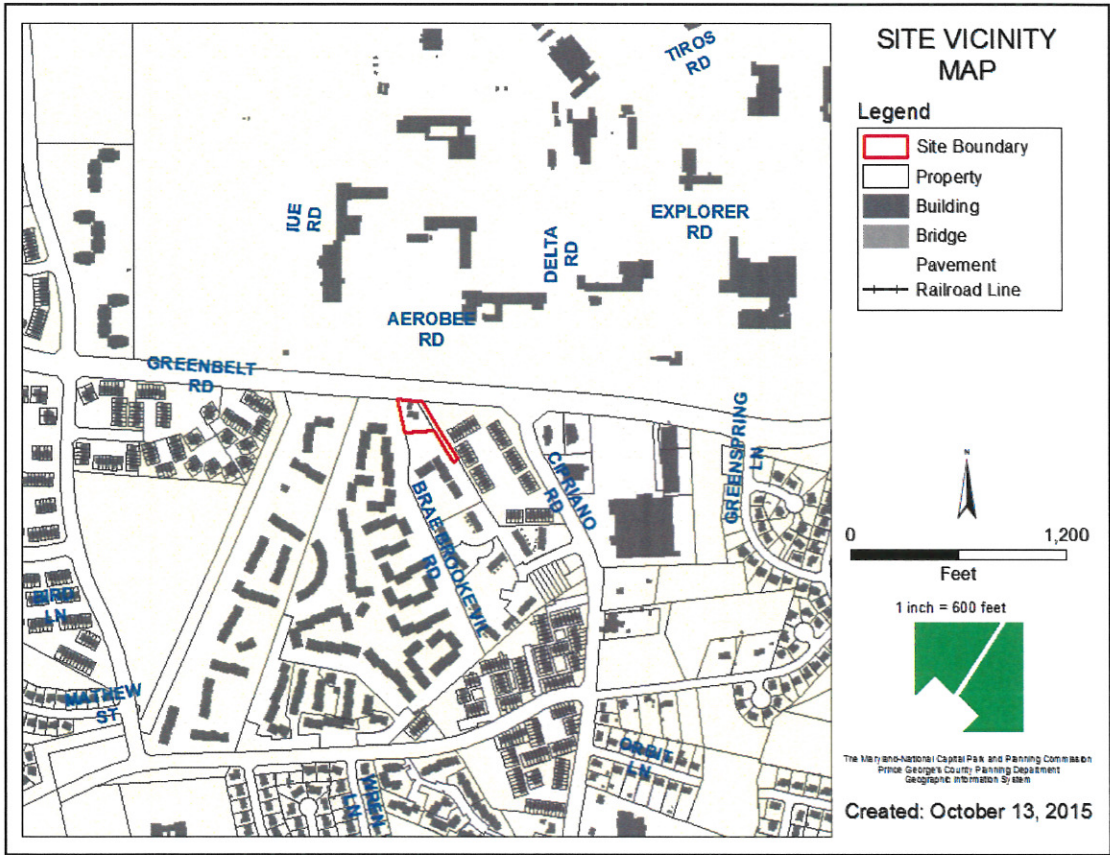
Revision of Site Plan

ROSP-856-05

Application	General Data	
Project Name: Potomac Energy Holdings – Greenbelt Road Location: On the south side of Greenbelt Road (MD 193), approximately 550 feet west of Cipriano Road. Applicant/Address: Potomac Energy Holdings, LLC. PO Box 2810 LaPlata, MD 20646 Property Owner: Same as applicant	Planning Board Hearing Date:	01/21/16
	Staff Report Date:	01/05/16
	Date Accepted:	10/26/15
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.811
	Zone:	C-S-C
	Gross Floor Area:	1,710 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	67
	Council District:	03
	Election District:	21
	Municipality:	N/A
200-Scale Base Map:	210NE08	

Purpose of Application	Notice Dates	
A minor revision of a special exception to increase the canopy size and add a diesel fuel dispenser. A Variance from Section 27-358(a)(8).	Informational Mailing	06/26/15
	Acceptance Mailing:	10/15/15
	Sign Posting Deadline:	12/22/15

Staff Recommendation		Staff Reviewer: Tom Lockard Phone Number: 301-952-3410 E-mail: Thomas.Lockard@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT

TECHNICAL STAFF REPORT

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Supervisor, Zoning Review Section, Development Review Division

FROM: Tom Lockard, Planner Coordinator, Zoning Review Section, Development Review Division

SUBJECT: **Revision of Site Plan Application No. RO SP-856-05
Potomac Energy Holdings – Greenbelt Road**

REQUEST: **A minor revision of a special exception to increase the canopy size and add a diesel fuel dispenser, including a variance from Section 27-358(a)(8).**

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of January 21, 2016. 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 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	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Auto Filling Station / Food & Beverage (8 fueling positions)	Auto Filling Station / Food & Beverage (8 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 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.**

Comment: 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.

Comment: 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.

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 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;

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 met these criteria.

- (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 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;**

Comment: 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.**

Comment: 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.**

Comment: 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.**

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 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. **Referrals:**
 - 1. **Transportation Planning Section**—In a memorandum dated November 3, 2015, the Transportation Planning Section provided the following comments concerning the special exception application:

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.

The transportation staff would offer no objection to the change; circulation on the site is acceptable.

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 Section**—In an e-mail dated November 10, 2015, the Environmental Planning Section stated that 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).**

Comment: 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.

