

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.

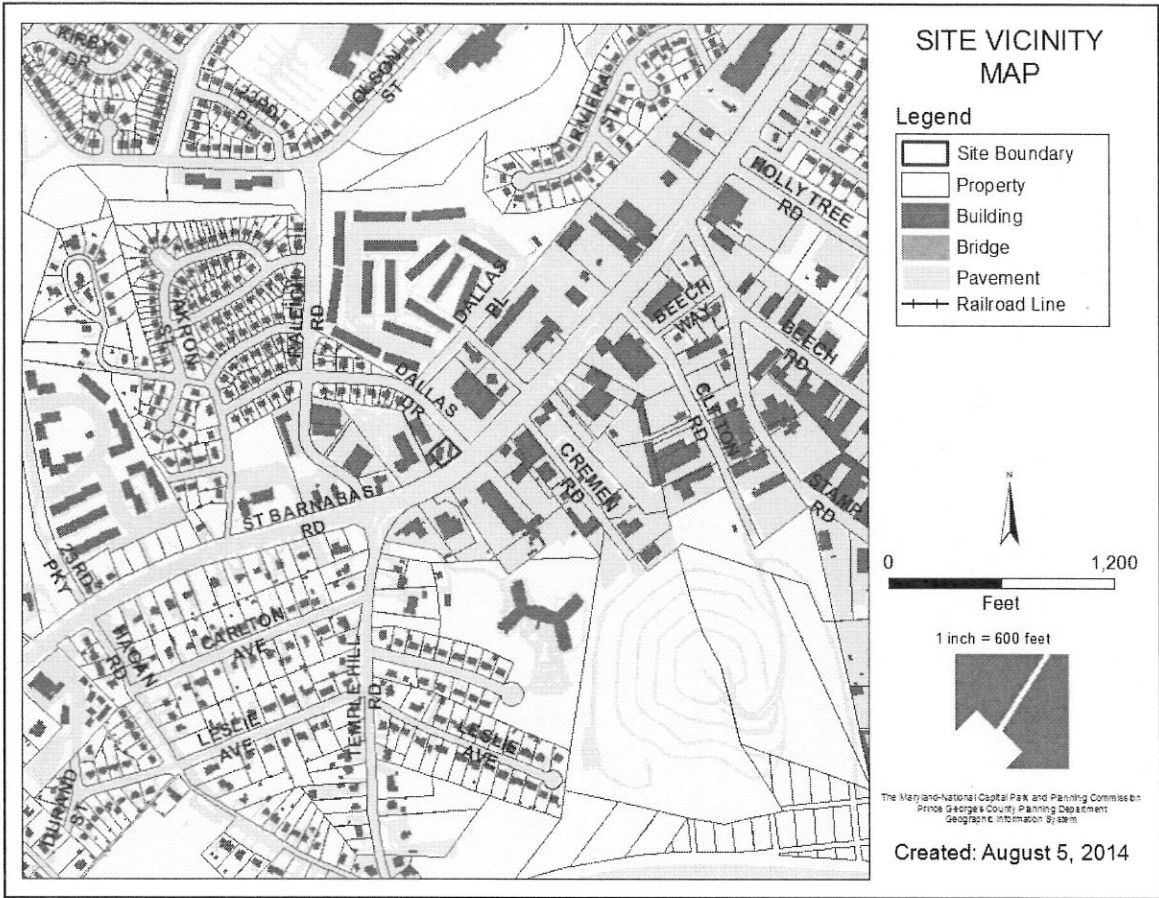
Special Exception
Departure from Parking and Loading Standards
Departure from Sign Design Standards

SE-4758
DPLS-413
DSDS-686

Application	General Data	
Project Name: Marlow Heights Citgo Location: Northwest corner of St Barnabas Road and Dallas Drive. Applicant/Address: St Barnabas Road Plaza, LLC. 61 Fairwood Lane Owings, MD 20736 Property Owner: Same as applicant	Planning Board Hearing Date:	02/25/16
	Staff Report Date:	02/09/16
	Date Accepted:	11/13/15
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.32 acres
	Zone:	C-S-C
	Gross Floor Area:	1,900 sq. ft.
	Lots:	1
	Parcels:	N/A
	Planning Area:	76A
	Council District:	07
	Election District:	06
	Municipality:	N/A
200-Scale Base Map:	206SE03	

Purpose of Application	Notice Dates	
SE-4758: Gas station with a convenience store in the C-S-C Zone, including variances.	Informational Mailing	08/22/14
DPLS-413: Departure of one required loading space.	Acceptance Mailing:	11/02/15
DSDS-686: Departure of four feet from the required 40-foot setback for a building identified by a freestanding sign and for additional canopy signage.	Sign Posting Deadline:	01/26/16

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 BOARD

TECHNICAL STAFF REPORT

TO: The Prince George's County Planning Board
The Prince George's County District Council

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

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

SUBJECT: **Special Exception Application No. SE-4758**
Departure from Parking and Loading Standards Application No. DPLS-413
Departure from Sign Design Standards Application No. DSDS-686
Marlow Heights Citgo

REQUEST: **SE-4758:** Gas station with a food or beverage store in the C-S-C Zone, including variances.

DPLS-413: Departure of one required loading space.

DSDS-686: Departure of four feet from the required 40-foot setback for a building identified by a freestanding sign and for additional canopy signage.

RECOMMENDATION: **SE-4758: Approval with Conditions**
DPLS-413: Approval
DSDS-686: Approval

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of February 25, 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 a rectangular-shaped parcel at the northwest corner of the intersection of St Barnabas Road and Dallas Drive. The 0.32-acre parcel is zoned Commercial Shopping Center (C-S-C) and is improved with an existing gas station with three service bays and a small (150-square-foot) convenience store. Additional structures on the site include three concrete pump islands, three gasoline pump dispensers, one canopy, three underground storage tanks, one freestanding sign, and 11 surface parking spaces. The property has direct vehicular access via four driveway cuts, two each on St Barnabas Road and Dallas Drive.

B. **Development Data Summary:**

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

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

D. **Master Plan Recommendation:** The subject property is located in the Established Communities area of the Prince George's County Growth Policy Map in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The vision for Established Communities in Prince George's County is to have context-sensitive infill and low to medium-density development. Located in an established industrial area, the proposed use is the context-sensitive development Plan Prince George's 2035 encourages. The 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* recommends retaining the neighborhood commercial use on the property. The subject property is within the plan identified Beech Road Focus Area. The sector plan examines the Beech Road focus area to address conflicts between residential, commercial, and industrial land uses. The plan envisions this area as a community-scaled commercial area that supports the residential neighborhoods by providing locally serving retail, offices, and public uses closely integrated with residential development. This is done by creating adequate on-site parking, landscaping and sidewalks, and code compliance of commercial properties.

E. **Request:** The applicant does not propose substantial changes to the use as it now exists. They simply wish to validate the existing situation, and in the case of the freestanding sign, bring it into conformance with the County Code. As part of the application, the applicant is seeking several variances from the criteria of Section 27-358, the specific special exception requirements for a gas station.

The applicant has also requesting a Departure from Parking and Loading Standards (DPLS-413) to waive the previous requirement for a loading space.

The applicant is also requesting a Departure from Sign Design Standards (DSDS-686) from Section 27-614(a)(1) of the Zoning Ordinance, which requires buildings identified by a freestanding signs in all commercial and industrial zones (except the I-3 Zone) to be located at least forty feet behind the right-of-way. The existing building is 36 feet from the right-of-way of St Barnabas Road, necessitating a departure of four feet. In addition, the applicant is requesting a departure of 13.5 feet for canopy signage above the 70 feet permitted by the County Code.

F. **Neighborhood and Surrounding Uses:** The subject property, 4801 St Barnabas Road, is located in the Marlow Heights neighborhood. The general neighborhood for this site is bounded to the north by the Barnaby Run Stream Valley and Saint Clair Drive, to the northeast by 28th Avenue, to the southeast by St Barnabas Road and to the west by Raleigh Road. The neighborhood contains a mix of uses, primarily service-commercial and auto-related uses along St Barnabas Road with single- and multifamily dwellings further to the north and west and industrial uses to the east and south across St Barnabas Road. The uses immediately surrounding the proposed special exception are as follows:

- North—** A convenience store and restaurant in the C-S-C Zone.
- East—** Across Dallas Drive is the AMF Marlow Heights Bowling Alley in the C-S-C Zone.
- West—** Strip commercial uses in the C-S-C Zone.
- South—** Across St Barnabas Road are several auto repair and sales lots in the C-S-C Zone.

G. **Specific Special Exception Requirements:** A convenience store is a permitted use in the C-S-C Zone. The gas station requires approval of a special exception. Section 27-358(a) of the Zoning Ordinance provides the specific special exception requirements for a gas station as follows:

- (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 140 feet of frontage on St Barnabas Road, which has a right-of-way of 120 feet. The applicant is seeking a 10-foot variance from this requirement.

- (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: The site meets this requirement.

- (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;**

Comment: The applicant does not propose the display and rental of trucks, nor do they propose the storage of wrecked vehicles. The site plan contains notes to this effect.

- (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;**

Comment: Three of the four access drives are closer to the point of curvature or side lot-lines than permitted. Variances of seven (northern driveway on Dallas Drive), twelve and seven feet (the driveways on St Barnabas Road) are being sought by the applicant.

- (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;**

Comment: These criteria are met.

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

Comment: The pump island closest to Dallas Drive is set back only 23 feet, while the island closest to St Barnabas Road is set back 22.5 feet. The applicant is seeking variances of two feet and two and one-half feet, respectively.

- (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 will adhere to these restrictions. In addition, the repairs performed at the facility must be limited to those described within the limits set forth in the definition of a gas station in Section 27-107.01(99) of the Zoning Ordinance.

- (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: The applicant does not propose to change the architectural character of the station. The site is typical of the strip-commercial character found along this stretch of the St Barnabas Road commercial corridor. While not particularly inspiring, this site does have some landscaping and is better maintained than many of the others along the corridor. The revised freestanding sign and canopy signage will be similar to the existing signage, but be of a more modern design.

- (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 this information. There are no 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 understands this limitation and will abide by it.

- (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 proposed development is a continuation of an existing use. The need for this gas station is evident in the almost 60 years it has existed in the same configuration on this property. The provision of gas, auto repair and convenience goods serves the needs of, and is reasonably convenient to the surrounding community and travelling public. The proposed continuation 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.

Variances to Specific Special Exception Requirements:

As previously noted, the applicant seeks variances from several of the specific requirements of a special exception for a gas station and from one of the requirements of the commercial zones. The applicant seeks variances from:

- Section 27-3589a)(1)–Street Frontage
- Section 27-358(a)(5)–Driveway Setbacks
- Section 27-358(a)(8)–Gas Pump Setbacks
- Section 27-462(b)–70-foot ROW Width Adjacent to Commercial Development

Section 27-230(a) provides the following findings for approval of a variance:

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

Comment: The property is small in size, constituting only 13,846 square feet in area or 0.32 acres. In addition, it is a corner lot which must, therefore, observe setbacks from two different rights-of-way. In reality, the setbacks are met from the existing street pavement along both frontages, but a 30-foot-wide unused portion of ROW along St Barnabas Road and a mandated 70-foot-wide ROW along Dallas Drive further constrict the developable area of the subject property. The site was developed prior to its annexation into the Regional District and was a permitted use, either by right or as a nonconforming use for many years without the need for a special exception. It was not until the 2008 rezoning from the C-M Zone to the C-S-C Zone that this property became once again subject to a special exception, and even then the owner could continue as a nonconforming use if they chose to do so. However, the applicant wishes to legitimize this long-existing use through the special exception process, bringing into conformance the design standards they can meet, relying on the previous design standards where permitted to do so and seeking variances and departures for those they cannot. Collectively, these factors constitute an extraordinary situation which is not of the applicant's making. This first criterion is met.

- (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: As a use permitted by special exception, a gas station is generally considered compatible with other uses in the C-S-C Zone. The site was developed in the 1950s, subject to the design standards at that time. Over time those design standards have changed and become more refined and the street rights-of-way have widened to the point that the applicant cannot physically meet many of them. In order to meet today's design standards, the entire site would have to be razed and completely rebuilt. Even if they did so, given the small size of the site and its numerous constraints it would be difficult to design a station that could meet all of the design standards, in our estimation. Given the long history of this use at this corner, to require the complete redesign of the site would place a peculiar and unusual practical difficulty upon the applicant. The second criterion is met.

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

Comment: The variances will not substantially impair the intent, purpose, or integrity of the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* which recommends retaining the neighborhood commercial use on the property. The sector plan

envisioned this area as a community-scaled commercial area that supports the residential neighborhoods by providing locally serving retail, offices, and public uses closely integrated with residential development. The use is permitted by special exception in the C-S-C Zone and is therefore presumed to be compatible with similarly-zoned surrounding permitted uses. This criterion is met.

