

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed SE-4491 requesting a vehicle repair and service station in the Commercial Shopping Center (C-S-C) Zone 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 October 1, 2009, 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 Old Silver Hill Road and Marlboro Pike. The site is developed with a one-story masonry building that was a full-service gasoline station from 1949 until 1989 and is now primarily operating as a tune-up and lubrication facility pursuant to U & O Permit No. 4074-87. The rear section of the building has been used for various auto-repair uses since 1949 pursuant to Special Ordinance No. 90 (per the referral from the Permits Section, M-NCPPC) most recently as a tire shop. Surrounding the building is an asphalt parking lot with almost unlimited access from Parkland Drive, Marlboro Pike or Old Silver Hill Road. The applicant is proposing to redefine the access points to the site to provide one driveway from Marlboro Pike and one from Old Silver Hill Road. This will be a tremendous benefit to traffic using the adjacent roadways.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Auto Repair	Auto Repair
Acreage	0.34±	0.34±
Square Footage/GFA	6,420	6,420

C. **History:** The site has a long history of development and zoning approvals:

1949–	The existing building is constructed and operated first as a full-service Texaco gas station, then as a Mobil station. About that same time the rear of the building is approved for auto repairs pursuant to Special Ordinance No. 90.
1961–	The owner at the time purchased the adjoining Parcel 18 and uses it for access and parking for the subject property.
1974–	The site is certified as a nonconforming full-service gas station via Permit No.1638-74-U.

- 1986– The 1986 *Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B* rezoned the site from C-1 and C-2 to C-S-C.
- 06/24/87 The front half of the building is converted to an “All Tune and Lube Gas” pursuant to Permit No. 4074-87. Gasoline sales continue.
- 1989– The gas pumps and tanks are removed. The applicant continues to repair cars on the site, not realizing the removal of the pumps and tanks renders the use no longer valid for auto repairs as part of a full-service gas station.
- 11/24/08 The applicant applies for this special exception, seeking to validate the long-existing auto repair use.

D. Master Plan and General Plan Recommendations:

The Suitland-District Heights & Vicinity Master Plan (1985): The 1985 *Approved Master Plan for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B* recommends retail/commercial land use for this property. The Retail Development Policies section of the master plan includes auto service stations among the “established needs” for commercial development, page 152.

The Preliminary Marlboro Pike Sector Plan and Proposed Sectional Map Amendment, which was adopted by the Planning Board on June 4, 2009, upon final approval by the District Council, will update the recommendations of the 1985 Master Plan for Suitland-District Heights. The preliminary plan development pattern establishes the corridor into activity nodes (commercial redevelopment areas), transition areas (secondary locations for new development), and neighborhood conservation areas (established residential communities). The plan recommends clusters of commercial development supported by the residential neighborhoods surrounding the commercial uses. The preliminary plan does not recommend changing the current zoning on this property. However, it does recommend changing the zoning of the adjacent property, Parcel 18, which has the same ownership as the subject property. The Proposed SMA recommends changing parcel 18 from R-55 to the C-S-C Zone. The property has been operating as an auto-service station since the 1940’s and this use remains consistent with the 1985 *Approved Master Plan for Suitland-District Heights and Vicinity*.

2002 Approved General Plan: The subject property is located in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use pedestrian-oriented, medium-to-high-density neighborhoods. This application is consistent with the 2002 *Approved General Plan* Development Pattern policies for the Developed Tier.

- E. Request:** The applicant requests validation of the auto repair business that has been operating at this site for the last several decades since the gas station ceased operation. This use is only permitted in the C-S-C Zone through the grant of a special exception.

F. **Neighborhood and Surrounding Uses:** The neighborhood boundaries in this case are identified as follows:

- **North-** Marlboro Pike
- **East-** Walters Lane
- **South-** Pennsylvania Avenue (MD 4)
- **West-** Silver Hill Road

This neighborhood was accepted for the nearby special exception application for a daycare center to the south along Parkland Road (SE-4272, April 1998). The neighborhood consists of a mixture of residential and commercial uses.

The uses immediately surrounding the proposed special exception are as follows:

- **North**—Across Marlboro Pike are strip-commercial uses including a liquor store and muffler shop in the C-S-C Zone.
- **East**—Strip-commercial including a nail salon and beauty supply and a church in the C-S-C Zone.
- **South**—A vacant residence, day care center and single-family residence along Parkland Drive in the R-55 Zone.
- **West**—A paved lot (Parcel 18) used to access the site from Old Silver Hill Road in the R-55 Zone.