CONCLUSION

Based on the preceding analysis and findings, staff recommends APPROVAL of Revision of Site Plan Application No. ROSP-856-05, 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.

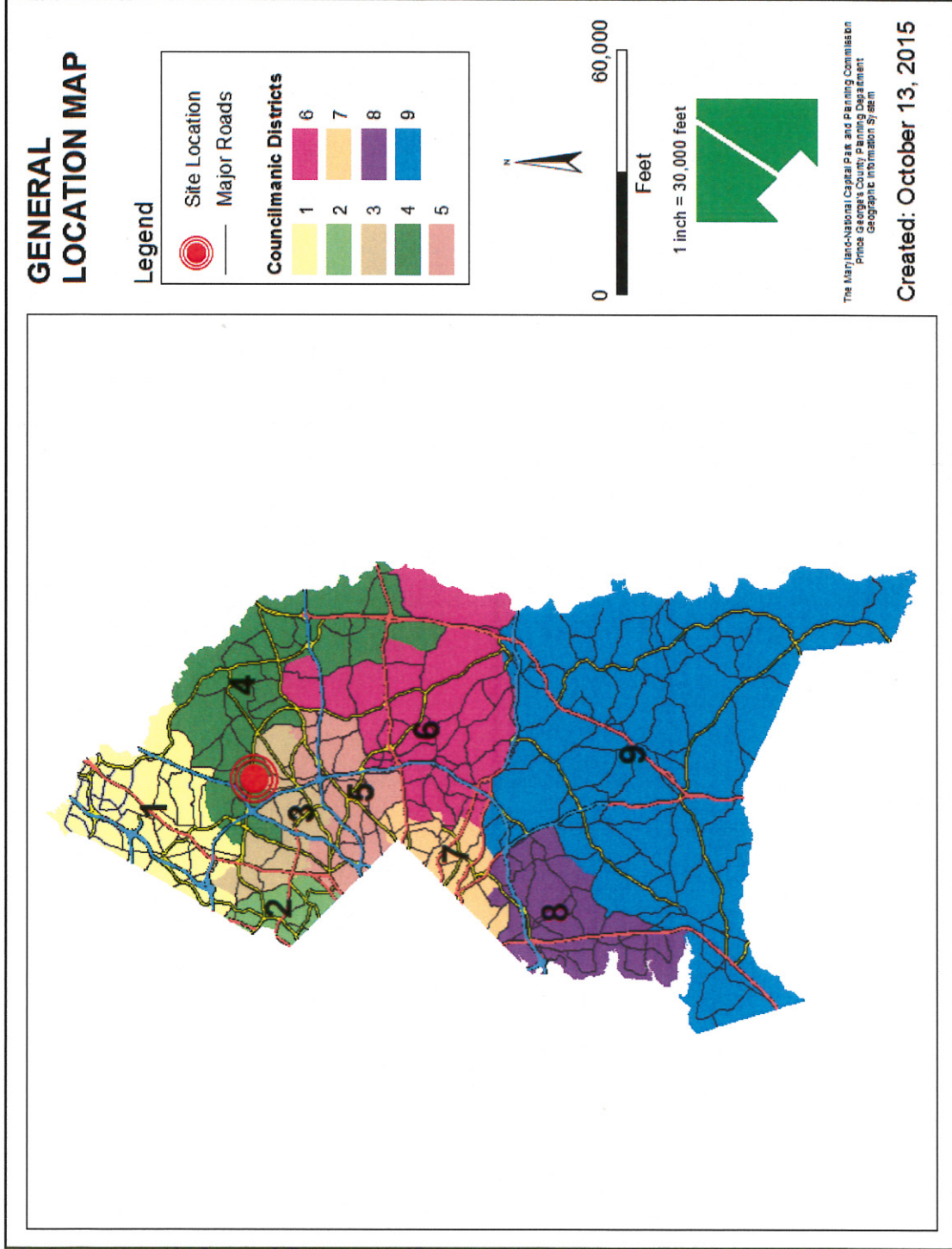
ITEM:

