



## SPECIAL EXCEPTION APPLICATION NO. 4415

Application	General Data
<b>Project Name:</b> Cheung Auto Repair  <b>Location</b> North side of Marlboro Pike approximately 150' west of Whitney Place, known as 6930 Marlboro Pike.  <b>Applicant/Address</b> John Cheung 3020 Donnell Drive Forestville, Maryland 20747  <b>Correspondent</b> Michele La Rocca, Esq. Meyers, Rodbell & Rosenbaum, P.A. Riverdale, MD 20737	Date Accepted 5/2/01
	Planning Board Action Limit N/A
	ZHE Hearing Date Not Scheduled
	Plan Acreage 0.3640 acre
	Zone C-S-C
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 75A
	Council District 6
	Municipality N/A
	200-Scale Base Map 204SE6

Purpose of Application	Notice Dates
Vehicle Repair and Service Station	Adjoining Property Owners (CB-15-1998) 5/2/21
	Previous Parties of Record (CB-13-1997) N/A
	Sign(s) Posted on Site N/A
	Variance(s): Adjoining Property Owners N/A

Staff Recommendation			Staff Reviewer: Elsabet Tsfaye
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



August 29, 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: Elsabett Tesfaye, Senior Planner

SUBJECT: **Special Exception Application No. 4415**

REQUEST: **Vehicle Repair and Service Station**

RECOMMENDATION: **APPROVAL with conditions**

---

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 located on the north side of Marlboro Pike approximately 150 feet west of Whitney Place, known as 6930 Marlboro Pike. The property has been used as a gas station from 1958 to 1998 and is currently vacant. It is flat, parallelogram-shaped, and comprises approximately 0.36 acre (15,857 square feet) of land. It has approximately 144 feet of frontage on the north side of Marlboro Pike, from which it is accessed.
- B. History: The property was placed in the R-R Zone by adoption of the 1949 Comprehensive Zoning Map. On January 16, 1957, the District Council Approved Zoning Map Amendment No. A-2897 that rezoned the property from R-R to C-1. On February 22, 1957, the District Council granted Special Exception No. 325 for a gasoline station on the property. In 1971, Special Exception No. 2142 was approved allowing a gasoline station and a car wash on the subject property along with an automobile parking compound on adjoining residentially zoned property. However, this Special Exception has never been implemented. A Revision of Site Plan, SE -325, was approved in 1982 to permit a self-service gas station. On October 1, 1991, the District Council granted Special Exception No. 3976 to allow a gasoline station with a convenience store on the property. It appears that the approved site plan for Special Exception No. 3976 has not been used. The approved 1986 Sectional Map Amendment (SMA) for Suitland, District Heights and Vicinity rezoned the property from the C-1 Zone to the C-S-C Zone.
- C. Master Plan Recommendation: The 1985 Approved Master Plan for Suitland, District Heights and Vicinity recommends the property for retail-commercial land use.
- D. Request: The applicant proposes to convert the existing one-story, four-bay building to a vehicle repair and service station. No additional expansion or reconstruction of the existing building or parking area is proposed. However, as part of the conversion, the applicant proposes landscaping and overall aesthetic improvements to the property.
- E. Neighborhood and Surrounding Uses: The subject property is bounded by a large two-story office building (north and east) and an automobile service station (west). All of the adjoining properties are in the C-S-C Zone. To the south, directly across Marlboro Pike, is the Forest Village Park Shopping Center in the C-S-C Zone. The neighborhood is generally defined by the following boundaries:

North●Walker Mill Road and Walker Mill Regional Park.

East●Ritchie Road

South●Marlboro Pike

West●County Road

The neighborhood is developed with a mixture of residential and commercial uses, with commercial uses concentrated along Marlboro Pike within the C-S-C and C-M Zones. The residential uses are generally concentrated in the northern, western and eastern portion of the neighborhood, mainly in the R-55 Zone. Pockets of R-18 and R-T Zones are located in areas closer to Marlboro Pike. Mount Calvary Church and Elementary School and Bishop McNamara High School are located just west of

the subject property. Most of the eastern portion of the property and some of the northern portion of the neighborhood is located in the City of District Heights.

- F. Specific Special Exception Requirements: There are no specific special exception requirements for Vehicle Repair Service. The use is permitted in the C-S-C Zone as a special exception in accordance with CB-90-2000, provided that the property meets the following criteria (Section 27- 461(b) foot note 19 (B))):

- (1) **The property is 15,000 to 20,00 square feet.**
- (2) **Formerly the site of a full service station.**
- (3) **Abutting on at least one side a property in the C-S-C Zone**
- (4) **Limited to repair of vehicles with a maximum gross vehicle weight of 17,000 pounds.**

The proposal complies with all of these requirements. The subject property consists of 15,857 square feet of area and was used as a full service gas station from 1958 to 1998. The property abuts C-S-C properties on three sides. The applicant has indicated that the proposed use will be limited to repair of vehicles with a maximum gross vehicle weight of 17,000 pounds. A note to this effect must be added to the site plan.

- G. Parking Regulations: **Section 27-568 of the Zoning Ordinance requires three parking spaces for each bay and one parking space for every 500 square feet of gross floor area (GFA) of the office and retail parts sales area.**

The existing building has four (4) bays. A total of 12 parking spaces are required (3 spaces X 4 bays). The site plan provides for 12 parking spaces including one van-accessible space for the physically handicapped. All of the parking spaces are existing with no change or modification proposed. The parking spaces are dimensioned 10 feet (w) by 20 feet (l), except for the van-accessible space that is dimensioned 16 feet by 20 feet.

The Permit Review Section has offered the following comments:

1. A ramp or other means of access to the building from the parking space for the physically handicapped must be provided on the site plan.
2. An accessible route to the street must be demonstrated on the site plan if the property is served by public transportation.

The site plan needs to be revised to show the ramp and the accessible route for the physically handicapped (per ADA requirement). The property is served by metro buses traveling on Marlboro Pike.

- H. Loading Requirements: **Section 27-582 of the Zoning Ordinance requires one loading space for every 2,000 to 10,000 square feet of gross floor area (GFA).**

The proposal conforms to this requirement. One loading space is required and provided for the proposed vehicle repair and service station which comprises 2,090 square feet of gross floor area. The proposed loading space is dimensioned 15 feet in width by 33 feet in length, consistent with current zoning requirements. However, the Permit Review Section has indicated that ~~per~~ ~~grandfathered~~ loading standards and Section 27-584 of the Zoning Ordinance, the loading space need only be dimensioned at 25 feet in length on the site plan. Since all parking and loading spaces on the property are existing and their dimensions are in accordance with previous standards currently grandfathered, it is recommended that the loading space be dimensioned at 25 feet in length. The reduced length of the loading space will also avoid potential conflicts with on-site circulation and access to at least one parking space.

I. Landscape Manual Requirements ~~Section 27.328.02(a) - Landscaping, Buffering and Screening:~~

**Except for uses which do not require the construction, enlargement, or extension of a building, all land uses requiring the approval of a Special Exception shall comply with the landscaping, buffering and screening requirements set forth in the *Landscape Manual* through the approval of a landscape plan. In approving a Special Exception, the District Council may require additional landscaping, screening or buffering if it determines that the amount required by the *Landscape Manual* is insufficient to adequately protect adjacent uses.**

The site is exempt from the general requirements of the *Landscape Manual* since no new building or outdoor parking areas are to be constructed. There is no proposed addition in gross floor area and/or relocation of buildings. Although the *Landscape Manual* does not apply to this application, the applicant still has to provide a landscape schedule for existing and proposed landscaping along Marlboro Pike.

Existing landscape conditions on the site reveal a neglected and unkempt appearance; this is, of course, due of the fact that the property has been vacant for over three years. However, with the establishment of the proposed use, it is recommended that the existing landscaping, including the grass area at the rear of the building, be maintained and kept clean. Proper maintenance of the existing landscape and grass area will enhance the appearance of the site, protect surrounding properties, and promote compatibility.

It is recommended that the applicant provide two (2) additional shrub trees along Marlboro Pike to bring the total up to eight (8) shrubs.

J. Sign Regulations: The site plan shows a 6.5-foot-high sign in the front yard of the property. The proposed ground-level freestanding sign meets the requirement for a 10-foot setback from the property line and the height requirements. Sign details are not provided on the site plan. All signs that will be placed on the property must meet all area, height and setback standards in accordance to the provisions of Part 12 of the Zoning Ordinance.