Conclusion

The applicant has shown that each of the three criteria for approval of a variance has been met. Staff recommends approval of this variance request.

H. **General Requirements for a Special Exception:** Section 27-317(a) of the Zoning Ordinance provides the following required findings for approval of a special exception:

(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: With the recommended conditions, the proposed use as a full-service gas station and convenience store, as well as the site plan are in harmony with the purposes of this Subtitle.

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

Comment: The validation of this site will bring the subject property further into conformance with current requirements and development standards. The applicant is requesting approval of departures and variances where they cannot meet the requirements due to the property being developed prior to current standards. Indeed, the development precedes the site's annexation into the Regional District. With the requested departures, variances and the recommended conditions of approval, the proposed use will be in substantial conformance with all of 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;**

Comment: The proposed redevelopment of the property with commercial uses conforms to the land use designation in the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan Sectional Map Amendment* (SMA). The Branch Avenue Corridor Revitalization 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.

(4) **The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**

Comment: A full-service gas station has been in continuous operation on this property for nearly 60 years and it has had no adverse effects on the health, safety, or welfare of

residents or workers in the area. The proposal before us now does not change the manner or character of the use other than to bring the freestanding sign into conformance with the required ten-foot setback.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

Comment: The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The validation of the existing gas station mirrors the redevelopment of the adjacent properties and the general neighborhood.

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

Comment: The approved Standard Letter of Exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance expired on January 3, 2016, and will need to be reissued. Because the site is less than 40,000 square feet in size and has no previous approved tree conservation plans, a Natural Resources Inventory Equivalency Letter (NRI-245-13) was issued by the Environmental Planning Section and remains valid until January 13, 2019. Both of these letters must accompany any subsequent submittals.

(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: There are no regulated environmental features on the subject property that would require preservation and/or restoration. The site has an approved Stormwater Management Concept Letter (27351-2014-00) which requires a Pollution Control Plan approval by the Maryland Department of the Environment. A copy of the approved Pollution Control Plan should be submitted into the record of the case.

I. **Parking and Loading Regulations:** Based on the mix of uses proposed for the site, a total 11 spaces are required. The site plan shows a total of 11 spaces provided. Because the applicant wishes to grandfather the previously existing parking and loading spaces pursuant to Section 27-584, the applicant would be required to provide a loading space, although no such space is required by today's standards. The applicant has requested a departure (DPLS-413) in lieu of providing the loading space. The departure is discussed in greater detail in Finding O of this staff report.

J. **2010 Prince George's County Landscape Manual Requirements:** Because the application to validate the existing gas station does not involve new construction it is not subject to the requirements of the 2010 *Prince George's County Landscape Manual*.

Tree Canopy Coverage

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

K. **Zone Standards:** The applicant's proposal appears to be in general compliance with the requirements of the C-S-C Zone. The applicant is seeking a variance to Section 27-462(b) to waive the assumed 70-foot right-of-way (ROW) along Dallas Drive.

L. **Signage:** The applicant is proposing canopy and freestanding signage that are prototypical red,

white, blue and orange franchise-style for Citgo including the familiar “Trimark” pyramid logo. The freestanding sign will have the same colors and will include three types of gasoline price signs. The freestanding sign will be relocated to meet the 10-foot setback requirement. A departure of four feet from the required 40-foot setback for a building identified by a freestanding sign is requested. The applicant also requests a departure to permit additional canopy signage.

- M. **Required findings for Departures from Sign Design Standards (DSDS-686):** The applicant has requested a departure from Section 27-614(a)(1) of the Zoning Ordinance because the main building associated with the freestanding sign is not set back at least 40 feet from the front street line. The applicant is also seeking a departure to exceed the 70 square feet of canopy signage permitted by the Zoning Ordinance by 13.57 square feet.

Section 27-614(a)(1) states the following:

(a) Location.

- (1) In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs shall only be located on property where the main building associated with the sign is located at least forty (40) feet behind the front street line. This shall not apply to integrated shopping centers, other commercial centers with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial centers, or office building complexes.**

Section 27-613(c)(3)(F) states the following:

(c) Area.

- (3) Commercial Zones (except the C-O Zone) and Industrial Zones (except the I-3 and U-L-I Zones).**
- (F) If all of the permissible sign area is to be used on a canopy that is located less than thirty (30), but at least ten (10), feet behind the street line, the total area of all signs on any one (1) canopy shall not exceed one (1) square foot for each lineal foot of building or canopy width (whichever has the greater width), to a maximum of two hundred (200) square feet. In the case of a shopping center, office building complex, or industrial center, the canopy width, measured along the front edge of the canopy in front of each individual place of business, shall be used. If the canopy is on a corner lot, a portion of the allowed sign area may be displayed on the side street; however, it shall be limited to twenty-five (25) square feet if the front lot line of any residentially zoned lot or lot land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan is located on either side of the street between the subject property and the next intersecting street.**

Section 27-239.01(b)(7) of the Zoning Ordinance contains the required findings that the Planning Board must make in order to approve a departure request:

Section 27-239.01. Departures from Design Standards.

(7) **Required findings.**

(A) **In order for the Planning Board to grant the departure, it shall make the following findings:**

(i) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

Comment: A freestanding sign has existed on the site for many years and currently, the freestanding sign is wholly located within the limits of the ten-foot setback from St Barnabas Road. The proposed new location of the freestanding sign is set back much further on the site than what currently exists and will meet the required setback.

Although the proposed building meets the required building setback from Dallas Drive, it is set back only 36 feet from St Barnabas Road, and a departure of approximately four feet is needed in order to allow a freestanding sign to remain on the site. The building and canopy on this corner lot are diagonally placed making building-mounted signage inadequate to identify this site for the traveling public. The freestanding sign is also necessary to adequately display the prices of different type of gasoline sold on the premises and to identify the car repair tenant. The additional canopy signage is not excessive and is similarly necessary because building signage would not be sufficient, especially to traffic heading northeast on St Barnabas Road.

With the canopy signage and freestanding sign being necessary to identify the use, display the fuel prices, being set back farther on the property than what was previously approved by the Planning Board, and with the proposed building meeting the required 40-foot building setback along one of the two public streets that abut the site, staff believes that the purposes of this Subtitle will be equally well or better served by the applicant's proposal.

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

Comment: A departure of approximately four feet is required from St Barnabas Road at the southern corner of the building. The proposed building is set back less than three feet from the southwestern property line and it cannot be shifted any further in order to meet the required 40-foot building setback. The 13.57 square feet of additional canopy signage in lieu of building signage is minimal and allows for the freshening of the canopy with a more contemporary corporate design.

(iii) **The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

Comment: The site is a corner lot fronting on two streets. Although the building location was not set prior to 1949, it was established prior to the site being brought into the Regional District in 1957. The site has continued virtually unchanged since that time through three different zoning classifications, changes to development standards and the widening of the right-of-way for St Barnabas Road, leaving a wide unused portion of right-of-way which further constrains

redevelopment of the site. As a result, staff finds that the departure is necessary in order to alleviate circumstances which are unique to the site.

- (iv) **The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

Comment: A gas station has been in continuous operation on this property since approximately 1956, and a freestanding sign has existed at the corner of St Barnabas Road and Dallas Drive for many years. There are no residential uses that are located within the immediate area of the site that would be negatively impacted by the departure request. The relocation of the sign to meet the 10-foot setback will be beneficial should the right-of-way be dedicated in the future and St Barnabas Road widened to the ultimate width envisioned by the master plan. The refacing of the sign and canopy will improve the visual quality of the site. As a result, staff finds that the proposed departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

- N. **Required findings for Departures from Parking and Loading Standards (DPLS-413):** The applicant has requested a departure from Section 27-568 of the Zoning Ordinance, because the prior parking and loading standards they wish to continue requires a loading space which the applicant cannot provide. Therefore, a departure of one loading space is sought.

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

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

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

Section 27-550. Purposes

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

Comment: The purposes of the parking and loading regulations will be served

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comment: The subject property is not located within a municipality.

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

Comment: There are no public parking facilities proposed for this area.

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

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

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

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

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

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

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

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

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

P. **Referrals:** The following comments were received for the special exception application.

1. **Subdivision**

Pursuant to Section 24-111(c)(2) of the Subdivision Regulations, a site is exempt from the requirement of filing a preliminary plan of subdivision if the total development proposed for the final plat does not exceed 5,000 square feet of gross floor area (GFA). As previously discussed, the special exception indicates that the proposed construction will not exceed 5,000 square feet of gross floor area, which meets the requirements of the exemption. The development of more than 5,000 square feet on the subject site will require a preliminary plan and a new final plat. Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected.

2. **Environmental**

Site Description

The subject 0.32-acre property is located on the northwest corner of Dallas Drive and St Barnabas Road. St Barnabas Road is identified as an arterial roadway and Dallas Drive is not identified as a master planned roadway. Since this facility is a nonresidential use no noise contour or study is required. A review of the available information indicates that streams, wetlands their associated buffers, 100-year floodplain and Primary Management Areas are not located on-site. The soil found to occur on this site according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), is the Urban land-Beltsville complex. No Marlboro clay is identified on-site or on the adjacent properties. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of the property. The property is located in the Oxon Run watershed of the Potomac River basin. The site is currently located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

Master Plan Conformance

The property is located within the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan Sectional Map Amendment* (SMA). In the approved sector plan, there are no Environmental Infrastructure recommendations or guidelines. The woodland conservation, regulated environmental features and noise will be discusses using the previous Master Plan.

The previous Master Plan for this area is The Heights and Vicinity Master Plan and Sectional Map Amendment (November 2000). In the Master Plan the Environmental Infrastructure section contains recommendations and guidelines. An environmental goal is stated as "To protect and enhance the environmental qualities of the planning area by preserving natural environmental assets as the integral part of the community.

The following recommendations have been determined to be applicable to the current project. The text in **BOLD** font is the text from the master plan and the plain font text provides comments on plan conformance.

Recommendation 1: Woodland Preservation

The existing woodlands in Natural Reserve Areas must be retained. Other

existing woodlands should be retained to the extent possible in order to maintain or increase the current percentage of woodland. Furthermore, the expansion of woodlands through afforestation and reforestation is encouraged in the implementation of the greenways and open space program linkages.

The site contains no identified Natural Reserve Areas. This site contains an existing gas station that is 100 percent impervious with no on-site vegetation. No woodland conservation is proposed because the site is exempt from the Woodland Conservation Ordinance.

Recommendation 2: The County should pursue efforts to minimize development impacts on contiguous woodland areas adjacent to Henson Creek and the Oxon Run Tributary through land acquisition for parks, where feasible, and through appropriate land use recommendations.

This site contains an existing gas station that is 100 percent impervious with no on-site vegetation. It is not adjacent to Henson Creek and Oxon Run. Land acquisition for parks will be addressed by the Department of Parks and Recreation.

Recommendation 3: Stormwater Management

The County should ensure that stormwater is properly managed, and major streams and detention/retention basins should be monitored for water quality and flow characteristics. The plan recommends the development of five stormwater management ponds as shown on the plan map. Alternative solutions to provide remedial action for on-site stormwater management may be necessary, until such time as the Department of Environmental Resources (DER) implements the proposed potential regional stormwater management ponds in the planning area.

The stormwater management design is conceptually and technically reviewed and approved by the Department of Permitting, Inspections and Enforcement (DPIE) to address surface water runoff issues in accordance with Subtitle 32 Water Quality Resources and Grading Code, which requires that Environmental Site Design be implemented to the maximum extent practicable.

The site has an approved Stormwater Management Concept Letter (27351-2014-00) and plan that covers the entire property. The letter approves the site with no stormwater structures or fees, because the site will disturb less than 5,000 square feet of land. A Pollution Control Plan approved by the Maryland Department of the Environment Oil Control Program is also required prior to zoning approval per this letter. At this time, there is no Pollution Control Plan on file with the DPIE.

Prior to the certification of the Special Exception Site Plan, a copy of the Pollution Control Plan for this site must be submitted to DPIE and the Environmental Planning Section.

Recommendation 4: Noise Attenuation

In areas of 65 dBA (Ldn) or greater, residential development proposals should be reviewed and certified by a professional acoustical engineer stating that the building shell of habitable structures located within a

prescribed noise corridor will attenuate ultimate exterior noise level to an interior level not to exceed 45 dBA (Ldn), especially in the AICUZ designated noise corridor.

The site is not located in an AICUZ designated noise corridor. Policies contained in the Plan Prince George's 2035 call for the reduction of adverse noise impacts to meet State of Maryland noise standards. Noise impacts on residential uses are generally regulated along roads with a classification of arterial or higher, no residential uses are proposed with this application.

Recommendation 5: Air Quality

The County should continue to participate aggressively in metropolitan efforts to prevent further air quality deterioration and should support all available measures to improve local air quality.

Air quality is a regional issue that is currently being addressed by the Metropolitan Council of Governments.

