

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed ROSP SE-2296/3 requesting minor revisions to an approved site plan for an existing gas station 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 January 24, 2002, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The property is a small, irregularly-shaped parcel on the northwest corner of Marlboro Pike and Forestville Road. The property is developed with a gas station that includes a one-story, four-bay brick structure and four gasoline pumps. The property is completely paved and has a coin-operated vacuum for vehicles.
- B. History: The property was placed in the C-S-C Zone in 1986 during the Sectional Map Amendment for Suitland-District Heights and Vicinity. Special Exception SE-2296 was approved for a gas station in May 1970. Revisions to the site plan were approved in 1983 and 1987.
- C. Request: The applicant wishes to revise the approved site plan as follows:
 - 1. Installation of one additional gasoline dispenser.
 - 2. Addition of a trash enclosure.
 - 3. Addition of a loading space.
 - 4. Rounding corners of the existing canopy.
 - 5. Replacement of one existing gasoline pump with a diesel pump.
 - 6. Replacement of existing canopy and building signage.

The Applicant also requests relief from the 10-foot setback from street line requirement to permit the existing 87.3-square-foot freestanding business identification sign and 19.5-square-foot, 24-hour sign panel to remain in its current location within the right-of-way for Marlboro Pike. This request also proposes that three existing 19.5-square-foot ■merchandising• signs be allowed to remain.

- D. Neighborhood and Surrounding Uses: The subject property is located in an old strip commercial area. It is surrounded by the following uses:

North - A small office townhouse development in the C-O Zone and a church in the R-55 Zone.

East - Across Forestville Road is a shopping center which sits behind a small liquor store and a mattress store that fronts on Marlboro Pike in the C-O Zone.

South - Across Marlboro Pike is an Exxon gas station and small commercial center in the C-S-C Zone.

West - Undeveloped land in the C-O Zone, a gas station in the C-S-C Zone and a bank in the C-O Zone.

E. Minor Change Provisions: Section 27-325(b) provides that:

(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 (see Figure 40); or**
- (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 (see Figure 41).**

(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.**

The Applicant is proposing to add a loading space in accordance with Section 27-325(b)(1)(B)(i). Section 27-325(f) further 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 may permit the following modifications, under the procedures in this subsection:**

- (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.**
- (E) **Any situation described in Subsection (b) or (c).**

F. Specific Special Exception Requirements: Section 27-358(a) provides the following specific requirements for a gas station:

(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;**

The subject property has over 200 feet of frontage along Forestville Road. Direct vehicular access to Forestville Road is provided by two driveways. Forestville Road has a proposed 80-foot-wide right-of-way.

- (2) **The subject property shall be located at least three hundred (300) feet from any lot on which a school, playground, library, or hospital is located;**

The property meets this requirement.

- (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;**

The Applicant does not propose the display and rental of cargo trailers or trucks.

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

The use meets this requirement. However, a note should be added to the site plan stating that the storage or junking of wrecked motor vehicles is prohibited on the subject property.

- (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 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;**

The site plan demonstrates compliance with this requirement.

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

Driveways are defined by curbing as required.

- (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;**

A 10-foot-wide sidewalk is shown along the portion of the property that fronts on Marlboro Pike.

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

The use meets this requirement.

- (9) **Repair service shall be completed within 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.**

A field inspection of the property revealed that repair service is conducted on site. Staff found no evidence of discarded parts on the property. While there

are cars parked on the property, none of them appeared to be junked cars.
The property is generally well kept.

(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 50 feet);**
- (2) **The location and type of trash enclosures; and**
- (3) **The location of exterior vending machines or vending area.**

The site plan provides the information required above.

(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 14 months after the retail services cease.**

The Applicant makes no reference to this requirement in his statement of justification. The Applicant will be required to comply with this requirement.

(d) **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 subject use has served the community for over 30 years. Both the Planning Board and District Council have considered several revisions to this site plan; and in doing so, found that this use was necessary to the public and did not restrict the availability of land. Staff believes these findings continue to be valid.

G. Parking Regulations: The site plan correctly indicates that the existing 4 service bays require 12 parking spaces, based on 3 parking spaces required per bay. In addition, one loading space is required for buildings with 2,000 square feet or more of gross floor area. Note: The Applicant is proposing one loading space for the existing 2,331-square-foot building. However, the parking schedule indicates that the existing building has 2,435.5 square feet of gross floor area. The Applicant will be required to provide the correct gross floor area (either 2,331 or 2,435.5).

H. Landscape Manual Requirements: The proposal does not require the construction, enlargement, or extension of a building and is, therefore, exempt from the specific requirements of the *Landscape Manual*.

- I. Zone Standards: This application meets the general requirements of the C-S-C Zone. No variances are required.
- J. Sign Regulations: A Departure from Sign Design Standards application (DSDS-576) was filed in conjunction with this revision of site plan proposal. This application includes a request to permit a freestanding sign to remain within a street right-of-way and to allow additional freestanding signs.
- K. 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 approving the original site plan and subsequent revisions, found that the subject use met the above criteria. The Planning Board believes these finding continue to be valid. However, we do note that some minor corrections to the site plan are required to ensure that the use remains in conformance with all applicable requirements. These corrections are included in the recommended conditions of approval.

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 recommended APPROVAL of the above-noted application, subject to the following conditions:

- 1. The site plan shall be revised to reflect the correct square footage on the plan and parking schedule.

2. A note shall be added to the plan stating that the storage or junking of vehicles is prohibited on the subject 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 Brown, seconded by Commissioner Eley, with Commissioners Brown, Eley, Scott, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 24, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of February 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator