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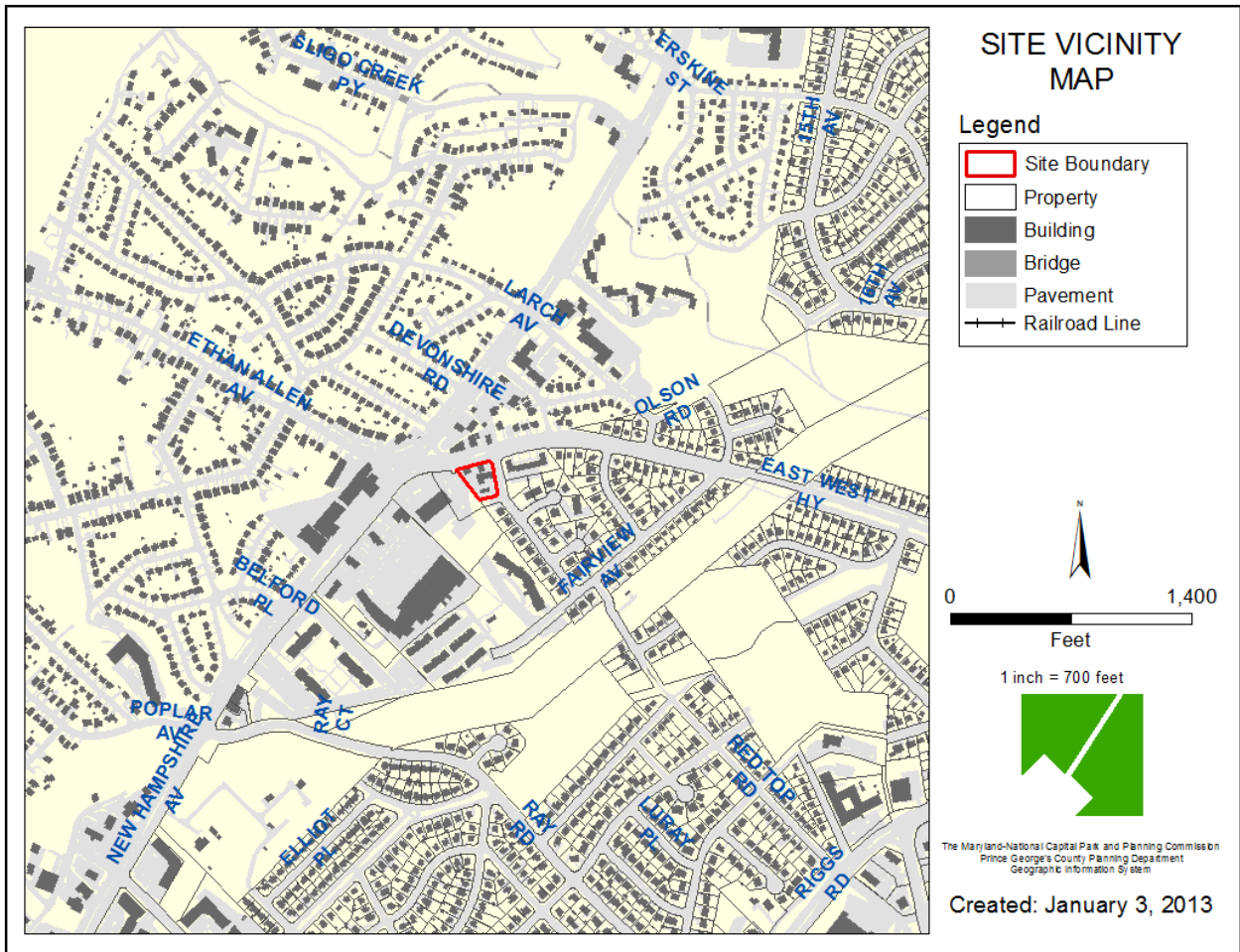
Special Exception

SE-4676

Application	General Data	
Project Name: Red Top Gas Station Location: Southwest quadrant of the intersection at East-West Highway (MD 410) and Red Top Road. Applicant/Address: Man H. Kim 949 East-West Highway Takoma Park, MD 20912 Property Owner: Same as above	Planning Board Hearing Date:	10/10/13
	Staff Report Date:	09/25/13
	Date Accepted:	02/06/13
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.749
	Zone:	C-S-C
	Gross Floor Area:	3,744 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	65
	Tier:	Developed
	Council District:	02
	Election District	17
	Municipality:	N/A
	200-Scale Base Map:	208NE01

Purpose of Application	Notice Dates	
A major change revision for expansion of convenience store and service area at an existing full-service gas station/convenience store and car wash in the C-S-C Zone.	Informational Mailing	05/17/12
	Acceptance Mailing:	01/28/13
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Tom Lockard Phone Number: 301-952-3410 E-mail: Thomas.Lockard@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

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

VIA: Jimi Jones, Zoning Supervisor, Development Review Division

FROM: Tom Lockard, Planner Coordinator, Zoning Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4676**
Red Top Gas Station

REQUEST: **Expansion of a convenience store and service area at an existing full-service gas station/convenience store and car wash in the C-S-C Zone.**

RECOMMENDATION: **Approval with Conditions**

The Planning Board has scheduled this application to be reviewed on the agenda date of October 10, 2013. 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 addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. 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 in the southwest quadrant of the intersection of East-West Highway (MD 410) and Red Top Road and is improved with a 1,944-square-foot automobile filling station with three service bays, a 1,000-square-foot convenience store, and an 800-square-foot detached car wash. Additional structures on the site include three concrete pump islands, five gasoline pump dispensers, two canopies, underground storage tanks, one freestanding sign, and parking spaces. In addition, the site has numerous coin-operated self-service car wash units. Three appear to be off the subject property to the southwest, while the others are located along the western property line in an area shown for parking. The site has two access drives along East-West Highway and two along Red Top Road.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Auto Filling Station with 3 Service Bays, a 1,000-square-foot Food and Beverage Store, and Car Wash	Auto Filling Station with 2 Service Bays, a 2,250-square-foot Food and Beverage Store, and Car Wash
Acreage	0.75	0.75
Lots	1	1
Parcels	None	None
Square Footage/GFA	3,744	4,994
Variances	Yes	Yes

C. **History:**

September 17, 1952—The property was rezoned to the Local Commercial, Existing (C-1) Zone (Zoning Map Amendment A-1933).

March 7, 1955—The District Council approved the request for an automobile filling station (Special Exception No. 222), for a portion of the site.

July 19, 1976—The District Council denied a subsequent special exception application (SE-2830) which proposed expansion of the use to the remainder of the site.

February 12, 1990—The District Council approved Special Exception SE-3919 for a gas station, convenience store, and car wash on the subject property.

May 1, 1990—The property was placed in the C-S-C (Commercial Shopping Center) Zone upon adoption of the *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67* (Langley Park-College Park-Greenbelt Master Plan and SMA).

February 28, 1991—The Prince George's County Planning Board approved a minor change to the site plan to add an additional service bay.

July 11, 1996—The Planning Board approved a minor change to add one additional pump island, reconfigure the existing islands, cover the pumps with canopies, reduce the size of the car wash building, and slightly reconfigure a parking area. The applicant was granted Alternative Compliance (AC-98036) soon thereafter, prior to permits being issued.

- D. **Master Plan Recommendation:** The Langley Park-College Park-Greenbelt Master Plan and SMA recommends a service/commercial use for the subject property. The 2002 Prince George's County Approved General Plan placed the site in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.
- E. **Request:** The applicant is proposing to expand the convenience store and service area at an existing full-service gas station/convenience store and car wash in the C-S-C Zone. A gas station and car wash require approval of a special exception application in the C-S-C Zone, while a food or beverage store is a permitted use.
- F. **Neighborhood and Surrounding Uses:** The surrounding neighborhood is characterized by R-18-zoned (Multifamily Medium Density Residential) garden apartments, with service and convenience/commercial uses along New Hampshire Avenue and East-West Highway (to Red Top Road).

Staff would describe the general neighborhood as being bounded to the north by East-West Highway (MD 410), to the west by New Hampshire Boulevard (MD 650), and to the south and east by Fairview Avenue. This is the same neighborhood as was accepted in the previous special exception application for the site, SE-3919.

The property is surrounded by the following uses:

- North—** Across East-West Highway is a small strip of convenience/commercial uses in the C-S-C Zone.
- East & South—** Across Red Top Road and Greenbrier Avenue are garden apartments in the R-18 Zone.
- West—** A U-Haul truck rental center and garage in the C-S-C Zone.