G. **Specific Special Exception Requirements:** The Zoning Ordinance permits this use as a special exception in the C-S-C Zone pursuant to Section 27-461(1)(B)(Footnote 19) as follows:

Section 27-461(1)(B)(Footnote 19): Motor Vehicle, Mobile Home or Camping Trailer Repair and Service Station in the C-S-C-Zone:

- (A) **The relocation of such uses, provided the last site on which the use was located was in the I-1 Zone, not more than three (3) miles from the subject property, is currently used by a public entity for a mass transit facility, and was acquired prior to June 1, 1993; or**
- (B) **A property of 15,000 to 20,000 square feet, formerly the site of a full-service gas station, abutting on at least one side property in the C-S-C Zone, limited**

to repair of vehicles with a maximum gross vehicle weight (GVW) of 17,000 pounds.

(CB-50-1993); CB-68-1999); CB-90-2000)

Finding: In this instance, the subject property meets the criteria in the second scenario. The site is 18,550 square feet in area, formerly the site of a full-service gas station, abuts property in the C-S-C Zone to the east, and the applicant agrees to be limited to repair vehicles with a maximum gross weight of 17,000 pounds. A note to that effect must be placed on the site plan.

- H. **Parking Regulations:** The use requires 16 parking spaces (four repair bays with three spaces per bay [12 spaces] and 1,980 square feet of retail auto accessories at one space per 500 square feet [four spaces]). The applicant is providing 18 spaces.
- I. **Prince George's County Landscape Manual Requirements:** The site is not subject to the requirements of the *Prince George's County Landscape Manual* because no additional gross floor area is being added to the existing buildings, no new parking spaces are created, and the intensity of the use has not increased. However, the applicant is providing screening and landscaping in the form of a three-foot-high masonry wall and ten-foot-wide landscaped strip along both Marlboro Pike and Old Silver Hill Road.
- J. **Zone Standards:** The applicant's proposal meets the requirements and regulations of the C-S-C Zone.
- K. **Sign Regulations:** The site plan shows the existing freestanding sign which meets the location and size requirements of the Code.
- 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.

Finding: The purposes of zoning are many and varied, but can generally be characterized as protecting the health, safety and welfare of the present and future citizens of the county by promoting beneficial land use relationships. The applicant's proposal will do so by continuing a use on this site (a vehicle repair operation) similar to one that existed on the site for several decades (a full-service gas station). In fact, the use is probably less intensive since gasoline sales are no longer made. Also, the applicant is making improvements to the site in the way of landscaping and controlling access, both of which are sorely needed along this section of Marlboro Pike.

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

Finding: With few exceptions, the proposal meets the requirements and regulations of the Zoning Ordinance. In those instances where it does not, minor conditions are recommended to ensure conformance.

- (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.**

Finding: The proposed use conforms to the 1985 master plan's recommendation for established commercial needs and improves a use that has existed on this site for many decades. The applicant's proposal to continue this service-commercial use will not substantially impair the integrity of the master 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; and**

Finding: The proposed use of the subject property is one that is recognized by the District Council as being compatible within a retail-commercial area if certain criteria are met. If developed with the recommended conditions of approval, it is apparent that the use will not be so intensive that it would adversely affect the residents or workers in the neighborhood, nor would it be detrimental to the use of the adjoining properties.

- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan. (CB-75-1989)**

Finding: This site is not subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because the site is less than 40,000 square feet in area and does not have a previously approved 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 recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED, subject to the following conditions:

1. The site plan shall be revised to show the following:
 - a. The proposed wood privacy fence shall be replaced with a non-wood alternative in a natural color. The fencing shall be equally attractive from both sides.

- b. The ultimate right-of-way for Marlboro Pike shall be shown.
- c. The point-of-curvature for Old Silver Hill Road and Marlboro Pike shall be shown.
- d. If landscaping tabulations are to be shown on the plan, they shall conform to the sample schedules in Section 2 of the *Prince George's County Landscape Manual*.
- e. The notes shall be revised to include:
 - (1) A note limiting repair to those vehicles up to a maximum gross weight of 17,000 pounds (GVW).
 - (2) A note that the R-55-zoned portion of Parcel 18 used for parking and driveway access is a certified as a nonconforming use. If Parcel 18 is rezoned to the C-S-C Zone prior to final Disposition of this case, this note will not be necessary.
 - (3) Remove the note identifying parking and access on Parcel 18 as being in accordance with Section 27-573 (Off-Site Parking.) of the Zoning Ordinance.

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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 Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns, Squire, Cavitt, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, October 1, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of October 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator