

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



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm

Special Exception Application

SE-4519

Application		General Data	
Project Name: Westgate Convenience Location: Southeast corner of Annapolis Road (MD 450) and Whitfield Chapel Road, known as 9117 Annapolis Road. Applicant/Address: Shafiq Umar 12711 Longwater Court Mitchellville, Maryland 20721		Date Accepted:	6/28/05
		Planning Board Action Limit:	N/A
		Plan Acreage:	2.03
		Zone:	C-S-C
		Dwelling Units:	N/A
		Square Footage:	4,200
		Planning Area:	70
		Tier:	Developing
		Council District:	05
		Municipality:	N/A
		200-Scale Base Map:	207NE08
Purpose of Application		Notice Dates	
Gas Station and car wash, in accordance with Sections 27-358		Adjoining Property Owners Previous Parties of Record Register Associations: (CB-12-2003)	
		3/29/05	
		Sign(s) Posted on Site	
		N/A	
Staff Recommendation		Staff Reviewer: Teri Bond	
APPROVAL	APPROVAL WITH CONDITION	DISAPPROVAL	DISCUSSION
	X		

October 10, 2006

TECHNICAL STAFF REPORT:

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

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Teri Bond, Planner Coordinator

SUBJECT: **Special Exception Application SE-4519**

REQUEST: **Gas Station and Car Wash**

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 property is located at the southeast corner of the intersection of Annapolis Road and Whitfield Chapel Road, approximately 220 feet west of the Capital Beltway. The front of the property is developed with an older gas station with four multi-product fuel dispensers (MPDs) and a small 150-square-foot food and beverage store. Development has been limited to the smaller lot fronting MD 450. The gas station is served by a paved parking lot. Access to the property is via driveways on Annapolis and Whitfield Chapel Roads.

B. **Development Data**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Gas Station/Food and beverage store with two pump islands	Gas Station/Food and beverage store with eight islands and car wash
Acreage	.53	2.03 (88,658 SF)

- C. **History:** The 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70)* retained the property in the C-S-C Zone.

The existing gas station on Lot 1, which fronts Annapolis Rd. (MD 450), was approved under Special Exception SE-1042 on June 19, 1964. The special exception site plan was revised to permit an additional service bay to the existing two bays at the gas station in 1970. In March 1990, a new special exception was approved for the site (SE-2225) that included adding a car wash and 12 fueling points at six multi-product dispensers. This gas station expansion, however, was never constructed and the facility remained as it had been since the 1970s under the original approval for SE-1042. Minor revisions to SE-1042 to enlarge a pump island and request other changes to the approved gas station site plan were subsequently approved in 1998.

- D. **Master Plan Recommendation:** The 1993 Glenn Dale-Seabrook-Lanham and Vicinity Master Plan and SMA recommends retail and commercial uses and a convenience center for the site. The 2002 *Prince George's County Approved General Plan* places the subject site within the Developing Tier. The vision for the Developing Tier is to maintain a network of low-to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

- E. **Request:** The applicant proposes to raze the existing gas station on Lot 1 and reconstruct the gas station with a convenience store and car wash on combined Lots 1 and 4. Originally, the applicant had submitted two applications, one to revise the special exception site plan for the existing gas station on Lot 1 and another to build a car wash with a new convenience store on Lot 4. Staff recommended that both of these proposals be combined into one special exception application given the interrelatedness of the two projects and the increased number of multiple-product fuel dispensers being proposed in the initial revised application for SE 1042. The current gas station has only four MPDs and the proposed facility will have seven MPDs with 14 fueling positions as well as a diesel-only fueling dispenser. The proposed facility will not include service bays but instead will be a 4,200-square-foot convenience center.

F Neighborhood and Surrounding Uses: The subject property is surrounded by the following uses:

- North:** Across Annapolis Rd. (MD 450) are single family homes zoned R-80.
- East:** A convenience store in the C-S-C Zone.
- South:** A Bell Atlantic utility operating center in the C-S-C Zone.
- West:** An undeveloped parcel in the C-O Zone across Whitfield Chapel Road.

Staff agrees with the applicant's defining of the neighborhood boundaries for Living Area A-1 in the master plan for the subject application.

- North:** Annapolis Rd. (MD 450).
- East:** The Washington Business Park.
- South:** MD 50 to the south.
- West:** Amtrak Railroad and Capital Beltway to the east.

G. Specific Special Exception Requirements: A food or beverage store is permitted by right in the C-S-C Zone. A gasoline station and car wash are permitted in the C-S-C Zone by a special exception. **Section 27-358** sets forth the specific special exception requirements:

(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.**

The subject property has slightly over 150 feet of frontage on Annapolis Road (MD 450) and over 220 feet of frontage on Whitfield Chapel Road. Both Annapolis and Whitfield Chapel Roads at this location have right-of-way widths of at least 80 feet. The property is accessed through driveways from both roadways.

- (2) The subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, or hospital is located.**

The property conforms to this requirement. The closest facility is the James McHenry Elementary School, which is at approximately 1,000 feet from the gas station.

- (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.**

The applicant's proposal does not include these activities. The applicant's statement of justification indicates that there will be no display or rental of cargo

trailers, trucks, or similar uses at this site.

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

The proposed gas station will not include the storage or junking of wrecked motor vehicles (whether capable of movement or not).

- (5) **Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable, 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.**

The site plan shows that the existing gas station has an Ingress/Egress easement for shared access on MD 450 with the adjacent retail store to the east. Shared driveways have been encouraged along MD 450 in the master plan. This access driveway is over 40 feet wide at the right of way line. The driveway is 30 feet wide at the site's entrance along Whitfield Chapel Road.

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

The site plan indicates that all access driveways will be defined by curbing.

- (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.**

The site plan indicates that a five-foot-wide sidewalk exists along the site's frontage on Whitfield Chapel. After reviewing the lack of connectivity along Annapolis Road to the adjacent commercial uses, the applicant has proposed to extend the proposed five-foot sidewalk in front of the proposed convenience store west to the existing five-foot sidewalk fronting the subject property along MD 450 and Whitfield Chapel Road. The plan needs to be revised to show the additional sidewalk.

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

The site plan indicates that all gasoline pumps and service appliances are located more than 55 feet behind both street lines.

- (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.

The applicant stated that no repair service is proposed for the site. The site plan does not provide for an accessory storage building, and there is no reference to the provision of accessory storage in the applicant's statement of justification.

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

The applicant has provided a description of the architectural character of the proposed building to demonstrate compatibility with the existing/surrounding development and an overall enhancement of the gas station facility.

- (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;**
- (3) The location of exterior vending machines or vending area.**

The topography for both lots is shown on the site plan.

A trash enclosure is located on the west side of the proposed convenience store building at the rear of the loading space. The type, size and height of the trash enclosure must be added to the site plan. There are no vending machines proposed.

- (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.**

The applicant agrees to comply with this requirement.

- (d) When approving a special exception for a gas station, 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.**

With the approval of the two special exception applications for this site, SEs 2225 and 3910, the District Council has determined that for both of these gas station proposals the development requirements have been met. And indeed the existing gas station has been successfully operating for over 30 years. The applicant's desire to expand and enhance the facility would again support the finding that the gas station is necessary to the public in the surrounding area.

- H. Parking Regulations:** Section 27-568 of the Zoning Ordinance requires the following parking spaces for the proposed uses:

The parking schedule on the site plan is based on the uses proposed: a gas station, a 1,123-square-foot car wash and a 4,200-square-foot convenience store. The following is a breakdown of the parking requirements for these uses:

Car wash – 1 space for every 500 sq. ft	Required: 2.3	Provided: 1
Gas Station – 1 for each employee	Required: 1	Provided: 1
Convenience Store		
1 space for 150 sq. ft/first 3,000 sq. ft.	Required: 20	Provided: 16
1 space for 200 sq. ft/for above	Required: 6	Provided: 6
Subtotal	Required: 29.3	Provided: 24
20 percent reduction permitted per Section 27-572 (6.1 spaces)	Required: 24	Provided: 24

The parking schedule on the plan should be revised to reflect the above numbers and should not include the loading space, which should be accounted for separately.

- I. Loading Requirements:** Section 27-582 of the Zoning Ordinance requires three loading spaces for integrated shopping centers having less than 100,000 plus one loading space for each additional 100,000 square feet of GLA or a fraction thereof.

One loading space is required and is being provided on the site.

- J. Landscape Manual Requirements:** The plan has been revised to meet all of the landscaping, buffering, and screening requirements of the *Prince George's County Landscape Manual*.

- K. Zone Standards:** The site plan conforms to all other development standards of the C-S-C Zone.

- L. Sign Regulations:** All signs that will be placed on the property must meet all area, height and setback standards in accordance with the provisions of Part 12 of the Zoning Ordinance. A maximum of one freestanding sign, 106.75 square feet in area, located at least ten feet back from the right-of-way shall be permitted. In addition, a gas station is allowed 50 square feet for pricing of three or more types of gasoline plus additional unused square footage for the trade name/logo portion of the

sign. The trade name/logo signage totals 79.06 square feet. The proposed sign lists four types of gasoline for 71.46 square feet. The entire proposed sign totals 150.52 square feet. This is 43.77 square feet (or 29 percent) more than permitted in Section 27-614 of the Prince George's County Zoning Ordinance.

Building and canopy signs are dependent on the width of buildings and canopy at the front entrance. The submitted plans do not include the measurement for the width of the building sign at the entrance to the convenience store. The convenience store building appears to be 87.30 feet wide at the main entrance. Therefore, 174.6 square feet of signage is allowed on this building. The submitted plans do not show signage on the canopy over the gas dispensers. If signs will be placed over the canopy, they must be divided between the canopy and convenience store building per Section 27.613 of the Prince George's county Zoning Ordinance.

The submitted plans do not dimension the proposed signs for the car wash building. Building signs are dependent on the width of the building at the front entrance. It appears the building is 48 feet wide at the front entrance. Therefore, up to 96 square feet of signage is permitted on this building per Section 27-613 of the Prince George's County Zoning Ordinance.

The proposed freestanding sign must be reduced in size to comply with this requirement and a note shall be added to the plan to ensure that the proposed sign meets the setback requirement.

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 among the various types of land uses. The proposed uses and site plan are in harmony with these purposes.

(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 gas station and the car wash uses as a special exception. With the recommended conditions of approval, this proposed development will be in conformance with all applicable requirements.

(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 proposed use will not result in a substantial impairment of the approved master plan. The 1993 Glenn Dale-Seabrook-Lanham and Vicinity Master Plan and SMA recommends retail and commercial uses and a convenience center for the site. The Community Planning Division has indicated that the proposed use is in conformance with the master plan and is not inconsistent with the General Plan. The General Plan places the property within the

Developed Tier.

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

The proposed use will have no detrimental impact on internal traffic circulation or the level of service of surrounding roadways. The plan is acceptable from the standpoint of access and circulation as well. Therefore, it will not adversely affect the health, safety or welfare of residents or workers in the area. Tom Masog of the Transportation Planning Section has offered the following comments:

The subject application involves two existing recorded lots that were the subject of Preliminary Plan of Subdivision 4-04012. The subdivision application sought to incorporate the two lots into a single parcel. That application was approved, and the transportation findings were based upon the following information:

- One recorded lot resulted from Preliminary Plan 4-88230, which includes a condition restricting uses to 16,000 square feet of mixed commercial space. A closer reading of transportation staff determinations made during that case suggests that a cap of 24 peak hour trips (AM and PM) is applicable to the site. This lot was recorded as Lot 4 of Westgate Woods, but was never developed.
- The second lot is an old platted lot that has long been developed with the existing service station. Based upon rates provided in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, the existing service station would generate 85 AM and 107 PM peak hour vehicle trips. Because a number of trips to this use can be assumed to be already on the adjacent roadway, the net off-site impact of this use would be 33 AM and 47 PM trips.
- The current proposal includes a gasoline station with 16 fueling positions, convenience store, and car wash. Again, based upon rates provided in the ITE *Trip Generation Manual*, the proposed use would generate 128 AM and 160 PM peak hour vehicle trips. Because a number of trips to this use can be assumed to be already on the adjacent roadway (61 and 56 percent, respectively, in the AM and PM peak hours), the net off-site impact of this use would be 50 AM and 70 PM trips. This level of trip generation is within the trip cap that was determined during review of 4-04012 for the two existing lots.

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

The proposed use is compatible with the adjoining commercial uses fronting Annapolis Road. This use will actually enhance an older gas station and should improve the commercial area. The proposed use would 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.

The Environmental Planning Section indicated that a forest stand delineation (FSD) and a Type I tree conservation plan were approved with Preliminary Plan of Subdivision 4-88230 and 4-04012. The proposed special exception plan is in conformance with the approved Type I Tree Conservation Plan TCPI/11/04.

CONCLUSION

Based on the comments submitted by the applicant and reviewing agencies, staff recommends APPROVAL of SE-4519 with the following condition:

1. Prior to approval, the special exception site plan shall be revised to show that the proposed sign, trash enclosure details, and parking schedule are accurate and meet all Zoning Ordinance requirements.