

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Revision of Site Plan for Special Exception Application No. SE 2115 requesting minor revisions to a 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 November 15, 2001, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The subject property is located at the southeast quadrant of the intersection of US 1 (Baltimore Avenue) and Tecumseh Street in the City of College Park. It is developed as a three-bay service station with two pump islands. Access is gained via two driveways along US 1 and one along Tecumseh Street. Currently, the bays are closed and two pumps are operating on each of the two pump islands.
- B. History: The 1990 *Sectional Map Amendment for Langley Park-College Park-Greenbelt* rezoned the site from the C-2 Zone to the C-S-C Zone. On December 19, 1969, the District Council approved Special Exception No. 2115 to allow an automobile filling station on the subject property. The station has operated in the same configuration since it was approved in 1969, other than the closure of the service bays.
- C. Master Plan Recommendation: The 1989 *Master Plan for Langley Park-College Park-Greenbelt* recommends a retail-commercial use for the site.
- D. Request: The applicant wishes to renovate and modernize the site through the addition of:
 - 1. One additional pump island with two pumps, bringing the total to six pumps on three islands;
 - 2. A pump island canopy;
 - 3. Refacing and converting the service station building to a food and beverage store (a permitted use in the C-S-C Zone);
 - 4. Adding a 215-square-foot storage area to the rear of the building;
 - 5. Enhanced landscaping.

The City of College Park supports the application, suggesting several conditions that have been incorporated by the applicant into a revised site plan:

1. Reface the existing building and addition with red brick.
2. Design all lighting so that no lighting spills onto adjacent residential property.
3. Revise the parking schedule to indicate the correct number of parking spaces as determined by the Maryland-National Capital Park and Planning Commission. Remove the single (1) parking space located along the western facade of the convenience store.
4. Install a 5 foot-wide sidewalk along Tecumseh Street between the driveway entrance and the rear property line.
5. Resurface parking lot/drive area and re-strip parking spaces.
6. Indicate vehicular circulation with directional arrows on the pavement at the driveway entrances/exits. Install a right turn only sign and a no left turn sign at the northernmost entrance of the site on Baltimore Avenue and revise site plan accordingly (per SHA's letter of 7/27/01).
7. Remove flagpole, building antennae, bollards and other obsolete fixtures on the site.
8. Further landscape the southern area and the area adjacent to the loading zone with planting beds of shrubs and perennials

E. Neighborhood and Surrounding Uses:

The site is surrounded by the following uses:

North - A used car lot in the C-S-C Zone.

East - Apartments in the R-18 Zone.

South - A motel in the C-S-C Zone.

West - Vacant buildings and a fast-food restaurant in the C-S-C Zone.

The neighborhood is defined by the following boundaries:

North - Metzerott/Greenbelt Road

East - 48th Avenue

South - Berwyn Road

West - Baltimore Avenue (US 1)

The neighborhood consists of strip-commercial uses along both sides of US 1, with residential uses to the east, between US 1 and 48th Avenue.

F. 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.

Finding: The revisions proposed by the applicant (the addition of a pump island, canopy and storage area) are permitted by this section. The proposed food and beverage store is a permitted use in the C-S-C Zone.

G. 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 property has 259 $\frac{1}{2}$ feet of frontage on US 1, which has a variable-width right-of-way of 100 feet along this section.

- (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: None of these uses are located within 300 feet.

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

Finding: Neither of these uses is proposed.

- (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 existing driveways meet these criteria. The State Highway Administration has decided that the northern-most driveway along US 1 shall be reconstructed as a 20-foot-wide, one-way (outbound) channeled driveway. The site plan shall be amended to show this configuration.

(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: A five-foot-wide sidewalk exists along US 1.

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

Finding: The pump islands are located at least 25 feet behind the street line. A dimension showing this should be added to the site plan.

(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: There will be no repair service on site.

- (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 existing building is a combination of brick and block in a traditional 1970s gas station architectural style. The applicant is not proposing to change the architecture, but will reface the entire building in red brick. A red brick building will substantially enhance the aesthetics of the site. It will in no way detract from the surrounding development, which includes several vacant buildings, a used car lot, a motel and apartment buildings.

- (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: This information is shown.

- (3) 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: According to the statement of justification, 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; 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 land or upset the balance of commercial land use in the area.

- H. Parking Regulations: A total of 16 parking spaces are required and are provided. One loading space is required and is provided.
- I. Landscape Manual Requirements: The applicant is proposing significant new landscaping for the site. Because the proposed addition is less than ten percent of the existing building area, the application is exempt from Sections 4.2 (Commercial and Industrial Landscape Strip) and 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. Ordinarily this application would be subject to Section 4.3 (Parking Lot Landscape Strip) of the *Landscape Manual*, since new spaces were being created. However, because the new spaces are set back more than 30 feet from the right-of-way line, these spaces are exempt. The applicant has provided a copy of correspondence from the State Highway Administration (SHA), allowing placement of some landscaping within the ultimate right-of-way for US 1.
- J. Zone Standards: The proposed development conforms to the standards of the C-S-C Zone.
- K. Sign Regulations: The site plan shows the retention of the existing freestanding sign along US 1.

Section 27-614(A)(1) requires the main building to be located at least 40 feet behind the front street line to allow a freestanding sign. In addition, Section 27-614(A)(4) requires freestanding signs to be located at least 10 feet behind the proposed right-of-way.

The site plan does not meet these requirements. The main building is located only 35 feet behind the right-of-way for Tecumseh Street (the front street line) and only 26 feet behind the right-of-way for US 1. In addition, a measurement of the site plan indicates that the freestanding sign along US 1 is only six feet behind the proposed right-of-way.

Unfortunately, it appears that the adjoining rights-of-way have expanded since the original special exception site plan was approved in 1969. However, this situation does not relieve the applicant of the obligation to conform with current requirements. The building currently exists and it is not likely to be relocated. Therefore, the only practical remedy is for the applicant to obtain approval of a departure from sign design standards from the City of College Park. Otherwise, the freestanding sign must be removed.

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 December 1969 special exception review of the existing gas station (SE-2115), found the use and site plan met and satisfied all of the provisions of Section 27-317. In addition, the applicant's proposed revisions fall within the scope of those permitted by the Planning Board and do not increase the intensity of the use. With the recommended conditions to correct a few minor site plan deficiencies and/or to obtain a sign departure, the proposed use will continue to be in harmony with the purposes of the Zoning Ordinance and conform with all criteria set forth in Section 27-317.

In addition, the proposed use will conform with all the applicable requirements and regulations of the Zoning Ordinance. The use and the proposed renovations will not impair the integrity of the *Master Plan for Langley Park-College Park-Greenbelt* which recommends retail-commercial development for this site. The gas station has existed 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, most of 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 ROSE-SE-2115, subject to the following conditions:

1. The setback for the pump islands shall be dimensioned.

2. Prior to the issuance of permits, the applicant shall file to either:
 - a. validate the sign permit (#S-33861); or
 - b. obtain a Departure from Sign Design Standards from the City of College Park; or
 - c. remove the freestanding sign

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 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, November 15, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of December 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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