CASE: ROSP-856-05

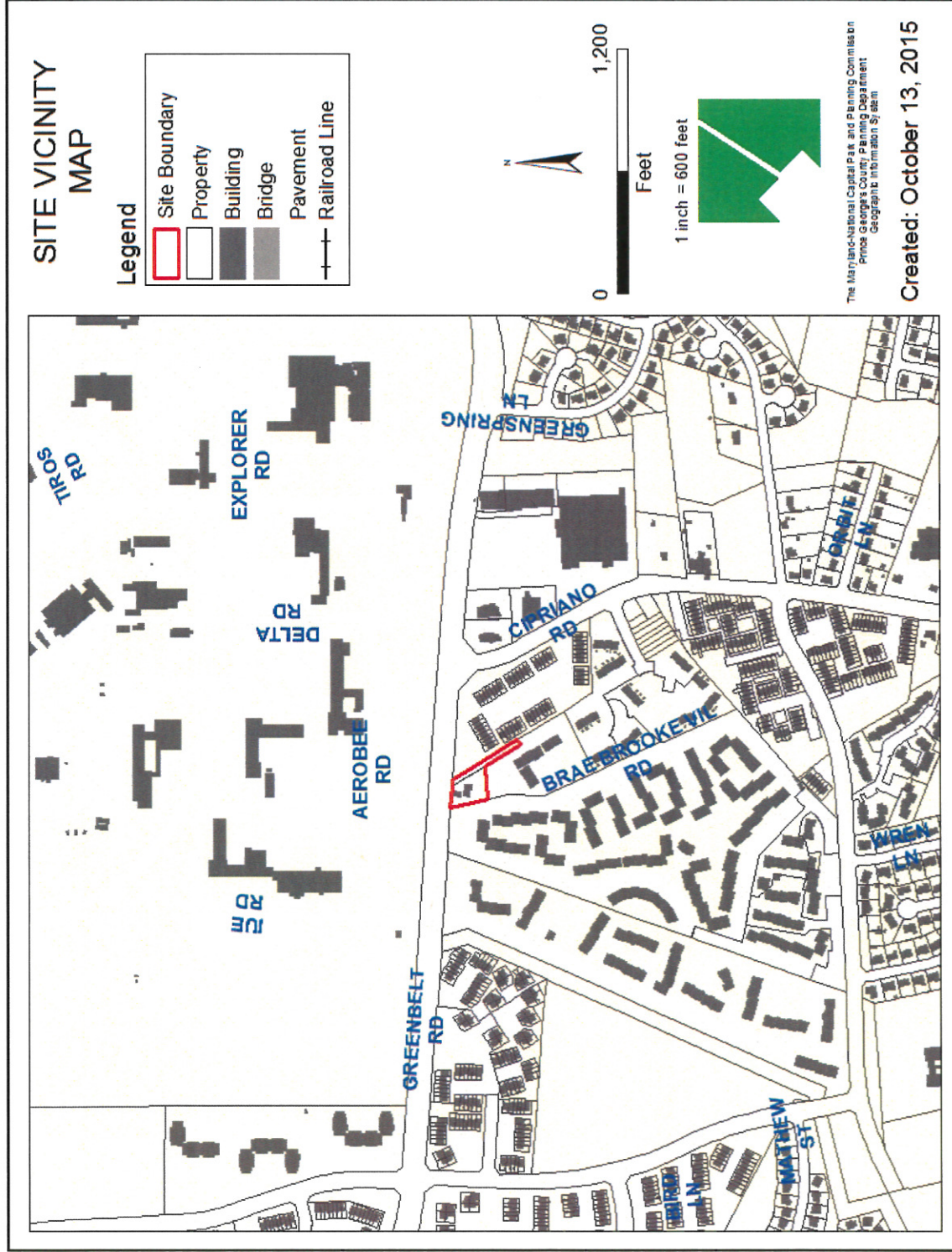
POTOMAC ENERGY HOLDINGS, GREENBELT ROAD



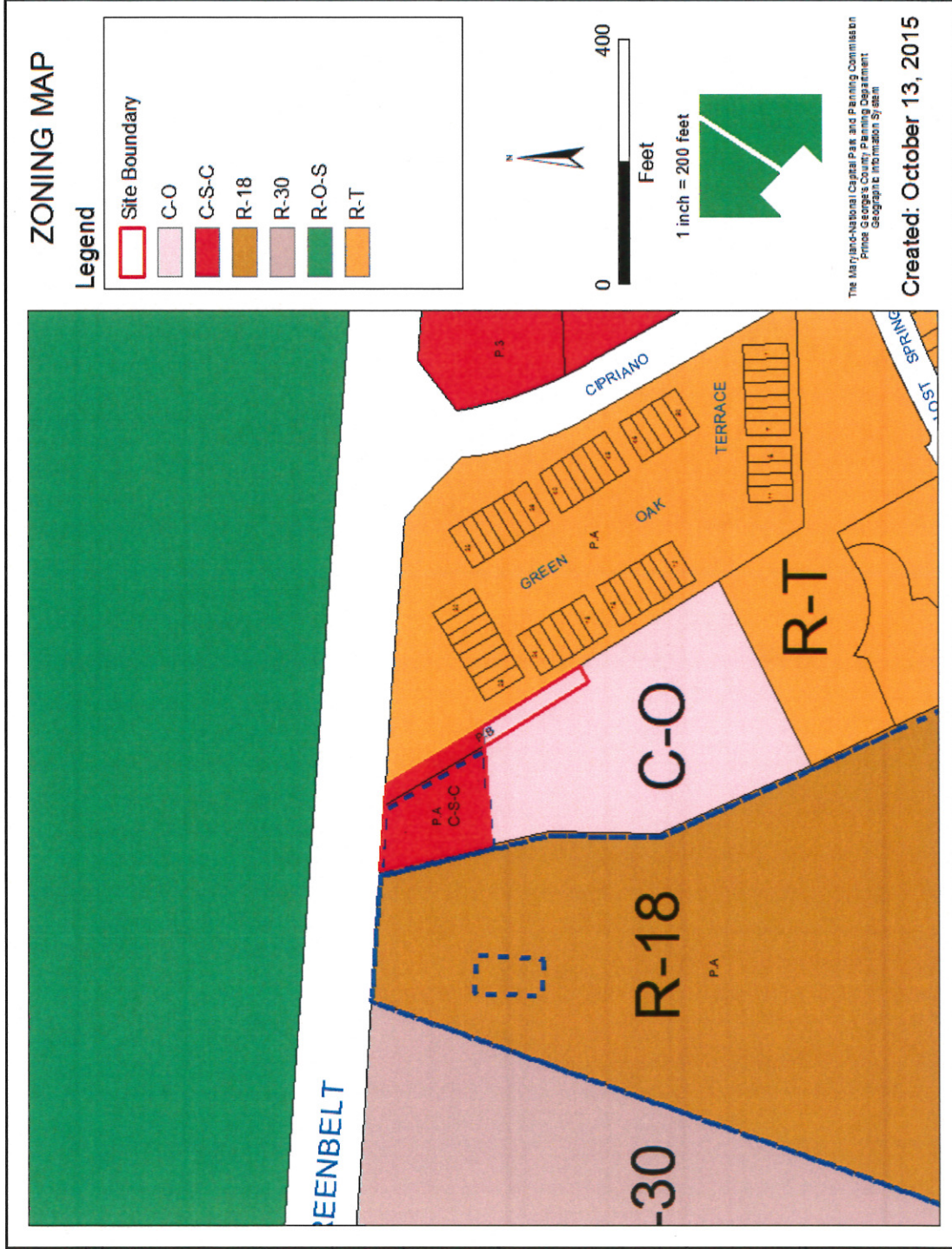
GENERAL LOCATION MAP



SITE VICINITY



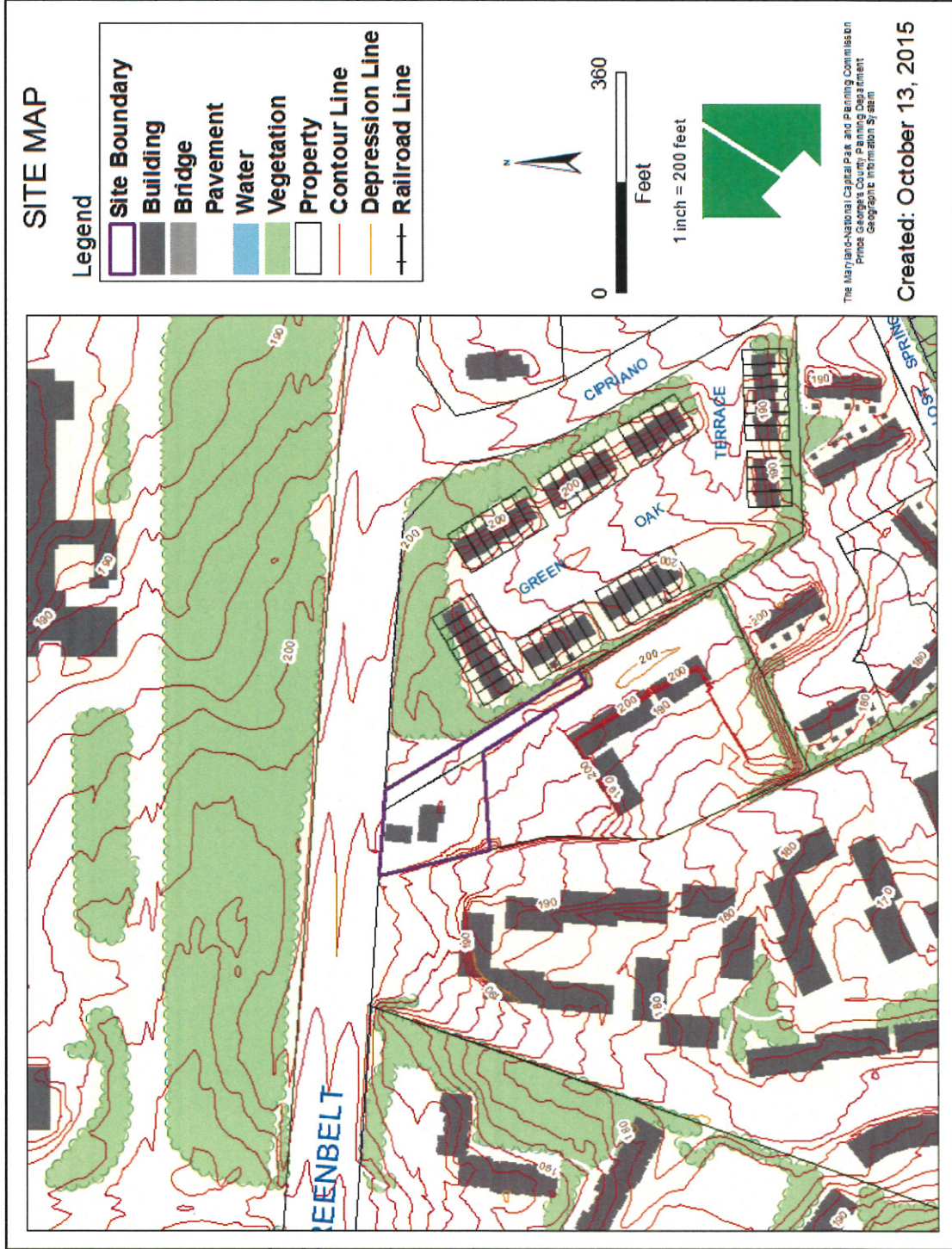
ZONING MAP



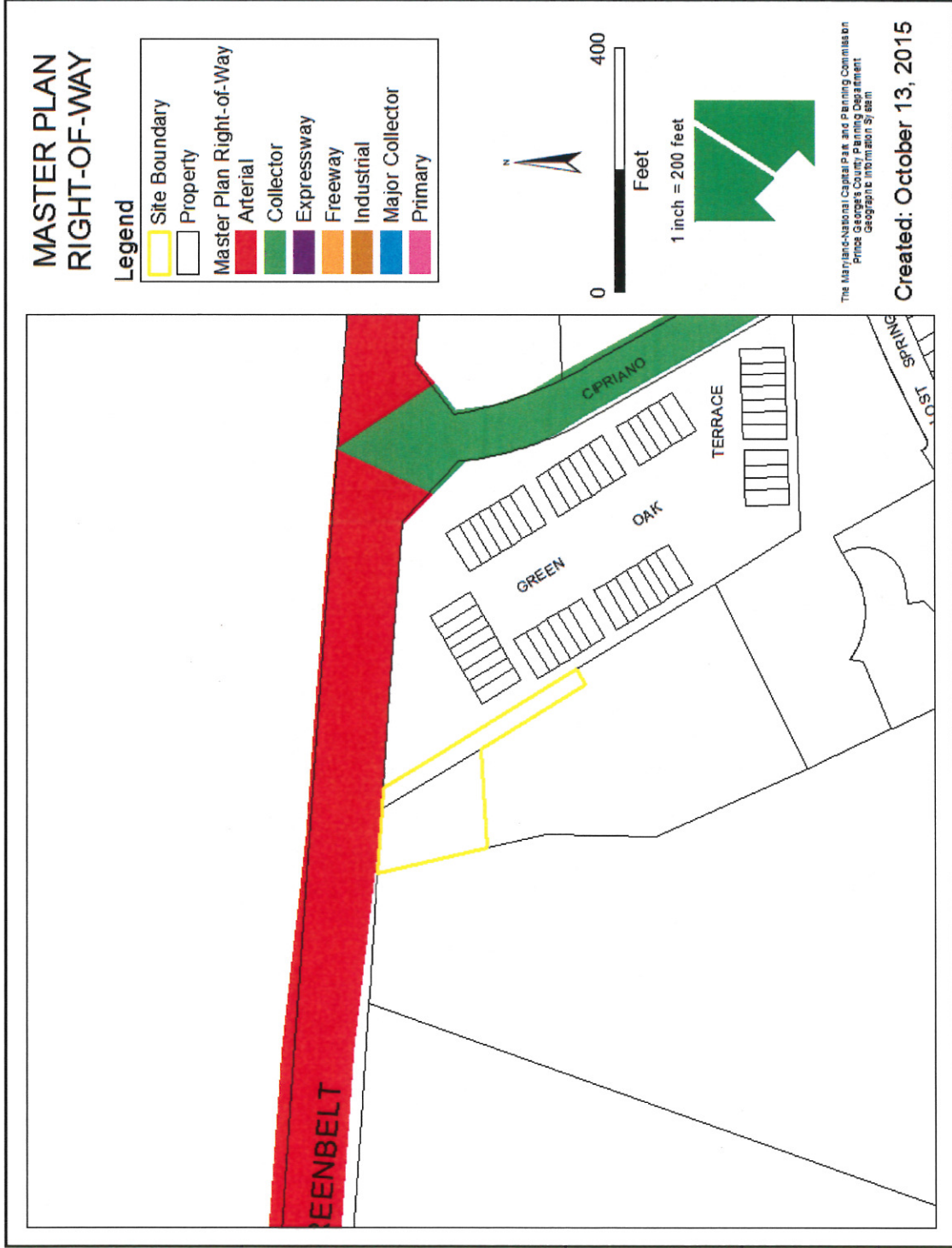
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



STATEMENT OF JUSTIFICATION
ROSP-SE-856-05

APPLICANT: Potomac Energy Holdings, LLC
6355 Crain Highway
LaPlata, Maryland 20646

CORRESPONDENT: Daniel F. Lynch, Esq.
McNamee Hosea
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
301 441 2420 (P)
301 982 9450 (F)
dlynch@mhlawyers.com

REQUEST: Minor revision to approved Special Exception Site Plan in accordance with Sections 27-325(a) and (f) to allow the addition of a pump island, the relocation and reconfiguration of the existing pump islands and the enlargement of a canopy. Variances from Sections 27-358(a)(8) and 27-462(b).

