

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on May 29, 2003, regarding Detailed Site Plan DSP-02066 for Ewing Oil Company – Randolph Village, the Planning Board finds:

1. **Request:** The subject application is for approval of a new 38-foot by 52-foot canopy over the existing pump islands of a gasoline station in the C-M Zone.

2. **Development Data Summary:**

| | EXISTING | PROPOSED |
|--------------------------------|-------------|-------------|
| Zone | C-M | C-M |
| Use | Gas Station | Gas Station |
| Acreage | 0.62 | 0.62 |
| Number of lots | 2 | 2 |
| Gross Floor Area (square foot) | 1,987 | 1,987 |
| Building Height (foot) | 20 | 20 |

3. **Location:** The site is located in Planning Area 72, Council District 7. More specifically, it is situated on the north side of Central Avenue (MD 214), approximately 300 feet east of Summerfield Boulevard.
4. **Surroundings and Use:** The subject property is bounded to the south by Central Avenue (MD 214); to the north by properties in the R-R Zone; to the west by a commercial property in the C-M Zone; and to the east by a residential use and an outlot in the C-O Zone.
5. **Previous Approvals:** The subject is currently improved as a gas station pursuant to Special Exception No. 1633, which was approved on November 15, 1967 (Zoning Resolution No. 509 1976). No conditions of approval were attached to SE-1633. The gasoline station was subsequently constructed in 1969. The use of the site as a gas station has continued until the present. The site also has a letter of exemption from the Prince George's County Woodland Conservation Ordinance and a Stormwater Management Concept Approval, #647-2002-00.

6. **Design Features:** The applicant proposes to add a 38-foot by 52-foot canopy over the existing pump islands. Two fascia signs with a total sign area of 66 square feet will be installed on the canopy fascia boards that are oriented to the east and the west. The sign text reads “Liberty.” The word “Liberty” is internally illuminated with white neon faces and a blue background.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the C-M Zone and the Special Exception requirements for gas station of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-461(b), which governs permitted uses in commercial zones. The gas station is a permitted use but subject to Detailed Site Plan review in accordance with Section 27-358(a)(1), (2), (4), (5), (6), (7), (8), (9), and (10), the Special Exception requirements for a gas station.
- b. Pursuant to Section 27-358(a) of the Zoning Ordinance, a gas station may be permitted subject to the following regulations that are specifically:
- “(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.
- “(2) The subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, or hospital is located;
- * * * * *
- “(4) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;
- “(5) Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable, 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;
- “(6) Access driveways shall be 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;**
- “(8) Gasoline pumps and other service appliances shall be 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.**
- “(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.”**

Comment: The subject application is in general conformance with the above-noted regulations. The site is bounded to the south by Central Avenue (MD 214) with an ultimate 120-foot-wide right-of-way and has approximately 160 feet of frontage on it. The site was improved as an automobile filling station pursuant to a special exception in 1967 and has been used in such a way ever since. There is no school, outdoor playground, library or hospital within a 300-foot radius of the site. The use of the property does not include the display or rental of cargo trailers or trucks. No junked or wrecked cars will be stored on this property. Both driveway entrances exceed 30 feet in width and are more than 12 feet from the side lot lines of the adjacent lots. The driveways also are defined by curbs. A five-foot-wide sidewalk exists between the building line and the curb. The subject application only proposes to put a canopy over the existing pump islands; and the above Items 9 and 10 are not applicable in this case because no repair service will be conducted on the site, and there is no improvement proposed on the existing building. Since the existing building has been on the site for more than 30 years, it is deemed compatible with the surrounding development.

The gasoline pumps in question are located approximately 25 feet from the present right-of-way line of Central Avenue (MD 214), but only 21 feet from the ultimate right-of-way of Central Avenue (MD 214). The applicant is requesting a four-foot variance from the 25-foot setback required in Item 8 above.