- G. **Specific Special Exception Requirements:** Section 27-358(a) of the Zoning Ordinance provides specific special exception requirements for a gas station as follows:

- (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;**
 - (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;**

- (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;
 - (4) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;
 - (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;
 - (6) Access driveways shall 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;
 - (8) Gasoline pumps and other service appliances shall be located at least twenty-five (25) feet behind the street line;
 - (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.
 - (10) Details on architectural elements such as elevation depictions of each façade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.
- (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; and
- (3) The location of exterior vending machines or vending area.
- (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.
- (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.

Comment: The applicant’s proposal complies with the above criteria with the exception of Section 27-358(a)(5) for a driveway location less than 20 feet from the point of curvature at Red Top Road and East-West Highway. On April 17, 1991, the Board of Zoning Appeals granted a variance of eight feet from this requirement (Appeal No. 1103). A vacuum and air pump shown in the northeastern corner of the site are to be removed, as is a freestanding sign which was shown on the previous approved special exception in a different location along East-West Highway. The sign and canopies appear to be within the ten-foot building restriction line. They must be relocated or evidence submitted of an approved variance or sign permit.

The site has numerous coin-operated self-service car wash units. Three appear to be off the subject property to the southwest, while the others are located along the western property line in an area shown for parking. The units off the applicant’s property are shown to be removed and the paved area around them stabilized and sodded. Staff is recommending that the units along the western property line be removed, as well, since they would conflict with required parking spaces.

There are no specific criteria for a car wash special exception, although they must meet the general criteria for all special exceptions found in Section 27-317 of the Zoning Ordinance.

- H. **Parking Regulations:** Based on the applicant's mix of uses, the required parking breaks down as follows:

Use	Schedule	Required Parking
Gas Station	2 service bays @ 3 spaces/bay	6
Convenience Store	2,250 sq. ft. @ 1 space/150 sq. ft.	15
Car Wash	800 sq. ft. @ 1 space/500 sq. ft.	2
Minus 20% Reduction		-4
Parking Required		19
Parking Provided		20

The site plan shows one required loading space to the rear of the existing convenience store/service bays.

- I. **Prince George's County Landscape Manual Requirements:** Due to the proposed increase in gross floor area of 1,252 square feet, the site is subject to the requirements of Section 4.2, Landscape Strips along Streets and Section 4.7, Buffering Incompatible Uses of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The application is subject to Section 4.4, Screening Requirements, as is all development and Section 4.9, Sustainable Landscaping Requirements, because other sections of the Landscape Manual require the installation of plant material. The site is exempt from Section 4.3, Parking Lot Requirements, because no new impervious area is being created for parking or loading.

The subject site has an approved Alternative Compliance (AC-98036), which was approved on November 11, 1998. Alternative Compliance AC-98036 granted alternative compliance pursuant to Section 4.2 of the 1989 Landscape Manual for relief from the buffering requirements along East-West Highway. Alternative Compliance AC-98036 required a low brick wall supplemented by a three- to four-foot-wide landscaped strip planted with one shade tree, three ornamental trees, and 12 shrubs. In the northwestern corner of the site along East-West Highway, it appears that the dimensions of an approved planting bed were reduced somewhat to provide a wider one-way access drive from East-West Highway. While the area available for planting has been reduced, the submitted revised landscape plan provides the full amount of plant materials required by AC-98036. Staff finds this in substantial conformance with the requirements of the alternative compliance approval.

The landscape plan as submitted does not demonstrate conformance to the requirements of Section 4.2 along the site's Red Top Road frontage. The required number of shrubs has not been proposed. Furthermore, the dumpster with a six-foot-tall enclosure proposed within the required 10-foot-wide landscaped strip is unacceptable. The application should be revised to relocate the dumpster with enclosure outside the landscaped strip and provide a continuous Section 4.2 planting strip adjacent to the right-of-way of Red Top Road.

The plan notes indicate that existing Bradford Pears are located on the site and are to remain. Bradford Pears are an invasive species. In accordance with Section 4.9, Sustainable Landscaping Requirements, invasive species present in vegetated areas to be retained must be removed in accordance with the requirements of the Landscape Manual to assist in the long-term sustainability of the ecosystem of the area. Bradford Pears located within the required Section 4.2 landscape strip and anywhere else on the site should be removed to provide ample space for establishment of the native trees both proposed and existing on the site.

