

December 8, 2020



Alliance Energy LLC
P.O. Box 9161
Waltham, MA 02454

Re: Notification of Planning Board Action on
Detailed Site Plan DSP-19077
Central Ave. Exxon

Dear Applicant:

This is to advise you that, on **December 3, 2020**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Acting Clerk of the County Council, at 301-952-3600.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: *N. Andrew Bishop*
Reviewer

Attachment: PGCPB Resolution No. **2020-156**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on November 5, 2020, regarding Detailed Site Plan DSP-19077 for 6400 Central Avenue Exxon, the Planning Board finds:

1. **Request:** The subject application requests approval for installation of signage on the canopy columns and validation of the previously constructed gasoline canopy and canopy signage within the build-to line. A detailed site plan (DSP) is required for all new development in the Development District Overlay (D-D-O) Zone area of the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* (ARM Sector Plan and SMA) and must comply with the approved development district standards, unless it meets one of the numbered exemptions listed on pages 170 and 171, for which this application does not. Therefore, compliance to the development district standards must be shown during the site plan review process.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-S-C/ D-D-O	C-S-C/ D-D-O
Use	Gas Station and Food and Beverage Store	Gas Station and Food and Beverage Store
Total Acreage	0.58	0.58
Total Existing Gross Floor Area (square feet)	1,978	1,978

3. **Location:** The site is located in Planning Area 72 and Council District 7. More specifically, it is located in the northeast quadrant of the intersection of MD 214 (Central Avenue) and Addison Road, across from the Addison Road Metro Station, at 6400 Central Avenue. In addition, it is noted that the property is located within the Subarea 3–Metro West (Town Commons) portion of the ARM Sector Plan and SMA.

4. **Surrounding Uses:** The subject property is bounded to the south by MD 214, with the Addison Road Metro Station beyond; to the west by Addison Road, with commercial uses beyond; to the north by an unimproved 20-foot-wide alley, commercial uses, and single-family detached residential dwellings in the Commercial Shopping Center (C-S-C) and One-Family Detached Residential (R-55) Zones beyond; and to the east by commercial uses in the C-S-C Zone.

5. **Previous Approvals:** The site is known as Parcel 42, and is currently developed with a gas station, canopy, and a 1,978-square-foot food and beverage store, which was constructed on the property prior to 1965. This structure predates the timeframe that Prince George's County began maintaining permit records, and there are no associated permit records available.

In accordance with Permit 20454-2001-U, the permitted gas station and food and beverage use was issued a use and occupancy permit. It is noted that the site includes an existing gas station canopy that was constructed without permits and is being validated with this application. Building Permit 50224-1996-CGU was issued, which has two additional revisions that may have added the canopy. A review of aerial photos shows a previous larger canopy in 1993, and the existing canopy appears in the next photos on file in 1998.

Special Exception SE-3282 was approved by the Prince George's County Zoning Hearing Examiner in January 1982, with six conditions to permit the full-service automobile gas station. Subsequently, Revision of Site Plan SE-3282 was filed to make minor modifications to the site plan and approved the change in use to a gas station and food and beverage store, and was approved by the Planning Board on May 9, 1996, subject to four conditions. One of the conditions of approval required a Departure from Sign Design Standards, DSDS-587, to approve the freestanding sign on the property, and was approved by the Planning Board on October 13, 1996.

The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* retained the C-S-C Zone and imposed the ARM Sector Plan and SMA D-D-O Zone on the subject property.

6. **Design Features:** The subject property is improved with an existing 1,978-square-foot food and beverage store in the northeast corner of the property, that is oriented toward MD 214 and located approximately 85 feet from the public right-of-way. Between the building and the street, an existing canopy for the gasoline station and parking for the site is located on the front and side of the building to serve the gas station and food and beverage store. The site is accessed from two existing vehicular access points on either side of the existing gas station canopy on MD 214, and one from Addison Road. A two-way drive aisle circles the gas station canopy. The site is further improved by an existing freestanding sign and landscaping along MD 214.

Architecture

The existing food and beverage store building was constructed prior to 1965 and includes building materials such as aluminum and concrete block and features a front face of glass, with floor to ceiling windows on much of the building's face. The building is painted in gray and includes a red band and signage along the building face.

The site is also improved with a 49-foot by 26-foot-wide gasoline canopy that was constructed between 1985 and 1990 without a permit. The canopy is approximately 16 feet in height and provides coverage for the existing four multi-product dispensers. The canopy is located approximately 6 to 8 feet behind the MD 214 right-of-way within the 10-foot build-to line established by the development district standards.

Signage

An existing building-mounted sign is shown above the entrance to the food and beverage store, two signs are existing on the gas canopy, and signage is proposed near the existing dispensers. The proposed sign areas on the canopy columns vary from approximately 8 to 16 square feet, with some bearing the name “Synergy,” and some including holders to allow for poster insertion. The applicant has provided sign illustrations and locations for the signs that have been found to be acceptable. The two existing signs on the canopy, being validated with this application, are approximately five square feet and state the name of the gasoline station. These signs are proposed to be replaced; however, since the canopy was never permitted, neither were these signs. Therefore, they are viewed as proposed with this DSP. The Planning Board validated the canopy signage and approved the proposed signage on the canopy columns, as stated herein.

The site is also improved with one pylon sign near the intersection of Addison Road and MD 214, which is approximately 25 feet tall and was the subject of previously approved DS-528, to allow the sign placement to be only 6 feet from the right-of-way. The signage for this application is generally acceptable.

It is noted that some of the signs appear to be internally illuminated, and the standards stated in the D-D-O Zone do not specifically prohibit internally illuminated signs, but recommend that signs be externally illuminated. However, the Planning Board is not opposed to the modern style of internally illuminated signs proposed, and an amendment to allow the sign’s illumination is approved allowing internally illuminated signs.

Loading and Dumpster Enclosure

The application does not require a loading space, and an existing wood trash enclosure to the east of the building adequately screens the dumpster. The Planning Board found that this is sufficient to serve the requirements of the site and screens the trash facility from the public roadway.

COMPLIANCE WITH EVALUATION CRITERIA

- 7. 2000 Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity and the standards of the Development District Overlay (D-D-O) Zone:** The subject property is located within the Subarea 3–Metro West (Town Commons) portion of the D-D-O Zone implemented by the ARM Sector Plan and SMA.

Requests to Amend Development District Standards—The submitted application and statement of justification indicate the need to deviate from a number of development district standards, in order to accomplish the proposed development on the subject property. In accordance with Section 27-548.25(c) of the Prince George’s County Zoning Ordinance, if the applicant so requests, the Planning Board may apply development standards which differ from the approved development district standards. These alternate standards may be approved if they can be found to benefit the development and the development district and will not substantially impair implementation of the master plan, master plan amendment, or sector plan. These alternate standard requests are discussed, as follows (all page numbers reference the sector plan):

- a. **S3. Building Siting and Setbacks, Standard C (page 180): A front build-to line between 10 and 15 feet from the right-of-way line shall be established for office, retail/commercial and institutional buildings which front onto MD 214 and Addison Road.**

The existing canopy does not meet the build-to line setbacks and was constructed without a permit; therefore, it is not legally existing. The canopy proposes a varied setback of 6 to 8 feet from the right-of way. Given the site's constraints and the existing improvements on the property which have existed since approximately 1996, the Planning Board finds that the requested amendment will benefit the development and development district and will not substantially impair implementation of the sector plan. Therefore, the Planning Board **approves** this amendment request.

- b. **B7. Signs, Standard H (page 220): Signs that are externally lit are recommended and should be directed to illuminate the sign face only. Sign faces that are internally lit are not recommended. Individual letters or characters should be lit instead of the entire sign face.**

The applicant has not provided justification for this amendment; however, the Planning Board does not have an objection to the proposed back-lit canopy-mounted signage that appear to be shown on the application, and recommends that any future signage be externally illuminated or proposed as back-lit letter signage, consistent with the canopy signage. The Planning Board finds that the requested amendment will benefit the development and development district and will not substantially impair implementation of the sector plan, and the Planning Board **approves** this amendment request.

8. **Prince George's County Zoning Ordinance:** The subject site plan has been reviewed for conformance with the applicable requirements of the C-S-C and D-D-O Zones and the site design guidelines. This DSP is subject to the applicable requirements of the Zoning Ordinance for the C-S-C Zone, which are not superseded by the D-D-O Zone. However, given the limited scope of this application for signage and a canopy, there are no applicable regulations at this time.
9. **Special Exception SE-3282:** SE-3282 was approved by the Zoning Hearing Examiner on December 14, 1981 to allow an automobile filling station on the property, subject to six conditions, as follows.
 1. **Access from Addison Road via one entrance that meets the requirements of Section 27-510 even if it is wider than 30 feet;**
 2. **The required ten-foot landscape strip along Addison Road;**
 3. **Sidewalks along Addison Road and Central Avenue set back 7 feet from the curb line;**

4. **The driveway which connects the subject property with the adjoining retail area to the east of the site be aligned with the existing driveway on the retail property;**
5. **The gasoline storage tanks be relocated to the west side of the pump islands; and**
6. **A low retaining wall and grade improvements (elevations) reflected on the Alternative Site Plan attached to Exhibit 20.**

The subject application meets the requirements of these conditions, with the exception of the sidewalk location required by Condition 3. The sidewalk initially met the requirement prior to road widening on MD 214; however, it is now located directly adjacent to the curb. In addition, it is noted that the low retaining wall and other improvements shown on Exhibit 20 of the original approval have been implemented.

10. **Revision of Site Plan SE-3282:** RO SP SE-3282 was approved by the Planning Board on May 9, 1996 to convert the full service automobile filling station on the property to a gas station and food and beverage store and to make minor adjustments to the site improvements, subject to four conditions as follows.

1. **The site plan shall be revised to protect the proposed parking spaces located between the Addison Road driveway and the western most driveway on Central Avenue. This should be accomplished by the extension or the existing curb and the expansion of the landscape island between the driveways as shown on applicant's Exhibit A.**
2. **The proposed freestanding sign shall be relocated to provide the required 10-foot setback from Central Avenue, or approval of a DSDS shall be obtained, if necessary.**
3. **The site plan shall demonstrate compliance with all conditions of approval in Special Exception SE-3282.**
4. **The applicant shall provide screening between the subject property and the vacant property to east (until that property is developed and the driveway connection is opened). The type of screening shall be approved by the Planning Board or Its designee after consultation with the applicant and the City of Seat Pleasant.**

The application meets the requirements of these conditions and received approval of DSDS-528, in accordance with Condition 2, as discussed in Finding 11.

11. **Departure from Sign Design Standards DSDS-528:** DSDS-528 was approved by the Planning Board on October 13, 1996 (PGCPB Resolution No. 96-293) to allow a freestanding sign setback less than the requisite 10 feet from MD 214. This sign is not proposed to be revised with this application.

12. **2010 Prince George’s County Landscape Manual:** Conformance to the requirements of the *Prince George’s County Landscape Manual* (Landscape Manual) is not required. The property is exempt from the requirements of the Landscape Manual, pursuant to Section 1.1 of the manual. This limited amendment for approval of new signs and validation of the existing canopy and signs does not involve an increase in impervious surface, and does not involve an increase in the gross floor area of the building.
13. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The subject DSP is exempt from the Woodland and Wildlife Habitat Conservation Ordinance because the site has less than 10,000 square feet of existing woodlands on the site, and the property has no previous tree conservation plan approvals.
14. **Prince George’s County Tree Canopy Coverage Ordinance:** The project is not subject to the requirements of Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, because the disturbance on the site is less than 5,000 square feet.
15. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Historic Preservation and Archeological Review**—The Planning Board adopts a memorandum dated October 1, 2020 (Stabler to Bishop), which stated that a search of current and historic photographs, topographic and historic maps, and the location of currently known archeological sites indicate that the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources, or known archeological sites.
 - b. **Community Planning**—The Planning Board adopts a memorandum dated October 12, 2020 (Tariq to Bishop), which provided a discussion of the requested D-D-O Zone development district amendments to the standards, that is incorporated into the findings above.
 - c. **Transportation Planning**—The Planning Board adopts a memorandum dated October 10, 2020 (Masog to Bishop), which offered an analysis of the site design and a discussion of the previous transportation master plans that have been approved for the property, and noted that the existing right-of-way along MD 214 is approximately 120 feet in width. In addition, it was noted that the expanded right-of-way on the north side of MD 214, at 6400 Central Avenue, as shown in PGAtlas, is in error and should be corrected. Therefore, the applicant is not required to obtain Prince George’s County District Council approval for the sign or canopy in the master planned right-of-way of MD 214.
 - d. **Permits**—The Planning Board adopts a memorandum dated October 14, 2020 (Linkins to Bishop), which offered numerous permit related comments, which have been included in this approval as appropriate.

- e. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this approval, comments have not been received from DPIE.
 - f. **Washington Metropolitan Area Transit Authority (WMATA)**—At the time of the writing of this approval, comments have not been received from WMATA.
 - g. **Maryland State Highway Administration (SHA)**—The Planning Board adopts an email dated August 24, 2019 (Woodroffe to Bishop), SHA indicated that they have reviewed the subject application and do not have any comments.
16. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
17. As there are no regulated environmental features located on the subject property, the normally required finding, pursuant to Section 27-285(b)(4) of the Zoning Ordinance, that the regulated environmental features have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations, does not need to be made for the subject DSP.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Detailed Site Plan DSP-19077 for the above described land, subject to the following conditions:

- A. APPROVE the alternative development district standards, as follows:
 - 1. **S3. Building Siting and Setbacks, Standard C (page 180):** To allow the build-to line from MD 214 (Central Avenue) to be 6 to 10 feet from the right-of-way for the canopy.
 - 2. **B7. Signs, Standard E (page 220):** To allow back-lit letters for the proposed canopy signage.
- B. APPROVE Detailed Site Plan DSP-19077 for 6400 Central Avenue Exxon, subject to the following condition:
 - 1. Prior to certification of this detailed site plan (DSP), the applicant shall revise the notes shown on the DSP to reflect the development district standards and conditions of approval that have been revised, as a result of this DSP approval.

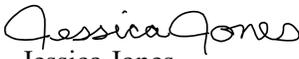
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, November 5, 2020, in Upper Marlboro, Maryland.

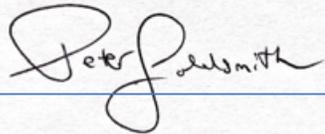
Adopted by the Prince George's County Planning Board this 3rd day of December 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:NAB:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: November 17, 2020