=====

I. DESCRIPTION OF PROPERTY

1. Address – 8711 Greenbelt Road, Greenbelt, Maryland 20770
2. Use - Retail Sale of Gasoline and Food and Beverage Store
3. Incorporated Area - N/A
4. Election District – 21
5. Lot – Parcels A and B
6. Subdivision – N Cipriano Property
7. Total SE Area – 0.811 acres
8. Tax Map – 35/C-2
9. Location – Located south side of Greenbelt Road, approximately 550 feet west of

its intersection with Cipriano Road

10. Zoned: C-S-C
11. Owner – Potomac Energy Holdings, LLC
12. Zoning Map – 210NE08

II. APPLICANT'S PROPOSAL

The applicant is proposing amend the approved Special Exception site plan to allow for the addition of one pump island behind the existing food and beverage store and modify the existing gas presentation and increase the size of the canopy. As part of this application, the applicant is requesting variances from Section 27-358(a)(8) and 27-462(b).

A gas station has been located on the subject property since 1964. On March 15, 1963, the District Council approved SE-856 for a gas station on the Subject Property. Subsequent to that original approval, the site plan has been modified to address various additions and modifications. In September of 1987, the Planning Board approved ROSP-856/02 to validate a cooler storage addition to the convenience store. In October of 1997, the Planning Board approved ROSP-856/03 to validate the location of the canopy and replace the existing freestanding sign. A variance was also granted to allow a six foot setback in lieu of the 10 foot setback for the canopy. In 2005, a revision was approved by the Planning Director, ROSP-856/04, to allow for another relocation of the freestanding sign.

