

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER**

SPECIAL EXCEPTION

4757

DECISION

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| Application: | Gas Station and Food or Beverage Store |
| Applicant: | Potomac Energy Holding, LLC |
| Opposition: | Rick Dorsey |
| Hearing Date: | June 17, 2015 |
| Hearing Examiner: | Joyce B. Nichols |
| Disposition: | Approval with Conditions |

NATURE OF PROCEEDINGS

- (1) Special Exception 4757 is a request for permission to use approximately 0.897 acre of land, in the I-1 (Light Industrial) Zone, located on the north side of Greenbelt Road (MD 193), at its intersection with Aerospace Road, also identified as 10000 Greenbelt Road, Lanham, Maryland, for a Gas Station and Food or Beverage Store.
- (2) The Planning Board (Exhibit 18) and the Technical Staff (Exhibit 21) recommended approval of the instant Application, with conditions.
- (3) The Planning Board approved both DPLS-415, for the waiver of 5 (five) parking spaces, and DSDS-688, for a freestanding sign located closer than 10 feet to the right-of-way, on June 4, 2015 for the subject property. (Exhibits 19 and 20) DPLS-415 and DSDS-688 have been appealed to the District Council.
- (4) At the conclusion of the evidentiary hearing, the record was left open for the inclusion into the record of several documents. Upon receipt of the documents, the record was closed on August 21, 2015.

FINDINGS OF FACT

Subject Property

- (1) The subject property is a square shaped parcel located in the northeast corner of the intersection of Greenbelt Road (MD 193) and Aerospace Road. It is currently improved with an existing Gas Station with 3 (three) service bays, 2 (two) concrete pump islands, 4 (four) gasoline pump dispensers, a canopy, 3 (three) underground stage tanks, a freestanding sign, 21 surface parking spaces, and a small convenience store. The property has direct vehicular access via four driveway cuts, two each on Greenbelt Road and on Aerospace Drive.

Zoning History

(2) The subject property was rezoned to the I-1 Zone pursuant to Zoning Map Amendment Application No. A-7677 on August 28, 1970. The existing Gas Station was built several years later as a permitted use in the I-1 Zone. In 1998, the District Council, pursuant to County Council Bill CB-40-1998, amended the Zoning Ordinance to require a Special Exception for a Gas Station in the I-1 Zone. The existing Gas Station has remained in its current configuration since its initial construction.

Master Plan and Sectional Map Amendment

(3) The subject property is located in Planning Area 70. The applicable Master Plan is the Approved Sector Plan and Sectional Map Amendment for the East Glenn Dale Area (portions of Planning Area 70), approved on March 28, 2006. The Sector Plan designated the site for “Mixed Use Area” future land use. The Approved Sectional Map Amendment retained the site in the I-1 Zone.

(4) The October 2002 General Plan had placed the subject property within the University Boulevard Corridor, and within the Developing Tier. The Growth Policy Map in the 2013 Plan Prince George’s 2035 placed the property in the Established Communities category, and the Generalized Future Land Use Map designated it for Mixed-Use land use. The subject property is not within a Priority Preservation Area.

(5) The neighborhood of the subject property has the following boundaries:

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|------------------|-------------------------------|
| North and East - | Northern Avenue |
| South - | Greenbelt Road (MD Route 193) |
| West - | Good Luck Road |

(6) Immediately to the north of the subject property along Aerospace Road is a Car Wash in the I-1 Zone, and immediately to the east along Greenbelt Road is a Self Storage Plus consolidated storage facility. To the west, across Aerospace Road, is the Glendale Aerospace Center, a strip shopping center in the I-1 Zone which includes a Merchants Tire facility, a laundromat, a dry cleaner, a beer and wine store, two sub shops, a hair salon, a nail salon, a UPS store, a Labor Ready temp agency operation, and a 7-11 convenience store. Across the Greenbelt Road/Aerospace Road intersection are the Woodland Landing Apartments.

Much of the land area of the neighborhood is occupied by office uses, but with an assortment of other related and unrelated uses. Office parks include the Goddard Corporate Park (along Mission Drive, to the east of the subject site, in the M-X-T Zone), the Maryland Corporate Center (along

Executive Drive, to the east of the site, in the I-1 Zone), the Aerospace Building along Greenbelt Road in the I-1 Zone, and a collection of unnamed, security-gated office buildings in the I-1 Zone off of Hubble Drive and Good Luck Road to the north. A number of vacant, partially-demolished office buildings in the M-X-T Zone along the northern part of the loop of Aerospace Road were once known as “Greentec”; a Detailed Site Plan for the redevelopment of two of the sites as a residential component of the larger, planned Glenn Dale Commons Mixed-Use project was approved in 2008 but has not been constructed. The 2006 Conceptual Site Plan for Glendale Commons also included additional vacant land in the M-X-T Zone to the east of Hubble Drive.