K. Zone Standards: As noted, no new construction, addition or relocation of buildings is proposed, and the property is exempt from the *Landscape Manual* requirements. Moreover, parking areas, dimensions of parking and loading spaces, and internal driveways are grandfathered pursuant to Section 27-584. The site plan conforms to all other development standards of the C-S-C Zone.

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.**

The fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety and welfare of the public and promote compatible relationships between the various types of land uses. Review of the applicant's site plan for conformance with the requirements of the Ordinance indicates no potential conflicts with these fundamental purposes. As noted, the property is currently vacant with a potential of becoming a blighting influence in the immediate neighborhood. The renovation of the existing building and the returning of the property back to active use will enhance the appearance of the property and its compatibility with surrounding uses. With the recommended conditions the proposed use and site plan will be 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.**

The subject property is located in the C-S-C Zone which permits the proposed vehicle repair and service station as a special exception. With the recommended conditions, the use will conform to all 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 Master Plan, the General Plan.**

The 1985 approved Master Plan for Suitland, District Heights and Vicinity recommends this property for retail-commercial use. The subsequent Sectional Map Amendment retained the property in the C-S-C Zone. The Master Plan has given specific, detailed attention to the Marlboro Pike Corridor. Under the ■Marlboro Corridor Study• (PP 157-171), the plan identified a number of issues and objectives. Relative to the subject property, the proposed aesthetic improvements, including a scaled-down, ground-level sign and returning the property to active use, are consistent with the Master Plan's objectives. The proposal is consistent with the approved Master Plan.

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

With the proposed conditions, the use will not adversely affect the health, safety or welfare of residents or workers in the area. The applicant's statement indicates that ■he proposed use will be regulated by state and local regulations to protect the environment and the surrounding properties. The surrounding uses are commercial in nature. The revitalization of the property will be a benefit to the surrounding neighborhood and adjacent properties. •

The City of District Heights has voiced concern with regard to the appearance of the subject site once the proposed use is established. The city has offered the following comments:

... Our concerns are that the 6-foot-high chain-link fence on three sides of the property will not hide from view the number of vehicles to be repaired on site or that may have to wait for parts while stored on the site in open view. The capacity for repair of vehicles up to 17,000 pounds which allows large trucks to also be repaired at this site as part of this special exception package could also become a problem.

The concern of the City at this point is averting the junk yard syndrome appearance that is projected by some car repair businesses once they become established.

The Transportation Planning Section, has offered the following comments:

... The majority of vehicle trips generated by the subject property would utilize the intersection of Marlboro Pike and Donnell Drive. This intersection was analyzed more than five years ago, and it was determined to operate adequately in the future. Given that the site could contain a number of traffic-intensive uses which are allowed by right in the C-S-C Zone, the staff is inclined to treat this application as a re-use of the property which generates fewer trips than the previous use. From a trip generation standpoint, the Transportation staff finds no reason to oppose the vehicle repair and service station use vis-a-vis other uses which could conceivably be placed on the subject property, and sees no rationale for further data collection or analyses.

Adequate rights-of-way in accordance with Master Plan recommendations currently exist along Marlboro Pike, which is a Master Plan collector. The Transportation Planning Section finds that there are no significant transportation impacts which would result from the proposed Special Exception.

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

With the proposed conditions, the use will not be detrimental to the use or development of adjacent properties or the general neighborhood, nor would it unduly restrict the availability of land or upset the balance of land use in the area for other permitted uses. In fact, with return of the site to active use and with the renovation of the existing building and proposed landscaping, the property will contribute positively to the vitality and character of development in this area.

**(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**  
A Tree Conservation Plan is not required because the property is less than 40,000 square feet in area, and it does not have a previously approved Tree Conservation Plan (per Letter of Exemption from the Environmental Planning Section issued on July 31, 2000).

## **CONCLUSION**

Based on the preceding analysis and findings, it is recommended that Special Exception Application No. 4415 be APPROVED, subject to the following conditions:



1. Prior to the issuance of permits, the site/landscape plan shall be revised to include the following:
  - a. A landscape schedule.
  - b. Two (2) additional shrubs along Marlboro Pike to bring the total from six (6) to eight (8) shrubs.
  - c. A note indicating that repair will be limited to vehicles with a maximum gross vehicle weight of 17, 000 pounds.
  - d. A ramp or other means of access to the building from the parking space for the physically handicapped.
  - e. An accessible route to the street for the physically handicapped.
  - f. The loading space dimensioned at 25 feet in length.