Sec. 27-325. Minor changes.

(a) Minor changes, in general.

(1) The Planning Board and Planning Director are authorized to approve minor changes to site plans for approved Special Exceptions, as provided in this Section. The Director may authorize staff to take any action the Director may take under this Section.

(2) The Planning Board is authorized to grant the minor changes listed in this Section, and any variance requested in conjunction with the minor change. The minor change request shall be in the form of an application filed with the Planning Board. The contents of the application shall be determined by the Planning Board. Along with filing the application, the applicant shall submit a revised site plan, and shall pay the required fee. The Planning Board shall hold a hearing on the request in accordance with the Rules of Procedure established by the Planning Board. The Planning Board's decision shall be in the form of a resolution. A copy of the resolution shall be sent to all persons of record and the Clerk of the Council.

(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 Section 27-325 (a) and (c):

- (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;

As indicated above, the applicant is not proposing an increase in floor area of the existing operation. The applicant is proposing to reconfigure the existing fuel pumps and islands, increase the size of the canopy and add a fuel pump to an area behind the existing building. Each of these changes may be approved by the Planning Board in accordance with Section 27-325.

III. COMMUNITY

The subject property located on the south side of Greenbelt Road approximately 550 west of the intersection with Cipriano Road. It is surrounded by the following uses:

North: Greenbelt Road and Goddard Space Flight Center

South: Office buildings in the C-O Zone

East: Multi-family residential in the R-T Zone

West: Multi-family residential in the R-18 Zone

IV. SPECIAL EXCEPTION

The review and approval of a gas station in the C-S-C Zone is subject to the general Special Exception criteria set for the in 27-317 as well as the requirements for a gas station set forth in Section 27-358 of the Zoning Ordinance.

Sec. 27-317. Required findings.

- (a) A Special Exception may be approved if:

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

COMMENT: The general purposes of the Zoning Ordinance are set forth in Section 27-102, which states:

- (a) **The purposes of the Zoning Ordinance are:**

- (1) **To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;**

COMMENT: This application represents the third modification to this site since it was first constructed in 1964. The operators of this station have continued to improve the on-site conditions and provide additional services that will in turn help protect the health, safety and welfare of present and future inhabitants of the County.

- (2) **To implement the General Plan, Area Master Plans, and Functional Master Plans;**

COMMENT: The proposed use will not substantially impair the integrity of the Master Plan for this area. The *Approved Master Plan for Langley Park, College Park and Greenbelt* recommends commercial uses for the subject property.

- (3) **To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;**

COMMENT: The proposal is to modify an existing gas station. This proposal will have no further impact on the public facilities serving the subject property, as facilities such as that proposed herein, historically, have not placed any significant burden on public facilities or services.

- (4) **To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;**

COMMENT: The subject proposal complies with this purpose since the Master Plan calls for the development of commercially zoned property with commercial uses in a developing area of the County. This proposal has been designed and is being submitted to service this growth in the surrounding area.

- (5) **To provide adequate light, air, and privacy;**

COMMENT: This proposal, at a height of one story, will not restrict light or privacy of

surrounding uses. Further, the proposal complies with this requirement since it calls for the installation of standard lighting that will provide patrons with a bright, safe atmosphere while not causing a glare onto adjoining properties.

- (6) **To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**

COMMENT: This redesign will result in the addition of one diesel pump behind the existing building and the modification of the existing pumps and island under the main gas canopy to the northern gas canopy. These modifications are being made to provide an addition service to surrounding area and provide for better on-site circulation. The modifications are minor in nature and will not generate any additional impacts.

- (7) **To protect the County from fire, flood, panic, and other dangers;**

COMMENT: This proposal complies with this requirement since the construction of the facility will be in accordance with current standards for fire protection and storm water management as well as all State and County building/grading codes.

- (8) **To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;**

COMMENT: This purpose does not apply.

- (9) **To encourage economic development activities that provide desirable employment and a broad, protected tax base;**

COMMENT: This proposal complies with this purpose since it calls for additional improvements to a commercial use that will in turn increase the County's tax base.

- (10) **To prevent the overcrowding of land;**

COMMENT: The site and landscape plans, submitted in conjunction with the approved special exception application, demonstrate that the site has been designed with ample room for the safe internal flow of vehicles and pedestrians without compromising setbacks.

- (11) **To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;**

COMMENT: The application is being submitted to the sole purpose of modifying the existing gas station. The applicant does not anticipate that the modification will generate additional traffic to the area roads.

- (12) **To insure the social and economic stability of all parts of the County;**

COMMENT: This proposal complies with this requirement since the applicant's financial investment in the subject property demonstrates its confidence in this community and will contribute to the economic stability of the County.

- (13) **To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;**

COMMENT: The proposal complies with this purpose since it will be developed in accordance with all state and local regulations pertaining to noise, water, air quality, and woodland conservation.

- (14) **To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and**

COMMENT: This purpose does not apply.

- (15) **To protect and conserve the agricultural industry and natural resources.**

COMMENT: This purpose does not apply.

In addition to the purposes set forth in Section 27-102(a), Section 27-317 goes on to require the applicant to demonstrate the following:

- (2) **The proposed use is in conformance with all applicable requirements and regulations of this subtitle;**

COMMENT: The proposal is in compliance with all requirements and regulations set forth in Subtitle 27. A variance from the setback requirements was previously approved for this site and is noted above by the applicant. The applicant will utilize that variance as part of the design of this site. As noted above, the applicant is now requesting an additional variance from Sections 27-358(a)(8) and 27-462(b).

