

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Revision of Site Plan for Special Exception Application No. 658 and Variance in Association with Special Exception Application No. 658 requesting the addition of a canopy for an existing gas station and a variance of 60 feet from the 150-foot frontage requirement of Section 27-358(a)(1), respectively, 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 9, 2003, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The site is located on the south side of University Boulevard, 205± feet west of its intersection with Riggs Road. The site comprises approximately 11,250 square feet and is improved with a gas station constructed in 1961. A one-story building houses two service bays, an office, and a sales area. The site has 90 feet of frontage on University Boulevard, which it accesses via a 30-foot-wide driveway. Additional access is provided via an easement from the adjoining property to the west.

- B. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Use(s)	Gas Station	Gas Station
Acreage	0.26± acre	0.26± acre
Square Footage/GFA	1,440 square feet	1,440 square feet
		1,414 square feet (canopy)

- C. **History:** The District Council approved a special exception for a gas station for this site in 1961 pursuant to SE-658.
- D. **Master Plan Recommendation:** The 1989 *Langley Park-College Park-Greenbelt Master Plan* recommends retail-commercial use for the property.
- E. **Request:** Chevron proposes to renovate this gas station by adding a pump island canopy. In addition, the applicant seeks a variance of 60 feet from the 150-foot street frontage requirement contained in **Section 27-358(a)(1)**. The applicant also seeks a departure to allow the existing freestanding sign to remain in its present position, two feet from the ultimate right-of-way for University Boulevard.
- F. **Surrounding Uses:** The site is surrounded on all sides by commercial uses in the C-S-C and C-0 Zones, with the exception of apartments in the R-18 Zone to the south.
- G. **Minor Change Provisions: Section 27-325(f) - Minor changes to gas station site plans:**
- (1) **Changes of a site plan for an approved gas station may be permitted by the Planning**

**Board for the following modifications:**

- (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 27-325(b) or (c).**

**Finding:** The addition of a pump island canopy requested by the applicant falls within the revisions that the Planning Board is permitted to approve.

**H. Specific Special Exception Requirements: Section 27-358—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;**

**Finding:** The subject property has 90 feet of frontage on University Boulevard. Accordingly, the applicant is seeking a 60-foot variance from this requirement.

- (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;**

**Finding:** The site is not within 300 feet of any of these uses.

- (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 site plan does not show these uses.

- (4) **The storage or junking of wrecked motor vehicles (whether capable of**

**movement or not) is prohibited;**

**Finding:** The applicant does not propose auto repair, storage or junking at this site.

- (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:** The driveway connection to University Boulevard is 30 feet wide.

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

**Finding:** Curbing is shown.

- (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:** There is a five-foot-wide sidewalk along this section of University Boulevard.

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

**Finding:** All pump islands and other service appliances are located accordingly.

- (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's statement of justification indicates that the repair service will comply with these requirements. In addition, there is no accessory building on site.

- (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.**

**Finding:** The site plan shows this information.

- (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 statement of justification indicates that the applicant is aware of this provision and will abide by it.

- (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.**

**Finding:** There has been a gas station on this site for more than 40 years, indicative that the use is necessary to the public in the surrounding area. In that time, the use has provided a convenient service to the surrounding neighborhood. The continuation of this long-existing use, with the addition of a canopy, will not restrict the availability of or upset the balance of commercial land use in the area.

- I. **Zone Standards and Need for Variances:** The development proposal meets the requirements of the C-S-C Zone. As previously mentioned, the applicant is seeking a variance from **Section 27-358(a)(1)**, the 150-foot minimum frontage requirement. **Section 27-230** of the Zoning Ordinance states:

- (a) **A variance may be only granted when the District Council finds that:**
  1. **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

**Finding:** The applicant notes that the subject property is narrow for a gas station, being 90 feet in width. While this does not conform to today's standards, it was permissible in 1961 when the District Council first approved this special exception.

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**

**Finding:** The applicant wishes to make needed improvements to this long-existing gas station in order to better serve its customers. Requiring it to adhere to today's standards, which would be physically impossible, would result in an undue hardship upon the owner of the property.

**3. The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

**Finding:** The requested variance would simply validate a long-existing use that has peacefully coexisted in this neighborhood for more than 40 years. It would in no way constitute a substantial impairment of the master plan.

J. **Parking and Loading Regulations:** The use requires four parking spaces; four are shown on the site plan.

K. **Other Issues:** The Permit Review Section (M-NCPPC), in its referral dated November 22, 2002, notes the following site plan deficiencies that need to be addressed:

1. Notes should be added to the site plan showing compliance with Sections 27-358(a)(2), (3), (4), (9) & 27-358(c).
2. The parking spaces shown on the site plan are substandard. If pre-1970 parking standards are used, parallel parking spaces must be shown at 9 feet 3 inches by 22 feet.

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 District Council, in its 1961 special exception review of the existing gas station (SE-658),

found the use and site plan met and satisfied all of the provisions of Section 27-317. The proposed revisions, namely, the new pump canopy, does not increase the intensity of the use. It is, therefore, reasonable to conclude that the proposed use will continue to be in harmony with the purposes of the Zoning Ordinance and that all of the criteria set forth in Section 27-317 are satisfied.

If the requested variance and departure are granted and the proposed site plan revisions made, the proposed use will be in conformance with all the applicable requirements and regulations of the Zoning Ordinance. The use and the proposed renovations will not impair the integrity of the 1994 *Master Plan for Langley Park-College Park-Greenbelt*, which recommends retail-commercial development for this site. The gas station use has existed at this site for more than 40 years without causing any apparent adverse impact on the health, safety or welfare of residents or workers in the area. The proposed renovations will enhance the operation of the gas station and make the use more visually attractive. The proposed changes will not be detrimental to the use or development of adjacent properties that are currently improved with retail and service-commercial uses. Finally, the site is exempt from the requirement to file a tree conservation plan because it contains less than 10,000 square feet of woodlands, and it does not have a previously approved tree conservation plan.

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 ROSP-SE-658/1, and further APPROVED VSE-658 subject to the following conditions:

1. Notes should be added to the site plan showing compliance with Sections 27-358(a)(2), (3), (4), (9) & 27-358(c).
2. The parking spaces shown on the site plan are substandard. If pre-1970 parking dimensions are used, parallel parking spaces must be shown at 9 feet 3 inches by 22 feet.

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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 9, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of January 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:TL:rmk

(Revised 8/9/01)