

Prince George's County Revision of Site Plan (Minor Change) Special Exception No. 3431/1

Applicant: Frank Browning

Location: The subject property is located at the northeast quadrant of the intersection of Kenilworth Avenue and Nicholson Street

Request: Modification of a parking lot

R E S O L U T I O N

WHEREAS, the applicant is requesting approval of a minor change to Special Exception No. 3431/1 in accordance with Section 27-325(b) of the Prince George's County Zoning Ordinance; and

WHEREAS, under this provision the applicant is proposing to restripe the existing parking lot and increase the number of parking spaces from 10 to 20; 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 14, 1999, recommended APPROVAL, with conditions; and

WHEREAS, upon receipt of additional information the Technical staff released a memorandum dated July 19, 1999 to supplement the Technical Staff Report of July 14, 1999.

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on March 9, 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 at the northeast corner of the intersection of Kenilworth Avenue and Nicholson Street. The site consists of approximately .55 acre of land area. It is improved with a one-story building with three bays and a paved area with 10 parking spaces. The site has approximately 174 square feet of frontage on Kenilworth Avenue and 116 feet of frontage on Nicholson Street. It is accessed from both streets.
- B. Request: The applicants propose to restripe the existing parking lot and increase the number of parking spaces from 10 to 20. The existing structure comprises approximately 1,600 square feet of gross floor area. Approximately 750 square feet is allocated to an office and retail parts use, and the remaining 850 square feet is allocated for the service portion of the facility. The facility is currently vacant.

C. Neighborhood and Surrounding Uses: The immediate area surrounding the site is primarily commercially developed with a concentration of retail and service uses along Kenilworth Avenue, Riverdale Road, Nicholson Street and Madison Street in the C-S-C Zone. Multifamily residential uses are located southeast of the site in the R-18 Zone and further west of the site in the R-10 Zone. A restaurant and Riverdale Plaza are located to the north. The Plaza also abuts the site to the east.

D. Minor Change Provision: **Section 27-325(b)(A)(i)(B)(i) permits changes to an approved special exception site plan for a property of less than five acres provided that the following situations exist.**

(B) Situation No. 2.

(i) There is a proposed change in the design of a parking lot or loading area.

The proposed revision involves a change in the design of the existing parking lot and increase in the number of parking spaces from 10 to 20. The modification also includes construction of a new concrete sidewalk with a handicap ramp to replace the existing sidewalk.

E. Specific Requirements: Special Exception No. 3431 was originally approved in 1983 as a vehicle parts and tire store (including installation) to permit a vehicle lubrication or tune- up facility. Also since the passage of CB-43-1987, the Ordinance provides that any vehicle parts or tire store with installation shall be deemed to have been approved for special exception as vehicle lubrication or tune up facility. **Therefore, Section 27-416.03 contains the following requirements for vehicle lubrication or tune-up facilities:**

(a) A vehicle lubrication or tune-up facility may be permitted, subject to the following:

(1) Service activity on any motor vehicle shall be completed within twenty-four (24) hours or less, and no vehicle may be stored on the property for longer than this period.

The applicants statement of justification states that vehicles will not be stored in the parking lot for more than 24 hours. A note shall be included on the site plan indicating compliance with this requirement.

(2) The demolition or junking of motor vehicles is prohibited.

There is no indication in the record of a potential conflict with the requirement. However, a note shall be placed on the site plan indicating compliance to this requirement.

- (3) **The District Council shall find that the proposed use 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 proposed revision is limited to changes to the parking layout on the property. The revision, will not result in a change in the nature of the existing use nor would it result in an increase or decrease in gross floor area of the store building. Therefore, the proposed modification of the parking lot will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.

- F. **Parking Regulations: Section 27-568 of the Zoning Ordinance requires three parking spaces for each bay and one parking space for every 500 gross floor area (GFA) of the office and retail part sales area.**

A total of 10 parking spaces are required. The site plan provides for 20 parking spaces including two van-accessible spaces for the physically handicapped.

All five of the parking spaces that are located along Nicholson Street are within the right-of-way of the street. Three more parking spaces are located within the ultimate right-of-way of Kenilworth Avenue; however, these spaces are deemed to have been approved by the District Council and allowed by virtue of the 1983 approved site plan. To construct the five parking spaces as proposed, the applicants need to obtain a variance from Section 27-462(b), the commercial zone building setback for all structures, to allow parking spaces to be located within the right-of-way of Nicholson Street.

In addition, all ten parking spaces located along Nicholson Street are substandard in size, measuring only 17 feet long instead of the required 19 feet. The site plan must be revised to show the correct dimensions of these parking spaces.