Recommendation 6: Proposed developments should meet stringent standards and guidelines and the potential environmental impacts of human activities should be identified as early as possible in the planning process. The constraints of Natural Reserve and Conditional Reserve Area must be adhered to.

There is no Natural Reserve or Condition Reserve Areas located on-site or on the adjacent properties.

Countywide Green Infrastructure Plan Conformance

According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains no Regulated, Evaluation or Network Gap Areas within the designated network of the plan.

Conformance with the Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the county, on a county wide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections & Enforcement, Prince George's County Department of Health, Prince George's County Department of Environmental Resources, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban and Sanitary Commission are also deemed to be consistent with this master plan.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

Natural Resources Inventory/Existing Conditions

An approved Natural Resource Inventory Equivalence letter (NRI-214-13) was submitted with the review package, which was approved on January 13, 2014. The NRI verifies that no regulated environmental features or woodlands occur on the subject property. No revisions are required for conformance to the NRI.

Regulated Environmental Features

This site has been previously developed and does not contain any regulated environmental features that are required to be protected under Section 27-285(b)(4) of the Zoning Regulations. No further information concerning the regulated environmental features is needed at this time.

Woodland Conservation

This project is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 acres of woodland, and does not have a previously approved tree conservation plan. The site has received a Woodland Conservation Exemption Letter (S-002-14) on January 3, 2014. A Type 2 Tree Conservation Plan is not required. No additional information is required with regard to woodland conservation.

Stormwater Management

The site has an approved Stormwater Management Concept Letter (27351-2014-00) and plan that covers the entire property. The letter approves the site with no stormwater structures or fees, because the site will disturb less than 5,000 square feet of land. A Pollution Control Plan approved by the Maryland Department of the Environment Oil Control Program is also required per this letter. At this time, there is no Pollution Control Plan on file with the DPIE.

Recommended Condition: Prior to the certification of the Special Exception Site Plan, a copy of the Approved Pollution Control Plan for this site must be submitted to DPIE and the Environmental Planning Section.

Scenic and Historic Roads

In accordance with County Code Section 24-152 there are no scenic or historic roads located on or adjacent to the subject property. The subject property is located adjacent to St Barnabas Road and Dallas Drive. No additional information is required concerning scenic or historic roadways for the subject property.

Soils

The soil found to occur on this site according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), is the Urban land-Beltsville complex. No Marlboro clay is identified on-site or on the adjacent properties. This information is provided for the applicant's benefit. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review.

CONCLUSION

- A. The applicant has met their burden of proof in this instance. Based on the preceding analysis and findings, staff recommends APPROVAL of Special Exception Application No. SE-4758, including variances, subject to the following conditions:

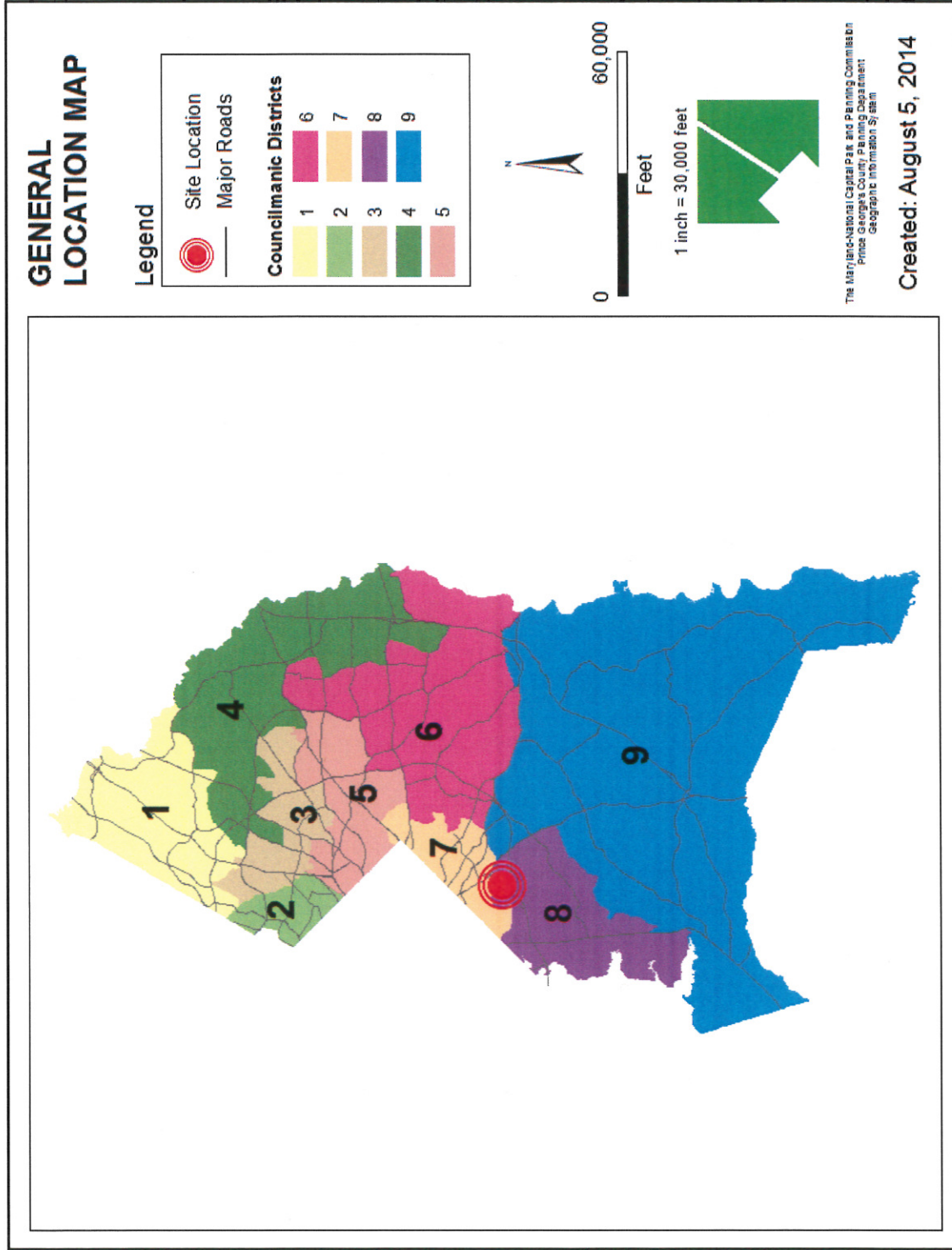
1. Prior to signature approval of the site plan, a copy of an approved Pollution Control Plan shall be submitted into the record of the case.
 2. Auto repairs conducted on the site must be limited to those allowed as part of a gas station as defined in Section 27-107.01 of the Zoning Ordinance. A note to that effect shall be added to the site plan.
 3. Prior to signature approval of the plan, a note shall be added to the plan addressing Sections 27-358(a)(2).
 4. Prior to signature approval of the plan, the applicant shall submit a new Tree Conservation Letter of Exemption to replace the expired letter.
- B. Staff recommends APPROVAL of Departure from Parking and Loading Standards Application No. DPLS-413.
- C. Staff recommends APPROVAL of Departure from Sign Design Standards Application No. DSDS-686.

ITEM:

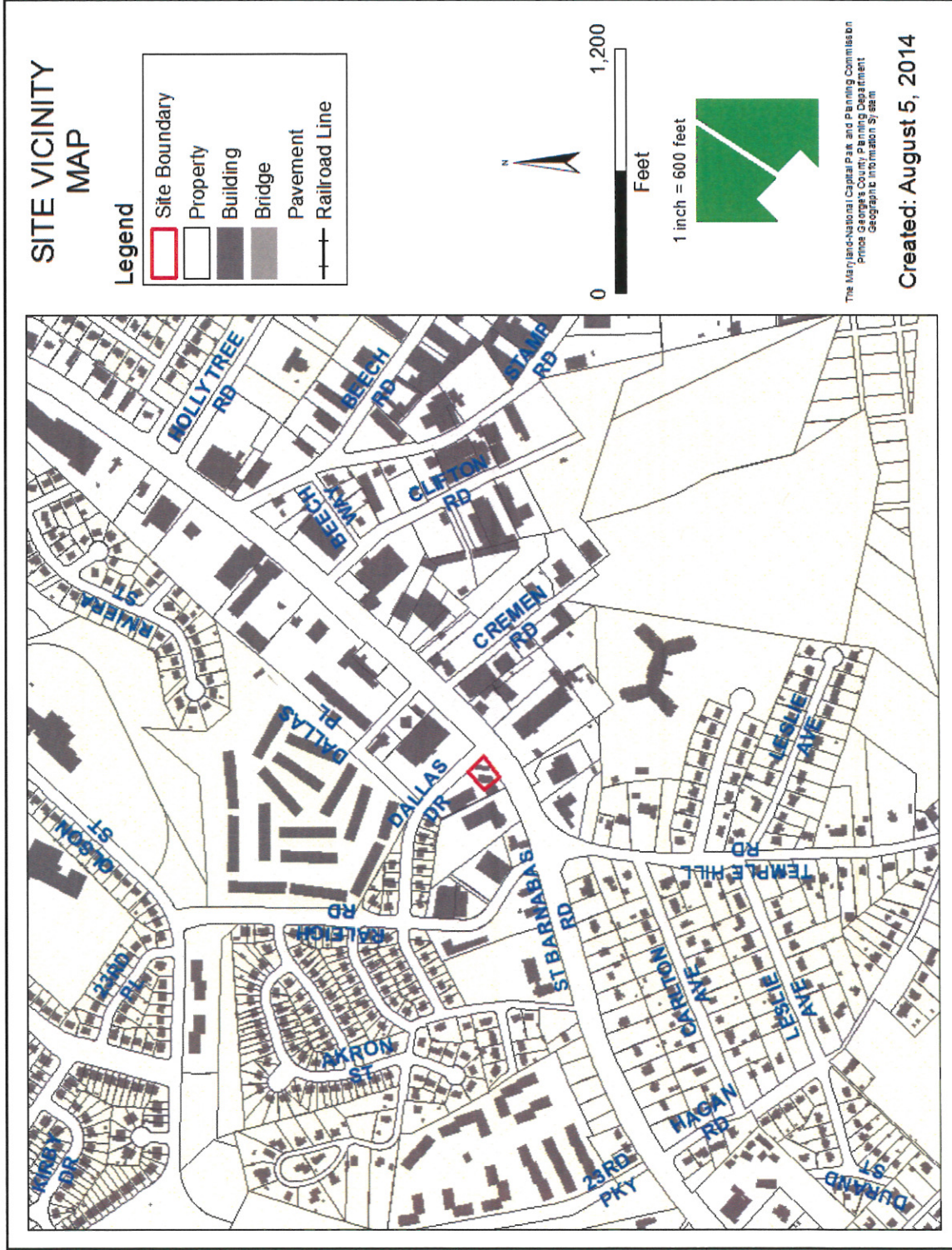
CASE: SE-4758, DPLS-413 & DSDS-686

MARLOW HEIGHTS CITGO

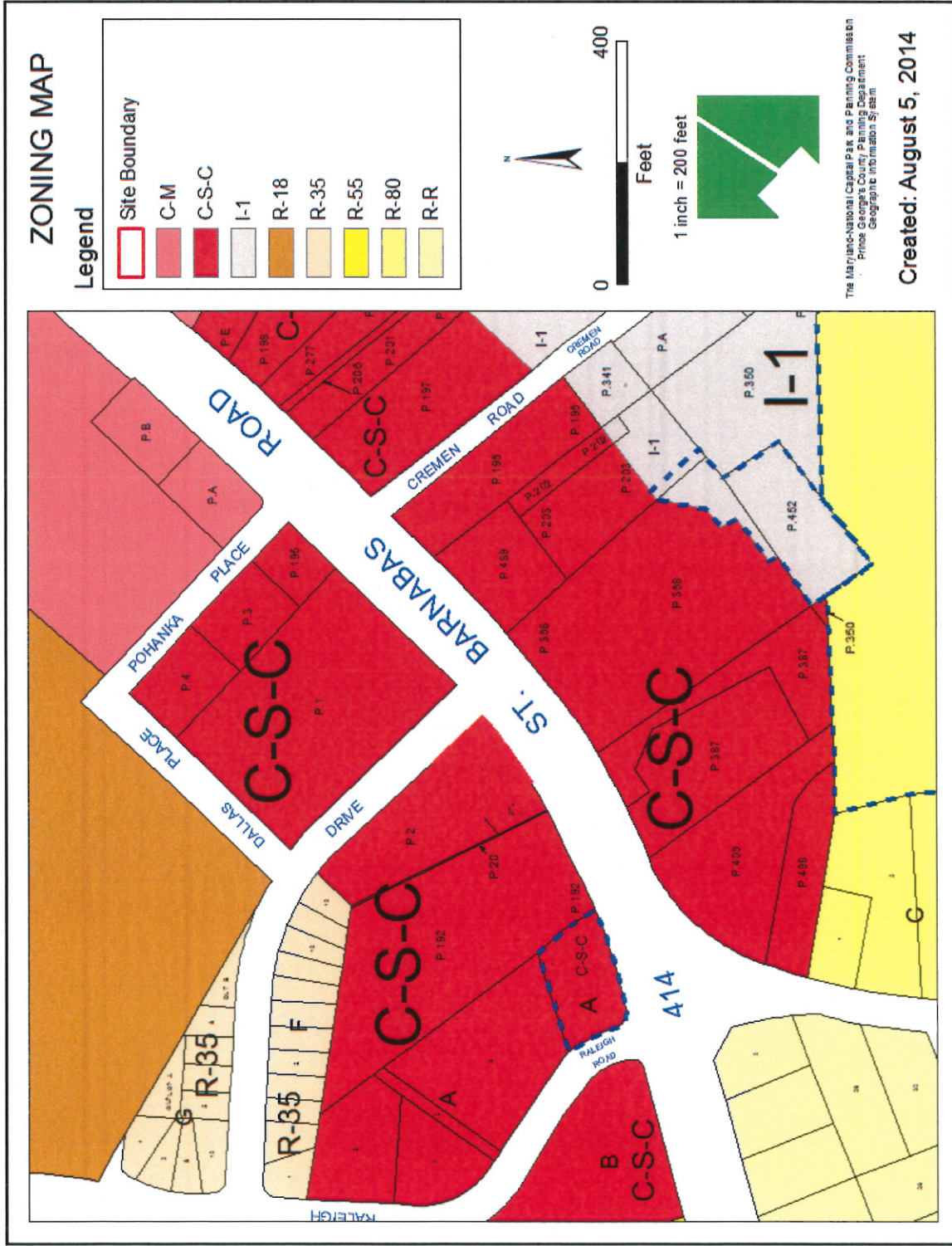
GENERAL LOCATION MAP



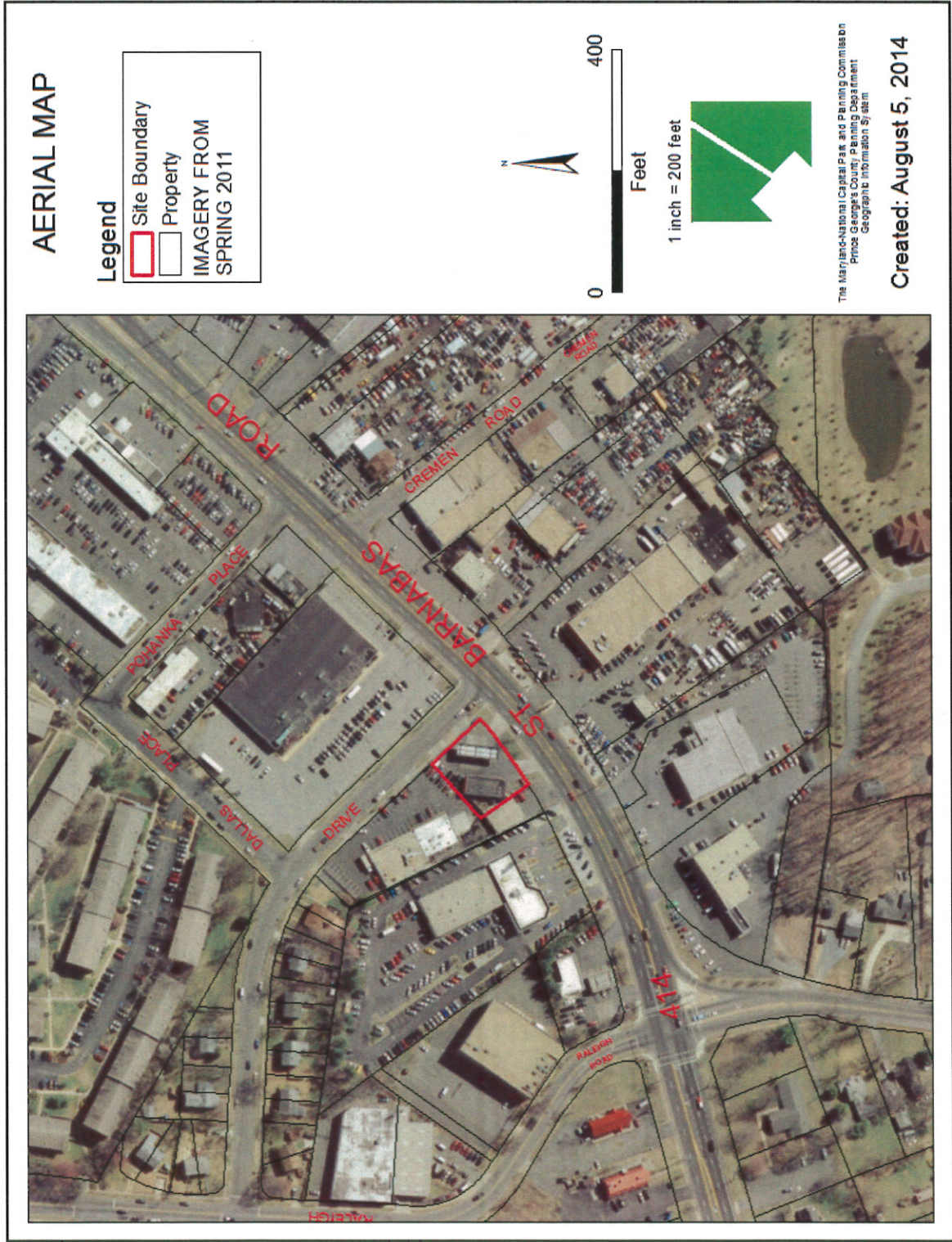
SITE VICINITY



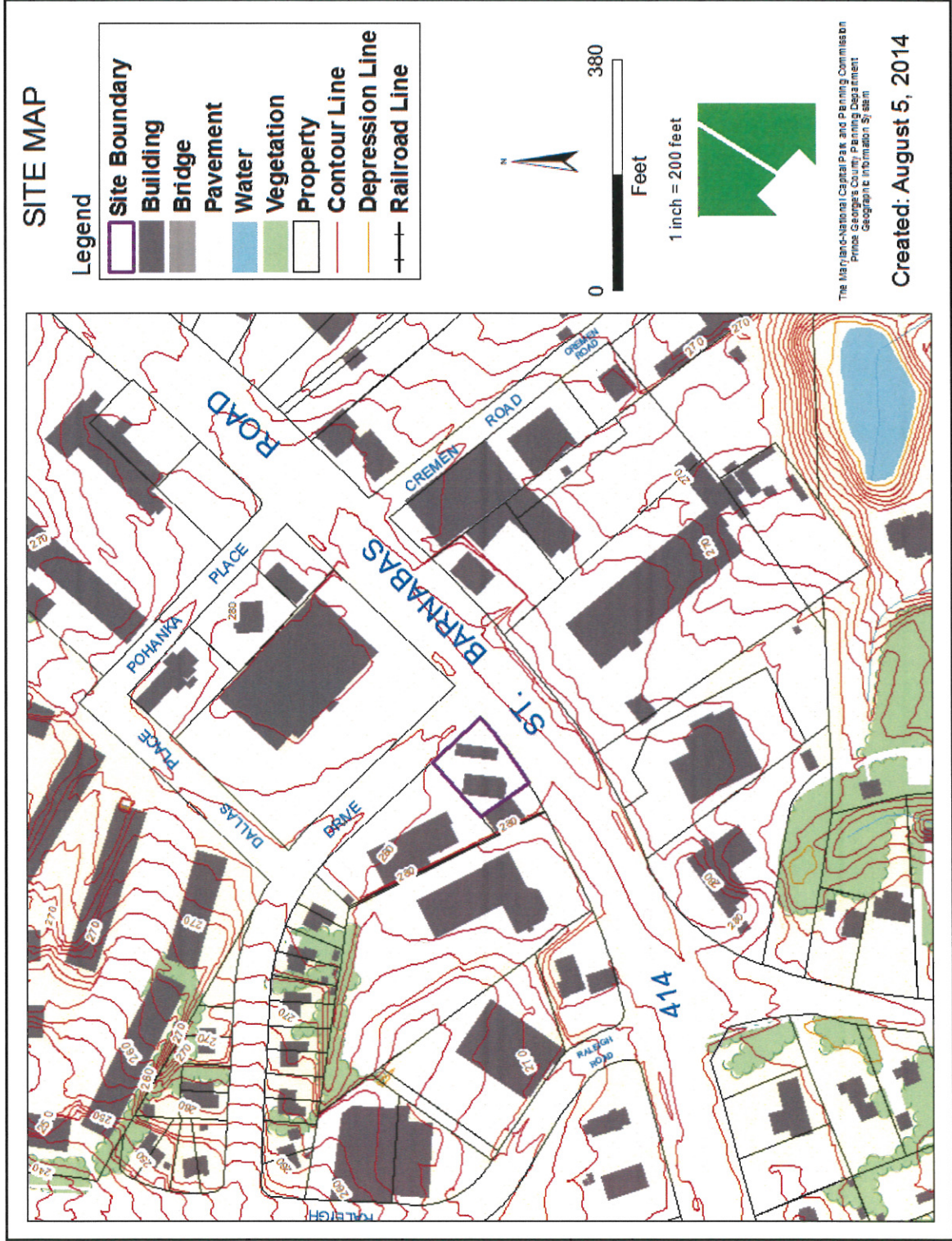
ZONING MAP



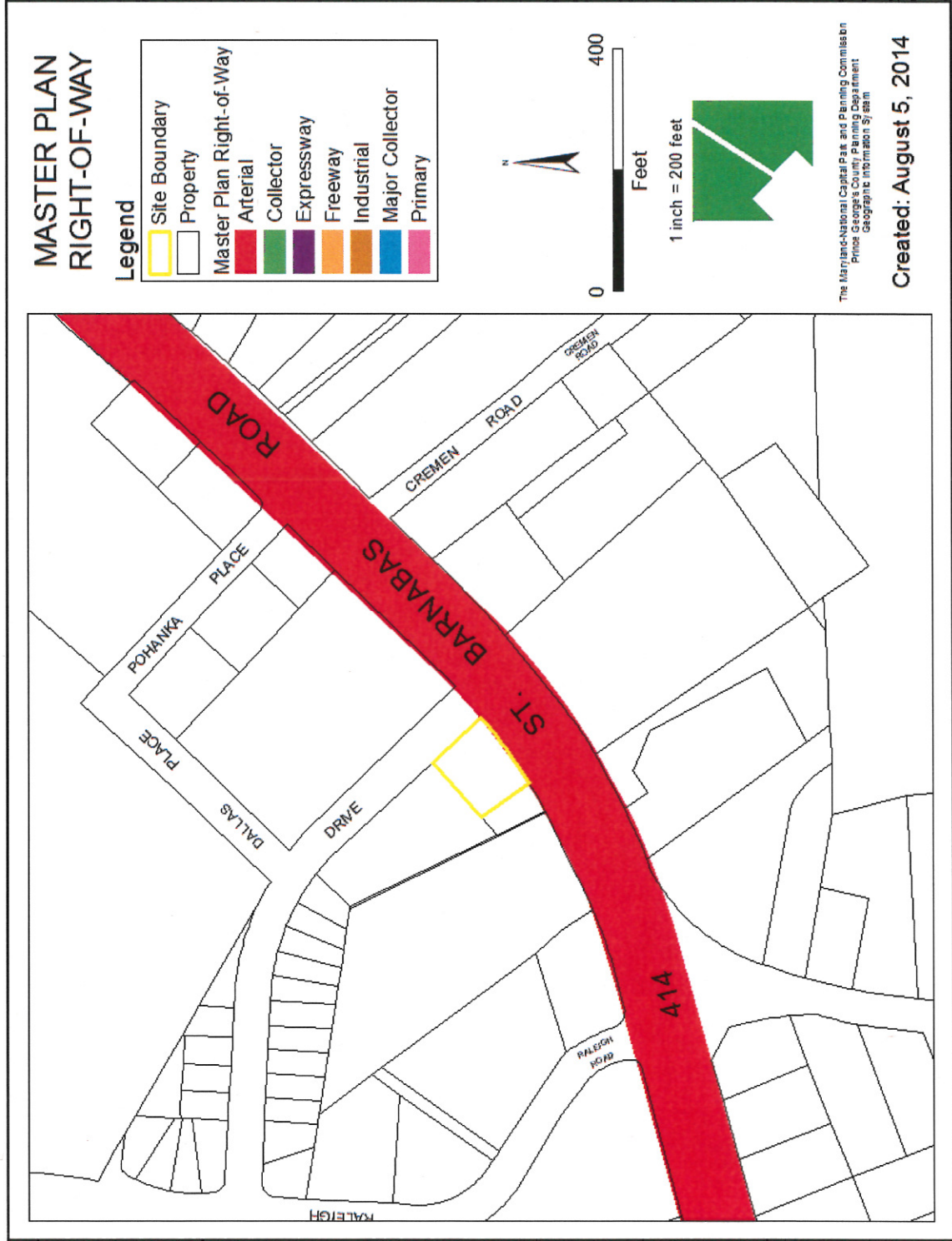
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



SE-4758

Statement of Justification

DPLS-413

Marlow Heights Citgo

Special Exception for Gas Station 4758

DS DS-686

Departure from Parking and Loading Schedules 413

Departure from Sign Design Standards 686

Related Variances

September 17, 2015

LOCATION

The subject property (the "Property") is located at 4801 St. Barnabas Road in Temple Hills, Maryland, on the northwest corner of the Dallas Drive / St. Barnabas Road intersection. It is described as Lot 1, Tax Map 88, Grid B-4. It is 0.3179 acres, or 13,846 square feet. It is developed with a full-service, three-bay, gas station.

