

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed ROSP SE-2204/01 requesting to validate the location of existing structures and parking spaces 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 18, 2004, the Prince George's County Planning Board finds:

A. Location and Field Inspection: The subject property is a rectangular-shaped parcel located on the north side of Allentown Way, about 200 feet northeast of the intersection of Allentown Way and Allentown Road. The property is developed with a gas station and car wash. The gas station includes four pump islands under a large canopy. The car wash is located in a one-story, masonry structure along the western edge of the property. Two driveways provide access to the property from Allentown Way.

B. Development Data Summary

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Gas station & car wash	Gas station & car wash
Acreage	0.57± ac	0.57± ac
Lots	1	1
Parcels	1	1
Square Footage/GFA	3,356	3,356
Dwelling Units:	N/A	N/A

C. History: The subject use operates pursuant to SE-2204, which was approved by the District Council on January 21, 1970. The Board of Appeals approved a variance of 50 feet from the 150-foot street frontage requirement in February 1970 (Appeal No. 2696). Variances from Sections 27-358(a)(5)(driveway location and width) and 27-358(a)(7)(sidewalk width) were approved by the Board of Appeals in November 1998. The property was rezoned from the C-2 to the C-S-C Zone during the 1984 sectional map amendment for Subregion VII.

D. Master Plan Recommendation: The 1981 master plan for Subregion VII recommends retail commercial use for the subject property.

E. Request: The applicant wishes to revise the approved special exception site plan to validate the location of certain improvements on the site. These improvements are as follows:

1. The location of the freestanding sign has changed. Originally, the sign was shown on the approved site plan located within the ten-foot wide landscape strip along Allentown Way.

At some point, the sign was erected behind the ten-foot-wide landscape strip as required by current provisions of the Zoning Ordinance.

2. Parking spaces have been rearranged on site from the location shown on the originally approved site plan. However, since the site was originally reviewed and approved under old parking standards, the owner desires to bring the site into compliance with today's parking regulations.
3. The car wash building was built in a different location than was shown on the original site plan. The approved site plan showed the building to be constructed six feet from the western property line. In actuality, the building is constructed approximately six inches (one-half foot) off of the western property line. No building restriction setbacks are violated by this relocation since the adjoining property also carries a commercial zoning designation (C-S-C). Therefore, no setback is required. Further, the building was originally constructed in its current location. It is the owner's belief that an amended site plan was filed during the processing of SE-2204. That amended site plan showed the building in its present location. However, the available records on microfilm for SE-2204 show only the site plan that was filed with the original application and not the revised site plan.
4. The original site plan did not show a storage shed on site. This shed was later added for the storage of supplies. The applicant submits that the shed was inspected and validated by the Department of Environmental Resources pursuant to the issuance of a previous use and occupancy permit. However, the storage shed was never shown on the approved special exception site plan.

A departure from design standards is requested from the building setback, bufferyard and minimum plant units required in the *Landscape Manual*. This application is the result of a recommendation for denial of an alternative compliance request (AC-03015/01). Specifically, a minimum building setback of 30 feet and a 20-foot-wide landscaped yard is required along the northeast and northwestern property lines. In addition, 144 plant units are required within the landscaped yard.

F. Neighborhood and Surrounding Uses:

- North— PEPCO substation, gas station, and carpet store in the C-S-C Zone.
- East— Retail center with a restaurant, nail salon, dry cleaners bookstore, and other commercial uses in the C-S-C Zone.
- South— Across Allentown Way is a child development center and offices in the C-S-C Zone.
- West— Auto glass shop and real estate office in the C-S-C Zone.

G. Minor Change Provisions: The proposed revisions are generally subject to Sections 27-325(b) and 27-325(f)(1).

Section 27-325(b) provides that:

- (1) The Planning Board is authorized to approve the following minor changes:**
 - (A) An increase of no more than fifteen percent (15%) in the gross floor area of a building;**
 - (B) An increase of no more than fifteen percent (15%) in the land area covered by a structure other than a building;**
 - (C) The redesign of parking or loading areas; or**
 - (D) The redesign of a landscape plan.**

The subject property consists of 24,627 square feet of paved area. The additional 473 square feet of land area covered by the two sheds (11 and 462 square feet) amounts to two percent of additional coverage. These accessory structures are well under the maximum of 15 percent of covered area.

Section 27-325(f)(1) provides that:

- (1) Changes of a site plan for an approved gas station may be permitted under the site plan amendment procedures in Section 27-324. The Planning Board and Planning Director may permit the following modifications under the procedures in this Subsection and in (a) and (c) above:**
 - (A) The enlargement or relocation of pump islands;**
 - (B) The addition of one (1) pump island;**
 - (C) The addition, relocation, or modification of a fence, kiosk, island shelter, island canopy, storage area, trash enclosure, vending area, or lavatory facility;**
 - (D) 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 type of screening shall be approved as a part of the minor change;**

The proposed changes include the addition of vending machines and storage areas.

