

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed Special Exception SE-4768, Forestville Auto Service, requesting to validate an existing gas station and auto repair facility, enlarge the previously approved SE boundary, and a variance from Section 27-358(a)(5) for the driveway width 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 July 21, 2016, the Prince George’s County Planning Board finds:

A. **Location and Field Inspection:** The subject property is a trapezoid-shaped configuration of parcels and lots on the southwest side of Marlboro Pike, approximately 100 feet west of its intersection Kirkland Road. The 0.8079-acre property is zoned Commercial Shopping Center (C-S-C) and is improved with an existing gas station and auto repair service with eight bays. Additional structures on the site include a main building with a business office, a detached frame and metal structure adjacent to the main building with two service bays, a storage shed, two three-pump concrete islands for six gasoline pump dispensers, a canopy, underground storage tanks, and ten surface parking spaces. The property is surrounded by a six-foot-high sight-tight fence along the southern and western property lines. A freestanding sign is located at the western property line. The property has direct vehicular access to Marlboro Pike.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Gas Station & Auto Repair Service with 8 Bays	Gas Station & Auto Repair Service with 8 Bays
Acreage	0.8079	0.8079
Parcels/Lots	Parcels 174 & 175, Lots 5-7	Parcels 174 & 175, Lots 5-7
Square Footage/GFA	3,711	3,711

C. **History:** Per the justification statement, the property has operated as a gas station since 1956. Special Exception SE-3448 was approved by the Prince George’s County District Council on October 20, 1983 for the existing gas station on the subject site. Special Exception SE-3525 was approved by the District Council on September 26, 1984 for a car wash on the subject property, which was never built and is not proposed at this time. The current owner purchased the property in 1986. The subject property was retained in the C-S-C Zone by the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA).

D. **Master Plan Recommendation:** The *Plan Prince George’s 2035 Approved General Plan* (Plan Prince George’s 2035) designates the area in the Established Communities Growth Policy area. The vision for Established Communities is a context-sensitive infill and low- to medium-density

development. This application is consistent with the Established Communities Growth Policy in Plan Prince George's 2035.

- E. **Request:** The applicant is seeking validation of the existing site conditions and an expansion of the original Special Exception (SE-1779) to include Parcels 174 and 175, Lots 15-17. No new construction is proposed.

The applicant has also requested a Departure from Parking and Loading Standards (DPLS-426) from Section 27-588 of the Prince George's County Zoning Ordinance to allow for a decrease in the required parking spaces by 14 and for the elimination of the loading space requirement.

The applicant is requesting a variance from Section 27-358(a)(5) of the Zoning Ordinance for a reduction in the provided driveway width. This variance is necessary because the existing eastern driveway width is only 25 feet and the Zoning Ordinance requires the width to be a minimum of 30 feet.

The applicant is also requesting Alternative Compliance from Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual* along the southern 2nd south eastern property lines. The application is subject to Section 4.7 because there is a change of use from a lower to a higher intensity use category.

- F. **Neighborhood and Surrounding Uses:** The subject property, 7303 Marlboro Pike, is part of the Marlboro Pike Corridor. Staff offers the boundaries accepted by the Zoning Hearing Examiner during the Review of Special Exception SE-4768. The general neighborhood is bounded by Marlboro Pike on the north, Forestville Road on the east, Pennsylvania Avenue on the south and Donnell Drive on the west. The interior of the neighborhood is single family residential. The periphery is diversely developed. The Penn Mar Shopping Center is to the west of the subject site. Other commercial uses are interspersed with residences along Marlboro Pike and Forestville Road. The uses immediately surrounding the proposed special exception are as follows:

West and East—	Developed property with commercial uses (The Penn Mar Shopping Center and an animal hospital) zoned C-S-C.
North—	Public right-of-way of Marlboro Pike and commercial uses (an abandoned car wash) zoned C-S-C.
South—	Single-family detached residences zoned One-Family Detached Residential (R-55).

