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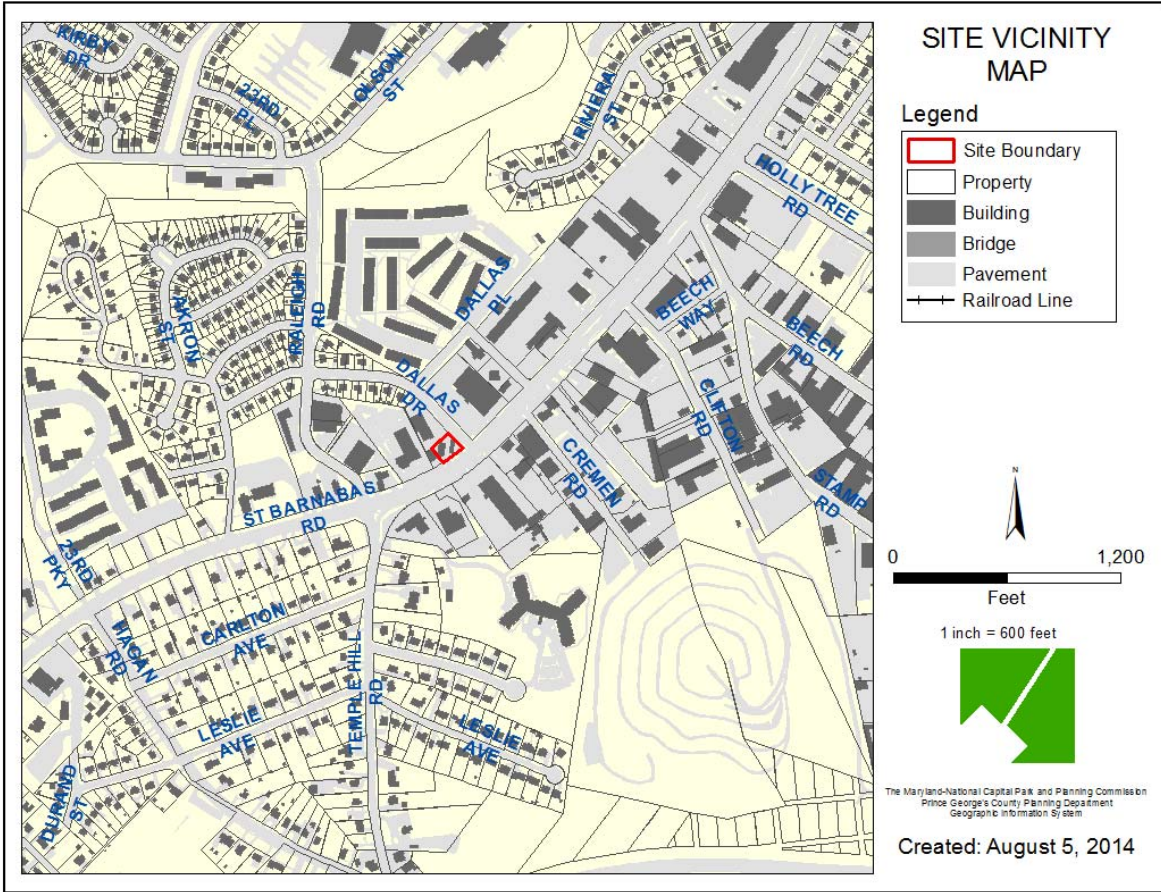
Special Exception
Departure from Parking and Loading Standards
Departure from Sign Design Standards

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. 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.	Informational Mailing	08/22/14
	Acceptance Mailing:	11/02/15
	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

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. 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.