

Prince George's County Special Exception No. ROSP-SE-2006/1

Applicant: Motiva Enterprises, LLC

Location: East side of Laurel-Bowie Road, north of its intersection with the Baltimore Washington Parkway

Request: Minor Revision of a Site Plan

R E S O L U T I O N

WHEREAS, the applicant is requesting approval of a minor change to Special Exception No. ROSP-SE-2006/1 in accordance with Section 27-325(b) of the Prince George's County Zoning Ordinance; and

WHEREAS, under this provision the applicant is requesting a change to modernize the existing gas station by replacing old pump islands with four new pump islands and redesigning the parking area; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the adopted Rules of Procedure of the Prince George's County Planning Board; and

WHEREAS, the Technical Staff Report released May 10, 2000, recommended APPROVAL, with conditions; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on May 18, 2000, the Prince George's County Planning Board agreed with the staff recommendation; and

WHEREAS, the Planning Board decision is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

- A. Location and Field Inspection: The subject property is a square-shaped parcel and is approximately 22,450 square feet in size. It is located on the east side of Laurel-Bowie Road, north of its intersection with the Baltimore Washington Parkway. The property is developed with a Texaco gas station. The existing development includes a building with three service bays, a sales area and restrooms. Directly in front of the sales building and parallel to one another and to Laurel-Bowie Road are four pump islands, each containing a single fuel dispenser. The pump islands are covered with a canopy. There are two points of access along Laurel-Bowie Road providing full turning movements into and out of the site.
- B. History: Originally, a gas station was operated on the property pursuant to the grant of SE-1170, which was approved by the District Council on April 23, 1965. The property approved under that application comprised approximately 8.6 acres and included a portion of the subject property. SE-2006 was approved by the District Council on May 21, 1969. The new application was filed and processed because of a taking by the State Highway Administration, which involved an acquisition of approximately 75 feet of the site's street frontage. This resulted in the gas station building being

located virtually on the new roadway. Approval of the new special exception authorized the construction of the three-bay service station with a canopy which exists today.

The *1990 Sectional Map Amendment for Subregion I* rezoned the property from the C-C to the C-S-C Zone.

- C. Master Plan Recommendation: The *1990 Master Plan for Subregion I* recommends retail commercial use for the property.
- D. Request: The applicant wishes to modify the existing gas station operation in order to modernize the site and improve its function and operation. The service and sales building will not be changed. The applicant wishes to retain the three service bays and continue to offer service operations to its patrons. The primary change revolves around the manner in which fuel will be dispensed. The four existing pump islands will be removed and replaced with four new pump islands. The four new pump islands will be relocated slightly, allowing for the installation of new multi-product fuel dispensers. These dispensers will allow consumers to add different grades of fuel to their cars from the same pump. Also, a new canopy will be added to cover the pump islands. The new canopy will be larger than the existing canopy and will measure 40 feet by 64 feet. Finally, the applicant wishes to reorient and restripe the on-site parking spaces. There are four required parking spaces. The site plan indicates that a total of 12 parking spaces will be provided.
- E. Neighborhood and Surrounding Uses:
- North and East: A shopping center in the C-S-C Zone which includes a variety of uses, including Toys R Us, a liquor store, a post office, a bank, a Subway sandwich shop, a video store, a barber shop, a beauty supply store, a hair salon, and a High's convenience store . Farther north is Montpelier Park in the O-S Zone.
- South: A Red Roof Inn in the C-S-C Zone.
- West: Across Laurel-Bowie Road are the Montpelier Woods Apartments in the R-18 Zone.
- F. Minor Change Provisions:

Section 27-325(b) authorizes the Planning Board to approve revisions to approved special exception site plans under the following circumstances.

- (1) **Changes of site plans for property of less than five (5) acres may be permitted by the Planning Board, provided that either of the following two (2) situations exists:**

- (A) **Situation No. 1.**

- (i) **There is a proposed increase in gross floor area of a building or in land area covered by a structure other than a building (over that approved on the original site plan) which is not greater than ten percent (10%) of the gross floor area or covered land area or five hundred (500) square feet, whichever is less.**
- (ii) **There is a proposed relocation (in any direction) of any improvement (approved on the original site plan) which is not greater than ten percent (10%) of the distance to the boundary line of the Special Exception property or twenty (20) feet, whichever is less.**
- (B) **Situation No. 2.**
 - (i) **There is a proposed change in the design of a parking lot or loading area; or**
 - (ii) **There is a proposed change in a landscape**

plan.

Finding The subject property, at .52 acre, meets the size requirement and involves the redesign of the parking area as noted in Situation No.2.

Section 27-325(f) addresses changes to gas station site plans. This section provides that the Planning Board may approve a modification to a gas station site plan for the enlargement or relocation of pump islands and the addition of one pump island. Also, this section authorizes the Planning Board approve, as a minor revision, the addition, relocation or modification of a canopy. The proposed changes to the pump islands and the canopy being requested by the applicant in this case fall squarely within the ambit of Section 27-325(f).

G. Specific Special Exception Requirements:

Special exceptions for gas stations are specifically governed by the provisions of Section 27-358 of the Zoning Ordinance:

- (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.**

Finding The property has at least 150 feet of frontage on Laurel-Bowie Road, which has a right-of-way width of 150 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.**

Finding The property is at least 300 feet from any lot on which a school playground, library or hospital is located. Staff notes that Montpelier Park, which contains a playground, is over 600 feet from the subject property. Section 27-358(a)(2) was recently amended under CB-22-1999 to require that ■ 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. • The site plan is noted incorrectly with regards to this section. The note should be revised to state that the property is ■ more than 300 feet from a school, **outdoor** playground, library, or hospital. •

- (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.**

Finding The applicant submits that the use will not include the display and rental of cargo trailers, trucks, etc. The applicant must however, provide note on the site plan indicating that the use will comply with this requirement.

