

Prince George's County Revision of Site Plan Special Exception No. ROSP-SE-4193/1

Applicant: Shell Oil Company

Location: The subject property is located at the northeast quadrant of the intersection of US 301 and Fairhaven Avenue.

Request: Minor revision of site plan

### 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-4193/1 in accordance with Section 27-325(b) of the Prince George's County Zoning Ordinance; and

WHEREAS, under this provision the applicant is requesting to redesign the parking layout and add an air station, tire pressure result screen, informational and directional signs and vacuum cleaners; 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 December 29, 1999, recommended APPROVAL, with conditions; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on January 6, 2000, the Prince George's County Planning Board generally 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 property is located in the northeast quadrant of the intersection of US 301 and Fairhaven Avenue in the Marlton area. The subject property is part of a larger tract of land measuring approximately 4.3 acres. Construction was recently completed on a Shell gas station, a convenience mart and a car wash, all of which are currently in operation.
- B. History: The subject property has been in the R-P-C (C-1) Zone since approval of the Residential Planned Community Zone for Marlton in 1969. On June 1, 1998, SE-4193 was approved by the District Council for a gas station at this location. On November 19, 1998, the Planning Board approved DSDS-553 granting a departure of 9 feet from the 10-foot setback requirement for a freestanding sign along US 301.
- C. Master Plan Recommendation: The Master Plan for the Subregion VI Study Area (1993) recommends this site as a future extension of the existing Marlton Plaza retail/service commercial shopping center.

- D. Request: The applicant's statement provides the following: Specifically, Shell proposes to relocate two vacuums and add an air station along the southern edge of the parking compound. On the original approved special exception site plan, one handicap space and nine standard parking spaces are shown in this area. Shell proposes to locate the vacuums and the air station on very small concrete pads within the paved area, which would necessitate modifying the parking layout by substituting seven standard spaces, two compact spaces and one handicap space for the nine standard and one handicap space shown in this area on the originally approved special exception site plan. The proposed parking modification would also extend the area for the parking spaces slightly to the east.

In addition, Shell proposes to add the following directional and informational signage associated with the car wash which was not shown on the originally approved site plan: (1) a menu board near the entrance to the car wash, on the left-hand side of the driveway entrance aisle, setting forth information about the types and prices of the various car wash options; (2) a lighted indicator, also to be located on the left-hand side of the drive aisle, directing patrons when to wait and/or enter the car wash; (3) a screen to be located in the landscaped island immediately on the left side of the exit aisleway from the car wash building which will display information concerning air pressure in vehicle tires relayed via sensors to be installed in the pavement as cars exit the car wash facility.

- E. Neighborhood and Surrounding Uses:

North and East: The balance of the larger, undeveloped site and a Pepco right-of-way, as well as one single-family home located between the right-of-way and the larger property in the R-P-C (C-1) Zone.

South: Across Fairhaven Avenue is the Marlton Plaza Shopping Center including a freestanding McDonald's fast-food restaurant and a bank in the R-P-C (C-1) Zone.

West: Across US 301 is parkland in the O-S Zone.

- F. Minor Change Provisions: In relevant part, Section 27-325(b) permits changes to an approved special exception site plan for a property of less than five acres, provided that either of the following two situations exist:

**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;**

**b. Situation No. 2**

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

Finding: Section 27-325(b) is applicable because the subject property contains less than 5 acres. Section 27-325(b)(1)(A)(i) applies because the addition of the improvements enumerated in Paragraph B above will not increase the covered land area by 500 square feet. Also, the addition of the vacuums and the air station will result in a redesign of the parking compound, which is specifically authorized as a minor revision to a special exception site plan pursuant to Section 27-325(b)(1)(B)(i).

**G. Specific Special Exception Requirements: Section 27-358 of the Zoning Ordinance sets forth the following specific requirements for gas stations:**

- (a) (1) The subject property shall have at least 150 feet of frontage on and direct vehicular access to a street with a right-of-way of at least 70 feet;**
- (2) The subject property shall be located at least 300 feet from any lot on which a school, playground, library, or hospital is located;**
- (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 moving or not) is prohibited;**
- (5) Access driveways shall not be less than 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 20 feet from 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 12 feet from the side or rear lot line of any adjoining lot;**
- (6) Access driveways shall be defined by curbing; all access driveways shown on the site plan are proposed to be defined by curbing;**
- (7) A sidewalk at least 5 feet wide shall be provided in the area between the building line and the curb to those areas serving pedestrian traffic;**
- (8) Gasoline pumps and other service appliances shall be located at least 25 feet behind the street line;**

- (9) **Repair service shall be completed within 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 site plan.**
- (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 50 feet);**
  - (2) **The location and type of trash enclosures; and**
  - (3) **The location of exterior vending machines or vending area.**
- (c) **Upon 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 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.**

Finding: In approving SE-4193 in 1998, the District Council found compliance with each of the above listed requirements of Section 27-358. The applicant's proposed minor revisions are limited to a redesign of the parking spaces and the addition of equipment and directional signage normally associated with gas stations. They are inconspicuously located and have no impact on these findings.

- H. Parking Regulations: The proposed redesign of the parking spaces involves the substitution of two compact spaces for two standard size spaces to allow space for the proposed air station. The Zoning Ordinance permits up to 30 percent of parking spaces to be compact in size. The compact spaces must be identified as such on the site either by signage or pavement marking. The proposed site plan provides 11 spaces, one more than required. Actually one of these may not be counted since it is

used for the air station, therefore the parking legend should be revised to reflect that 10 spaces are required and provided.

The proposed site plan relocates the space for the handicapped from the area near the car wash entrance to the space near the flagpoles in the southwestern corner of the site. This is a safer and more convenient location for that parking space.

- I. Landscape Manual Requirements: By letter dated November 24, 1999, the applicant indicated the necessity to make a minor revision to the landscape plan approved in 1998. This is for a relocation of five feet for a Colorado Blue Spruce tree in order to permit space for a vent pipe for the underground storage tanks. This has no significant effect on the landscape plan which is otherwise identical to the previously approved plans.

The proposed location for the added tire air pressure station and the proposed relocation of the vacuum stations are appropriate and adequately buffered from surrounding properties.

- J. Zone Standards: The previously approved special exception was found to comply with the requirements of both the C-1 Zone and the R-P-C Zone. Nothing in the proposed revision alters these relationships or findings.
- K. Sign Regulations: Departure from Sign Design Standards Application No. 553 was approved by the Planning Board on November 19, 1998, authorizing a reduction in the setback requirement for a freestanding sign. The departure information should be shown on the proposed ROSP site plan. The site plan conforms to all other development standards of the R-P-C (C-1) Zone.
- L. Other Issues: The subject property is part of a larger parcel which measures approximately 4.27± acres. Subdivision of the subject property is not required. The Loop Road which provides access to the site and connects Fairhaven Avenue with US 301 is an internal driveway on Parcel 95.

Private agreements between the applicant and area civic associations cannot preclude the Planning Board from approving site plan revisions which conform with the requirements of the Zoning Ordinance.

- M. 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 minor revisions proposed by the applicant in this case do not conflict with the District Council's findings of compliance when it approved SE-4193.

NOW, THEREFORE, BE IT RESOLVED, that this application for a "minor change" to Special Exception No. ROSP-SE-4193/1, is hereby APPROVED, subject to the following conditions:

- 1. The site plan shall be amended to show the following information:
  - a. The parking legend shall show that 10 parking spaces are provided.
  - b. The method to identify compact spaces as such in the field.
  - c. Sign departure information.

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.

\* \* \* \* \*

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 and Hewlett voting in favor of the motion, and with Commissioner Brown absent, at its regular meeting held on Thursday, January 6, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of January 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:CHW:aj