Other uses in the neighborhood include a furniture warehouse in the I-1 Zone on Aerospace Road, with a second Self Storage Plus consolidated storage facility behind it, a NASA Federal Credit Union on Greenbelt Road in the I-1 Zone, two churches (a Lutheran Church on Greenbelt Road in the I-1 Zone and a Baptist Church on Northern Avenue in the R-R Zone), a few single-family dwellings in the R-R Zone along Northern Avenue and Good Luck Road, the Capital Sportsplex and two contractors offices in the I-1 Zone on Good Luck Road, and the Glendale Apartments in the R-18 Zone between Good Luck Road and Aerospace Road.

Applicants Proposal

(7) The Applicant is proposing a major revision to the existing Gas Station. The project will entail the complete removal of all of the existing structures on the subject property and the new construction of a 3,180-square-foot Food or Beverage Store, a 1,344-square-foot Car Wash, a canopy, and six multi-product fuel pump dispensers that provide a total of 12 fueling positions. Both the Gas Station and the Food or Beverage Store require approval of a Special Exception in the I-1 Zone, while a Car Wash is a permitted use.

(8) The Applicant has also requested a Departure from Parking and Loading Standards (DPLS-415) from §27-582(a) of the Zoning Ordinance for five of the required 24 off-street parking spaces. DPLS-415 was approved by the Planning Board June 4, 2015 and is currently on appeal to the District Council. (Exhibit 19)

(9) The Applicant has also requested a Departure from Sign Design Standards (DSDS-688) from §27-614(a)(4) of the Zoning Ordinance, which requires freestanding signs in all commercial and industrial zones (except the I-3 Zone) to be located at least ten feet behind the street line. The existing sign, which the Applicant wishes to retain, is located five feet from the right-of-way. DSDS-688 was approved by the Planning Board on June 4, 2015 and is currently on appeal to the District Council. (Exhibit 20)

LAW APPLICABLE

(1) A Special Exception for a Gas Station in the I-1 Zone is permitted pursuant to §27-473(b)(1) (B) in accordance with §27-358 of the Zoning Ordinance. A Special Exception for a Food or Beverage Store in the I-1 Zone is permitted pursuant to §27-473(b)(1) (E) in accordance with §27-355 of the Zoning Ordinance. All Special Exceptions must be found to comply with the general criteria of §27-317.

(2) Section 27-358 states:

(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;

(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;

(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;

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

(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 Public Works and Transportation, 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;

(6) Access driveways shall be 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;

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

(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.

(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.

(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.

(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.

(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.

(3) Section 27-355 states:

(a) A food or beverage store may be permitted, subject to the following:

(1) The applicant shall show a reasonable need for the use in the neighborhood;

(2) The size and location of, and access to, the establishment shall be oriented toward meeting the needs of the neighborhood;

(3) The proposed use shall not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses;

(4) In the I-1 and I-2 Zones, the proposed use shall be located in an area which is (or will be) developed with a concentration of industrial or office uses;

(5) The retail sale of alcoholic beverages from a food or beverage store approved in accordance with this Section is prohibited; except that the District Council may permit an existing use to be relocated from one C-M zoned lot to another within an urban renewal area established pursuant to the Federal Housing Act of 1949, where such use legally existed on the lot prior to its classification in the C-M Zone and is not inconsistent with the established urban renewal plan for the area in which it is located.

(4) Section 27-317 states:

(a) 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;

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan; and

(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).

CONCLUSIONS OF LAW

General Requirements

(1) §27-317(a) requires that the proposed Use and Site Plan be in harmony with the general purposes of the Zoning Ordinance, §27-102, and the specific purposes of the I-1 Zone, §27-469(a)(1).

(2) The general Purposes of the Zoning Ordinance are listed in §27-102(a). The instant Application is in harmony with the general purposes of the Zoning Ordinances as follows:

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

The proposed redeveloped Gas Station is located at a signalized intersection, and will promote the health and safety of the present and future inhabitants of the County by continuing to provide for a safe and convenient accommodation of the driving public. Furthermore, the proposed reconfiguration of the existing vehicular entrances along Greenbelt Road, and the combination of the two vehicular entrances along Aerospace Road will enhance the safety of the existing site, while the provision of new landscaping and new architecture will enhance the appearance of the site and thereby contribute to the public welfare.