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

Finding The applicant provides that there will be no storage of wrecked vehicles. The applicant must provide a note on the site plan indicating that the use will comply with this requirement.

- (5) **Access driveways shall be not less than thirty (30) feet wide, 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.**

Finding Laurel-Bowie Road (MD 197) is a State-maintained road. In a memo dated December 16, 1999, the Maryland Department of Transportation, State Highway Administration makes the following Finding

■ The site access is inconsistent with State Highway Administration (SHA) requirements. The existing south entrance needs to be reconstructed to a twenty-

foot (20') wide inbound only driveway. The existing north entrance needs to be reconstructed to a twenty-foot (20') wide outbound only driveway. These improvements will reflect a safe and adequate conveyance of ingress/egress. Also, sidewalk and handicap ramps consistent with Americans with Disabilities Act (ADA) should be provided.●

The Planning Board notes that there are currently no sidewalks serving the site because there is no pedestrian traffic. It would therefore, be inappropriate to require handicap ramps for sidewalks.

(6) Access driveways shall be defined by curbing.

Finding The plan demonstrates compliance with this requirement.

(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.

Finding No five-foot-wide sidewalk is provided along Laurel-Bowie Road as this area does not serve pedestrian traffic.

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

Finding The plan indicates that the proposed gasoline pumps will be over 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.

Finding The applicant provides that repair service will be completed within 48 hours after vehicles are left for service and parts and accessories shall be stored inside.

- (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.**

Finding The applicant is proposing minor revisions to fuel pumps and adding a new canopy. No new buildings are proposed. Architectural details are not therefore required for this application.

- (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.**
- (3) The location of exterior vending machines or vending area.**

Finding The site plan must also show the topography for the adjoining lot to the south. Otherwise, the plan meets the above requirements.

- (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.**

Finding The applicant will abide by this requirement.

- (d) The District Council shall find that the proposed use:**

- (1) Is necessary to the public in the surrounding area.**
- (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.**

Finding The District Council found that this gas station serves a need within the community when the use was approved in 1969. There have been no change in facts or circumstances to change this finding. This station has operated successfully in the area serving the needs of the motoring public for many years. The changes being made will result in an aesthetically appealing renovation and will allow the site to function more efficiently. Further, since this

use has been in existence for many years, it will not restrict the availability of land or upset the balance of land uses in the area for other trades and commercial uses.

- H. Parking Regulations: The parking requirement for a gas station is three parking spaces per service bay. The subject gas station has three service bays. The parking schedule correctly notes that nine parking spaces are required. A total of 12 parking spaces are proposed on the plan. The Permit Review Section, in a memo dated December 22, 1999, notes that the parking schedule must include the types and sizes of parking provided. Also, the parking schedule incorrectly shows a standard of one parking space for an employee. There is however, no such requirement. Parking is calculated per service bay only (three spaces per bay). Parking for employees is built into the existing standard. With respect to handicap parking, the proposed van accessible space must be 16 feet in width.
- I. Landscape Manual Requirements: The proposal is exempt from the requirements of the *Landscape Manual* because:
- the existing use of the property is not being altered
 - the area of the existing buildings is not being altered
 - the addition of the parking spaces by restriping does not increase the area of the existing paved surfaces.
- J. Zone Standards: The subject use meets the general height, bulk and size requirements for the C-S-C Zone. No variances are required.
- K. Sign Regulations: No new signs are proposed with this application. A departure from sign design standards (DSDS-565) is required because the existing freestanding sign does not meet the minimum 10-foot setback from the street line. During the review of the DSDS, staff found that an additional departure is needed because the existing sign exceeds the permitted size for this property. The DSDS is discussed in Finding M of this report.
- L. Required Findings:

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

- (1) The proposed use and 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.**
- (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 Map Plan, the General Plan.**
- (4) The proposed use will not 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.**
- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

Finding The subject use has existed for almost 35 years and has provided a needed service to residents and workers in the area. District Council found that the use meets special exception requirements when it approved SE-2006 in 1969. Based on our review of the revised plan, staff believes the use and the site plan are generally in harmony with the purposes of the Zoning Ordinance and, with some minor amendments to the site plan will comply with the regulations of the Zoning Ordinance. Also, the use will in no way impair the recommendations of the master plan, as the master plan recommends that this site be developed with commercial uses. Access, if modified in accordance with SHA's recommendation, will be safe and convenient, as is internal circulation. The primary change being sought, the upgrading of fuel dispensers, will further enhance the safety and efficiency of operations on site. The newly striped parking compound will also enhance vehicular safety.

NOW, THEREFORE, BE IT RESOLVED, that this application for a "minor change" to Special Exception No. ROSP-SE-2006/1, is hereby APPROVED, subject to the following conditions:

1. The site plan shall be amended as follows:
 - a. The proposed van accessible parking space for the physically handicapped must be at least 16 feet in width.
 - b. The parking schedule must demonstrate the types and sizes of parking provided.
 - c. Topography is shall be shown for the adjoining lot to the south of the subject property.
 - d. Notes should be added to the site plan that demonstrate compliance with Section 27-358(a)(3 and 4) of the Prince George's County Zoning Ordinance.
 - e. The parking schedule provided on the site plan shall indicate that required parking is calculated at three parking spaces per service bay.
 - f. Special Exception note ■B• on the site plan shall be amended to add the word ■outdoor• before playground, to demonstrate compliance with CB-22-1999.

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

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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 Brown, seconded by Commissioner Boone, with Commissioners Brown, Boone and Hewlett voting in favor of the motion, and with Commissioner McNeill abstaining, at its regular meeting held on Thursday, May 18, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of June 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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