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: Greenbelt Road has a right of way width of 120 feet, but the subject property has only 143 feet of frontage. A variance of 7 feet was previously approved for the property (See Appeal No. 8890).

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

COMMENT: There are no schools, outdoor playgrounds, libraries, or hospitals within 300 feet of the subject property.

(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 applicant is not proposing display or rent cargo trailers.

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

COMMENT: The applicant is not proposing to store or junk wrecked vehicles on the subject property.

(5) Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Permitting, Inspections, and Enforcement, whichever is applicable, 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 access driveways meet this requirement.

(6) Access driveways shall be defined by curbing;

COMMENT: 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 is a five foot sidewalk located along the property's frontage on Greenbelt Road.

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

COMMENT: The gasoline pumps are less than twenty-five feet behind the street line. A 10 feet variance was previously approved. The applicant is requesting an additional 3 foot variance.

(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: The applicant is not proposing to repair vehicles on this site.

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

COMMENT:

(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);

COMMENT: The site plan shows the topography in conformance with (b)(1).

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

COMMENT: The location and type of trash enclosure is shown on the site plan.

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

COMMENT: The applicant is not proposing to install exterior vending machines.

(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 applicant will comply with this requirement.

(d) When approving a Special Exception for a gas station, 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: The Applicant is not proposing a new use in the neighborhood. A gas station has been operated from this location for approximately 50 years. The Applicant is proposing minor revisions to the site plan that will not create any additional impacts on the community. Since the facility has been in use for many years, it has an established need in the area and redevelopment of this facility will not unduly restrict the availability of land or upset the balance of land use, in the area for other trades and commercial uses.

V. VARIANCE

The applicant is proposing very limited revisions to the approved special exemption site plan for this property, but as noted above the property does not meet the setback requirement set forth in Section 27-358(a)(8) or the requirements of 27-462(b). Section 27-358(a)(8) requires that gas pumps and other service appliances to be located at least 25 feet behind the street line. The gas pumps are 12.08 feet behind the street line. A 10 foot variance was previously approved for gas pumps and the applicant is now requesting an additional variance of 3 feet. Section 27-462(b) requires a 10 foot setback for structure from the street. A variance of 4 feet was previously approved and therefore the applicant is requesting a 6 foot variance.

The criteria for the approval of a variance are set forth in Section 27-230(a) of the Zoning Ordinance which states:

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

Comment: The subject property is only 0.811 acres in size. The Zoning Ordinance requires a 25 foot setback for all service appliances and a 10 foot setback for all structures. The property is relatively small in size and the applicant has little ability to adjust the location of the gas pumps and canopy to comply with Sections 27-358(a)(8) and 27-462(b). The gas pumps and canopy have been at this general location on the subject property for the past 50 years and cannot be relocated to the south unless the applicant relocates the existing building. The applicant therefore contends that there is an extraordinary situation in that the use has never complied with the requirements of Section 27-358(a)(1) and (2) and the compact size of the property makes compliance virtually impossible.

- (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; and

Comment: The denial of this variance would require that the applicant relocate its pump islands to the south which would conflict with the existing food and beverage store. The gas station has existed in this general configuration since it was first established in the mid-1960s. The applicant wishes to provide modern pumps and a larger canopy in order to improve service to its customers. The applicant cannot move the pumps or canopy closer to the building in that there is only 16 feet between the pump island and the building and full compliance would require the demolition of the existing building. This scenario creates an undue hardship for the applicant.

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

Comment: As indicated earlier, the proposal complies with the recommendation contained in the *Approved Master Plan for Langley Park, College Park and Greenbelt*. The Master Plan calls for general retail and service commercial uses on the subject property. The approval of this variance allows the existing use to continue to operate and therefore complies with the Master Plan's recommendation for the property to be developed with a retail commercial land use.

VI. CONCLUSION

The applicant respectfully submits that all of the criteria for granting the proposed revision to approved Special Exception 956 and the associated variance have been met, and as such, the expansion of the gas canopy and the addition of one additional gas dispenser should be approved.

Respectfully submitted,

McNAMEE HOSEA

By: 

Daniel F. Lynch



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Countywide Planning Division, Transportation Planning Section
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772


301-952-3680
www.mncppc.org
301-952-3650

November 3, 2015

MEMORANDUM

TO: Tom Lockard, Zoning Section, Development Review Division

FROM: Eric Jenkins, Transportation Planning Section, Countywide Planning Division

VIA:  Tom Masog, Transportation Planning Section, Countywide Planning Division

SUBJECT: ROSP-856/05, Potomac Energy Holdings – Greenbelt Road

The Transportation Planning Section has reviewed the information provided in support of the special exception application referenced above. The application is for an increase in the size of a canopy and the addition of a diesel fuel dispenser. The site is located at 8711 Greenbelt Road (MD 193) approximately 600 feet west of Cipriano Road. The site contains 0.81 acres in the C-S-C Zone.

Review Comments

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 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity*. No structures are proposed within the right-of-way of Greenbelt Road.

The transportation staff would offer no objection to the change; circulation on the site is acceptable.

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.

Lockard, Thomas

From: Nickle, Suzanne
Sent: Wednesday, December 02, 2015 1:40 PM
To: Lockard, Thomas
Cc: Chellis, Whitney
Subject: ROSP-856-05 Potomac Energy Holdings, Greenbelt Road

Good afternoon Tom,

The Subdivision Section would like the site plan to include the following revisions.