- c. Per Section 27-230, Criteria for granting appeals involving variances, of the *Zoning Ordinance*, a variance may only be granted when the Planning Board finds that:

“(a) (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;”

Comment: The subject site has been developed as a gas station since the 1960s when a special exception was approved for the site. The gasoline pumps in question had a 25-foot setback from the street line at the time of construction. The reason for the above-noted noncompliance with the setback requirement is that Central Avenue (MD 214) has progressed from a two-lane country road to its current six-lane divided highway. The current highway plan designates an ultimate right-of-way of 120 feet for Central Avenue. The change in width of right-of-way leaves the site in an extraordinary situation. Because of the built condition of the property, the applicant would have to move the pumps from where they have been located for 34 years in order to conform to the current setback from the street line.

“(a) (2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and”

Comment: The applicant proposes to improve the existing use by putting up a canopy over the existing pump islands. There are four existing pumps under the proposed canopy, of which two pumps encroach into the required 25-foot setback by 4 feet. The strict application of this Subtitle would necessitate relocation of the two existing pumps, which would add an extra financial burden on the owner of the property. The denial of the variance application would make it impossible for the applicant to achieve his project goal to improve the existing use, which has been established on the site for more than 30 years, and as a result would generate peculiar and unusual practical difficulties upon the property owner.

“(a) (3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.”

Comment: The subject site is in Planning Area 72/Hill Road Community. The site is also located in the Developing Tier within the 2000 General Plan Corridor. According to the referral comments of the Community Planning Division, the proposed canopy over the existing pump islands generates no master plan issues. Granting the variance for this petition will not substantially impair the intent, purpose, or integrity of the General Plan or master plan.

The existing gasoline station has a unique design circumstance that justifies approval of the aforementioned variance. Due to the new right-of-way designation of Central Avenue (MD 214), the existing pump islands encroach into the required 25-foot setback by 4 feet. Granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or master plan, while denying the variance request would result in a peculiar or unusual practical and financial difficulty upon the owner of the property. The staff therefore recommends approval of the

variance from the required setback discussed above.

8. **Landscape Manual:** The subject site is not subject to the requirements of the *Landscape Manual* because the application does not involve either an increase of the gross floor area of the existing building or an increase in the number of parking or loading spaces.
9. **Woodland Conservation Ordinance:** The property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site contains less than 10,000 square feet of woodland and does not have a previously approved Tree Conservation Plan. A Tree Conservation Plan is not required.
10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. Major referral comments are summarized as follows:

- a. The Permit Review Section in a memorandum dated January 23, 2003, noted that the applicant should obtain a variance from the required setback pursuant to Section 27-358(a)(8) of the Zoning Ordinance. The staff also indicated other technical deficiencies such as parking lot dimensions and sign area calculation that need to be revised.

In the second memorandum on signage review dated April 21, 2003, the staff noted that a Departure from Sign Design Standard (DSDS) is required in order to put up the proposed fascia signs because the total sign area exceeds the maximum allowed amount.

Staff Comment: The applicant filed a variance application as required by the Permit Section. Finding 7 of this report has a detailed discussion of the required variance on the subject site. The applicant also revised the site plan to address other concerns raised by the Permit Section and reduced the fascia sign area in order to meet the signage requirement. No DSDS is required with this application because of the above-noted revision.

- b. The subject application was referred to the Environmental Planning Section and in a memorandum dated February 3, 2003, the staff found no issues with this application.
- c. In a memorandum dated January 10, 2003, the Subdivision Section staff indicated that there are no subdivision issues with this application.
- d. The Transportation Planning Section in a memorandum dated March 31, 2003, offered no comment.
- e. In a memorandum dated April 8, 2003, the Community Planning Division found no master plan issues with this application.
- f. In a memorandum dated January 27, 2003, the State Highway Administration (SHA) indicated that the site plan shows adequate site access and frontage improvements consistent with SHA standards and regulations.

- g. The subject application was also referred to the Department of Environmental Resources/ Concept. In a memorandum dated January 31, 2003, the staff noted that the site plan is consistent with the approved Stormwater Concept Approval.
11. The Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

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 the Detailed Site Plan DSP-02066 and further approved Variance Application No. VD-02066.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County 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 Scott, seconded by Commissioner Vaughns, with Commissioners Scott, Vaughns, Eley, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 29, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of June 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator