



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## SPECIAL EXCEPTION APPLICATION NO. 4469

Application	General Data
<b>Project Name:</b> P&K Auto Nation  <b>Location:</b> Southeast side of Varnum Street approximately 70' southwest of Russell Avenue, known as 2319 Varnum Street.  <b>Applicant/Address:</b> Kaywood Garden Apartments, t/a Kaywood Shopping Center 8720 Georgia Avenue, Silver Spring, MD. 20910	Date Accepted: 12/31/2002
	Planning Board Action Limit: N/A
	Plan Acreage: 0.41
	Zone: C-S-C
	Dwelling Units: N/A
	Square Footage: 1,267
	Planning Area: 68
	Council District: 02
	Municipality: Mt. Rainier
	200-Scale Base Map: 205NE02

Purpose of Application	Notice Dates
Vehicle Repair and Service Station	Adjoining Property Owners: (CB-15-1998) 1/2/03
	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: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

March 5, 2003

**TECHNICAL STAFF REPORT:**

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

VIA: Arie Stouten, Zoning Supervisor

FROM: Tom Lockard, Senior Planner

SUBJECT: **Special Exception Application No. 4469**

REQUEST: **Vehicle Repair and Service Station in the C-S-C Zone**

RECOMMENDATION: **APPROVAL, subject to 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 subject property is located on the southeast side of Varnum Street, approximately 70 feet southwest of Russell Avenue, known as 2319 Varnum Street. The site is developed with a one-story masonry service station building that was a full-service Texaco gasoline station for several decades. Surrounding the building is an asphalt parking lot. While the site has little landscaping, it is orderly and well maintained. Cars waiting to be serviced are parked in front. There is no evidence of trash or auto-related debris. The southeastern corner of the property is undeveloped.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Auto Repair	Auto Repair
Acreage	0.41±	0.41±
Square Footage/GFA	1,267	1,267

- C. **History:** The subject property was retained in the C-S-C Zone by the 1994 *Sectional Map Amendment for Planning Area 68*. In 1958, the District Council approved Special Exception No. 447 for a full-service gas station on the site. In 1970, the District Council approved a second special exception on the site (SE-2290), for the display and rental of U-Haul trucks and trailers. Both of these uses have ceased on the property; however, the vehicle repair aspect of the gas station has remained.
- D. **Master Plan Recommendation:** The 1994 *Master Plan for Planning Area 68* recommends a retail-commercial use for the subject property.
- E. **Request:** The applicant requests validation of the auto repair business that has been operating at this site for the last several years since the gas station ceased operation. This use is only permitted in the C-S-C Zone through the grant of a special exception.
- F. **Neighborhood and Surrounding Uses:** The neighborhood boundaries in this case are identified as follows:

North—Queen’s Chapel Road and the Northwest Branch.

East—34<sup>th</sup> Street.

Southeast—Rhode Island Avenue.

Southwest—Eastern Avenue.

This neighborhood was accepted twice previously for nearby special exception applications (SE-3767, November 1987 and SE-3908, February 1990). It is primarily a residential area including both single-family and multifamily uses. Commercial uses are generally contained in relatively small areas along the Rhode Island Avenue, Varnum Street and Queens Chapel Road intersections with Eastern Avenue.

The uses immediately surrounding the proposed special exception are as follows:

North—Across Varnum Street is a dry cleaners and a convenience store in the C-S-C Zone.

East and Southeast—Multifamily dwellings (Kaywood Gardens Apartments) in the R-18 Zone.

Southwest—Strip-commercial uses in the C-S-C Zone

West—Across Varnum Street is a large parking lot in the C-S-C Zone.

G. **Specific Special Exception Requirements—Section 27-461(1)(B)(Footnote 19)—Vehicle, mobile home or camping trailer repair and service station in the C-S-C Zone:**

**The Zoning Ordinance permits this use as a special exception in the C-S-C Zone provided it is:**

1. **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; or**
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 maximum gross vehicle weight of 17,000 pounds.**

**Finding:** In this instance, the subject property meets the criteria in the second scenario. The site is 17,976 square feet in area, formerly the site of a full-service gas station, abuts a shopping center in the C-S-C Zone to the southwest, and the applicant agrees to be limited to repair vehicles with a maximum gross weight of 17,000 pounds.

H. **Parking Regulations:** The use requires six parking spaces (two repair bays with three spaces per bay). The applicant is providing seven spaces. Because the applicant is providing grandfathered spaces at pre-1970 sizes, they are not eligible to use compact parking spaces. Although they do not show such spaces, the note on the site plan under the parking requirements referencing compact spaces should be deleted.

I. **Landscape Manual Requirements:** The site is not subject to the requirements of the *Landscape Manual* because no additional gross floor area is being added to the existing buildings, no new parking spaces are created, and the intensity of the use has not increased.

J. **Zone Standards:** The applicant's proposal meets the requirements and regulations of the C-S-C Zone.

K. **Sign Regulations:** The applicant does not show a freestanding sign on the site plan for the auto repair business, although it does show the location of several signs and sign posts within the street right-of-way.

L. **Other Issues:** By law, an approved special exception runs with the land. It continues indefinitely, unless revoked by formal action of the District Council upon a finding of noncompliance with conditions of approval or, in certain instances, abandonment over a significant period of time. In the

instant case, the owner of the subject property and the City of Mount Rainier have reached an agreement that will require the vehicle repair operation to cease on or before April 22, 2004. The agreement has been recorded in the form of covenants in the land records. Neither Prince George's County nor The Maryland-National Capital Park and Planning Commission is a party to this private agreement; therefore, it has no particular relevance to this review. However, it is recognized that such an agreement does exist and will be up to the parties to enforce.

**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.**

**Finding:** The purposes of zoning are many and varied, but can generally be characterized as protecting the health, safety and welfare of the present and future citizens of the county by promoting beneficial land use relationships. The applicant's proposal will do so by continuing a use on this site (a vehicle repair operation) similar to one that existed on the site for several decades (a full-service gas station). In fact, the use is probably less intensive since gasoline sales are no longer made.

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

**Finding:** With few exceptions, the proposal meets the requirements and regulations of the Zoning Ordinance. In those instances where it does not, minor conditions are recommended to ensure conformance.

**(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.**

**Finding:** While the proposed use does not strictly conform to the 1994 master plan's recommendation for retail-commercial, it does continue a use that has existed on this site for many decades without apparent difficulty. The applicant's proposal to continue this service-commercial use will not substantially impair the integrity of the master 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.**

**Finding:** The proposed use of the subject property is one that is recognized by the District Council as being compatible within a retail-commercial area if certain criteria are met. If developed with the recommended conditions of approval, it is apparent that the use will not be so intensive that it would adversely affect the residents or workers in the neighborhood, nor would it be detrimental to the use of the adjoining properties.

**(6) The proposed site plan is in conformance with an approved tree conservation plan.**

**Finding:** This site is not subject to the provisions of the Woodland Conservation Ordinance because the site is less than 40,000 square feet in area and does not have a previously approved tree conservation plan.

**CONCLUSION:**

The applicant has met its burden of proof in this instance. Staff recommends APPROVAL of Special Exception Application No. 4469, subject to the following conditions:

1. Prior to the final disposition of this application, the site plan shall be revised to show:
  - a. The note referencing compact spaces shall be removed.
  - b. Note #3 shall be revised to delete the reference to the site having frontage on a roadway with less than a collector classification.