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Revision of Site Plan (Major Change) SE-1733/02

Application	General Data
Project Name: Lowest Price Service Station Rim Shop Location: Northeast corner of Marlboro Pike and Brooks Drive, known as 5258 Marlboro Pike. Applicant/Address: Rajesh K. Saxena 5258 Marlboro Pike Capitol Heights, Maryland 20743	Date Accepted: 12/31/02
	Planning Board Action Limit: N/A
	Plan Acreage: 0.60
	Zone: C-S-C
	Dwelling Units: N/A
	Square Footage: N/A
	Planning Area: 75A
	Council District: 07
	Municipality: None
	200-Scale Base Map: 203SE05

Purpose of Application	Notice Dates
Addition of retail sale of auto parts (car rims) without installation to an existing gas station.	Adjoining Property Owners: 12/31/03 (CB-15-1998)
	Previous Parties of Record: N/A (CB-13-1997)
	Sign(s) Posted on Site: N/A
	Variance(s): Adjoining Property Owners: N/A

Staff Recommendation			Staff Reviewer: Tom Lockard
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

April 9, 2003

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Tom Lockard, Senior Planner

SUBJECT: **Revision to Special Exception Site Plan Application No. ROSP-SE-1733/02**

REQUEST: Addition of retail sale of auto parts (car rims) without installation to an existing gas station.

RECOMMENDATION: APPROVAL, with conditions

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date indicated above. The Planning Board also encourages all interested persons to request to become a person of record in this application. Requests to become a person of record should be made in writing and addressed to the Development Review Division at the address indicated above. Please call 301-952-3530 for additional information.

FINDINGS:

- A. **Location and Field Inspection:** The site is located at the northeast corner of Marlboro Pike and Brooks Drive. It is a small, rectangular parcel developed with a full-service gas station. Access is gained via driveways along both road frontages. The station has two canopies, one of which covers four gasoline dispensers. The other, perpendicular to Brooks Drive, is to be enclosed and used for retail sales of auto parts and accessories.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Use(s)	Gas Station	Gas Station Retail Sales
Acreage	0.60± acre	0.60± acre
Square Footage/GFA	2,148 square feet	2,148 square feet (gas station) 1,325 square feet (retail) 204 square feet (shed)

- C. **History:** The 1986 sectional map amendment for Suitland-District Heights and Vicinity retained the subject property in the C-S-C Zone. The District Council approved a special exception for a gas station for this site in 1968 pursuant to SE-1733. The Planning Board approved the first revision to the site plan in 1992 to allow an eight-foot-high fence along the north and east property lines. The applicant also received a variance from the Board of Appeals (Appeal No. 11695) in 1992 to have the fence along the property line, although this appears to have been unnecessary, since the abutting properties are commercially zoned and thus no setback is required.
- D. **Master Plan Recommendation:** The 1985 *Suitland-District Heights and Vicinity Master Plan* recommends retail-commercial use for the property.
- E. **Request:** The applicant seeks permission to add a showroom for retail sales of auto parts and accessories (a permitted use), in this instance car rims, to an existing full-service gas station. In addition, a small shed to the rear of the existing building would be slightly enlarged to 204 square feet in area.
- F. **Surrounding Uses:** The site is surrounded on all sides by commercial uses in the C-S-C Zones, with the exception of apartments in the R-18 Zone to the northeast.
- G. **Major Change Provisions: Section 27-324 Major Changes to Special Exception Site Plans:**

The District Council may (for good cause) amend any imposed condition or approved site plan without requiring a new application if the amendment does not constitute an enlargement or extension of a special exception use.

Finding: The applicant is proposing to add a showroom for retail sales of car rims, without installation. This is a permitted use in the C-S-C Zone. The addition of the retail sales component does not constitute an enlargement or extension of the gas station, the special exception use on this property. In fact, if it were not for the fact that the applicant is adding new building square footage to the site, no revision to the special exception site plan would be required.

H. **Specific Special Exception Requirements: Section 27-358—Gas Station:**

(a) **A gas station may be permitted, subject to the following:**

- (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;**

Finding: The subject property has 150 feet of frontage on and direct vehicular access to Brooks Drive and 168 feet of frontage on Marlboro Pike. Both roads have a right-of-way in excess of 70 feet in width.

- (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;**

Finding: The site is not within 300 feet of any of these uses.

- (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;**

Finding: The site plan does not show these uses.

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

Finding: The applicant does not propose auto repair, storage or junking at this site.

- (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;**

Finding: The driveway connections meet these criteria.

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

Finding: Curbing is shown.

- (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;**

Finding: There are five-foot-wide sidewalks along both street frontages.

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

Finding: All pump islands and other service appliances are located accordingly.

- (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.**

Finding: The applicant's statement of justification indicates that the repair service will comply with these requirements.

- (10) Details on architectural elements such as elevation depictions of each façade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.**

Finding: The applicant must submit elevations showing the proposed addition.

- (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.**

Finding: The site plan does not show this information. It must be amended to do so.

- (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.**

Finding: The statement of justification indicates that the applicant is aware of this provision and will abide by it.

- (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: There has been a gas station on this site for more than 35 years, indicative that the use is necessary to the public in the surrounding area. In that time, the use has provided a convenient service to the surrounding neighborhood. The continuation of this long-existing use, with the addition of a permitted retail use, will not restrict the availability of or upset the balance of commercial land use in the area.

- I. **Zone Standards and Need for Variances:** The development proposal meets the requirements of the C-S-C Zone, with one exception. The eight-foot-high fence shown on the site plan must meet the ten-foot setback from the street rights-of-way, since this was not covered by the variance approved in 1992. This can easily be remedied by removing ten-foot sections of the fence where it meets the property line.
- J. **Parking and Loading Regulations:** The uses require 15 parking spaces; 15 are shown on the site plan.
- K. **Landscape Manual Requirements:** Because the proposed addition exceeds 10 percent of the existing building area, the site is subject to the requirements of Sections 4.2, 4.3 and 4.7 of the *Landscape Manual*. This will require 10-foot-wide landscaped strips along both road frontages as well as five-foot-wide perimeter strips where the site abuts commercially-zoned land to the north and east. The site plan submitted by the applicant must be amended to meet these requirements or Alternative Compliance obtained.
- L. **Other Issues:** The Permit Review Section (M-NCPPC), in its referral dated January 24, 2003, notes the following additional site plan deficiencies that need to be addressed:
1. A note that there will be no installation of rims at this location must be placed clearly under the general site notes.
 2. The auto repair bays must be clearly delineated on the site plan.
 3. The height and type of all fencing must be clearly labeled.
- 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 District Council, in its 1968 special exception review of the existing gas station (SE-1733), found the use and site plan met and satisfied all of the provisions of Section 27-317. The proposed revisions, namely, the addition of a permitted retail sales use, does not increase the intensity of the special exception use. It is, therefore, reasonable to conclude that the proposed use will continue to be in harmony with the purposes of the Zoning Ordinance and that all of the criteria set forth in Section 27-317 are satisfied.

If the proposed site plan revisions are made, the proposed use will be in conformance with all the applicable requirements and regulations of the Zoning Ordinance. The use and the proposed renovations will not impair the integrity of the 1985 *Suitland-District Heights and Vicinity Master Plan*, which recommends retail-commercial development for this site. The gas station use has existed at this site for more than 35 years without causing any apparent adverse impact on the health, safety or welfare of residents or workers in the area. The proposed changes will not be detrimental to the use or development of adjacent properties that are currently improved with retail and service-commercial uses. Finally, the site is exempt from the requirement to file a tree conservation plan because it contains less than 10,000 square feet of woodlands, and it does not have a previously approved tree conservation plan.

CONCLUSION:

Based on the preceding analysis and findings, staff recommends APPROVAL, subject to the following conditions:

1. The applicant shall submit elevations showing the proposed addition.
2. The site plan shall be amended to show:
 - a. The topography of the subject lot and abutting lots (for a depth of at least 50 feet).
 - b. The location and type of trash enclosures.
 - c. The location of exterior vending machines or vending area (if any).
 - d. The removal of ten-foot sections of the fence where it meets the property line.
 - e. The site plan submitted by the applicant must be amended to meet the requirements of the *Landscape Manual* or Alternative Compliance obtained.
 - f. A note that there will be no installation of rims at this location must be placed clearly under the general site notes.
 - g. The auto repair bays must be clearly delineated on the site plan.

- h. The height and type of all fencing must be clearly labeled.