- Correct the general note to include Parcel B, and add plat reference VJ 161-66.
- Correct the line weight on the plan for Ingress/Egress Easement over Parcel B, Liber 5030 folio 551, so it is readable on the plan.
- Correct the plat reference for adjacent Lot 1 to reflect NLP 144-68.

Failure of the ROSP and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

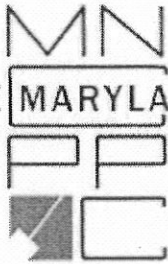
Sincerely,

Suzanne Nickle

Planner Coordinator - Subdivision Section, DRD
M-NCPPC Prince George's County Planning Department
14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772
301-780-2465



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



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November 19, 2015

MEMORANDUM

TO: Tom Lockard, Planner Coordinator, Zoning Review Section
VIA: Teri Bond, Planning Supervisor, Community Planning Division
FROM: Tanya Hedgepeth, Planner Coordinator, Community Planning Division
SUBJECT: **ROSP-856-05, Potomac Energy Holdings**

TAB
[Signature]

DETERMINATIONS

The application does not require conformance with the Master Plan for the area.

BACKGROUND

Location: 8711 Greenbelt Road, Greenbelt

Size: 34.0 Square Feet

Existing Uses: Commercial (Gas Station)

Proposal: The applicant is proposing to increase the canopy size for the existing gas station. The applicant is also proposing to add a fuel dispenser at the site.

GENERAL PLAN, MASTER PLAN, AND SMA

This application requires conformance with the applicable General or Master Plan. NO

General Plan: 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).

Master/Sector Plan: The property is located within the boundaries of the 1990 Approved *Langley Park, College Park Greenbelt, and Vicinity Master Plan and Sectional Map Amendment*.

Planning Area/

Community: Planning Area 67/Greenbelt and Vicinity

Land Use: Commercial

- Environmental: See the Environmental Planning Section referral report for comments from the 2005 Countywide Green Infrastructure Plan concerning development of this site.
- Historic Resources: The subject property is not a historic resource or historic site, nor is the property in close proximity of a site or resource.
- Transportation: Vehicular access is proposed to be provided via Greenbelt Road, which is a arterial roadway.
- Public Facilities: There are no public facilities adjacent or in close proximity to the subject property. See the public facilities section referral for any comments.
- Parks & Trails: There are no parks or trails on or that abut the subject property. See the Parks and Recreation Department section referral for any comments.
- Aviation/ILUC: The subject property is not within the Joint Base Andrews ILUC impact area.
- SMA/Zoning:** The 1990 Langley Park, College Park Greenbelt, and Vicinity Sectional Map Amendment retained this property in the Commercial Shopping Center (C-S-C) Zone.

PLANNING ISSUES

There are no planning issues.


cc: Ivy A. Lewis, Chief Community Planning Division
Long Range Agenda Notebook



Division of Environmental Health

Date: November 25, 2015

To: Tom Lockard, AICP, Planning Coordinator, M-NCPPC

From: 
Omololu Dawodu, Environmental Health Specialist, Environmental Engineering/Policy Program

Re: RO5P-856-05, Potomac Energy Holdings, Greenbelt Road

The Environmental Engineering/Policy Program of the Prince George's County Health Department has completed a health impact assessment review of the revision to the special exception submission for Potomac Energy Holdings, Greenbelt Road and has the following comments/recommendations:

1. During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
2. During the demolition/construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

If you have any questions or need additional information, please contact me at 301-883-7313 or oodawodu@co.pg.md.us



Environmental Engineering Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health

Lockard, Thomas

From: Juba, Marc
Sent: Tuesday, November 10, 2015 4:45 PM
To: Lockard, Thomas
Subject: RO SP-856-05; Potomac Energy Holdings, Greenbelt Road

Good Afternoon Tom:

On November 10, 2015 the Environmental Planning Section (EPS) has reviewed the above referenced application; there are no issues or comments for the proposed improvements. The application is for 0.81 acres, on Parcels A & B, which is split zoned C-S-C and C-O. The purpose of this application is to revise the existing SE to increase the size of the existing canopy and add fuel dispensers. No tree or woodland disturbance impacts are proposed.

Woodlands: The site is exempt from the Prince George's County Woodland Conservation Ordinance, because the site is less than 40,000 square feet in size and has no previous TCP approvals. The site has an approved WCO Exemption Letter (S-098-14) that expires on July 17, 2016 and a NRI Equivalence Letter (NRI-114-14) that expires on July 17, 2019.

Wetlands/Streams: Not found on-site

100 Year Floodplain: Not found on-site

PMA Impacts: No PMA on-site and no PMA impacts

Chesapeake Bay Critical Area: No CBCA on-site

Green Infrastructure Plan: A network gap area is shown along the frontage of the subject property. It is encouraged to provide green space within this area, but not required.

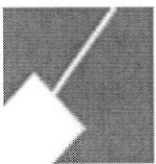
Noise: University Boulevard (MD Route 193) is identified as an arterial roadway - no residential use proposed - no noise contours on-site

Scenic Historic Roadway: No Historic or Scenic Roads adjacent to the site

Soils: Marlboro clay soils are not found onsite; however, the site does contain Christiana Complexes.

TDOZ – No Issue – not within a TDOZ

DDOZ – No Issue – not within a DDOZ



Marc Juba, Senior Planner
Environmental Planning Section
Prince George's Planning Department

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