

Prince George's County Special Exception No. ROSP-SE-3397/3

Applicant: Exxon Corporation

Location: The subject property is located in the southern quadrant of the intersection of Suitland Road and Silver Hill Road.

Request: Revision of Site Plan (Minor Change) Special Exception Application No. 4140/1 for a Freestanding Sign

R E S O L U T I O N

WHEREAS, the applicant is requesting approval of a minor change to Special Exception No. ROSP-SE-3397/3 in accordance with Section 27-325(b) of the Prince George's County Zoning Ordinance; and

WHEREAS, under this provision the applicant proposes to relocate its freestanding sign approximately 12 feet from its current location ; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the adopted Rules of Procedure of the Prince George's County Planning Board; and

WHEREAS, the Technical Staff Report released July 10, 2000, recommended APPROVAL, with a condition; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on July 13, 2000, the Prince George's County Planning Board agreed with the staff recommendation; and

WHEREAS, the Planning Board decision is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

- A. Location and Field Inspection: The subject property is located in the southern quadrant of the intersection of Suitland Road and Silver Hill Road. It is developed with a one-story gas station with three service bays. Access is provided by two driveways each on Silver Hill and Suitland Roads.
- B. History: The original special exception for a gas station on this site was approved in 1983. ROSP-3397, ROSP-3397/1 and ROSP-3397/2 were approved for minor changes in 1987 and 1997, respectively. To date, no permits have been issued to permit construction in accordance with the 1997 revisions.
- C. Master Plan Recommendation: The 1985 *Master Plan for Suitland-District Heights and Vicinity* recommends commercial use of the site.
- D. Request: The applicant proposes to relocate its freestanding sign approximately twelve (12) feet from its current location. The existing sign, which sits within the ultimate rights-of-way of Silver

Hill and Suitland Roads, must be relocated, as the State has acquired the affected rights-of-way. The applicant submitted the original approved site plan in this application for the purpose of permitting the sign relocation only. However, that plan failed to meet setback and landscaping requirements currently in effect. On July 7, the applicant resubmitted the 1997 site plan, with revision dated July 6, 2000, which now shows the proposed sign relocation as well.

- E. Neighborhood and Surrounding Uses: The property is located within the Suitland Business area. It is surrounded by retail and service-commercial uses along Silver Hill Road and Suitland Road to the north, east and south. To the west, across Silver Hill Road, is the Suitland Federal Center.
- F. Minor Change Provisions: Section 325(b)(1)(A) provides the following for parcels less than five (5) acres in size:

(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; 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.**

In this case the sign is proposed to be relocated twelve (12) feet and less than ten percent (10 %) of the distance to the boundary line.

- G. Specific Special Exception Requirements (Sec. 27-358. Gas Station.):

The subject gas station continues to meet the specific criteria for a gas station as follows:

- (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 site has approximately 200 feet of frontage on Silver Hill Road, which has a right-of-way width of 120 feet, and 200 feet of frontage on Suitland Road, which has a right-of-way width of 120 feet.

- (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;**

None of the above listed facilities is within 300 feet of the property.

- (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;**

None of these uses are existing or contemplated (see Site Plan Note 10.B).

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

No wrecked motor vehicles will be stored on the property (see Site Plan Note 10.C).

- (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;**

There are two existing access driveways, each 30 feet wide, for both Suitland and Silver Hill Roads. These driveways meet the above requirements.

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

All access driveways are defined by curbing.

- (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;**

A five-foot-wide sidewalk is located along both Suitland and Silver Hill Roads.

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

The revised site plan, dated July 6, 2000, shows that the proposed pump islands and all other service appliances are located at least twenty-five (25) feet behind the street line.

- (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 services are proposed to be provided on the site and the revised proposed site plan shows no accessory buildings (Site Plan Note 10.G).

- (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 site plan shows all of the required information. Site Plan Note 10.L indicates that the trash enclosure shall be of the same materials and color as the proposed convenience store.

- (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) 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.**

This use was found necessary to the public in the surrounding area and was found to not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses in 1983. There have been no changes to the use of this site or of the surrounding area that would change the findings made in 1983.

- H. Parking Regulations: A total of 17 parking spaces are required and provided. There are no changes to the approved site plan with regard to parking
- I. Landscape Manual Requirements: This application is exempt from the requirements of the *Landscape Manual*. However, landscaping issues were determined to be important due to the Suitland Business District revitalization efforts underway, and at the time of the previous revision approval, the applicant accepted a condition to submit a revised landscape plan in accordance with the requirements of the *Landscape Manual*. That condition further stipulated that, ■The visibility of the site shall not be obscured by the size, type or location of plantings.● The staff recommends that this condition be attached to the requested revision as well.
- J. Zone Standards: The revised site plan dated July 6, 2000, meets all standards for the C-S-C Zone.
- K. Sign Regulations: The existing sign is being relocated to satisfy the location requirements of the Section 27-614 (a)(4). The sign detail indicates that the proposed sign height is 25 feet, as permitted by Section 27-614. The area of the sign, 80.3 square feet, falls within the 100 square feet permitted by Section 27-614(c)(3)(B).
- 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.**

The proposed sign relocation is in harmony with the purposes of the Zoning Ordinance. It provides an appropriate setback from the roadway to permit adequate identification while minimizing obstructions for motorists.

- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

The proposed sign relocation revision is required in order to conform to the location requirements of the Zoning Ordinance for freestanding signs. The revised site plan (dated July 6, 2000) indicates that the other previously approved revisions comply with all applicable regulations.

- (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 Master Plan, the General Plan.**

The continued use of the gas station and proposed relocation of the sign will not have any significant impact on the integrity of the Suitland-District Heights Master Plan, which recommends commercial use for the property.

- (4) **The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

The relocation of the sign will promote the health and safety of residents and workers in the area by providing a safe distance between the sign and the newly acquired right-of-way.

- (5) **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

The relocation of the sign is consistent with plans to upgrade the frontage along Silver Hill Road. Therefore, it will not be detrimental to the use or development of adjacent properties and the general neighborhood.

- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The site plan is exempt from conformance with an approved Tree Conservation Plan.

NOW, THEREFORE, BE IT RESOLVED, that this application for a "minor change" to Special Exception No. ROSP-SE-3397/3, is hereby APPROVED, subject to the following condition:

The applicant shall submit a landscape plan in accordance with the requirements of the *Landscape Manual* for approval by the Urban Design Section, Development Review Division, prior to the issuance of any permits. The visibility of the site shall not be obscured by the size, type or location of plantings.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following 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 Boone, seconded by Commissioner Brown, with Commissioners Boone, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 13, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of September 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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