H. Specific Special Exception Requirements: Section 27-358 provides the following specific requirements for the approval of a gas station:

Section 27-358(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;**

Direct vehicular access is provided to Allentown Way, which is a street with a 70-foot wide right-of-way. The site however, has only 100 feet of frontage. A variance was granted from this requirement in 1970.

- (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;**

The site is located at least 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;**

No display and rental of cargo trailers, trucks, or similar uses is proposed.

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

No storage or junking of wrecked motor vehicles is proposed.

- (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;**

The property is served by two driveways; 31 feet and 28 feet wide. These driveways provide access from Allentown Way. Also, the northern most driveway is only seven feet from the adjoining property line. Variances were granted by the Board Appeals for these deficiencies in 1998.

(6) Access driveways shall be defined by curbing;

The site 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;

The sidewalk along Allentown Way is four-feet wide. A variance from this requirement was granted in 1998.

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

The site plan demonstrates compliance with this requirement.

(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.

No repair service is provided with this use.

(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.

Staff notes that the subject car wash and gas station have existed at this location for over 30 years. No changes to the primary structure are proposed. The applicant has provided details of the proposed freestanding sign. The sign is compatible with 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.**

The topography of the subject lot and abutting lots are not shown as required above. The applicant will be required to revise the site plan to address this requirement. The location of trash enclosures and vending machines are shown on the plan.

(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.**

Staff notes that, based on comments from the Permit Review Section (memo dated December 23, 2002) and the Urban Design Section (memo dated January 17, 2003), some additional revisions to the plan are necessary to meet the above requirements.

The District Council, in their January 1970 decision to approve the subject gas station, found that the use meets the above requirements subject to a condition that a ten-foot-wide landscaped strip be provided. This approval also included a waiver of 50 feet from 150-foot street frontage requirement (Section 27-358(a)(1)). The proposed revisions are very minor and do not involve a change in use. The original findings made by Council continue to be valid.

I. Parking Regulations: The parking schedule provided on the site plan indicates that the gross floor area (GFA) of the car wash and accessory buildings is 3,356 square feet. The parking standard set forth in the Part II (Parking Regulations) for a car wash is one parking space per 500 square feet of

GFA. Based on this standard, seven spaces are required. The original site plan shows nine parking spaces. The proposed site plan indicates that ten parking spaces are provided. Since the car wash employees also operate the gas station, no additional parking spaces are required.

According to the Permit Review Section, a loading space is not required for the car wash. This structure was approved prior to 1970. The loading space requirements at that time were one space per 50 feet of building width along the street. Since the subject building is 32 feet wide, a loading space is not required.

- J. Landscape Manual Requirements:** The application is subject to Sections 4.2 (Commercial and Industrial Landscaped Strip Requirements), Section 4.3(a) (Parking Lot Landscape Strip Requirements) and 4.7 (Buffering Incompatible Uses). The site plan shows a commercial landscaped strip along Allentown Way as required. This strip may also fulfill the requirement for a parking lot landscaped strip (Section 4.3(a)). The schedule on the site plan for Section 4.2 should be revised to indicate that the strip also addresses Section 4.3(a). With respect to Section 4.7, a minimum building setback of 30 feet and a 20-foot-wide landscaped yard is required along the western and northeastern property lines. In addition, 144 plant units are required within the landscaped yard. The site plan indicates that the existing car wash is set back less than a foot from the northwestern property line. The existing shed is set back 23 feet from the northeastern property line. The required landscaped yard and plant units are not provided.

The applicant submitted a request for Alternative Compliance (AC-03015/01) for the deficiencies discussed above. The Planning Director denied the request. The applicant then filed a departure from design standards application (DDS-543) based on a finding by the Planning Director that the plan proffered by the applicant was not equal to or better than the normal requirements of the *Landscape Manual*.

- K. Zone Standards:** The Board of Appeals approved a variance of 50 feet from the 150-foot street frontage requirement of Section 27-358(a)(1) in February 1970. Variances from Sections 27-358(a)(5) (Driveway Location and Width) and 27-358(a)(7) (Sidewalk Width) were approved by the Board of Appeals in November 1998. No additional variances are necessary to accommodate the proposed revisions.
- L. Sign Regulations:** The existing freestanding sign has been relocated ten feet behind the street line for Allentown Way and now meets the setback requirements. No other signs are proposed.
- M. 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.**

The District Council, in their January 1970 decision to approve the subject gas station, found that the use meets the above requirements subject to a condition that a ten-foot-wide landscaped strip be provided. This approval also included a waiver of 50 feet from the 150-foot street frontage requirement (Section 27-358(a)(1)). The proposed revisions are very minor and do not involve a change in use. The original findings made by Council continue to be valid.

The Planning Board also notes that applicant has revised the site plan to address comments made by the Permit Review Section in a memo dated April 7, 2003.

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 recommends APPROVAL the above-noted application.

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.

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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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 18, 2004, in Upper Marlboro, Maryland.

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Adopted by the Prince George's County Planning Board this 15th day of April 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JJ:rmk

(Revised 8/9/01)