

Case No: S.E. / V.S.E. 4758  
Marlow Heights Citgo

Applicant: St. Barnabas Road Plaza,  
LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,  
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 13 - 2016

AN ORDINANCE, conditionally approving Special Exception 4758 and Variance , for applicant's request to develop 0.32 acre (13,846 square feet) of land in the C-S-C (Commercial Shopping Center) Zone as a Gasoline Station, Food and Beverage Store, Auto Repair and accompanying office and storage.<sup>1</sup> Applicant seeks a variance to validate certain setbacks on the site. The subject property is located at the northwest corner of St. Barnabas Road and Dallas Drive, and identified as 4801 St. Barnabas Road, Temple Hills, Maryland in Councilmanic District 7.

WHEREAS, St. Barnabas Road Plaza, LLC, filed an application to develop 0.32 acre (13,846 square feet) of land in the C-S-C (Commercial Shopping Center) Zone as a Gasoline Station, Food and Beverage Store, Auto Repair and accompanying office and storage and a variance to validate certain setbacks on the site. The subject property being located at the northwest corner of St. Barnabas Road and Dallas Drive, and identified as 4801 St. Barnabas Road, Temple Hills, Maryland; and

WHEREAS, the subject application was advertised in accordance with law; and

WHEREAS, the Development Review Section of the Planning Department evaluated the subject application and issued a Technical Staff Report recommending approval of the proposed Special Exception and variance subject to conditions on February 9, 2016; and

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<sup>1</sup> The Food and Beverage Store and Office with storage space are permitted by right in the C-S-C Zone.

WHEREAS, the Planning Board adopted the recommendation in the Technical Staff Report for approval with conditions and transmitted the application to the Zoning Hearing Examiner; and

WHEREAS, on April 20 and June 1, 2016, the Zoning Hearing Examiner conducted public hearings on the proposed Special Exception and Variance respectively, in accordance with the requirements of Subtitle 27 of the Prince George's County Code and filed a disposition recommendation with the District Council on July 1, 2016; and

WHEREAS, by letter dated July 12, 2016, Michele La Rocca of Meyers, Rodbell & Rosenbaum, P.A., on behalf of the applicant, St. Barnabas Road Plaza, LLC, requested a reconsideration of Variance 4758 as to PGCC § 27-358(a)(5) regarding the width of driveway number one (1) mistakenly approving a variance of seven (7) feet rather than twelve (12) feet; and

WHEREAS, the Zoning Hearing Examiner granted the request for the reconsideration and on August 1, 2016, an additional hearing was held on the limited issue; and

WHEREAS, on August 2, 2016, the Zoning Hearing Examiner rendered a decision of approval on the variance item; and

WHEREAS, on November 7, 2016, the District Council conducted oral argument as to S.E. / V.S.E. 4758 and took this matter under advisement.

As the basis for this final decision, and as expressly authorized by the Regional District Act within Title 22 of the Land Use Article of the Annotated Code of Maryland, and Subtitle 27 of the Prince George's County, we hereby adopt the findings and conclusions set forth within the disposition recommendation of the Zoning Hearing Examiner filed with the District Council on August 2, 2016.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1: Special Exception Application S.E. 4758 and the Variance are hereby APPROVED subject to the following conditions:

1. Development and use of the subject property shall be in accordance with the site plan depicted in Exhibit 39(a) and (b).
2. The Applicant shall obey the restriction concerning repair service and the site plan shall add a note to insure that the repairs are restricted to those set forth in the definition of “gas station” found in Section 27-107.01(a)(99) of the Zoning Ordinance. (Section 27-358(a)(9) and (10)).
3. There shall be no display or rental of cargo trailers, trucks or similar uses; and the storage/junking of wrecked motor vehicles is prohibited. (Section 27-358(a)(3) and (4)).
4. All access to the subject property shall be defined by curbing. (Section 27-358(a)(6)).
5. The sidewalk along St. Barnabas Road shall be 5 feet in width and the sidewalk along Dallas Drive shall be 6 feet in width. (Section 27-358(a)(7)).
6. There shall be no exterior vending machines on the subject property. (Section 27-358(c)).
7. Prior to certificate of approval of the site plan, the Applicant shall submit a security plan for the subject property, which shall include the installation and placement of security cameras in accordance with the site plan depicted in Exhibit 39(a) and (b).
8. Upon abandonment of the gas station, the Applicant shall comply with all provisions of the Zoning Ordinance and the County Code. (Section 27-358(c)).
9. In order to protect adjacent properties or the general neighborhood, any violation of the conditions of approval of this Special Exception and Variance shall be subject to revocation procedures and proceedings in accordance with the County Code.

SECTION 2: This Ordinance shall take effect on the date of its enactment.

Enacted this 14<sup>th</sup> day of November, 2016, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras, Toles, and Turner.

Opposed:

Abstained:

Absent:

Vote: 9-0.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF THE  
MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

By: \_\_\_\_\_  
Derrick L. Davis, Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council