



## SPECIAL EXCEPTION APPLICATION NO. 4421

Application	General Data
<b>Project Name:</b> Freedom Car Wash  <b>Location</b> East side of Saint Barnabas Road, approximately 1,500 feet south of its intersection with Branch Avenue, between Holly Tree Lane and Leisure Drive.  <b>Applicant/Address</b> Victoria Nwaobasi c/o Victory Mortgage 5900 Princess Garden Parkway #400 Lanham, MD 20706  <b>Correspondent</b> Applied Civil Engineering 9470 Annapolis Road, Suite 414 Lanham, Maryland	Date Accepted 6/15/01
	Planning Board Action Limit N/A
	ZHE Hearing Date 9/19/01
	Tax Map & Grid 88/C-3
	Plan Acreage 1.3773
	Zone C-S-C
	Dwelling Units
	Square Footage
	Planning Area 76A
	Council District 8
	Municipality N/A
	200-Scale Base Map 206SE4

Purpose of Application	Notice Dates
Alteration of a Nonconforming Car Wash	Adjoining Property Owners (CB-15-1998) 06/20/01
	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: Elsabett Tesfaye
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

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August 15, 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. 4421**

REQUEST: **Alteration of a Nonconforming Car Wash**

RECOMMENDATION: **APPROVAL with conditions**

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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.

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## FINDINGS:

- A. Location and Field Inspection: The property is located on the east side of Saint Barnabas Road, approximately 1,500 feet south of its intersection with Branch Avenue, between Holly Tree Lane and Leisure Drive. It is rectangularly shaped and comprises approximately 1.38 acres of land. The property is improved with a one-story, 2,982-square-foot car wash facility and a one-story, 1,550-square-foot restaurant building, and it is partially wooded. The property has three street frontages, approximately 60 feet on Saint Barnabas Road, 489 feet on Holly Tree Lane and 165 feet on Leisure Drive.
- B. History: The property was placed in the C-2 Zone with the approval of Zoning Map Amendment No. 4469 on July 19, 1963. A car wash was established on the property in 1972 by permit No. 687631-U. The car wash was certified as a nonconforming use on April 5, 1978 by permit No. 50509-78-U. The latest permit (No. 10092-2001) for the car wash was approved on May 29, 2001. The 1984 Sectional Map Amendment for Subregion VII classified the subject property in the C-S-C Zone. The 2000 Sectional Map Amendment for the Heights and Vicinity retained the property in the C-S-C Zone.
- C. Master Plan Recommendation: The 2000 approved Master Plan for The Heights and Vicinity recommends retail-commercial use for the subject property.
- D. Request: The applicant proposes to expand the asphalt paving within the subject site to provide a queuing area for vehicles to enter the car wash. The proposed expansion of the paved area represents 17,380 square feet of impervious area. No addition to or expansion of the two existing structures is proposed. However, as part of an overall upgrading of the facility, the existing buildings will be renovated. The subject proposal also includes the provision of a 10-foot-wide landscape strip along Holly Tree Lane.
- E. Neighborhood and Surrounding Uses: The neighborhood is generally defined by the following boundaries:

North: Branch Avenue

West: Saint Barnabas Road

South and Southeast: Interstate 95/495 (Capital Beltway) and Temple Hill Road

East: Branch Avenue

The immediate neighborhood is developed with single-family detached dwellings in the R-R Zone and commercial developments including service, retail and office uses in the C-S-C and C-M Zones. Commercial uses are concentrated along both sides of St. Barnabas Road within a commercial corridor extended between Branch Avenue to the north and Temple Hill Road to the south. The residential developments are concentrated in the northern portion of the neighborhood, north and east of the subject property, in the R-R Zone. The subject property abuts Leisure Drive and four single-family dwellings to the north and undeveloped residentially zoned property to the east. Across Leisure Drive at the corner of Leisure Drive and St. Barnabas Road is a restaurant in the C-

S-C Zone. To the south, across Holly Tree Lane, are located a Pep Boys Auto Service Center and a newly constructed church building, both in the C-M Zone.

- F. Specific Special Exception Requirements: Section 27-384 sets forth the specific requirements for alteration, enlargement, extension, or reconstruction of nonconforming buildings, structures, and uses.