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

The relevant plans which apply to the subject property are the 2013 Prince George's Plan 2035, the 2006 Approved Sector Plan and Sectional Map Amendment for the East Glenn Dale Area (Portions of Planning Area 70), and a number of Functional Master Plans, including the Green Infrastructure Plan, the County Master Plan of Transportation, the Public Safety Facilities Master Plan, The Historic Sites and Districts Plan, and the Water Resources Functional Master Plan.

General Plan

Plan Prince George's 2035 classified the subject site in its Growth Policy Map¹ in the Established Communities category, and the Generalized Future Land Use Map² designated it for Mixed-Use land use.

“Established Communities” are described by the Plan Prince George's 2035 as making “up the County's heart – its established neighborhoods, municipalities, and unincorporated areas outside designated centers.”³

¹ M-NCP&PC, *Plan Prince George's 2035 – Adopted General Plan* (May, 2014), as amended by Prince George's County Planning Board Resolution 14-10, Attachment B, Page 15 (not affected by Revisions in CR-26-2014).

² *General Plan*, as amended by Prince George's County Planning Board Resolution 14-10, Attachment B, Page 9 (not affected by Revisions in CR-26-2014).

³ *General Plan*, as amended by Prince George's County Planning Board Resolution 14-10, Attachment B, Page 14

“Mixed-Use” land use is described by the General Plan as, “Areas of various residential, commercial, employment and institutional uses. Residential uses may include a range of unit types. Mixed-use areas may vary with respect to their dominant land uses, i.e. commercial uses may dominate in one mixed-use area, whereas residential uses may dominate in another.”⁴

The approval of the instant Application will allow the subject property to continue to serve as a part of the node of existing office and other commercial, institutional or light industrial uses in what the 2006 Sector Plan describes as the “Glenn Dale Commons and Vicinity Focus Area”.

As the approval of the subject revision will not constitute a new land use, require the expansion of existing water and sewer systems, or involve a change in zoning, none of the thirteen enumerated Policies of Plan Prince George’s 2035 Land Use Element are directly applicable to this Application. Policy 9, however, which is to, “limit the expansion of new commercial zoning outside of the Regional Transit Districts and Local Centers to encourage reinvestment and growth in designated centers and in existing commercial areas”⁵ will be furthered by the approval of this revision as it represents reinvestment in an existing commercial area.

Master Plan

The applicable Master Plan is the Approved Sector Plan and Sectional Map Amendment for the East Glenn Dale Area (Portions of Planning Area 70), approved on March 28, 2006. The Approved Land Use Map designates the property for “Mixed-Use Areas” land use.

The Sector Plan places the site in the “Glenn Dale Commons and Vicinity Focus Area”. The Plan’s two goals for the area are to, “create a pedestrian-friendly, mixed use environment,” and to “protect the semirural, residential character of Northern Avenue from the redevelopment of Glenn Dale Commons and vicinity by placing single-family detached residences next to Northern Avenue.”⁶

The area-specific strategy recommendations of the Sector Plan are principally oriented to the proposed mixed-use development of Glenn Dale Commons (located several hundred feet to the north and east of the subject site) which was driven by unusually and persistently high vacancy rates in the existing office development in the neighborhood. Some of the recommendations are nevertheless applicable and are fulfilled by the proposed redevelopment:

“Provide a balanced infill residential community to complement the existing commercial/retail

(not affected by any Revisions in CR-26-2014).

⁴ *General Plan*, as amended by Prince George’s County Planning Board Resolution 14-10, Attachment B, Page 8 (not affected by any Revisions in CR-26-2014).

⁵ *General Plan*, as amended by Prince George’s County Planning Board Resolution 14-10, Attachment B, Page 22 (not affected by any Revisions in CR-26-2014).

⁶ M-NCP&PC, *Approved Sector Plan and Sectional Map Amendment for the East Glenn Dale Area (Portions of Planning Area 70)* (March, 2006), p. 21.

uses.”⁷

With this recommendation, the Sector Plan recognizes that many existing commercial/retail will remain; the subject use is now and will continue to be a complementary use to either existing office and light industrial uses or planned future mixed uses with a greater emphasis on residential components.

“Ensure that development proposals are of high quality and conform to the following development guidelines:

- Integrate residential and commercial development to create and facilitate an environment to ensure the interaction between the uses, which includes improving the existing intersection of Mission Drive and MD 193 to create a pedestrian accessible community and by lining the community with continuous walking paths.”⁸

The proposed redevelopment will implement this Guideline by providing for a continuous sidewalk along its perimeter.

- Use high-quality, durable, and attractive materials with appropriate pedestrian-scaled architectural detailing in the design of all buildings.⁹

The proposed redevelopment will implement this Guideline with the architectural design of the new convenience store, which will feature the use of masonry and metal panels, and details that include changes in the color and texture of the masonry, plane variations to create shadow lines, and the use of horizontal window mullions at hip level to create a more human scale in the front fenestration.

- Ensure that parking lots and structures are sufficiently screened from public view or designed to be visually unobtrusive...¹⁰

The proposed redevelopment will implement this Guideline by the distributed layout of the parking spaces in the proposed Site Plan, (Exhibit 25), and by the installation of perimeter landscaping in accordance with the provisions of the current Landscape Manual.

Other Sector Plan policies which the subject redevelopment will implement include fulfilling the recommendation for tree planting, including a minimum of ten percent tree cover¹¹ (which predated adoption of the County’s Tree Canopy Coverage legislation), minimization of the number

⁷ Sector Plan, p. 21.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid., p. 22.

¹¹ Ibid., p. 24

of parking spaces to provide water quality benefits¹², and the use of cut-off light fixtures¹³.

Other Applicable Functional Master Plans

The Application conforms to the Green Infrastructure Plan as there are no Regulated Areas (or even Evaluation Areas) of the County's Green Infrastructure Network which will be affected by the subject project.

With regard to the Historic Sites and Districts Plan, no historic sites, resources or districts are located in the vicinity of the subject property.

The Water Resources Functional Master Plan addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the instant Application.

No proposed sites for Public Safety facilities are in the area affected by the instant Application.

The Countywide Master Plan of Transportation classifies this segment of Greenbelt Road as an arterial roadway, with a variable right-of-way within a range of 120- 200 feet. The Plan's intent is for the road to be a six-lane divided facility; the number of existing lanes (four through lanes plus two curb lanes) is commensurate with the Master Plan of Transportation's recommendation of 6 (six) lanes. Finally, the depiction of the planned right-of-way extent on the County's GIS site is coincident with the existing right-of-way in the vicinity of the subject property.

In conclusion, because the proposed Gas Station and the Food or Beverage Store reconstruction are not in conflict with the General Plan, the Sector Plan or the applicable Functional Master Plans, approval of the subject Application will be in harmony with the Ordinance's purpose of implementing those Plans.

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

Because this Application proposes the renewal of a long-existing use at a site which is being developed in accordance with provisions of the laws which assure the adequacy of local public facilities, approval of it would be in harmony with this purpose of promoting the conservation of a community which will be developed with adequate public facilities.

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

¹²Ibid.

¹³Ibid., p. 25.

Approval of the instant Application would recognize the needs of the County's workers by renewing an existing use in a developed area, and so would abet the orderly growth and development of the County, making the subject Application in harmony with this Purpose of the Ordinance.

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

The instant Gas Station and Food or Beverage Store will be in harmony with this Purpose when developed in conformance with the various regulations in the Zoning Ordinance to ensure the provision of adequate light, air and privacy, both for the occupants of the subject site and for its neighbors. These principles include the provision of sufficient distance between the proposed use and neighboring uses, and conformance with height limitations in order to allow for access to light and air.

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

The instant Gas Station and Food or Beverage Store will be in harmony with this Purpose when developed in accordance with the various principles that have been codified in the Zoning Ordinance to promote the beneficial relationships between land and buildings, including conformance with the Tables of Permitted Uses for the various zones as laid out in the Ordinance, and in conformance with the provisions of the Landscape Manual which provide for perimeter landscaping and the screening of parking and service functions.

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

The proposed Gas Station and Food or Beverage Store will be in harmony with this Purpose when developed in conformance with regulations established in the body of the Zoning Ordinance, as well as other County Ordinances, which are intended to protect from fire, flood, panic and other dangers, namely: the floodplain regulations, Stormwater Management regulations, the Fire Prevention Code, the Building Code, and the Tables of Permitted Uses for the various zones.

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

Because the subject use is commercial in nature, this Purpose is not directly applicable to this Application.

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

The renewal of the Gas Station and Food or Beverage Store will be in harmony with this Purpose because it will augment the tax base of the County directly and through the employment

provided to its workers.

(10) To prevent the overcrowding of land;

The instant Gas Station and Food or Beverage Store will be in harmony with this Purpose when redeveloped in accordance with various principles that have been codified in the Ordinance to ensure the prevention of overcrowding, including the provisions of the Table of Uses that provides for the compatibility of uses, height limits, and 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;

The approval of the instant Gas Station and Food or Beverage Store will be in harmony with this Purpose. The Gas Station and Food or Beverage Store are renewals of an existing Gas Station and Convenience Store in a developed area. The proposed use will add only 2 new MPDs, and, as such, will not add materially to the existing traffic on the streets. Its approval will be in accordance with the provisions of the Subdivision Ordinance which assures the adequacy of local public facilities. Additionally, it will be developed in accordance with the regulations established in the body of the Zoning Ordinance (and other County ordinances) which are intended to lessen the danger and congestion of traffic on roads, such as the requirements (with the approved Departure) for the provision of adequate off-street parking, and the separation of entrances from nearby intersections.

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

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, that conformance with the requirements and regulations of the Zoning Ordinance is prima facie evidence of the Application's harmony with this Purpose. The Gas Station and Food or Beverage Store will promote the economic and social stability of the County by contributing to the tax base, and by continuing to provide a useful and convenient service to the surrounding community.

(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;

Because the instant Gas Station and Food or Beverage Store is a renewal of an existing Station and Convenience Store, approval of the instant Application will have no impact to the natural features in the County. It will not itself generate noise pollution, and the use will be in compliance with the County's Woodland Conservation policies by virtue of its exemption from the requirement for Tree Conservation Plan because no woodland exists on the site. No steep slopes or scenic vistas will be affected. By conformance to these principles and regulations, the approval of this

Application would be in harmony with this Purpose.

The final two Purposes,

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

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

are not directly applicable to the approval of this Gas Station and Food or Beverage Store. §27-317(a)(1)

(5) The instant Application is also in harmony with the specific Purposes of the I-1 Zone, §27-469(a)(1), as follows:

(A) To attract a variety of labor-intensive light industrial uses;

The approval of the subject site will provide for the modernization of an existing use which has served for approximately forty years as an amenity and convenience to the workers in the neighborhood, enhancing the ability of the area to attract the uses permitted by the I-1 Zone.

(B) To apply site development standards which will result in an attractive, conventional light industrial environment;

The subject site will be redeveloped in accordance with the development standards for the I-1 Zone; thereby being in harmony with this Purpose.

(C) To create a distinct light industrial character, setting it apart from both the more intense Industrial Zones and the high-traffic-generating Commercial Zones; and

The redevelopment of the existing Gas Station and Food or Beverage Store at the subject property will not affect the existing character of the neighborhood; the use will continue as an appropriate ancillary use that complements the existing uses in the predominantly I-1 zoned neighborhood.

(D) To provide for a land use mix which is designed to sustain a light industrial character.

The subject use is minor in scope and is an appropriate ancillary use that complements the existing uses in the predominantly I-1 zoned neighborhood. §27-317(a)(1)

(5) Special Exception commercial uses such as Gas Stations and Food or Beverage Stores are presumed compatible with other commercial uses provided the established setbacks, lot coverage,

landscaping, minimum acreage, traffic and parking improvements, and all other regulations can be met. The proposed redevelopment of the subject property will bring the subject property into conformance with current requirements and development standards. The Planning Board has approved a Departure from Parking and Loading Standards (DPLS-415) (Exhibit 19) and a Departure from Sign Design Standards (DSDS-688) (Exhibit 20). With the requested Departures, the Amended Site and Landscape Plans (Exhibits 25(a)-(n)), and the recommended conditions of approval, the proposed uses will be in conformance with all of the applicable requirements and regulations of the Zoning Ordinance. §27-317(a)(2)

(6) The proposed redevelopment of the subject property with commercial uses conforms to the land use designation in the Sector Plan and Sectional Map Amendment for the East Glenn Dale Area. The Sector Plan recommends a commercial land use for the subject property, and the proposed use conforms to the Plan Prince George's 2035 vision. Therefore, 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. §27-317(a)(3)