- G. **Landscape Manual Requirements:** The *Landscape Manual* does not apply to this application because there is no proposed addition in gross floor area and/or relocation of buildings. The existing use of the property will not change and the proposed modification of the parking lot does not increase the area of the existing paved surfaces. In addition, DDS-167 was approved in 1983 to allow a 10-foot landscape strip within the proposed right-of-way of Kenilworth Avenue and Nicholson Street. The Board of Appeals had also granted a variance from the 10-foot landscape strip along the property line (see under the Zoning Standards below). However, the required landscape strip along Nicholson Street has incorrectly been diminished to only 8 feet wide to accommodate additional parking spaces. The site plan needs to be revised to provide the required landscaping in accordance with the Planning Board's decision in Departure from Design Standards No. 167.

Although the *Landscape Manual* does not apply to this application, the applicants still have to demonstrate consistency with the approved site plan. Existing landscape conditions on the site reveal a neglected and unkempt appearance. Landscaping on the property shall be consistent with the

approved site plan. In addition, the grass area at the rear of the building shall be maintained and kept clean.

- H. Zone Standards: A variance of 15 feet was approved by the Board of Appeals (Appeal No. 6692 ● March 3, 1983) from the requirements of Section 27-372(1) (currently part of the *Landscape Manual*), which prescribed that the first 10-foot setback from the property line along the street shall be used solely for landscaping. The site plan conforms to all other development standards of the C-S-C Zone.
- I. Other Issues: The site plan identifies Kenilworth Avenue as a 90-foot right-of-way (45 feet from center line). Kenilworth Avenue is proposed for a 120-foot right-of-way (60 feet from center line). As noted, three of the parking spaces located along Kenilworth Avenue are within the right-of-way line. Similarly, the Nicholson Street right-of-way is also incorrectly drawn on the site plan. The right-of-way for the street at this location is 70 feet (35 feet from center line) rather than the 40 feet (20 feet from center line) as demonstrated on the site plan.
- J. Sign Regulations: The existing freestanding sign is located four feet behind the ultimate right-of-way of Kenilworth Avenue. The sign will have to be located at least 10 feet behind the right-of-way line. Otherwise, a departure from Section 27-614(a)(4) is required or in the alternative, the applicants must demonstrate compliance with Section 27-614(a)(4)(A), (B) and (C). In addition, all signs that will be placed on the property would have to meet all area, height and setback standards. The site plan indicates that the sign is not operational. If the applicants have no intention of using the sign at a future time, removal of the sign is another alternative that they may consider.
- 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.

The fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety and welfare of the public and promote compatible relationships between the various types of land uses. As indicated, the property is currently vacant; as a result, the existing landscaping has deteriorated. Landscaping shall be maintained to enhance the esthetic appearance of the property. Failure to do so, will put the use of the subject property in direct conflict with the general purpose of the Zoning Ordinance, which is to protect and promote the health, safety and welfare of the residents of the County.

With existing inconsistencies corrected and with the recommended conditions, the proposed revision will be in harmony with the purposes and intent of the Zoning Ordinance.

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

With the recommended conditions and the proposed site plan revisions, the proposal will conform to all applicable requirements of the Zoning Ordinance.

- (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.**

The approved Master Plan for Bladensburg-New Carrollton and Vicinity designates the subject site for retail-commercial use in the C-S-C Zone. A vehicle parts and tire store, including installation facility, permitted as a special exception in the C-S-C Zone. The subject facility has been at this location for over 15 years. With the recommended conditions and amendments to the site plan, the proposed use will not impair the integrity of the Master Plan nor will it be inconsistent with the Plan's guidelines.

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

The continued use of the site as a vehicle parts and tire store, including installation facilities, and the proposed modifications will not adversely impact the health, safety and welfare of residents and workers in the area, provided that all of the recommended conditions are met.

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

The proposed use will not unduly restrict the availability of land or upset the balance of land use in the area for other permitted uses. With the proposed conditions, the 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.**

A Tree Conservation Plan is not required because the property contains less than 10,000 square feet of woodland, and it does not have a previously approved Tree Conservation Plan.

NOW, THEREFORE, BE IT RESOLVED, that this application for a "minor change" to Special Exception No. 3431/1, is hereby APPROVED, subject to the following conditions:

1. Prior to the issuance of permits, the site plan shall be revised to include the following:
 - a. Delineation of at least 10 parking spaces outside of the Nicholson Street right-of-way.
 2. Rights-of-way for Nicholson Street and Kenilworth Avenue at 70 feet and 120 feet respectively.
 - c. Relocation of the existing freestanding sign at least 10 feet behind the right-of-way line, or a

Departure from the Sign Design Standards shall be obtained.

- d. Landscaping shall be improved and maintained in accordance with the 1983 approved special exception site plan or the provision of at least 1 shade tree and 10 shrubs per 35 linear feet in these areas. Moreover, the grass area located at the rear of the building shall be maintained and kept clean and free of debris
- e. Notes shall be placed on the site plan indicating compliance with Section 27-416.03(a)(1) and (2).

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 adoption of this Resolution.

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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 McNeill, seconded by Commissioner Boone, with Commissioners McNeill, Boone, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 9, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of March 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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