

## 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. 1330 requesting minor revisions to a gas station site plan 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 3, 2002, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The site is located on the north side of Annapolis Road (MD 450), 450 $\nabla$  feet east of its intersection with Finns Lane. The site comprises approximately 24,590 square feet and is improved with a gas station constructed in 1966. A one-story building houses three service bays, an office, and a sales area. The site has approximately 166 feet of frontage on Annapolis Road, which it accesses via two 30-foot-wide driveways.
- B. History: The District Council approved a special exception for a gas station for this site in 1966 pursuant to SE-1330. On April 26, 1995, per Appeal No. V-59-95, the Board of Appeals granted variances from Sections 27-358(a) (7) and (8) to waive the five-foot-wide sidewalk requirement and to permit a five-foot canopy and 15-foot pump island setback.
- C. Master Plan Recommendation: The 1994 *Master Plan for Bladensburg-New Carrollton and Vicinity* recommends retail commercial use for the property.
- D. Request: Sunoco wishes to renovate this gas station by making the following changes:
  - 1. Replacement of canopy and building signs
  - 2. Cosmetic improvements to the canopy
  - 3. Addition of a trash enclosure
  - 4. Removal of an accessory storage building
  - 5. Restriping of the parking lot

The applicant also seeks a departure to allow the existing freestanding sign to remain in its present position and replace the existing canopy signs, as well as allow three additional freestanding signs to remain.

- E. Surrounding Uses: The site is surrounded on all sides by strip-commercial uses in the C-S-C zone.
- F. Minor Change Provisions: Section 27-325(b) - Minor Changes to Special Exception Site Plans:

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

- (i) **There is a proposed increase in gross floor area of 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; 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.**

**(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 landscaped plan.**

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 minor changes requested by the applicant fall within the revisions that the Planning Board is permitted to approve.

**(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 166 feet of frontage on Annapolis Road, which has a 120-foot-wide ultimate 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;

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 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 driveways are 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: The applicant received a variance from this requirement in 1995, but a variable-width (4-5 feet) sidewalk exists.

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

Finding: On April 26, 1995, per Appeal No. V-59-95, the Board of Appeals granted a variance from this Section to permit a 15-foot pump island setback. The air machine is 12 feet from the right-of-way line, near the southern driveway. It should be moved back to meet the 25-foot setback so that cars using it will not partially block the exit.

- (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 does not propose auto repair on the 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 applicant is aware of this provision.

- (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 30 years. In that time, the use has provided a convenient service to the surrounding neighborhood. The continuation of this long-existing use, along with the addition of a food mart, will not restrict the availability of or upset the balance of commercial land use in the area.

- H. Parking and Loading Regulations: The use requires nine parking spaces; nine are shown.

I. Other Issues: The site plan shows the dumpster to be screened by a chainlink fence with vinyl slats. It has long been the policy to require a board-on-board or stockade fence, since the chainlink/slat fence is inferior in effect. The site plan should be revised accordingly.

J.. 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 their 1966 special exception review of the existing gas station (SE 1330), found the use and site plan met and satisfied all of the provisions of Section 27-317. The proposed revisions, namely, replacement of canopy and building signs, cosmetic improvements to the canopy, addition of a trash enclosure, removal of an accessory storage building and restriping of the parking lot do 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 departures 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 Bladensburg-New Carrollton and Vicinity* which recommends retail commercial development for this site. The gas station use has existed at this site for more than 30 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 which are currently improved with retail and service commercial uses. Finally, the site is exempt from the requirement to file a 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-1330/1, subject to the following conditions:

The site plan being amended to show:

1. The air tower shall be moved to meet the 25-foot setback.
2. The chainlink fence enclosing the dumpster shall be replaced with a board-on-board fence.

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 Scott, with Commissioners Lowe, Scott, Eley, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 3, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of February 2002.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