(7) A Gas Station and Food or Beverage Store have been in continuous operation on this property for more than 40 years and it has not had (and will not have) any adverse effects on the health, safety, or welfare of residents or workers in the area. The instant proposal is designed to provide for the safe internal flow of pedestrians and vehicles on-site and for the safe ingress and egress of vehicles. §27-317(a)(4)

(8) The proposed uses will not be detrimental to the use or development of adjacent properties or the general neighborhood. The redevelopment of the existing Gas Station and Food or Beverage Store mirrors the redevelopment of the adjacent properties and the general neighborhood. §27-317(a)(5)

(9) The Site and Landscape Plans (Exhibits 25(a)-(n)) are in conformance with the approved Standard Letter of Exemption (S-96-14) from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance which expires on June 2, 2016. Because the site is less than 40,000 square feet in size and has no previous approved Tree Conservation Plans, a Standard Exemption Letter was issued by the Environmental Planning Section. (Exhibit 10) No other environmental issues relate to the Applicant's proposal. §27-317(a)(6)

(10) There are no regulated environmental features on the subject property that would require preservation and/or restoration. §27-317(a)(7)

Gas Station

(11) Both Greenbelt Road and Aerospace Road have right-of-way widths of at least seventy feet, and the site has direct vehicular access to each. The subject site has 159.51 feet of frontage on Greenbelt Road and 191.75 feet on Aerospace Road (including an apportionment of ½ the intersection fillet length). (Exhibit 25(c), Note 6(a)(1)) §27-358(a)(1)

- (12) No lots containing schools, hospitals or outdoor playgrounds exist within 300 feet of the subject site. The nearest such facility appears to be DuVal High School, located approximately 1,150 feet away as the crow flies. (Exhibit 25(c), Note 6(a)(2)) §27-358(a)(2)
- (13) The display or rental of any vehicles is prohibited and it is not proposed at the subject site. (Exhibit 25(c), Note 6(a)(3)) §27-358(a)(3)
- (14) The storage or junking of any vehicles is prohibited and it is not proposed at the subject site. (Exhibit 25(c), Note 6(a)(4)) §27-358(a)(4)
- (15) The Special Exception Site Plan (Exhibit 25(c)) indicates that one of the proposed access driveways will all be at least 30 feet wide, while the other two are 20 feet-wide-one-way-in and one-way-out driveways as approved by the Maryland State Highway Administration. The nearest driveway to the intersection of Greenbelt Road and Aerospace Road begins approximately 24 feet from the PC of the curb return, and the nearest driveway to the side line of an adjoining lot is approximately 20 feet distant therefrom. The proposed access driveway for two way traffic is 35 feet in width and the proposed driveway for one way traffic is 20 feet in width. §27-358(a)(5)
- (16) The Special Exception Site Plan indicates that the access driveways are defined by curbing. (Exhibit 25(c)) §27-358(a)(6)
- (17) A 5 foot sidewalk currently exists along Aerospace Road. The Special Exception Site Plan indicates a 5 foot wide sidewalk along the site's frontage along Greenbelt Road to continue the existing pedestrian facilities to the west along the north side of Greenbelt Road. No sidewalk currently exists along Greenbelt Road to the east. (Exhibit 25(c)) §27-358(a)(7)
- (18) The Special Exception Site Plan (Exhibit 25(c), Note 6(a)(8)) indicates that the nearest gas pump will be 31.95 feet behind the closest street line. §27-358(a)(8)
- (19) No repair service is proposed. (Exhibit 25(c), Note 6(a)(9)) §27-358(a)(9)
- (20) The architectural details of the proposed structure which feature masonry accented by metal panels will harmonize with the commercial character and similar materiality of the adjoining self-storage as well as the Glendale Aerospace Center across Aerospace Road to the west. (Exhibits 25 (j)-(n)) §27-358(a)(10)
- (21) Topography of the subject lot and fifty feet into the abutting streets and lots has been shown on the Site Plan. (Exhibit 25(c)) §27-358(b)(1)
- (22) The location and details for the construction of a trash enclosure have been shown on the Site Plan. (Exhibit 25(d)) §27-358(b)(2)

(23) No exterior vending machines or a vending area are proposed; all sales will be inside the proposed Food or Beverage Store. (Exhibit 25(c)) §27-358(b)(3)

(24) Note 6(c) on the Site Plan, Exhibit 25(c), details the requirements of §27-558(c).

(25) The approval of Special Exception 4757 for a Gas Station and Food or Beverage Store is in accordance with the District Council's legislative intent that the "necessary to the public in the surrounding area" provision in §27-358(d)(1) is tantamount to a finding that a proposed Gas Station and Food or Beverage Store is "convenient, useful, appropriate, suitable, proper, or conducive" to providing fuel to the motoring public. Thus the Zoning Ordinance requires a standard less strict than that expressed in Brandywine Enterprises, Inc. v. County Council, 117 Md. App. 525, 700 A2d 1216 (1997) and more stringent than that expressed in Baltimore County Licenses Beverage Assoc., Inc. v. Kwon, 135 Md. App. 178, 761, A2d 1027 (2000). The continued existence of a Gas Station use at the subject site which has existed since the early 1970's is ample evidence that the use has been convenient, useful, appropriate, suitable and proper. Its location in a commercial/industrial area is suitable and appropriate, as it is convenient and useful to the substantial traffic (2014 ADT: 39, 982 vehicles per day) which passes the site on Greenbelt Road. §27-358(d)(1)

(26) Finally, §27-358(d)(2) requires that, "the District Council shall find that the proposed use... Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses."

Because the proposed use is a renewal of a use which has existed at the site since the early 1970's, because it is in the midst of a group of compatible commercial and industrial uses which has grown up around the subject site and its historic use, because it will be (re)constructed to a high standard of site planning and architectural detail, because it is modest in scale, and because it does not propose vehicle repair or vehicle storage and the attendant visual disruption caused by these activities, all support a conclusion that it will not upset the balance of land use, or restrict the availability of land for other trades and commercial uses.

Food or Beverage Store

(27) The standard for reasonable need is "reasonably convenient or expedient"; the current practice of co-locating convenience commercial facilities with essentially every new Gas Station arises from the similar appropriateness of site with high vehicular traffic to both Gas Stations and Convenience Commercial facilities. The co-location has the added benefit of providing for increased vehicular trip efficiency by allowing consumers to expediently combine trips and minimize traffic on the roads. Furthermore, the subject property location in an area which is ultimately planned for mixed uses will provide for greater opportunity for encouraging pedestrian trips, both from the existing Glendale Apartments as well as future new residential development and redevelopment. §27-355(a)(1)

(28) The Technical Staff Report found that the site's location at the intersection of Greenbelt Road

will be convenient to both nearby neighborhood residents, nearby workers, and passing commuters of Greenbelt Road. §27-355(a)(2)

(29) The Gas Station is long-existing and is the only Gas Station in the neighborhood which is already substantially-developed. Its approval will neither restrict the availability of land nor upset the balance of land use. Similarly, the modest scale of the proposed Food or Beverage Store expansion on a developed site in the midst of a developed area along a commercial corridor will also neither restrict the availability of land nor upset the balance of land use. §27-355(a)(3)

(30) The neighborhood is currently developed with a concentration of office uses (as well as a not-insignificant component of classic light industrial uses). §27-355(a)(4)

(31) The sale of alcoholic beverages is prohibited and no alcoholic beverage sales are proposed. §27-355(a)(5)

Parking and Loading Regulations

(32) Based on the Gross Floor Area of the proposed Food or Beverage Store (3,180 square feet) and Car Wash (1,344 square feet), a total of 24 parking spaces and one loading space are required to serve the property. The proposed Site Plan (Exhibit 25(c)) shows 19 parking spaces and one loading space. The Applicant has requested a Departure (DPLS-415) for the five required parking spaces not provided and the Planning Board has approved DPLS-415. (Exhibit 19) If DPLS-415 is not ultimately approved the Special Exception Site Plan will have to be revised to include the five required parking spaces not currently provided.

Landscape Manual

(33) The instant Application to modernize an existing Gas Station and Food or Beverage Store involves new construction and is subject to the requirements of the 2010 Prince George's County Landscape Manual (Landscape Manual). The Application is in conformance with Sections 4.2, 4.3, 4.4, and 4.9 of the Landscape Manual.

- **Section 4.2, Requirements for Landscaped Strips along Streets** – The proposal is subject to Section 4.2, Requirements for Landscaped Strips along Streets, along both its Greenbelt Road (MD 193) and Aerospace Drive frontages. The Site Plan provides the appropriate schedules, which show that the requirements are being met with the proposed development.
- **Section 4.3, Parking Lot Requirements** – The proposal is subject to the requirements of Section 4.3, Parking Lot Requirements, because it involves a new parking area in excess of 7,000 square feet. The Site Plan provides the appropriate schedule, which shows that the requirements are being met by the proposed development.