- G. **Required Findings:** The gas station and service bays require approval of a special exception. A food or beverage store is a permitted use in the C-S-C Zone. Section 27-317 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;**

The purposes of Subtitle 27 of the Prince George's County Code, as set forth in Section 27-102 of the Zoning Ordinance, are generally to protect the health, safety, and welfare of the public and to promote compatible relationships between various land uses. The applicant is proposing to continue the gas station and auto service repair use. With the recommended conditions, the proposed use as a gas and auto repair service station and 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;**

The proposed use is in compliance with all of the setback requirements for the C-S-C Zone. With the requested departure for parking and loading, a variance for the driveway entrances, and the recommended conditions, the proposal will be in 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;**

The applicant is proposing to continue the existing use. The property is located in Planning Area 75A, which is part of the Marlboro Pike Sector Plan and SMA. The proposed use of the property with commercial uses does not conform to the land use policy for a mixed-use designation; however, the SMA retained the C-S-C zoning for the property. As such, the proposed use conforms to the Plan Prince George's 2035 vision. Thus, it can be concluded that 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;**

A gas station has been in continuous operation on this property for more than 60 years. None of the responses from any referring agencies indicate that the proposed continuation of the gas station and auto repair service, subject to specific conditions, will adversely affect the health, safety, or welfare of residents or workers in the area.

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

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The use has been in existence since the 1950s and has operated without violations. The current proposal will not result in adverse impacts.

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

The site plan is in conformance with the approved Standard Letter of Exemption (S-035-16) from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance. Because the site is less than 10,000 square feet, no additional development is being proposed on the site, and the site has no previous approved tree conservation plans, a standard exemption letter was issued by the Environmental Planning Section. No other environmental issues relate to the applicant's proposal.

(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).

There are no regulated environmental features on the subject property that would require preservation and/or restoration.

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

The site is not located in a Chesapeake Bay Critical Area Overlay Zone.

H. **Specific Special Exception Requirements:** 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;**
- (2) The subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, or hospital is located;**
- (3) The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a Special Exception in accordance with the provisions of Section 27-417;**

- (4) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;**
 - (5) Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot;**
 - (6) Access driveways shall be defined by curbing;**
 - (7) A sidewalk at least five (5) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;**
 - (8) Gasoline pumps and other service appliances shall be located at least twenty-five (25) feet behind the street line;**
 - (9) Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.**
 - (10) Details on architectural elements such as elevation depictions of each façade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.**
- (b) In addition to what is required by Section 27-296(c), the site plan shall show the following:**

- (1) The topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet);**
 - (2) The location and type of trash enclosures; and**
 - (3) The location of exterior vending machines or vending area.**
- (c) Upon the abandonment of a gas station, the Special Exception shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term "abandonment" shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease.**
- (d) When approving a Special Exception for a gas station, the District Council shall find that the proposed use:**
- (1) Is necessary to the public in the surrounding area; and**
 - (2) Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.**

The applicant's proposal generally complies with the above criteria. The site is currently developed with an existing service/repair gas station. The property has 186 feet of frontage, direct access, and 80 feet of right-of-way on Marlboro Pike. The eastern entrance provides two-way access, is curbed, and meets the 30-foot-wide requirement. The western entrance shall only provide one-way access because it does not meet the 30-foot-wide requirement. The applicant is seeking a variance to this requirement. The gasoline pumps are more than 25 feet away from the street line. The existing must be measured and shown on the site plan to demonstrate compliance to the five-foot-wide requirement. All repair service is completed within 48 hours after the vehicle is left for service. Discarded parts resulting from any work is removed promptly. Automotive replacement parts and accessories are stored inside the main building or the accessory storage building at the rear of the main building. The accessory building is screened by a six-foot-high sight-tight fence and other landscaping materials along the southern, southwestern, and southeastern property lines. All screening is shown on the landscape plan.

As required, the site plan shows the topography of the subject property, as well as the abutting properties. The location of the trash enclosure is also shown. There are no vending machines proposed. This is a continuation of an existing use. The necessity for this development was determined with the approval of the original special exception on October 20, 1983 and again with each subsequent approved revision. The proposed validation 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.

beverage store (3,711 square feet), a total of 24 parking spaces and one loading space are required to serve the property. The applicant proposes to provide ten parking spaces. The applicant has requested a departure (DPLS-426) for 14 parking spaces and the one required loading space. The departures are discussed in greater detail in Finding O of this approval.

- J. **2010 Prince George's County Landscape Manual Requirements:** The application to modernize an existing gas station involves new construction and is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The application is in general conformance with Sections 4.2, 4.3, 4.4, and 4.9 of the Landscape Manual. However, there are some technical corrections that need to be made, and will be addressed through conditions.

Section 4.2, Requirements for Landscape Strips Along Streets—The proposal is subject to Section 4.2 along its Marlboro Pike frontage. The current submitted plan provides the appropriate schedule showing the requirements of this section being met.

Section 4.3, Parking Lot Requirements—The special exception plan does not propose or validate any increase in impervious area for parking or loading spaces. Therefore, it is exempt from this section.

