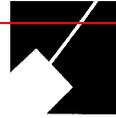


Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530



Comment [COMMENT1]: WHEN INSERTING INFORMATION AT THE @ SIGN REMEMBER TO USE INDENT FOR SECOND LINE - NOT TAB. ALSO, IT WILL LOOK LIKE THE TEXT IS GOING WACKO, BUT DON'T WORRY - IT IS FINE.

Special Exception Application No. 4399

Application		General Data	
Project Name: Galiatsatos Auto Pro Location: South side of Clinton Street, approximately 170 feet east of Old Branch Ave. Applicant/Address: Spiro Galiatsatos 2012 Tinker Drive Fort Washington, MD 20744 Correspondent: Arthur A. Marshall, Jr. 9560 Pennsylvania Ave. Suite 204 Upper Marlboro, MD 20772	Date Accepted:	12-8-00	
	Planning Board Action Limit:	N/A	
	ZHE Hearing Date:	Not Scheduled	
	Plan Acreage:	0.14± ac.	
	Zone:	C-S-C	
	Dwelling Units:	None	
	Square Feet:	N/A	
	Planning Area:	81A	
	Council District:	8	
	Municipality:	None	
200-Scale Base Map:	212 SE6		

Purpose of Application	Notice Dates	
<ul style="list-style-type: none"> ■ Vehicle Lubrication and Tune Up Facility ■ Vehicle Parts and Tire Store ■ Vehicle Repair Service 	Adjoining Property Owners:	12-18-00 (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: Jimi Jones	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X In-Part		

April 18, 2001

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Jimi Jones, Planning Coordinator

SUBJECT: **Special Exception Application No. 4399**

REQUEST: **Vehicle Lubrication and Tune Up Facility**
Vehicle Parts and Tire Store
Vehicle Repair Service

RECOMMENDATION: **APPROVAL with Conditions of Vehicle Lubrication and Tune-Up Facility**
DENIAL of Vehicle Parts and Tire Store
DENIAL of Vehicle Repair Service

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS:

- A. Location and Field Inspection: The subject property is a rectangular-shaped parcel to the rear of a small strip shopping center on the southeast corner of the intersection of Old Branch Avenue and Clinton Street. An alley runs along the east side of the subject property. The property is developed with a one-story metal building with two garage bay doors. A six-foot-high chain-link fence surrounds the small asphalt parking area that serves the building. Access to the site is via a gated driveway entrance on Clinton Street.
- B. History: The subject property was retained in the C-S-C Zone by the 1993 Sectional Map Amendment for Subregion V.
- C. Master Plan Recommendation: The 1993 Master Plan for Subregion V recommends commercial use for the subject property.
- D. Request: The applicant proposes to operate a vehicle lubrication and tune-up facility on the subject property along with a vehicle repair service. This application, if approved, will permit an existing vehicle repair service to continue operation. The Department of Environmental Resources (DER) has advised the applicant that special exception approval is required for a Use and Occupancy Permit. The applicant does not propose a vehicle parts and tire store per se, but instead proposes to provide parts and tires as needed during the course of the repair and tune-up activities.

E. Neighborhood and Surrounding Uses:

The neighborhood is defined by the following boundaries:

North: The intersection formed by Kirby Road, Old Branch Avenue and Branch Avenue.

East: Branch Avenue

South: Woodyard Road

West: Old Branch Avenue

The property is surrounded by the following uses:

North: Across Clinton Street, a large church and single-family detached homes in the R-80 Zone.

East: Across a 20-foot-wide alley, a heating and air conditioning contractor, vehicle towing and repair use in the I-1 Zone.

South: A real estate office, service-commercial and retail uses in the C-S-C Zone.

West: An asphalt parking area for the adjacent real estate office in the C-S-C Zone. Farther west across Old Branch Avenue is a church in the C-S-C Zone.

F. Specific Special Exception Requirements: Section 27-107.01(a) (247.1) of the Zoning Ordinance

provides the following definition for vehicle lubrication or tune-up facility:

Vehicle Lubrication or Tune-up Facility: An establishment that specializes in, and performs the sole service of, motor vehicle greasing, oil changing (including filters), fluids replacement (excluding gasoline and diesel fuels), or tune-ups; and which may include the retail sale of vehicle parts, products, or accessories associated with such specialized service.

Section 27-416-07 of the Zoning Ordinance provides that:

(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;

Comment: The applicant submits that he will adhere to this requirement.

- (2) The demolition or junking of motor vehicles is prohibited; and

Comment: The applicant submits that he will adhere 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.

Comment: 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. During a field inspection of the property and surrounding neighborhood, staff noticed that several commercial buildings were unoccupied. We did not find an abundance of vehicle tune-up and lubrication businesses nearby.

A vehicle repair and service station is defined in Section 27-107.1(a)(250) as follows:

Vehicle Repair and Service Station: A facility where the business of general vehicle repair and service is conducted, not including vehicle salvaging or the storage of dismantled vehicles, wrecks, or junk.

A vehicle repair facility is permitted subject to Section 27-461(b) footnote 19. This section provides the following two conditions under which a special exception may be obtained in the C-S-C Zone:

1. For 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.
2. 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 minimum gross vehicle weight of 17,000 pounds.

The site plan indicates that the property is 18,574 square feet in size. No other information is provided to demonstrate compliance with the above requirements.

A vehicle parts and tire store with installation is permitted by special exception subject to the following requirements from Section 27-417.01:

- (1) **All sales and installation operations shall be conducted within a wholly enclosed building, with no outdoor storage;**
- (2) **Installation activity on any motor vehicle shall be completed within forty-eight (48) hours or less. No vehicle may be stored on the property for longer than this period; and**
- (3) **The demolition or junking of motor vehicles is prohibited.**

In a telephone conversation, the applicant's counsel stated that it is not his intention to run a parts or tire store. Parts and tires would only be sold as needed when doing repair work. The applicant has not amended the application to exclude the vehicle parts and tires store use. No discussion regarding compliance with Section 27-417.01 is provided. In order for the vehicle parts and tire store to be approved, the applicant must demonstrate compliance with this section.

- G. Parking Regulations: The applicant has submitted a revised site plan to address comments from the Permit Review Section (memo dated December 29, 2000). The parking schedule correctly notes that a total of six parking spaces are required to serve the two service bays, based on the standard of three parking spaces per service bay as set forth in Section 27-568(a).
- H. Landscape Manual Requirements: The application does not propose the construction, enlargement or extension of a building and is, therefore, exempt from the landscaping, buffering, and screening requirements of the *Landscape Manual*.
- I. Zone Standards: The metal building shown on the site plan does not meet the current minimum 10-foot setback from the street right-of-way line. The applicant has revised the site plan with a note stating that the building was constructed in 1957. The subject building is therefore subject to setback requirements for buildings in Commercial Zones in the 1949 Zoning Ordinance. No setback is required from the street right-of-way line in the 1949 Ordinance. The building meets the setback requirement in effect when it was constructed. A variance is not, therefore, required.
- J. Sign Regulations: No freestanding signs are proposed with this application.
- 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.**

Comment: The proposed vehicle lubrication and tune-up facility is generally in harmony with the purposes of this Subtitle. The purposes of the Zoning Ordinance generally seek to protect and promote the health, safety, morals, comfort, convenience and welfare of present and future residents of the County. A vehicle lubrication and tune-up facility at this location could provide a convenient service to the nearby residential areas as well as the adjacent commercial uses.

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

Comment: The proposal for a vehicle lubrication and tune-up facility generally is in conformance with all the applicable requirements and regulations of this Subtitle. The applicant has revised the site plan to address the comments from the Permit Review Section (memo dated December 29, 2000). Some additional conditions of approval are included to address the following minor regulatory issues:

1. **All adjacent uses must be shown on the site plan.**

The site plan only shows the zoning for the adjacent properties.

2. **If it is determined that this use is a vehicle lubrication and tune-up facility, then the general notes on the site plan must include compliance with Section 27-416.03(a)(1) and (2) of the Zoning Ordinance.**

Based on the statement of justification and a conversation with the applicant, this request is for vehicle repair, lubrication and tune-up. No vehicle parts or tire store (with installation) is proposed. A note must be added to the plan indicating compliance with:

Section 27-416.03(a)(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; and

27-416.03(a)(2); The demolition or junking of motor vehicles is prohibited.

3. An accessible entrance to the building must be indicated on the plan.

A field inspection of the property revealed that the building entrance is flush with the ground. A ramp for handicapped access is not required. The applicant should note on the plan that the entrance is flush with the ground and a ramp to provide access for the handicapped is not required.

(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.

Comment: The proposed use will not substantially impair the integrity of the 1993 Master Plan for Subregion V. The Plan recommends commercial development for the subject property. The Community Planning Division, in a memo dated January 26, 2001, notes that the additional landscaping proposed by the applicant will improve existing conditions in the area.

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

Comment: The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. The proposed vehicle lubrication and tune-up facility is a relatively small and innocuous use. With the recommended conditions, the use will provide a safe and convenient service to the community.

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

Comment: The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The proposed vehicle lubrication and tune-up facility is located behind an existing shopping center in close proximity to the residential area that it serves. The use has been in operation since 1998. No information has been submitted that suggests that this use is harmful or detrimental to the neighborhood.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

Comment: The site consists of less than 10,000 square feet of land area, contains no woodlands, and is therefore exempt from the Woodland Conservation

Ordinance.

CONCLUSION:

The applicant has provided information that demonstrates compliance with the requirements for a vehicle lubrication and tune-up facility. However, the applicant has failed to address all the requirements for a vehicle repair/service facility and a tire store, including installation. Therefore, staff recommends the following:

- DENIAL for a vehicle repair and service facility.
- DENIAL for a vehicle parts and tire store, including installation.
- APPROVAL for a vehicle lubrication and tune-up facility, subject to the following conditions:
 1. Prior to the issuance of permits, the site plan shall be revised as follows:
 - a. All adjoining uses must be indicated.
 - b. Note compliance with Sections 27-416.03(a)(1) and (2) of the Zoning Ordinance.
 - c. Note that the building entrance is flush with the ground and a ramp to provide access for the handicapped is not required.