**(a) The alteration, enlargement, extension, or reconstruction of any nonconforming building or structure, or certified nonconforming use (except those certified nonconforming uses not involving buildings, those within the Chesapeake Bay Critical Area Overlay Zones as specified in paragraph 7, below, unless otherwise provided, and except for outdoor advertising signs), may be permitted subject to the following:**

- (1) A nonconforming building or structure, or a building or structure utilized in connection with a certified nonconforming use, may be enlarged in height or bulk, provided that the requirements of Part 11 are met with respect to the area of the enlargement.
- (2) A certified nonconforming use may be extended throughout a building in which the use lawfully exists, or to the lot lines of the lot on which it is located, provided that:
  - (1) The lot is as it existed as a single lot under single ownership at the time the use became nonconforming.
  - (B) The requirements of Part 11 are met with regard to the extended area.
- (3) A certified nonconforming use may be reconstructed, provided that:
  - (1) The lot on which it is reconstructed is as it existed as a single lot under single ownership at the time the use became nonconforming;
  - (2) Either the nonconforming use is in continuous existence from the time the Special Exception application has been filed through final action on the application, or the building was destroyed by fire or other calamity more than one (1) calendar year prior to the filing date;
  - (3) The requirements of Part 11 are met with respect to the entire use.
  - (4) The Special Exception shall terminate unless a building permit for the reconstruction is issued within one (1) calendar year from the date of Special Exception approval, construction in accordance

with the building permit begins within six (6) months from the date of permit issuance (or lawful extension), and the construction proceeds to completion in a timely manner.

- (4) When not otherwise allowed, a certified nonconforming use may be otherwise altered by the addition or relocation of improvements, such as fencing, landscaping, off-street parking and loading areas, and outdoor trash enclosures, or the relocation of buildings or other improvements within the boundary lines of the lot as it existed as a single lot under single ownership at the time the use became nonconforming.
- (5) Any new, or any addition to, or alteration or relocation of an existing building or other improvement (which is either nonconforming or utilized in connection with a certified nonconforming use), shall conform to the building line, setback, yard, and height regulations of the zone in which the certified nonconforming use is located. The District Council may further restrict the location and bulk of the building or structure where the evidence so warrants. If the use is presently permitted by Special Exception in the zone, the new building, improvement, or addition shall conform to all of the physical requirements of the specific Special Exception use.
- (6) The District Council may grant this Special Exception for property within a one hundred (100) year floodplain only after it has determined that the proposed enlargement, extension, reconstruction, or alteration will
  - (1) Not require additional filling in the floodplain.
  - (2) Not result in an increase in elevation of the one hundred (100) year floodplain.
  - (3) Conform with all other applicable requirements of this Subtitle and of Division 2 of Subtitle 4, "Building," of this Code, entitled "Floodplain Ordinance."
- (2) Applications for this Special Exception shall be accompanied by a copy of the Use and Occupancy Permit for the certified nonconforming use, as provided for in Section 27-241(b).

The proposed alteration and modification on the subject property involves the expansion of asphalt paving to provide a queuing area for cars lining up to access the car wash. No new buildings, additions to existing buildings, or reconstruction are proposed. The proposal does not require additional parking spaces.

The subject property was a single lot under single ownership at the time the use became nonconforming. No change is proposed. With the exception of the 70-foot right-of-way width requirement for properties in the commercial zone, the proposed site plan conforms to all of the development standards of the C-S-C Zone including, building line, setback, yard, and height requirements. The property is not in a 100-year floodplain.

A copy of permit No. 10092-2001-U, issued on May 29, 2001, has been submitted into the record of this application along with other required documents.

- G. **Parking Regulations: Section 27-568 of the Zoning Ordinance requires one parking space for every 500 square feet of gross floor area for a car wash and one parking space for every 3 seats of an eating and drinking establishment.**

There are 15 existing parking spaces on the property. The proposed expansion of the paved area does not affect the number and location of the existing spaces. No change or modification to the existing parking area or parking spaces is proposed. However, the site plan must show that the parking spaces are dimensioned 10 feet (w) by 20 feet (l), consistent with the requirement at the time the use was certified nonconforming. The dimensions of the parking spaces also need to be shown in the drawing and in the parking schedule.

The existing parking meets or exceeds the current requirement with regard to number of parking spaces and dimensions. However, one of the existing spaces needs to be revised to van-accessible standards of 16 feet x 19 feet.

- H. **Loading Requirements:** No loading space is required for the proposed uses because neither one of the uses occupy a building with more than 10,000 square feet of gross floor area.

- 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 amount required by the *Landscape Manual* is insufficient to adequately protect adjacent uses.**

The applicant's proposal does not involve the construction, enlargement or extension of a building, thus the *Landscape Manual* does not apply. The applicant's site/landscape plan provides for a 10-foot-wide landscape strip along Holly Tree Lane. The proposed landscape strip, coupled with existing woodland and recommended reforestation (see attached Environmental Planning comments) will provide sufficient screening and buffering to adequately protect adjacent uses.

The proposed nine shade trees are substandard and must be a minimum of 2.5 feet to 3 feet in caliper size. The landscape schedule shall be revised to show the appropriate sizes for the proposed shade trees. Also, both the plan and the landscape schedule need to be revised to reflect consistency

with regard to the total number of the proposed shade trees. If some of the shade trees shown on the site plan already exist, they should be identified as such.

A portion of the proposed landscape strip is within the right-of-way of Holly Tree Lane. The applicant will have to obtain permission from the Department of Public Works to allow landscaping within the right-of-way. Moreover, the Urban Design Review Section has recommended that the site/landscape plan be revised to show the width and direction of swing for all proposed gates. The width of all gates must be provided at the minimum width of 22 feet.

- J. Sign Regulations: No sign is shown on the site plan. If the applicant intends to place a freestanding sign on the site, its location must be shown on the site plan prior to approval. All signs must meet the area, height and setback standards, in accordance with the provisions of Part 12 of the Zoning Ordinance.
- K. Zone Standards: A car wash is permitted in the C-S-C Zone by special exception. The site plan demonstrates conformance with most of the development standards of the C-S-C Zone, except the 70-foot right-of-way requirement. Specific calculations and measurements are provided for building height, lot coverage, frontage, yards, and landscaping to demonstrate compliance with the requirements of the Ordinance.
- L. Right-of-Way: Pursuant to Section 27-462, **In a Commercial Zone, all streets are deemed to have a right-of-way width of at least 70 feet unless otherwise shown on current Master Plan, functional master Plan of Transportation or General Plan, Prince George's County Capital Improvement Program, or Maryland State Five (5) Year Highway Construction Program, whichever indicates the greatest right-of-way width.** The site plan needs to be revised to show a 70-foot (35 feet from center line) right-of-way line for Holly Tree Lane.
- 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.**

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/landscape plan indicates no potential conflicts with the fundamental purposes of this Subtitle, provided that the recommended conditions are met. The proposed alteration of the subject property will upgrade and modernize the existing car wash. Moreover, by providing an on-site line-up area for cars waiting to use the facility, the project substantially reduces the potential for traffic congestion on the adjoining streets.

**(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 special exception. With the recommended conditions, the proposed use conforms 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.**

There are no Master Plan concerns relevant to the content of this application. Furthermore, the proposed use will not result in the substantial impairment of the 2000 approved Master Plan for the Heights and Vicinity that recommends the property for retail-commercial land use. However, upon reviewing the proposal for Master Plan consistency, the community Planning Division has recommended that adequate screening and buffering needs to be implemented to protect the residential community from activities on the subject property. The Division has offered the following comments:

While the master plan retained the commercial zoning on the subject property, it noted that a basic issue affecting the planning area to varying degrees are incompatible land uses adjacent to residential neighborhoods that lack adequate buffering or mitigation measures. The proposed queuing of vehicles on the rear portion of the subject site begins a commercial use of the undeveloped portion of the property. The subject property abuts the residential Gordon's Corner community. Adequate screening needs to be implemented to protect the residential community from the views of vehicles queuing at the car wash. The applicant proposes a board-on-board sight-tight fence to screen the property. If existing woodlands on the subject property can be used to supplement the fence to minimize disturbance on the property and to retain a more natural appearance, at least from the residential area's view-shed, it would be an appropriate approach to minimize any impacts to the neighborhood. It would also support the master plan guideline regarding buffering of commercial uses.

The adjoining property to the east is currently not developed nor is Lot 1 of the five (Lots 1 thru 5) residential properties abutting the property to the northeast. The four single-family houses on lots 2 thru 5 are each located at least 100 feet from the rear property line they share with the subject property.

The proposed paved area is set back at least 40 feet from the adjoining residential properties to the northeast and east. The 40-foot setback area is within a designated woodland conservation area that accounts for .20 acre of on-site preservation. The Environmental Planning Section has rejected the applicant's offer for a fee-in-lieu for 0.17 acre of the required .36 acre and has advised the applicant to meet the requirement on site. As a condition of approval for the Type II Tree Conservation Plan (see attached memo from Environmental Planning Section) the applicant is required to revise the plan to show an increase in woodland preservation and reforestation. Compliance with the TCP II condition of approval and the installation of the proposed six-foot-high, board-on-board fence will ensure that the adjoining residential properties are adequately buffered from the subject use.

With regard to the existing 20-seat restaurant located on the property, the applicant has indicated that it will be leased out as a coffee shop. All ingress and egress associated with the restaurant use are located on Leisure Drive and Saint Barnabas Road. The residential lot that is the closest to the restaurant building is currently unimproved. This property and the

four adjoining residential properties that are developed with single-family houses are adequately buffered from both the restaurant and the car wash.

- (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.**

With the recommended conditions, the proposed use will not adversely affect the health, safety or welfare of residents or workers in the area, and there is no indication that it would be detrimental to the use or development of adjacent properties or the general neighborhood.

The site has been used as a car wash for over 40 years. The proposed alteration would not change the scope and intensity of the activities provided by the existing uses on the property; rather, it reduces traffic congestion on area streets by allowing all queuing associated with customers to occur on site. The applicant indicated that the hours of operation for the car wash will be from 8:30 a.m. to 6:30 p.m., Monday through Saturday, and 9:00 a.m. to 4:30 p.m. on Sundays. The proposed plan provides for a six-foot-high chain-link fence at the property's perimeter with gates at all access points.

The Transportation Planning Section has determined that the proposed plan provides acceptable on-site circulation and that the change is beneficial for the area. Additionally, there are no significant transportation impacts that would result from the proposed Special Exception.

The proposed queuing area, along with the proposed landscaping and the recommended conditions, will enhance the appearance of the property. They will also greatly contribute to the vitality and character of the immediate neighborhood.

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

The Environmental Planning Section has offered the following comments:

The property is subject to the provisions of the County Woodland Conservation Ordinance because it is more than 40,000 square feet in area and it contains more than 10,000 square feet of woodland. The property has no previously approved Tree Conservation Plan. The minimum woodland conservation threshold for the site is 0.21 acre. Additionally, 0.15 acre of woodland is required due to the removal of woodlands, for a total minimum woodland requirement of 0.36 acre. The applicant has proposed to meet the requirement with 0.20 acre of on-site preservation, and fee-in-lieu of \$2,222.00 for 0.17 acre.

The use of fee-in-lieu to meet the Woodland Conservation Ordinance requirements is not appropriate if there are opportunities to meet the requirements on site. There are areas where it appears that a redesign would result in additional preservation, such as at the location of the storm drain outfall. In addition, areas to either side of the proposed pipe could be reforested and counted toward meeting the requirement,

even though they are less than 35 feet in width, because they are contiguous to an area of preservation. An area of possible reforestation exists at the eastern end of the proposed queuing area. This area could be designed to meet the minimum size requirements. The Type II Tree Conservation Plan must be revised to show an increase in woodland preservation and reforestation.

## **CONCLUSION**

Based on the preceding analysis and findings, it is recommended that Special Exception Application No.4421 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:
  1. A note indicating the operating hours of the car wash shall be from 8.30 a.m. to 6:30 p.m., Monday through Saturday, and 9:00 a.m. to 4:30 p.m. on Sundays.
  - a. The required 70-foot (35 feet from center line) right-of-way line for Holly Tree Lane.
  2. A revised landscape schedule showing a minimum of 2.5 inches to 3 inches in caliper size for the shade trees.
  3. Consistency in the total number of shade trees represented on the landscape plan and schedule. The schedule shall show 12 shade trees or the three trees that are not included in the schedule shall be labeled as existing.
  4. Width and direction of swing for all proposed gates. The width of all gates shall be provided at the minimum width of 22 feet.
  - b. The correct dimensions (10 feet by 20 feet) for each of the 15 parking spaces.
  5. At least one van-accessible parking space for the physically handicapped.
2. The applicant shall obtain written permission from the Department of Public Works and Transportation for the proposed landscape strip within the public right-of-way.