NATURE OF THE REQUEST

Saint Barnabas Plaza, LLC, the "Applicant," presents a special exception request for the operation of a full-service gas station in the C-S-C Zone pursuant to Section 27-358 of the Prince George's County Zoning Ordinance.

A gas station has operated on this site, in much the same configuration, since 1956. Over time, improvements were made, some with permit approval and some without. New operators wish to validate the existing station and bring it in to code compliance where possible and seek variance and departure approval where code compliance is impractical. The result of these approvals will be that the existing gas station that will comply with current regulations. The three (3) bay, automotive services are certified nonconforming use by permit number 32423-2005-U. The freestanding sign will be relocated from its existing location to conform to the setback requirements. The canopy will be refaced with signs that require a Departure from Sign Design Standards. Variances are requested to validate the existing gas station layout—specifically, two gas pump closer than 25 feet from the right-of-way and the canopy setback—as well.

Improvements were made, over time, in accordance with older standards; e.g., parking spaces are 10 feet by 20 feet, a standard that has been replaced with a smaller size. Bringing the entire site into compliance with the current code would require an unnecessary complete redevelopment of the site. Sticking with the older standards—

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

DPLS-413

DS DS-686

under which the site was originally developed—allows the Applicant to validate the existing operation while providing some upgrades to the site. While the current code does not require a loading space, the older code required one loading space for this operation; therefore, the Applicant seeks a Departure from Parking and Loading Schedules to eliminate this requirement.

NEIGHBORHOOD

The neighborhood for the subject property is defined as:

NORTH:	Barnaby Run Stream Valley and Saint Clair Drive
NORTHEAST:	28 th Avenue
SOUTHEAST:	Saint Barnabas Road
WEST:	Raleigh Road

The neighborhood includes commercial use, apartments and single-family attached and detached homes. The Property is on the corner of Dallas Drive and Saint Barnabas Road, in the area of the neighborhood that is mostly service-commercial, automobile related uses. The commercial uses are in an area of “Commercial – Neighborhood” zoning along St. Barnabas Road as shown in the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (“Sector Plan” p. 55). Immediately to the north is a 7-11 Convenience store and restaurant; to the northeast, across Dallas Drive, is the Marlow Heights Lanes bowling alley; to the south, across Saint Barnabas Road, are automobile repair facilities; to the northwest is an in-line commercial center; immediately beyond that is the Easterns Automotive Group and a Shell gas station.

MASTER PLAN AND GENERAL PLAN

The Property was annexed into the Regional District in 1957, a year after the Property was originally developed, and was placed in the C-2 Zone. It remained in the C-2 Zone until 2000 when it was rezoned to C-M via *The Heights Sectional Map Amendment*. In 2008, the Property was placed in the C-S-C Zone by the approval of the Sectional Map Amendment associated with the *Approved Branch Avenue Corridor Sector Plan*, which updated parts of the 2000 Master Plan for *The Heights and Vicinity*. The 2008 plan recommended a revitalization plan be created for the area. Finally, in 2013 the County approved the *Central Branch Avenue Corridor Revitalization Sector Plan* (Sector Plan). In recognition of the long standing commercial use of the Property—a full service gas station has been in operation on subject Property since at least 1956—the Sector Plan recommends the continuation of commercial land use.

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

DPLS-413

DSDS-686

The Sector Plan places the Property in the Beech Road Focus Area that includes the long commercial center located along both sides of Saint Barnabas Road. This commercial center was a topic of concern in the Sector Plan, which noted that commercial uses, long standing in the area, had become run down and were in need of upgrading, calling the area “currently characterized by a hodgepodge of commercial uses and negative visual images” (p. 39). Stricter code enforcement and more stringent adherence with county codes was noted as necessary solutions to the problems in the Beech Road Focus Area. The Sector Plan also recognized that many of the uses along this strip were constructed without permits, apparently an enforcement problem back when these structures were built.

A gas station on the subject Property has existed in one form or another since at least 1956. While it is included in the troublesome area noted in the Sector Plan, the current proposal is aimed at bringing the site into compliance with current standards, or in cases where that is not possible, validating those with variance and departure approval. For a property that has been developed for more than 55 years, under the circumstances by which the entire commercial strip was developed, surprisingly few variances are needed. The resulting development will have landscaping in excess of many commercial properties along Saint Barnabas Road and will be code complaint—both goals of the Sector Plan.

Subsequent to the 2013 approval of the Sector Plan and adoption of the Sectional Map Amendment, the County approved a new General Plan in 2014, *Plan Prince George's 2035* (“Plan 2035”). Plan 2035 updates the 2002 General Plan for Prince George’s County. There are no recommendations in Plan 2035 specific to this Property. Plan 2035 generally recommends that new commercial growth be concentrated in several Regional Transit Districts and Local and Suburban Centers. The subject Property is in an Established Community, an area defined by Plan 2035 as “**existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers,**” and as being “**most appropriate for context-sensitive infill and low- to medium-density development**” (p. 20).

The proposal includes no additional development in the Established Communities Growth Policy Area; it merely validates and updates existing development.

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

DPLS-413

DS DS-686

RELATIONSHIP TO THE PROVISIONS OF THE ZONING ORDINANCE

Section 27-317. Required Findings

Section 27-317 of the Zoning Ordinance contains the general requirements applicable to all special exception uses. The requirements of Section 27-317(a) are as follows:

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

RESPONSE: Generally, the 15 purposes of the Zoning Ordinance are aimed at protecting and promoting public health, safety and welfare. A detailed discussion of these purposes is found later in this justification statement. The proposal is in harmony with all applicable purposes.

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

RESPONSE: The Property was originally developed under older standards and development is in conformance with many of those standards, including larger parking spaces and a loading space. This application will enable the Applicant to update the site for code compliance where possible and request variance and departure approvals where revisions are not practical. The variances and departures are required to validate conditions that have been on the Property for decades and are fully vetted in subsequent sections of this statement of justification.

- (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;**

RESPONSE: As noted, the subject Property is within the approved 201 *Central Branch Avenue Corridor Revitalization Sector Plan*. The Sector Plan rezoned the Property from the C-M Zone to the C-S-C Zone. A gas station is permitted within the C-S-C Zone as a special exception use. This proposal is in direct conformance with the Sector Plan recommendation that existing uses in the Beech Road Focus Area be

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

DPLS-413

DS DS-686

brought into code compliance, where possible. Thus, the proposed continuation of the long existing gas station use will not substantially impair the integrity of the Sector Plan or restrict the availability or upset the balance of land use in the area.

- (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**

RESPONSE: The operation of this gas station has proven to be a safe one. The equipment on the site was installed and operates in compliance with all safety and environmental requirements. It is in the midst of a commercial center that is chock-full with automobile related uses and compatible with its surroundings. As such, it will not adversely affect—as it has never adversely affected—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**

RESPONSE: Adjacent properties are developed with automobile related uses, other service commercial uses, and a convenience store. Residential uses in the defined neighborhood are located far enough away from the existing gas station and are not affected. The Applicant submits that the continuation of the 59± year gas station on the Property as proposed, in the middle of a service commercial area, will not be—and has never been—detrimental to the use and or development of adjacent properties or the general neighborhood.

- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

RESPONSE: The applicant has submitted a Type II 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).**

RESPONSE: There are no regulated features on the site.

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

DPLS-413

DS DS-686

(b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:

- (1) where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or**
- (2) where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.**

RESPONSE: The Property is not in the Chesapeake Bay Critical Area.

Section 27-358. Specific Requirements for Gas Stations

Section 27-358 contains the specific requirements applicable to gas stations. These requirements are as follows:

“(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;**

RESPONSE: As the accompanying site plan shows, the subject property has frontage on Dallas Drive and St. Barnabas Road. On St. Barnabas Road, a 120-foot right-of-way, the Property has approximately 140 feet of frontage; on Dallas Drive, a 70-foot right-of-way [Per Section 27-462(a)(1)(B) – Footnote 1], the Property has approximately 111 feet of frontage. Although the Property has more than 250 feet of frontage on streets with rights-of-way of 70 feet or greater, frontage on any one street does not meet the minimum 150-foot requirement. A variance of ten (10) feet to validate the site’s frontage on St. Barnabas Road is requested.

- (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;**

RESPONSE: No such facilities are located within three hundred (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;

RESPONSE: The applicant does not propose to display and rent cargo trailers, trucks, or similar uses.

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

RESPONSE: The applicant will not store or junk motor vehicles (whether capable of movement or not).

(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;

RESPONSE: The accompanying site plan evidences the variances requested for three of the four driveways existing on the property lots;

(6) Access driveways shall be defined by curbing;

RESPONSE: All access driveways will be defined by curbing as the site plan indicates.

(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;

RESPONSE: An existing sidewalk along the entire St. Barnabas Road portion of the site has and will continue to serve pedestrian traffic. The sidewalk was

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

NPLS-413

DS DS-686

recently increased from four (4) to five (5) feet in width. The sidewalk along Dallas Drive is six (6) feet wide. This requirement is met.

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

RESPONSE: The existing gas dispenser on St. Barnabas Road is 22.5 feet behind the street line; a variance of 2.5 feet is requested. The existing gas dispenser on the Dallas Drive side is set back 23 feet; a variance of 2 feet is requested.

(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.

RESPONSE: Repair services are being performed by a tenant on the Property per the requirements of this section. Automotive replacement parts and accessories are stored within the service building.

(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.

RESPONSE: No changes to the building are proposed. Photographs showing the architectural character of the building are filed with this application. The architecture is typical of 1950s commercial design and is compatible with surround buildings, most of which were constructed at the same time in similar styles.

(b) In addition to what is required by Section 27-296(c), the site plan shall show the following:

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

DPLS-413

DS DS-686

- (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.**

RESPONSE: The accompanying site plan provides the topography of the subject Property and abutting lots as required. There are no exterior vending machines or vending area. The location and type of trash enclosure is noted on the site plan as required.

(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.

RESPONSE: In the event of abandonment of the gas station, the Applicant will comply with the requirements of this section.

(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.**

RESPONSE: The fact that a thriving, successful gasoline station has operated on the subject property for at least fifty-nine (59) years, is evidence of the public's need for the station. As the station is located at an intersection, large numbers of customers are served. The station pumped 726,492 gallons in 2013, and 798,646 gallons in 2105. To further accommodate convenience and needs, the existing facility offers three covered pump islands with multi-product dispensers, a three (3) bay service building offering full repair services and a small snack shop. Therefore, the station has proved to be serving the needs of, and be reasonably convenient to, the surrounding community and traveling public.

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

DPLS-413

DS DS-686

The gas station has not proven to have been restrictive to the availability of land, or to have upset the balance of land use in the area for other trades and commercial uses since its opening nearly 60 years ago.

Section 27-102. Purposes of the Zoning Ordinance

(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;**

RESPONSE: A gas station has operated on this Property since at least 1956 in relatively the same configuration. It has posed no threat to public health, safety, morals, comfort, and welfare. It has proved, given its 60± year history, to be a convenience to the residents and workers in the County. Had it not been so, market forces would have forced it to close years ago.

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

RESPONSE: Sector Plan and General Plan recommendations have been discussed in detail throughout this document. Plan 2035 provides no specific recommendation for the Property, other than to place it in the Established Communities Growth Policy Area—the area ripe for context sensitive infill development. No additional development is proposed. The 2013 Sector Plan places the Property in the Beech Road Focus Area and recommends stricter code enforcement in the area along St. Barnabas Road. It also recommends bringing properties up to code requirements. The proposal validates existing conditions, but also brings forth new landscaping and signage, improving the appearance of the corner of Dallas Avenue and St. Barnabas Road and implements these Sector Plan recommendations.

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

RESPONSE: The Property is in Water and Sewer Category 3; it is adequately served by existing public water and sewer.

SE-4758

DPLS-413

DSDS-686

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

RESPONSE: A gas station has been on the Property for many years. It is in an area of commercial uses, many of which are automobile related, service commercial activities. It presents no "growth and development" of the County; it merely updates and validates existing conditions. This is an orderly way of providing for the needs of businesses.