Section 4.4, Screening Requirements—No dumpster, mechanical equipment, such as meters, freestanding air conditioners, heat pumps, or similar equipment is shown on the plans. The Urban Design Section recommends that the plans be revised to show the location of such mechanical equipment or dumpsters and show it being screened in conformance with the requirements of this section. A site inspection may be in order to determine conformance to Section 4.4.

The submitted plan does not specify a loading space on-site and requests a departure from the requirement for one. If the departure is not approved and a loading space is provided on-site, it should be screened in accordance with the requirements of this section.

Section 4.7, Buffering Incompatible Uses—The site is subject to the requirements of Section 4.7 because there is change of use from a lower to a higher intensity use for Parcel 175, which is being added to the area of special exception for the high-intensity gas station use. A Section 4.7 bufferyard is only required along the southeastern and southern property lines, adjacent to residential uses, as the adjacent uses along the eastern and western property lines are compatible. The applicant has submitted an application for Alternative Compliance (AC-16001) for relief from the requirements along the southeastern and southern property lines .

Section 4.9, Sustainable Landscaping Requirements—The site is subject to the requirements of Section 4.9. A schedule was provided on the plan; however, the number of plants shown on the landscape plan does not match the plant list. Additionally, the plant list does not specify what plants are native. Therefore, necessary corrections are recommended as conditions of approval.

Tree Canopy Coverage

This application is not subject to the Prince George's County Tree Canopy Coverage Ordinance, as it does not propose disturbance of 5,000 square feet or greater.

- K. **Zone Standards:** The applicant's proposal is in compliance with the requirements of Section 27-454, C-S-C Zone (Commercial Shopping Center), of the Zoning Ordinance.
- L. **Signage:** The applicant is not proposing any building, canopy, or freestanding signage. Any signage on the property must meet all area, height, and setback requirements.
- M. **Required Findings for Variance Request:** The proposed site plan requires the following variance:

The applicant has requested a variance from Section 27-358(a)(5) of the Zoning Ordinance because the western access driveway does not meet the requirement that access driveways are less than 30 feet wide. The variance is supported, if approved as a one-way entrance with appropriate signage.

Section 27-230(a) of the Zoning Ordinance 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;**
- (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**
- (3) **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

The existing two-way entrance on the west side of the site is 25 feet wide. The applicant states that the gas station entrances have existed since beginning operation in 1956 and since the reconfiguration of Marlboro Pike which occurred sometime between 1965 and 1977. The applicant uses this to demonstrate that the property has exceptional narrowness, shallowness, shape, or exceptional topographical conditions or other exceptional topographical situations or condition. The applicant also notes that the twenty-five-foot width is greater than the twenty-two foot minimum width of a two-way drive aisle, which this is not. Despite these assertions, as a means of supporting the variation request, the Planning Board agreed with the recommendation to make the western entrance one-way. The applicant would have to install a "No Exit" sign to force vehicles to use the eastern two-way entrance to exit the site. As such the applicant has the option to reconstruct the western entrance to the 30-foot minimum standard eliminating the need for the "No Exit" sign. The Planning Board agreed to alter the sign language to "No Exit" to allow for entry to the site from Marlboro Pike. The strict application of the Subtitle will result in peculiar

and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property in the form of an extensive financial burden, when no other construction on site is proposed.

- N. **Alternative Compliance Standards (Landscape Manual):** The applicant is requesting Alternative Compliance from the requirements of Section 4.7, Buffering Incompatible Uses, of the Landscape Manual. A Section 4.7, Type "D" bufferyard, consisting of a 50-foot building setback and 40-foot-wide landscape yard, is required along both the southeastern and southern property lines adjacent to the existing single-family detached homes.

Along the southeastern property line, existing conditions restrict the provision of the required building setback and landscape yard width on the subject property. Although the applicant is proposing to relocate a shed addition, a portion of the existing building will still encroach into the required bufferyard. The applicant indicates that this portion of the site contains neither gasoline pumps, service bays, nor off-street parking spaces. The applicant presents that the development on the site are existing and has no significant negative impacts on the adjacent residential properties. The applicant is proposing a six-foot-high, sight-tight fence along this property line and using it as justification for a 50 percent reduction in building setback, landscape yard width and plant unit requirements. The applicant is then providing additional 33 plant units as justification for the minor building encroachment.

Along the southern property line, existing conditions and the configuration of improvements on Parcel 175 present constraints that make it impossible to provide the full required bufferyard on the subject property. The applicant is again proposing a six-foot-high, sight-tight fence along this property line and using it as justification for a 50 percent reduction in building setback, landscape yard width and plant unit requirements. Additionally, the applicant proposes to provide an alternative location for the landscape yard, with 31 additional plant units above what is required, on the adjacent residential property, which is owned by the applicant and currently occupied by one of his employees. The applicant provided a draft easement document that would protect this off-site bufferyard in the future.

The Planning Board agrees that the provision of the sight-tight fencing, additional plant units and proposed easement protecting the bufferyard on the adjacent property will provide sufficient guarantee of the bufferyard's preservation in the future. The Planning Board finds the applicant's proposed alternative compliance measures to be equally effective as normal compliance with the requirements of Section 4.7. Some technical revisions are required prior to certification of the landscape plan and are addressed as conditions of approval.

- O. **Required Findings for Departure from Parking and Loading Standards DPLS-426:** The applicant has requested departures from Section 27-568 and Section 27-582(a) of the Zoning Ordinance, which requires the provisions of 24 parking spaces and one loading space for the subject use. The applicant is providing 10 parking spaces; therefore, a departure of 14 spaces is sought. The applicant has proposed to use the spaces east of the main building (food or beverage store) during off-peak hours for loading purposes.

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

(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.**

The purposes of the parking and loading regulations will be served by the applicant's request. The applicant seeks to ensure sufficient parking and loading to serve the needs of the patrons of this existing gas and repair service station and to relieve on-site traffic and circulation congestion through the elimination of both unnecessary parking spaces on this property and the loading space on this property. The applicant will use Parcel 175 to store vehicles waiting for repair, which will free up existing on-site parking. In addition, the applicant's proposal to use parking spaces during off-peak hours in-lieu-of a formally delineated loading space is a reasonable alternative for this particular site because the inclusion of the loading space may temporarily block vehicular flow when in use.

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

The departure for parking and loading is the minimum necessary per the site plan conditions. However, as noted previously, the loading space cannot be provided without further reducing the number of required parking spaces or drive aisle widths. Therefore, the departure is the minimum necessary, given the specific circumstances.

(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;

The departure for parking and loading is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. The underlying nature of this use is that it is served by panel trucks, and the loading needs can be addressed by using a parking space and, if timed correctly, the use of that space will not impact the peak hour parking needs of the subject use. 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

All methods of calculation have been fully applied to this site. The applicant has applied the correct method for calculating the number of parking and loading spaces required. One loading space is required and the applicant is requesting relief from the provision of that one space.

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

The applicant submits that the parking and loading needs of the residential areas will not be infringed upon if this request is granted. The site is surrounded by commercial uses. It is adjoined to the south and east by residentially-zoned properties and there are fences along those property borders, which makes it impractical to suggest using those areas for parking or loading purposes. The use of parking spaces as a loading space during off-peak hours will alleviate any circulation issues and the necessity of multiple/additional departures.

(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;**

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 uses to the north, west, and east, and residentially-zoned properties to the south. 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;**

The proposed use is consistent with the Marlboro Pike Sector Plan and SMA recommendations and will not impair the integrity of the sector plan.

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

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.**

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;**

Public transportation is available at this location. There are two Metrobus locations within 400 feet of the subject property, which provide connections to the Addison Road and Deanwood Metro Stations. However, this is an automobile-related use, as such it is not anticipated that many patrons will use public transportation.

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

There are no alternative design solutions to off-street facilities which might yield additional spaces.

- (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;**

The gasoline service operates 24-hours a day, 7 days a week, when paying by credit card. A cashier is on duty from 6:00 a.m. to 9:00 p.m. Auto repair service is available from 8:00 a.m. to 5:00 p.m., Monday through Friday. The proposed development is within 500 feet of residential and retail uses. The use as a gas and auto repair service station has existed since 1956 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.**

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

- P. **Further Planning Board Findings and Comments from Other Entities:** The following comments were received for the special exception application. Any plan revisions that were requested have either been addressed through the submission of revised plans or through recommended conditions of approval.

1. **Transportation**—The site is adjacent to Marlboro Pike, a master plan roadway listed in the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* as a collector road with 80 -to 100 feet of right-of-way. No structures are proposed within the planned right-of-way of Marlboro Pike.