- **Section 4.4, Screening Requirements** – The Site Plan indicates a new exterior trash facility that is shown to be screened on the rear and sides with masonry in a design and in colors that complements the proposed buildings. A sight-tight composite plank board gate is also proposed.
- **Section 4.5, Stormwater Management Facilities** – The Site Plan indicates proposed Stormwater Management facilities that should be landscaped as per the requirements of the Prince George’s County Department of Public Works and Transportation (DPW &T).
- **Section 4.7, Buffering Incompatible Uses** – The Site Plan is subject to the requirements of Section 4.7 because it involves a new building. The Site Plan provides the appropriate schedules, which show that the adjacent uses are compatible with the proposed use and, therefore, a Section 4.7 bufferyard is not required along the northern or eastern property lines.
- **Section 4.9, Sustainable Landscaping Requirements** - The Special Exception is subject to the requirements of Section 4.9 for all of the proposed plantings. The Site Plan includes the appropriate schedule demonstrating conformance to its requirements including percentage of native plant species, exclusion and removal of invasive plant species, and the location of plantings on amenable slopes.

Tree Canopy Coverage

(34) The instant Application is subject to the Tree Coverage Ordinance as it proposes disturbance of 5,000 square feet or greater. The Special Exception area of 0.89 acre, or 38,768 square feet, is zoned I-1 and is required to provide ten percent, or 3,877 square feet, of Tree Canopy Coverage (TCC). A TCC worksheet is provided on the Landscape Plan (Exhibits 25(e) and (f)) indicating compliance with this requirement.

Signage

(35) The Applicant is proposing building, canopy, and freestanding signage that are prototypical franchise-style for Dash-In and Shell. The building signs and window stickers will be the red and green Dash-In logos, while the canopy sides and canopy signage will be the red and yellow logos that are typical for Shell. The freestanding sign will be a combination of both and will include three types of gasoline price signs. The signage appears to be within the allowed square footage, although the height is shown to be 26.5 feet, which exceeds the permitted height of 25 feet. A Departure for the placement of the signs per §27-614(a)(4) of the Zoning Ordinance, DSDS-688, has been approved by the Planning Board. (Exhibit 20) In the event that DSDS-688 is not finally approved, the Site Plans will be required to be amended accordingly.

Zone Standards

(36) With the approval of DPLS-415 and DSDS-688 the Applicant's proposal appears to be in compliance with the requirements of the Zoning Ordinance. In accordance with §27-469(b)(1) and (2) of the Zoning Ordinance, at least ten percent of the net lot area shall be maintained as green area. Any landscape strip adjacent to the public right-of-way required pursuant to the provisions of the Landscape Manual shall not be considered part of the required green area. Green area calculations have been added to the Site Plan.

Car Wash

(37) A Car Wash is a permitted use in the I-1 Zone provided it is designed in accordance with the regulations and requirements of the County Code. The Car Wash provided on the proposed Site Plan is designed in accordance with the regulations and requirements of the Zoning Ordinance. Mr. Rick Dorsey, the owner and operator of an existing Car Wash located adjacent to the subject property appeared in Opposition to the instant Application. Mr. Dorsey expressed concerns about the magnitude of the size and height of the proposed Car Wash, which will obscure his Car Wash from the traffic along Greenbelt Road (MD 193), thereby eliminating drive by traffic from his prospective customers. Mr. Dorsey argued that a smaller Car Wash could be built which would not obscure his Car Wash, thus allowing a potentially more equitable distribution of potential customers. Unfortunately, as the proposed Car Wash is a permitted use, it is reviewed by the instant Application only to the extent that the proposed Site Plan for the Special Exception for the Gas Station and Food or Beverage Store includes a Car Wash. With the approvals of DDS-488 and DPLS-415 the proposed Special Exception Site Plan will be in accordance with the regulations and requirements of the County Code.

DISPOSITION

Special Exception 4757 is APPROVED, subject to the following Conditions:

1. DPLS-415 and DSDS-688 shall be finally approved.
2. Prior to certification of the Special Exception, a copy of an approved Stormwater Management Concept Plan and letter from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) shall be submitted to the Environmental Planning Section.
3. The Site Plan, Exhibit 25, shall be amended to provide the correct street frontage along Greenbelt Road (159.51 feet) and the correct distance from the nearest pump island to the street line (31.95 feet).

The Approved Site and Landscape Plans are Exhibits 25(a)-(n).