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

RESPONSE: The Property is in an area of service commercial uses. It is a small, one-story building that has no effect on light, air and privacy.

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

RESPONSE: Concentrating service commercial uses in one area protects land owners from adverse impacts. The gas station is compatible with surrounding uses, which include a convenience store and many automobile-related establishments.

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

RESPONSE: No additional development on the Property is proposed. County controls are in place to protect the County from fire and flood. No panic or other dangers present themselves in the continued use of this Property.

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

RESPONSE: The proposal is not for housing; therefore, this purpose does not apply.

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

RESPONSE: Gas stations provide an important part of the economic base of the County. The movement of people and goods is essential to the employment and the tax base.

(10) To prevent the overcrowding of land;

RESPONSE: The Property is developed and no additional development is proposed. It is in an urban area of intense commercial development. By its nature, urban intensity presents fully developed properties. Full development of this Property does not overcrowd this urban commercial area.

(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;

RESPONSE: The gas station does not generate much traffic itself. It is generally a "pass-by" business serving people who are already on the road. The operation of the station these many years has not created danger or congestion on nearby streets.

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

RESPONSE: Different uses and categories of uses are part of the fabric of a community. Gas stations provide a valuable service to the community in that they provide the fuel that moves goods and people where they need to go. Without them the social and economic stability of the County would be impaired.

(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;

RESPONSE: Operations onsite must comply with the Code of Maryland (COMAR) and federal Environmental Protection Agency (EPA) regulations that are designed, in part, to protect against air and water pollution. No noise issues are expected; the Property is surrounded by commercial uses and the closest residential uses are far removed and blocked by other, intense commercial uses. The Barnaby Run is the only area of natural beauty in the area and it is more than 1,000 feet to the north. No associated impacts to the stream are expected.

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

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

DPLS-413

DS DS-686

RESPONSE: There is no open space or scenic beauty on or near the Property. Barnaby Run Stream Valley is in the neighborhood, but far enough away that activity on the Property has no impact on it.

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

RESPONSE: The gas station has no impact on agriculture and natural resources. It is in the middle of a highly urbanized part of the County.

Section 27-446. General Purposes of Commercial Zones

(a) The purposes of Commercial Zones are:

(1) To implement the general purposes of this Subtitle;

RESPONSE: The C-S-C Zone and the gas station use, operating on the Property since 1956, implement the purposes of the Zoning Ordinance as listed above.

(2) To provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;

RESPONSE: As outlined earlier in this document, a gas station has proven, over almost 60 years, to be an appropriate use on this commercial corner in a commercial corridor. It is in an area of automotive and convenience uses and is the perfect location for such a use. Residents in the area, all more than 290 feet to the north, can conveniently access the gas station on the way to Saint Barnabas Road and the station is conveniently located on an arterial highway.

(3) To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;

RESPONSE: A gas station in the midst of an automotive and service commercial corridor is in the correct location, compatible with surrounding uses.

SE-4758

DPLS-413

DS DS-686

(4) To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;

RESPONSE: There is no evidence that this use at this location has had any history of issues regarding these negative effects. The canopy and two gas pumps are located closer to the streets than allowed, but they pose no additional threat to fire, noise, glare, noxious matter or other objectionable influence than if located to meet setbacks.

(5) To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;

RESPONSE: The site is not in a residential area. There will be no impact on traffic as a result of the approval of these applications.

(6) To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;

RESPONSE: The Sector Plan recognizes that this area has been and continues to be appropriate for service commercial uses.

(7) To increase the stability of commercial areas;

RESPONSE: The fact that commercial uses in this area have coexisted and thrived, some for more than 60 years, speaks directly to the stability of this commercial area.

(8) To protect the character of desirable development in each area;

RESPONSE: Gas stations are an important part of any community. The existing gas station on this Property is a clean, operating station that meets the needs of the community; therefore, it is desirable existing development.

(9) To conserve the aggregate value of land and improvements in the County; and

RESPONSE: Allowing the use to continue, as it has operated for nearly 60 years, conserves its value. Denial of this application would damage its value.

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

DPLS-413

DS DS-686

(10) To enhance the economic base of the County.

RESPONSE: Again, the gas station is a thriving, integral part of the County. Gas stations provide the fuel that moves people and goods, enhancing the economic base of the County.

Section 27-454(a). Purposes of the C-S-C Zone

(1) The purposes of the C-S-C Zone are:

(A) To provide locations for predominantly retail commercial shopping facilities;

RESPONSE: Predominantly retail commercial shopping facilities are well distributed throughout the County and in the general vicinity, including along Saint Barnabas Road, Stamp and Beech Roads, and the Marlow Heights Shopping Center at the Saint Barnabas Road / Branch Avenue intersection. The continuance of this 59 year old gas station will not interfere with the County's ability to provide for retail commercial areas.

(B) To provide locations for compatible institutional, recreational, and service uses;

RESPONSE: These are not proposed on this Property, which is the site of a long-standing gas station.

(C) To exclude uses incompatible with general retail shopping centers and institutions; and

RESPONSE: This is in a predominantly service commercial area. The uses surrounding are generally automobile related and the gas station fits easily and compatibly into this environment.

(D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.

RESPONSE: Once in the C-2 Zone, the Property was rezoned to the C-M Zone and subsequently placed in the C-S-C Zone in 2013.

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758
NPLS-413
DSDS-686

DEPARTURE FROM PARKING AND LOADING SCHEDULES

The site plan shows a loading area in the rear of the building. Section 27-582 requires one loading space for retail sales and service between 2,000 and 10,000 square feet of gross floor area. The existing building has but 1,917± square feet of gross retail floor area; therefore, no loading space is required by current regulations. However, the station was required to provide one loading space per prior regulations contained in the Zoning Ordinance and one is shown on the site plan. The loading space has no access from the street, except across an adjoining property also owned by the Applicant. Because of the lack of prior code-compliant access and the fact that no loading space is needed to serve the business, the Applicant proposes to eliminate the loading space and provide none; therefore, a departure from Section 27-582 is requested.

Section 27-588(b)(7) sets forth the required findings for approval of a Departure from Parking and Loading Schedules application:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Part (Section 27-550) will be served by the applicant's request;

RESPONSE: The purposes of Part 11, Off-Street Parking and Loading, found in Section 27-550(a) are served by the proposal. The purposes are:

(1) To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;

RESPONSE: The County now deems retail uses smaller than 2,000 square feet too small to need separate loading areas. In this case, typically small delivery vans are used to deliver packaged convenience goods. No loading space is necessary.

(2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

DPLS-413

DS DS-686

RESPONSE: No delivery trucks will need to park on a public street to effect deliveries. Delivery drivers will likely unload right at the front door, which is approximately 26 feet from Saint Barnabas Road and nearly 100 feet from Dallas Drive. There will be no impact to public streets.

(3) To protect the residential character of residential areas; and

RESPONSE: The nearest residential area is more than 290 feet from the site, well removed from loading at the front door. There will be no impact to residential areas.

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

RESPONSE: Eliminating the loading space requirement will have no negative impacts on the amenities in the Regional District. The fact remains: the current code does not require a loading space for uses this size.

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

RESPONSE: The circumstance of the request is this: no loading space is required under current regulations. The loading space was required under older regulations in effect at the time the gas station was constructed. The Applicant can bring the entire site into conformance with today's standards or simply maintain it in its configuration if it meets prior code requirements. In this case, the Applicant is preserving the integrity of the site as developed under the prior codes. But, because the loading space has no legal access, it cannot be a legal space. Eliminating it is the practical solution. A departure of one required space (under older versions of the Zoning Ordinance) is the minimum necessary departure.

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

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

NPLS-413

DS DS-686

RESPONSE: This entire area was developed prior to or near 1949. The subject Property was developed at least as far back as 1956, and possibly earlier than that. The Sector Plan recognizes that many properties in this area were developed under prior regulations and/or were developed without permit, a common, though unfortunate, occurrence in the days prior to and just after zoning was established for most of the County in 1949. Then, one loading space was required and it was present on the Property, although it has no direct access. The departure is necessary to alleviate the onus placed on the Property by prior, outdated codes.

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

RESPONSE: The only "other" method for calculating the number of loading spaces required would be the method in the current code, which requires none. It is impractical to use this standard because it would require a complete redesign and rebuild of the site, an unnecessary task given the lack of need for a loading space.

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

RESPONSE: Nearby residences are approximately 290 feet away and intervening commercial uses block views of the buildings on the Property. It is very unlikely that they will be affected. Very little loading activity happens on the Property. Mostly, it revolves around the convenience shop which sells mainly packaged goods, usually delivered by van, not tractor-trailer. A loading space is not needed, as evidenced by the removal of the requirement in the current code.

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

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

RESPONSE: There are no available loading spaces on other properties; no loading space is needed.

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

NPIS-413

DS DS-686

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

RESPONSE: There are no specific recommendations regarding parking and loading in the general vicinity. The Sector Plan recommends properties in this area be brought into code compliance; no loading is required under the current code.

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

RESPONSE: The Property is not in a municipality.

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

RESPONSE: This applies to departures for parking spaces; the proposal satisfies off-street parking requirements.

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

(i) Public transportation available in the area;

RESPONSE: This is not applicable to loading spaces.

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

RESPONSE: There is no alternative design solution that would yield a loading space other than a complete redesign. A complete redesign is unnecessary and would itself obviate the need for a loading space.

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

RESPONSE: The specific nature of the use is that deliveries are made, but typically by small delivery vans which do not require separate loading areas.

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

DPLS-413

DS DS-686

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

RESPONSE: The Property is not in these residential zones; therefore this requirement does not apply.

DEPARTURE FROM SIGN DESIGN STANDARDS

The proposal includes a gas price sign required by Section 27-594. Freestanding signs are required to be setback 10 feet from the right-of-way per Section 27-614(a)(4). The existing sign does not meet the 10-foot setback requirement; but it is proposed to be relocated through this process. Section 27-614(a)(1) allows freestanding signs on properties whose building is setback a minimum of 40 feet from the right-of-way. At its closest point, the building is thirty-six (36) feet from Saint Barnabas Road. **A Departure of four (4) feet for the building setback is required to allow the continuation of the freestanding sign which will be relocated to conform to setback requirements.**

Section 27-613(c)(3)(F) sets forth the area standard for canopy signs in the C-S-C Zone:

If all of the permissible sign area is to be used on a canopy that is located less than thirty (30), but at least ten (10), feet behind the street line, the total area of all signs on any one (1) canopy shall not exceed one (1) square foot for each lineal foot of building or canopy width (whichever has the greater width), to a maximum of two hundred (200) square feet. In the case of a shopping center, office building complex, or industrial center, the canopy width, measured along the front edge of the canopy in front of each individual place of business, shall be used. If the canopy is on a corner lot, a portion of the allowed sign area may be displayed on the side street; however, it shall be limited to twenty-five (25) square feet if the front lot line of any residentially zoned lot or lot land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan is located on either side of the street between the subject property and the next intersecting street.

SE-4758

DPLS-413

DS DS-686

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

The building is 65 feet wide and the canopy is 70 feet wide; therefore, the width of the canopy is used to calculate the allowable square-footage. The property is a corner lot and the canopy has two sides facing streets, 20 feet long each, neither of which face residentially zoned land. Therefore, the total sign area allowed is 70 square feet, some of which may be located on the sides. There are three signs proposed, one on the the front of the canopy and one on each of two sides. These say "CITCO" and are 23.56 square feet each. The sign on the front includes the CITCO logo, which adds 12.89 square feet to its size. The total square footage of these signs is 83.57 square feet. **A departure of 13.57 feet is requested.**

Section 27-612 allows departures from sign design standards following the procedures set forth in Part 3, Division 5 of the Zoning Ordinance. In that Division, Section 27-239.01(b)(7) sets forth the following required findings for approval:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

RESPONSE: The departure to allow the required freestanding sign and the small amount of canopy sign area serves the purposes of the Zoning Ordinance. The purposes, fully evaluated elsewhere in this document, are generally aimed at protecting and promoting public health, safety and welfare. The Property is small; a gas price is required; the canopy has frontage along both streets. Due to its diagonal orientation, a sign on three sides is appropriate; the sign on the north is visible from Dallas Drive; the sign on the southeast longest side is visible to westbound traffic on Saint Barnabas Road; the sign on the southwest side is visible to those travelling east on Saint Barnabas Road. None of the signs overwhelms the site or area or does any damage to the integrity of the purposes of the Zoning Ordinance.

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

RESPONSE: The departure is calculated as the minimum necessary.

