



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 16-40

File No. NCGS-22

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Nonconforming Gas Station Application No. NCGS-22 requesting a revision to a certified nonconforming use gas station to add a storage shed in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on March 10, 2016, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The 0.49-acre property, addressed as 159 Centerway and 161 Centerway, is located in the northern quadrant at the intersection of Centerway Road and Crescent Road, within the Old Greenbelt Town Center. It is developed with a gas station with two service bays located at the northeastern edge of the property, and an auto repair garage which is located at the western edge of the property. The gas station structure is a single-story, 1,650-square-foot frame, block, and aluminum siding building, and attached are the service bays, a single-story, 1,950-square-foot, frame and block structure with a large aluminum rollup door. The auto repair garage is a single-story, 2,059-square-foot, frame structure with six bays. Located at the northeast corner of the auto repair garage and the Greenbelt City storage garage is the existing concrete slab foundation, where the applicant is proposing to add a 12-foot by 20-foot by 12-foot aluminum storage shed. Access to the development is provided via Centerway Road and Crescent Road.

B. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	C-S-C	C-S-C
Acreage	0.49	0.49
Use	Gas Station	Gas Station

C. **History:** In 1953, the Greenbelt Cooperative purchased the town from the federal government; however, a new zoning plan was not adopted for the area until June 5, 1957. When the property came into the Maryland-Washington Regional District (Regional District), the Planned Community (R-P-C) Overlay Zone was imposed upon the City of Greenbelt; the property thus existed within the R-P-C Zone with a zoning subcategory of Commercial-Shopping Center (C-S-C). The original subdivision was dedicated subject to certain detailed shared and common area uses as described in the resolution adopted on July 9, 1953 by the Greenbelt City Council. The gas station and auto repair garage has legally operated since 1958. The subject site has an approved use and occupancy (U&O) permit issued in error, Permit 2268-U (Amended Zoning Ordinance No. 63-1984, February 25, 1985), for 159 Centerway and 161 Centerway, known as the Greenbelt Service Center.

D. **Request:** The applicant proposes to add a 12-foot-high by 20-foot-long by 12-foot-wide storage shed to an existing nonconforming use gas station and auto repair garage as an accessory building to replace a previously existing (without permits) storage shed, which is considered a nuisance/safety concern. Because the previous structure did not have a valid permit, the applicant is requesting that the Prince George's County Planning Board validate the addition of the permanent storage shed as a modification to a certified nonconforming gas station.

E. **Surrounding Uses:** The site is surrounded by the following uses, all within the R-P-C (Planned Community) Overlay Zone:

**North—** Developed residential property zoned Multifamily Medium Density Residential (R-18) and Commercial Shopping Center (C-S-C) developed with retail uses along Crescent Road;

**West—** Property zoned Commercial Shopping Center (C-S-C), developed with retail uses;

**East—** Property zoned Open Space (O-S) along Centerway Road;

**South—** Developed residential property zoned R-18 and Townhouse (R-T) along Centerway Road and Gardenway Road.

F. **Specific Requirements:**

1. Pursuant to Section 27-242(b)(3)(A) of the Prince George's County Zoning Ordinance, the following modifications of a certified nonconforming gas station may be permitted by the Planning Board without a special exception (Section 27-384):

(i) **The enlargement or relocation of pump islands;**

(ii) **The addition of one (1) pump island;**

(iii) **The addition, relocation, or modification of a fence, kiosk, island shelter, island canopy, storage area, trash enclosure, vending area, or lavatory facility;**

(iv) **The addition, relocation, or modification of an accessory building used solely for the storage of automotive replacement parts or accessories. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to that of 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 screening shall be approved as part of the modification.**

The applicant proposes to add a 12-foot-high by 20-foot-long by 12-foot-wide storage shed. This is being conducted in conformance to this standard.

2. Pursuant to Section 27-242(b)(3)(D), the modifications shall be in conformance with Section 27-358(a)(5),(6),(7), (8), and (10), Section 27-358(c), and any provisions of the zone in which the property is located.

**Section 27-358. – Gas station.**

(a) **A gas station may be permitted, subject to the following**

- (5) **Access driveways shall be not less than 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 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 12 feet from the side or rear lot line of any adjoining lot.**

There is no indication in the record of a potential conflict with this requirement.

- (6) **Access driveways shall be defined by curbing.**

There is no conflict with this requirement.

- (7) **A sidewalk at least five feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic.**

There is no conflict with this requirement.

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

There is no indication in the record of a potential conflict with this requirement.

- (c) **Upon the abandonment of 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 non-operation as a gas station for a period of 14 months after the retail services cease.**

There is no indication in the record of a potential conflict with this requirement.

- G. **Landscape Manual:** This proposal was reviewed for conformance to the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The subject site is exempt from the requirements of the Landscape Manual because it is less than 5,000 square feet of disturbance and there is no increase in impervious area for parking.

**Tree Canopy Coverage Ordinance:** The Prince George's County Tree Canopy Coverage Ordinance came into effect on September 1, 2010. Building and grading permits that propose 1,500 square feet or greater of gross floor area or disturbance are required to provide tree canopy plantings, except as provided in Section 25-127(b). The subject site is in the C-S-C (Commercial Shopping Center Zone); therefore, ten percent tree canopy coverage is generally required. However, the subject revision indicates less than 1,000 square feet of disturbance and is therefore exempt from the requirements of the Ordinance.

- H. **Zone Standards:** In general, a nonconforming building or structure may be enlarged with the approval of a special exception. However, Section 27-242(b)(3)(A) of the Zoning Ordinance allows certain modifications, specifically wholly enclosed storage areas or accessory buildings used solely for the storage of automotive replacement parts or accessories, may be permitted by the Planning Board without a special exception. The subject application has been submitted in accordance with the above provision.

The modification is required to be in conformance with Section 27-358(a)(5), (6), (7), (8), and (10), Section 27-358(c), and any provisions of the zone in which the property is located. The site conforms to the zoning requirements. Section 27-358(a)(10) requires that the architectural character of proposed buildings demonstrate compatibility with existing and proposed surrounding development. The proposal to install an A-frame vertical standard seven-foot leg-height car port style structure with a six-foot-long by six-foot-wide rollup door is compatible with the existing development.

Specific revisions to the site plan were requested. These revisions were made and the proposed site plan is in compliance with the original approved site plan for the nonconforming auto-filling station.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the above-noted application, subject to the following condition:

1. Prior to certification of the site plan, the following shall be added to the General Notes:

“Upon Abandonment of the gas station and/or auto garage, the storage shed shall be removed by the owner of the property.”

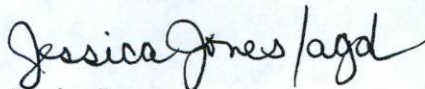
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

\* \* \* \* \*

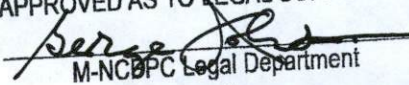
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 10, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of March, 2016.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:IRT:rpg

APPROVED AS TO LEGAL SUFFICIENCY  
  
M-NCBPC Legal Department  
Date 3/15/16