A site visit was made on March 30, 2016 at 5:00 p.m. Ten vehicles were parked on Parcel 175, several of these may have been employee vehicles. Three or four of the on-site parking spaces were vacant. Space was available to park other repair vehicles on Parcel 175. If Parcel 175 can continue to be used to park repair vehicles and employee vehicles, the Planning Board does not oppose the departure. It is not clear if the gravel area near Marlboro Pike may be used for parking vehicles. An old curb is eroded, allowing vehicles to be parked there.

Additional traffic is not expected from the validation of the existing gas station. Most of the trips to the site are pass-by trips, meaning trip makers (vehicles) are already on

Marlboro Pike and will stop at the site. High pass-by trips are normal for gas stations. The limited retail service provided at the gas station is not expected to be expanded, according to the applicant. Additional traffic congestion on Marlboro Pike is not anticipated. The proposal would meet the requirements of Subtitle 27 for the approval of a special exception from the standpoint of vehicular circulation and transportation.

2. **Urban Design**—Section 27-358(a) of the Zoning Ordinance, which lists additional requirements for a special exception gas station, stipulates two urban design-related requirements as follows:

- (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;**

The submitted site plan and aerials indicate a sidewalk along the property's frontage of Marlboro Pike. However, there is no label indicating the width of said sidewalk. Therefore, the Urban Design Section would recommend that this sidewalk width be labeled to demonstrate the existing width of the sidewalk, indicating conformance to this requirement, or indicate replacement to the minimum width.

- (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.**

The subject application should provide photographs of the existing architectural elevations and surrounding buildings to determine if the existing structures are compatible with the existing and proposed surrounding development.

3. **Community Planning**—The 2009 Marlboro Pike Sector Plan and SMA recommends a mixed-use designation for this property. However, the SMA retains the existing use in the C-S-C Zone. Although this application does not propose any change in use, the inconsistency between the C-S-C Zone and the recommended future Mixed Use Land Use Policy is the reason why this application does not conform to the mixed-use recommendation of the sector plan.

The subject property is located within the Military Installation Overlay (M-I-O) 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. On January 19, 2016, the District Council initiated a Military Installation Overlay Zoning Map Amendment which, when approved, will reclassify the subject property into the M-I-O Zone. Approval of this rezoning is anticipated to occur in July 2016, unless a second public hearing is warranted.

The subject property is located within Height Limit Surface E and G. Within this area, the M-I-O Zone prohibits the issuance of permits for development, structures, or alterations of land that exceed the height restrictions in Part 10C of the Zoning Ordinance.

While Community Planning Division notes that the subject use does not conform to the Master Plan recommendation, Section 27-317(a)(3) does not include a finding that the use conform to the master Plan. This Finding requires that the use not substantially impair the Master Plan. In this case, the Planning Board believes this existing use does not substantially impair the Master Plan.

4. **Subdivision**—The subject property is composed of Parcels 174 and 175 and Lots 5–7, Block A. Parcels 174 and 175 have not been the subject of a preliminary plan of subdivision (PPS) or record plat and are legal acreage parcels. Lots 5–7, Block A, are the subject of Record Plat RNR 2-84, Sansbury Park Subdivision, which was recorded in Prince George’s County Land Records on October 9, 1924. The PPS was approved for 245 lots. The site plan should reflect the bearings, distances, and areas on the record plat. The properties are located on Tax Map 81 in Grid E-4, and is 0.81 acre. The site is currently improved with 3,711 square feet of gross floor area for an existing auto repair facility use. The purpose of this special exception and DPLS is to validate and enlarge an existing auto filling and repair facility. No new gross floor area is proposed with this application.

It appears from PGAtlas imagery that the buildings were built prior to January 1, 1990. The applicant’s statement of justification states that the gas station opened on the property in (or around) 1956, and the site plan in General Note 17 states that the building was constructed in 1962. The applicant should clear up this discrepancy. The site plan should note the date that the buildings were constructed on-site in the general notes and on the plan. Pursuant to Section 24-111(c)(7)(C) of the Subdivision Regulations, the applicant should demonstrate if the accumulative total of development after January 1, 1990 does not exceed 5,000 square feet of gross floor area and is therefore exempt from resubdivision. Proposed development exceeding 5,000 square feet will require a new PPS.

With the condition recommended above, the special exception is in substantial conformance with the record plat. Failure of the special exception 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.

5. **Permits**—The justification statement that was submitted by the applicant states that the existing use on the property is a gas station and an auto repair facility, and that the current application proposes an expansion of these uses. It does not appear that any prior special exception applications that were approved for the property included the use of an auto repair service, and an auto repair service would appear to be a prohibited use on the property. The primary “use” on the property must be the retail sale of motor vehicle fuels.

Vehicle-related services may be offered incidental to the primary use, but are restricted to those services provided in Section 27-107.01(a)(99)(A) of the Zoning Ordinance.

The Prince George's County Zoning Ordinance Section 27-461(b) allows for vehicle, mobile homes, or camping trailer repair and service station use in the C-S-C Zone with a Special Exception. While the original approved Special Exception (SE-3448) does not specifically call out the auto service repair use, it is acknowledged as a use within the in the original technical staff report and is an allowable use in this zone per the Zoning Ordinance.

6. **Special Projects**—The proposed development is within the service area of Police District III, Palmer Park. 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 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. The proposed project is served by the District Heights Fire/EMS Station, Company 826, a first due response station (a maximum of seven minutes travel time), located at 6208 Marlboro Pike. There are no Prince George's County Improvement Plan projects for public safety facilities proposed in the vicinity of the subject site. The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

The project 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" (Prince George's County Council Resolutions 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. The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System.

7. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—Marlboro Pike is County-maintained; therefore, right-of-way dedication and frontage improvements, in accordance with the County Road Ordinance, DPWT specifications and standards, and the Americans with Disabilities Act (ADA) is required. The proposed site is a stormwater hotspot and will require an approved stormwater management concept plan. DPIE has no objection to Special Exception SE-4768 or Departure from Parking and Loading Standards DPLS 426.
8. **Prince George's County Health Department**—The applicant should ensure that all sources of air pollution have been registered with the Maryland Department of the Environment, Air and Radiation Management Administration. Such sources include gasoline underground storage tanks, degreasing tanks, and paint spraying operations.

CONCLUSION

The applicant has met their burden of proof in this instance.

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 conditions:

1. Prior to certification of the special exception and departure from parking and loading standards, the following corrections shall be required to the site plan:
 - a. Revise General Note 19 to reflect that no additional gross floor area is proposed.
 - b. Add the date of construction of the existing buildings to the plan and to General Note 17.
 - c. The height of the existing building should be labeled on the plan in order to demonstrate compliance with the setback requirements provided in Section 27-462(b) of the Prince George's County Zoning Ordinance.
 - d. Provide the setbacks for the freestanding sign, as well as the height of the sign.
 - e. Provide the total acreage of the property in the general notes.
 - f. Provide one van-accessible parking space for the physically handicapped.
2. Prior to certification of the special exception (SE) and departure from parking and loading standards (DPLS), revise the landscape plan for the project, as follows:
 - a. Revise the plant list to match the type and quantity of plants shown on the landscape plan and indicate which plants are native species.
 - b. Indicate all ground-level mechanical equipment or dumpsters and details of screening, in conformance with Section 4.4 of the 2010 *Prince George's County Landscape Manual*.
 - c. Revise the Section 4.7 schedules for the southeastern and southern property lines to reflect the Alternative Compliance AC-16001 approval.
 - d. Add a note indicating that existing invasive species along the southern property line will be removed.
 - e. Replace the proposed vinyl fence detail with an earth-tone colored, eight-foot-high, board-on-board composite fence.

- f. Revise the plan to reflect the liber and folio of the landscape easement on the adjacent Parcel 176, abutting the southern property line of the subject site. The easement document shall be reviewed by The Maryland-National Capital Park and Planning Commission (M-NCPPC) prior to being recorded in Prince George's County Land Records.
 - g. Show all existing and proposed parking spaces along the western edge of the property.
3. Prior to certification of the special exception, a copy of an approved stormwater management concept plan and letter from the Prince George's County Department of Permitting, Inspections and Enforcement shall be submitted to the Environmental Planning Section.
 4. Label the existing sidewalk along Marlboro Pike to demonstrate a minimum width of five feet, or indicate replacement with a proposed sidewalk of that width, in accordance with the County Road Ordinance, the Prince George's County Department of Public Works and Transportation specifications and standards, and the Americans with Disabilities Act.
 5. Provide photographs of the existing architectural elevations and surrounding buildings to determine if the existing structures are compatible with the existing and proposed surrounding development.
 6. Prior to the issuance of permits, the applicant shall install a "No Exit" sign at the western entrance.

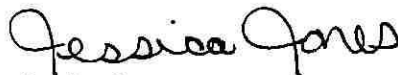
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

* * * * *

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, Geraldo, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 21, 2016 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of September, 2016.

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:IT:ydw

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 7/28/16