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

DPLS-413

DSNS-686

(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

RESPONSE: This is a small site; in fact it's one of the smallest commercial lots or parcels in this area. While it was likely built in 1956, this whole area was developed in a time when zoning was either nonexistent or new. The departure to allow the required freestanding sign with the building setback less than 40 feet from the right-of-way results from the fact that Saint Barnabas Road has grown over time from a smaller road to the arterial it is today, cutting into the setback. The size of the canopy signs is split over three façades due to the unique shape of the structures on a unique corner lot. None of the individual signs are out of scale with the canopy or the site.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

RESPONSE: The departures will not impair the visual, functional or environmental integrity of the site. As noted, no one sign will overwhelm the site (they are individually quite small) and the gas price sign is required and setback in accordance with code requirements.

VARIANCES

Variances are required for:

- A. Section 27-358(a)(8) requires gas pumps to be located 25 feet from the street line. One gas pump 22.5 feet from the Saint Barnabas Road right-of-way. A variance of 2.5 feet is requested. One gas pump 18 feet from the Dallas Drive right-of-way. A variance of 7 feet is requested.
- B. Section 27-358(a)(5) requires driveways to be 30 feet wide, unless a reduction is allowed by the State or County. Two driveways on Dallas Drive 25 feet wide. Variances of 5 feet each are requested. One driveway on Saint Barnabas Road 26 feet wide. A variance of 4 feet is requested. One driveway on Saint Barnabas Road 27 feet wide. A variance of 3 feet is requested.

Statement of Justification
Marlow Heights Citgo
Special Exception 4758
Departure from Parking and Loading Schedules 413
Departure from Sign Design Standards 686
Related Variances
September 17, 2015

SE-4758

NPIS-413

DS DS-686

- C. Section 27-358(a)(5) also requires that driveways be located not less than 12 feet from an adjoining lot line. The northernmost driveway on Dallas Drive begins five (5) feet from the lot line. A variance of seven (7) feet is requested.
- D. Section 27-358(a)(5) also requires that, on a corner lot, driveways not begin less than 20 feet from the point of curvature. The eastern driveway along Saint Barnabas Road is 8 feet from the point of curvature. A variance of 12 feet is requested.
- E. Section 27-358(a)(1) requires 150 feet of frontage on a street with a right-of way of more than 70 feet. The Property has 140 feet of frontage on Saint Barnabas Road. A variance of 10 feet is requested.
- F. Section 27-449(b)-Figure 55 requires canopies to be a minimum of 10 feet from the street line. The canopy is located seven (7) feet from the ultimate right-of-way of Dallas Drive. A variance of three (3) feet is requested.

By Section 27-235, the District Council may grant appeals involving variances from the strict application of the Subtitle in conjunction with the approval of a special exception.

The variances from Section 27-358 that are requested with the special exception for the gas station comply with the requirements of Section 27-230, as follows;

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

RESPONSE: The Property is exceptionally small. At just 0.3179 acres, it is also one of the smallest commercial properties in the neighborhood. The small size, together with the impact of two street frontages and conditions common to development nearly 60 years ago, leaves full compliance with today's code very difficult.

- (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**

RESPONSE: The use has been certified as a nonconforming use. Several alterations have been made and have been in existence for some time. The variances are requested to validate existing development.

Requiring strict compliance at this point would create a practical difficulty for the Applicant in that useful structures would need to be torn down and gas pumps relocated. Given that the site is fully functional, serves community needs and does so in a safe manner, the option of tearing down and starting over would be unnecessarily burdensome and an unusual practical difficulty for property owner.

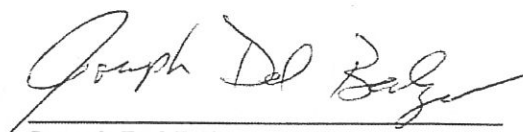
(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

RESPONSE: There are many intents and purposes of the Sector Plan; among them are to bring nonconforming structures and uses into conformance and to increase enforcement. Gas stations in particular have a specific requirement that sunset them upon abandonment, and the nature of nonconforming uses is the same. This site, even with its numerous variances and departures, has operated in the area for nearly 60 years, and it has done so compatibly and safely. This application proposes to relocate the existing freestanding sign to meet setbacks, revise the onsite signage to be more attractive and clean up, administratively, noncompliant issues that have worked for more than half a century. No Master Plan impairment ensues.

CONCLUSION

Given the foregoing discussion and the long-standing nature of this operation, the Applicant respectfully submits that all requirements for the approval of a special exception, departure from sign design standards, departure from parking and loading schedules, and variances have been met and that requests these applications be approved.



Respectfully submitted,



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December 14, 2015

MEMORANDUM

TO: Thomas Lockard, Planner Coordinator, Zoning Section
VIA: Katina Shoulars, Supervisor, Environmental Planning Section 
FROM: Chuck Schneider, Senior Planner, Environmental Planning Section 
SUBJECT: **Citgo – Marlow Heights; Special Exception SE-4758/DPLS-413/DSDS-686**

The Environmental Planning Section has reviewed the above referenced Special Exception Site Plan stamped as received by the Environmental Planning Section on November 13, 2015. The Environmental Planning Section recommends approval of SE-4758 with one conditions.

Background

The subject property was reviewed by the Environmental Planning Section as Citgo – Marlow Heights site. An approved and signed Natural Resource Inventory, NRI-214-13, for this project area was issued on January 13, 2014. This site also has a Standard Woodland Conservation Exemption letter, S-002-14, which is valid until January 3, 2016. No other previous environmental reviews have occurred on this site.

The site has had a gas station present at this location since 1956. Improvements have been made to the building area, but this site has never gone through the development process. Currently, the site is zoned C-S-C and is comprised of 0.32 acres.

Proposed Activity

This Special Exception Site Plan proposes to continually use the existing gas station and add a food and beverage store. Also the applicant requests a departure to eliminate an existing loading space by and another departure of a 4 feet from the required 40 foot building setback for a freestanding sign.

Grandfathering

The project is subject to the environmental regulations of Subtitle 27 that came into effect on September 1, 2010 because this is a new special exception request. The project is also subject to the Woodland and Wildlife Habitat Conservation Ordinance effective September 1, 2010.

Site Description

The subject 0.32 acre property is located on the northwest corner of Dallas Drive and Saint Barnabas Road. Saint Barnabas Road is identified as an arterial roadway and Dallas Drive is not identified as a master planned roadway. Since this facility is a non-residential use no noise contour or study is required. A review of the available information indicates that streams, wetlands their associated buffers, floodplain and Primary Management Areas are not located on-site. The soil found to occur on this site according to the US

Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), is the Urban land-Beltsville complex. No Marlboro clay is identified on-site or on the adjacent properties. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of the property. The property is located in the Oxon Run watershed of the Potomac River basin. The site is currently located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George’s 2035 Approved General Plan.

Master Plan Conformance

The property is located within the Central Branch Avenue Corridor Revitalization Sector Plan (2013). In the Approved Sector Plan, there are no Environmental Infrastructure recommendations or guidelines. The woodland conservation, regulated environmental features and noise will be discussed using the previous Master Plan.

The previous Master Plan for this area is The Heights and Vicinity Master Plan and Sectional Map Amendment (November 2009). In the Master Plan the Environmental Infrastructure section contains recommendations and guidelines. An environmental goal is stated as “To protect and enhance the environmental qualities of the planning area by preserving natural environmental assets as the integral part of the community.

The following recommendations have been determined to be applicable to the current project. The text in **BOLD** font is the text from the master plan and the plain font text provides comments on plan conformance.

Recommendation 1: Woodland Preservation – The existing woodlands in Natural Reserve Areas must be retained. Other existing woodlands should be retained to the extent possible in order to maintain or increase the current percentage of woodland. Furthermore, the expansion of woodlands through afforestation and reforestation is encouraged in the implementation of the greenways and open space program linkages.

The site contains no identified Natural Reserve Areas. This site contains an existing gas station that is 100 percent impervious with no on-site vegetation. No woodland conservation is proposed because the site is exempt from the Woodland Conservation Ordinance.

Recommendation 2: The County should pursue efforts to minimize development impacts on contiguous woodland areas adjacent to Henson Creek and the Oxon Run Tributary through land acquisition for parks, where feasible, and through appropriate land use recommendations.

This site contains an existing gas station that is 100 percent impervious with no on-site vegetation. It is not adjacent to Henson Creek and Oxon Run. Land acquisition for parks will be addressed by the Department of Parks and Recreation.

Recommendation 3: Stormwater Management – The County should ensure that stormwater is properly managed, and major streams and detention/retention basins should be monitored for

water quality and flow characteristics. The plan recommends the development of five stormwater management ponds as shown on the plan map.

Alternative solutions to provide remedial action for on-site stormwater management may be necessary, until such time as the Department of Environmental Resources (DER) implements the proposed potential regional stormwater management ponds in the planning area.

The stormwater management design is conceptually and technically reviewed and approved by the Department of Permitting, Inspections and Enforcement (DPIE) to address surface water runoff issues in accordance with Subtitle 32 Water Quality Resources and Grading Code, which requires that Environmental Site Design be implemented to the maximum extent practicable.

The site has an approved Stormwater Management Concept Letter (27351-2014-00) and plan that covers the entire property. The letter approves the site with no stormwater structures or fees, because the site will disturb less than 5,000 square feet of land. A Pollution Control Plan approved by the Maryland Department of the Environment Oil Control Program is also required prior to zoning approval per this letter. At this time, there is no Pollution Control Plan on file with the DPIE.

Prior to the certification of the Special Exception Site Plan, a copy of the Pollution Control Plan for this site must be submitted to DPIE and the Environmental Planning Section.

Recommendation 4: Noise Attenuation – In areas of 65 dBA (Ldn) or greater, residential development proposals should be reviewed and certified by a professional acoustical engineer stating that the building shell of habitable structures located within a prescribed noise corridor will attenuate ultimate exterior noise level to an interior level not to exceed 45 dBA (Ldn), especially in the AICUZ designated noise corridor.

The site is not located in an AICUZ designated noise corridor. Policies contained in the General Plan call for the reduction of adverse noise impacts to meet State of Maryland noise standards. Noise impacts on residential uses are generally regulated along roads with a classification of arterial or higher, no residential uses are proposed with this application.

Recommendation 5: Air Quality: The County should continue to participate aggressively in metropolitan efforts to prevent further air quality deterioration and should support all available measures to improve local air quality.

Air quality is a regional issue that is currently being addressed by the Metropolitan Council of Governments.

Recommendation 6: Proposed developments should meet stringent standards and guidelines and the potential environmental impacts of human activities should be identified as early as possible in the planning process. The constraints of Natural Reserve and Conditional Reserve Area must be adhered to.

There is no Natural Reserve or Condition Reserve Areas located on-site or on the adjacent properties.

Countywide Green Infrastructure Plan Conformance

According to the approved Countywide Green Infrastructure Plan, the site contains no Regulated, Evaluation or Network Gap Areas within the designated network of the plan.

Conformance with the Water Resources Functional Master Plan

The 2010 Approved Water Resources Functional Master Plan contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the county, on a county wide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections & Enforcement, Prince George's County Department of Health, Prince George's County Department of Environmental Resources, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban and Sewer and Sanitary Commission are also deemed to be consistent with this master plan.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

Natural Resources Inventory/Existing Conditions

An approved Natural Resource Inventory Equivalence letter (NRI-214-13) was submitted with the review package, which was approved on January 13, 2014. The NRI verifies that no regulated environmental features or woodlands occur on the subject property.

No revisions are required for conformance to the NRI.

Regulated Environmental Features

This site has been previously developed and does not contain any regulated environmental features that are required to be protected under Section 27-285(b)(4) of the Zoning Regulations.

No further information concerning the regulated environmental features is needed at this time.

Woodland Conservation

This project is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 acres of woodland, and does not have a previously approved tree conservation plan. The site has received a Woodland Conservation Exemption Letter (S-002-14) on January 3, 2014. A Type 2 Tree Conservation Plan is not required.

No additional information is required with regard to woodland conservation.

Stormwater Management

The site has an approved Stormwater Management Concept Letter (27351-2014-00) and plan that covers the entire property. The letter approves the site with no stormwater structures or fees,

because the site will disturb less than 5,000 square feet of land. A Pollution Control Plan approved by the Maryland Department of the Environment Oil Control Program is also required per this letter. At this time, there is no Pollution Control Plan on file with the DPIE.

Recommended Condition: Prior to the certification of the Special Exception Site Plan, a copy of the Approved Pollution Control Plan for this site must be submitted to DPIE and the Environmental Planning Section.

Scenic and Historic Roads

In accordance with County Code Section 24-152 there are no scenic or historic roads located on or adjacent to the subject property. The subject property is located adjacent to Saint Barnabas Road and Dallas Drive.

No additional information is required concerning scenic or historic roadways for the subject property.

Noise

The site has frontage on Saint Barnabas Road, a master planned arterial roadway that is a traffic noise generator; however, due to the proposed commercial use, traffic generated noise is not regulated in relation to the subject application.

No additional information is required concerning noise for the subject property.

Soils

The soil found to occur on this site according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), is the Urban land-Beltsville complex. No Marlboro clay is identified on-site or on the adjacent properties.

This information is provided for the applicant's benefit. The county may require a soils report in conformance with CB-94-2004 during the building permit process review.

RECOMMENDED CONDITIONS AND FINDINGS

The Environmental Planning Section provides the following for your consideration.

Recommended Conditions:

1. Prior to the certification of the Special Exception Site Plan, a copy of the approved Pollution Control Plan for this site must be submitted to DPIE and the Environmental Planning Section.

If you have any questions concerning these comments, please contact me at 301-883-3240 or by e-mail at alwin.schneider@ppd.mncppc.org

ACS:acs



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
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November 30, 2015

MEMORANDUM

TO: Tom Lockard, AICP, Planning Coordinator, Zoning Section

FROM: Debbie Gallagher, Information and Permit Review Supervisor *DA*

SUBJECT: Marlow heights Citgo (SE-4758/DPLS-413/DSDS-686)

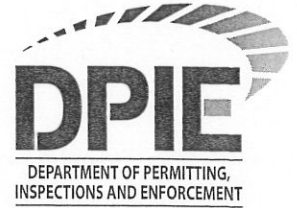
1. Section 27-358(a)(8) requires gas pumps to be located 25 feet from the street line. A variance will be required.
2. The use currently does not require a loading space. The loading space is not accessible and should be removed from the plan. A Departure from Parking and Loading is not necessary since we often allow sites to use current loading standards if it is to a benefit. However the loading schedule shall be updated to reflect current standards 0 loading required 0 provided. Waiving the loading space is okay to.
3. Section 27-358(a)(5) required driveways to be 30 feet wide, unless a reduction is allowed. A variance for each driveway will be required.
4. Section 27-358(a)(5) requires that driveways be located not less than 12 feet from an adjoining lot line. A variance will be required.
5. Section 27-3589a)(1) requires 150 feet of frontage on a street with a right-of-way of not than 70. A variance will be required.
6. Section 27-449(b) requires canopies to be a minimum of 10 feet from the street line.
7. There is no reference to Section 27-358(2), (3) or (4) on the site plan.
8. Are there other service appliances on the site? If so they must be identified and located 25 feet from the street.
9. A Departure from Sign Design Standard will be required per Section 27-614(a)(4).

9. Auto repair is not permitted in the C-S-C Zone, if major auto repair is being performed beyond what is allowed under the definition of a gas stations in Section 27-107.01, then the use of auto repair must obtain a Special Exception. Please address on site plan.
10. A variance from Section 270613©(3)(F) will be required for the canopy signage.



Rushern L. Baker, III
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

December 4, 2015

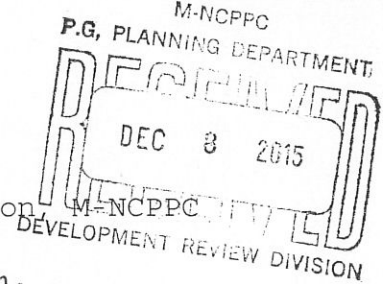
TO: Tom Lockard, ACIP, Planning Coordinator
Zoning Section Development Review Division

FROM: Mary C. Giles, P.E., Associate Director
Site/Road Plan Review Division, DPIE *mcy*

RE: Marlow Heights Citgo
Special Exception No. SE-4758
Departure from Parking and Loading Spaces No. DPLS-413
Departure from Sign Design Standards No. DSDS-686

CR: Dallas Drive 3-3200

CR: St. Barnabas Road (MD 414)



In response to the Special Exception No. SE-4758, Departure from Parking and Loading Spaces No. DPLS-413 and Departure from Sign Design Standard No. DSDS-686 and variances referrals, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The property is located on the northwest corner of St. Barnabas Road (MD 414) and Dallas Drive.
- Dallas Drive is County-maintained; therefore, right-of-way dedication and frontage improvement in accordance with the County Road Ordinance, Department of Public Works and Transportation's (DPW&T) Specifications and Standards and the Americans with Disabilities Act (ADA) is required.
- MD 414 is State-maintained; therefore, coordination with the Maryland State Highway Administration (SHA) is required.
- The proposed site development has an approved Stormwater Management Concept Plan No. 27351-2014, dated August 6, 2014.
- Special Exception No. SE-4758 is for a gas station, food and beverage store. Departure from Parking and Loading Schedules No. DPLS-413 is to eliminate an existing loading space which is no longer required per current regulations. Departure from Sign Design Standard No. DSDS-686 is a 4 feet departure from the required building setback of 40ft for a freestanding sign.

Tom Lockard
December 4, 2015
Page 2

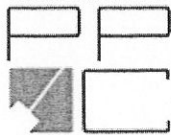
- DPIE has no objection to Special Exception No. SE-4758, Departure from Parking and Loading Spaces No. DPLS-413, and Departure from Sign Design Standards No. DSDDS-686
- This existing gas station does not meet the following specific requirements for a gas station and appropriate variance is being sought:
 - Minimum street frontage of at least one hundred and fifty feet.
 - Three of the four driveways do not have the required width or distance from the adjoining lot.
 - The gasoline pumps are not setback at least 25 feet behind street line.
- DPIE has no objection to these variances.

If you have any questions or require additional information, please contact Mr. Mansukh Senjalia, P.E. District Engineer for the area, at 301.636.2060.

MCG:MS:dar

cc: Mansukh Senjalia P.E, District Engineer, S/RPRD, DPIE
Nanji Formukong, Engineer, S/RPRD, DPIE
Deming Chen, Engineer, S/RPRD, DPIE
St Barnabas Plaza, LLC., 61 Fairwood Lane, Owings, MD 20736
Marlboro Engineering Consultants, 1209 Heritage Hills Drive
Upper Marlboro, MD 20774

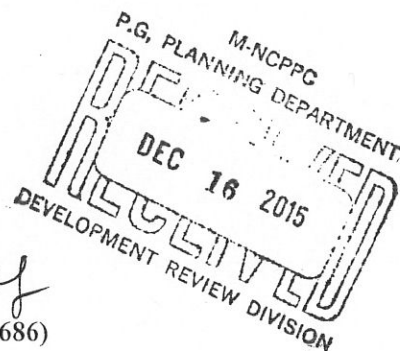
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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



Prince George's County Planning Department
 Community Planning Division

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December 14, 2015



MEMORANDUM

TO: ✓ Tom Lockard, AICP, Planning Coordinator, Zoning Section
 VIA: Steve Kaii-Ziegler, Planning Supervisor, Community Planning *scz*
 FROM: Melissa Lindsjo, Senior Planner, Community Planning *msj*
 SUBJECT: **MARLOW HEIGHTS CITGO (SE-4758/DPLS-413/DSDS-686)**

DETERMINATIONS

General Plan:

The application is consistent with the Plan Prince George's 2035 Approved General Plan.

Master Plan:

The application is consistent with the 2000 Approved Master Plan and SMA for the Heights and Vicinity.

Sector Plan:

The application is consistent with the 2013 Approved Central Branch Avenue Corridor Revitalization Sector Plan.

BACKGROUND

Location: The property is located on the Northwest corner of St. Barnabas Road and Dallas Drive.

Size: 0.32 acres

Existing Uses: This site is developed and comprised of a full-service, three-bay, gas station.

Proposal: The applicant is proposing to keep a full-service gas station.

GENERAL PLAN, MASTER PLAN, AND SMA

This application requires conformance with the applicable General or Master Plan. YES

General Plan: The subject property is located in the Established Communities area of the Prince George's County Growth Policy Map in the *Plan Prince George's 2035 Approved*

General Plan. The vision for Established Communities in Prince George's County is to have context-sensitive infill and low to medium-density development. Located in an established industrial area, the proposed use is the context-sensitive development *Plan Prince George's 2035* encourages.

Master/Sector Plan: The *2013 Approved Central Branch Avenue Corridor Revitalization Sector Plan* recommends retaining the light industrial use on the property. The subject property is within the plan identified Beech Road Focus Area. The sector plan examines the Beech Road focus area to address conflicts between residential, commercial, and industrial land uses. The plan envisions this area as a community-scaled commercial area that supports the residential neighborhoods by providing locally serving retail, offices, and public uses closely integrated with residential development. This is done by creating adequate on-site parking, landscaping and sidewalks, and code compliance of commercial properties.

Planning Area/

Community:

Planning Area 76A/The Heights

Land Use:

Commercial

Environmental:

See Environmental Planning Section referral for comments concerning Green Infrastructure elements. The property does not include any regulated areas, evaluation areas, or network gaps identified by the Green Infrastructure Plan.

Historic Resources:

There are no identified historic resources on or adjacent to the subject property.

Transportation:

See Transportation Planning Section referral for comments concerning transportation matters. A bike lane is planned for St. Barnabas Road.

Public Facilities:

There are no identified public facilities conditions or requirements on or adjacent to the subject property. The property is currently served by public water and sewer.

Parks & Trails:

There are no existing or proposed parks or trails on or adjacent to the subject property.

Aviation/ILUC:

The subject property was located within the Military Installation Overlay Zone Area, where properties have the potential to impact, or be impacted by, flight operations at Joint Base Andrews and are subject to the provisions of Part 10C of the Zoning Ordinance. Due to its location, the subject property may be subject to reclassification into the Military Installation Overlay (M-I-O) Zone. The subject property is located in the following impact areas:

None, because Joint Base Andrews Imaginary Runway Surface Height Zone F will be taken out of the zones in the future.

The Interim Land Use Controls expired June 30, 2015. If the controls are not extended, the provisions of Subtitle 27 dealing with development projects in the Joint Base Andrews Interim Land Use Control Areas will no longer apply.

SMA/Zoning:

C-S-C

PLANNING ISSUES

There are no planning issues.

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Prince George's County Planning Department
Countywide Planning Division**

**(301) 952-3680
www.mncppc.org**

November 16, 2015

MEMORANDUM

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

FROM: Jay Mangalvedhe, Senior Planner, Special Projects Section, Countywide Planning
Division *JVM*

SUBJECT: DPLS-413, & DSDS-686: Marlow Heights CITGO

Marlow Heights CITGO property is located at the NW corner of St. Barnabas Road and Dallas Drive. Special Projects Section, Countywide Planning Division has reviewed the following:

- (a) Proposed Departure from Parking and Loading Spaces (DPLS) application for public facility adequacy. The departure to eliminate existing loading space will have no impact on existing public facilities.
- (b) Proposed Departure from Sign Design Standards (DSDS) application for public safety adequacy. The departure of 4 feet from the required 40 feet building setback for a free standing sign will have no impact public facilities.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Countywide Planning Division

(301) 952-3650
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November 16, 2015

MEMORANDUM

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

FROM: Jay Mangalvedhe, Senior Planner, Special Projects Section, Countywide Planning
Division *JM*

SUBJECT: Project: Marlow Heights CITGO: SE-4758

Special Exception for a gas station and food and beverage store.

NON-RESIDENTIAL

Police Facilities

The proposed development is within the service area of Police District IV, Oxon Hill. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2014 (U.S. Census Bureau) county population estimate is 904,430. Using the 141 square feet per 1,000 residents, it calculates to 127,524 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

Fire and Rescue Service

The Special Projects Section has reviewed this Specific Design Plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Section 24-122.01(e) (1) (E) states that "A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month".

The proposed project is served by Silver Hill Fire/EMS Co. 829, a first due response station (a maximum of seven (7) minutes travel time), is located at 3900 Old Silver Hill Road.

Capital Improvement Program (CIP)

The Capital Improvement Program for Fiscal Years 2015-2020 provides funding for a station relocation in the area of Silver Hill and Saint Barnabas Roads.

The above findings are in conformance with the 2008 *Adopted and Approved Public Safety Facilities Master Plan* and the “Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure”.

School Facilities

The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.

Water and Sewerage Findings

Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community System.

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November 30, 2015

MEMORANDUM

TO: Tom Lockard, Urban Design Section
VIA: Whitney Chellis, Subdivision Section *WC*
FROM: Williamayah, Subdivision Section *WM*
SUBJECT: Marlow Heights Citgo, SE-4758

The subject property is composed of Lot 1 – Addition to Deer Park Heights, recorded in Plat WWW 28-98 on October 31, 1956 in the County Land Records. The property is located on Tax Map 88 in Grid B-4, and is approximately 13,846 square feet in area. The site has frontage on St. Barnabas Road which is designated as a 120-foot-wide master plan freeway (A-45), which is accurately reflected on the plan. The site is currently improved with 1,800 square feet of GFA for a gas station. The purpose of this SE is to validate the existing gas station use. No increase in GFA is proposed.

Pursuant to Section 24-107(c)(7)(B) of the Subdivision Regulations, a site is exempt from the requirement of filing a preliminary plan of subdivision (PPS) and final plat if the development proposed does not exceed five thousand (5,000) square feet of gross floor area. The SE, which shows development of less than 5,000 square feet of GFA, is in conformance with this section.

Failure of the site plan 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.