The landscape plan is unclear about the existing and proposed plants shown along the road frontages. The landscape plan should be revised to correctly label and identify all existing and proposed trees and shrubs along the roadway frontages, and designate whether the existing trees and shrubs are to remain or be removed. Existing plant material should not be referenced within the planting schedule.

Tree Canopy Coverage

This application is subject to the Tree Canopy Coverage Ordinance as it proposes disturbance of 1,500 square feet or greater. The special exception area of 0.75 acre is zoned C-S-C and is required to provide ten percent, or 3,267 square feet, of tree canopy coverage. A tree canopy coverage worksheet has been provided on the landscape plan specifying that the requirement is being met through proposed on-site tree planting for a total of 3,290 square feet.

- J. **Zone Standards:** The applicant's proposal is in compliance with the requirements of the Commercial Shopping Center (C-S-C) Zone.
- K. **Signage:** The applicant is proposing to relocate the existing 15-foot-high pylon sign from its location in the northeastern corner of the site to the location shown on the approved site plan for SE-3919.
- 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;

Comment: The use has met the requirements of the Zoning Ordinance since its initial approval by the District Council in 1955. However, redevelopment of this older site will bring the subject property into conformance with current landscaping requirements, current stormwater management requirements, and current building and fire protection requirements. On November 1, 2012, a stormwater management concept plan was approved by the Department of Public Works and Transportation (DPW&T). However, that approval expired on May 4, 2013 and will need to be renewed. Redevelopment of the property with commercial uses is consistent with the master plan land use recommendations. With the recommended conditions, the proposed use and site plan are 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;

Comment: The applicant has obtained approval of alternative compliance for the proposed landscaping, and the proposed redevelopment of the site meets the standard zoning requirements of the C-S-C Zone. With the recommended conditions of approval, the proposed use will be in substantial conformance with all of the 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;

Comment: The Langley Park-College Park-Greenbelt Master Plan and SMA recommends a service/commercial use for the subject property, and the proposed use conforms to the General Plan's vision for the Developing Tier for a nonresidential land use. Therefore, the proposed use will not substantially impair the integrity of any validly approved master plan or the General Plan.

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

Comment: A gas station has been in continuous operation on this property since the District Council's approval of Special Exception No. 222 in 1955, and it has had no adverse effects on the health, safety, or welfare of residents or workers in the area. In consideration of the findings required for a special exception, the Transportation Planning Section reviewed the site for health, safety, and welfare issues within the immediate area of the property, as well as, for master plan consistency. The applicant's proposal does not raise any off-site transportation adequacy issues. Further, the Transportation Planning Section found that the application request would pose no issue regarding the required special exception finding or other needed findings. They do question

the interior circulation, noting what seem to be narrow drive aisles in two locations. However, both of these drive aisles meet the width requirements of Section 11 of the Zoning Ordinance, and one of the two exceeds the required width.

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

Comment: In approving the original special exception application in 1955 and the second in 1990, the District Council found that the use would not be detrimental to the use or development of adjacent properties or the general neighborhood. In 1991 and again, in 1996, the Planning Board heard and approved minor revisions for the property, each time finding that the use would not be detrimental to the use or development of adjacent properties or the general neighborhood. Staff believes that these findings continue to be valid.

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

Comment: The site is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and no other environmental issues relate to the applicant's proposal. Because the site is less than 40,000 square feet in size and has no previous approved tree conservation plans, a standard exemption letter from the Woodland Conservation Ordinance was issued by the Environmental Planning Section on September 23, 2011. It will expire prior to final disposition of this case, so a new letter must be obtained.

(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

Comment: There are no regulated environmental features on the subject property that would require preservation and/or restoration.

CONCLUSION

The applicant has met their burden of proof in this case. Therefore, staff recommends APPROVAL of Special Exception Application No. SE-4676, subject to the following conditions:

1. Prior to certification of the special exception site plan, the following revisions shall be made:
 - a. Provide the required number of shrubs along Red Top Road.
 - b. Relocate the dumpster with enclosure outside of the required Section 4.2 landscaped strip and provide a continuous planting strip adjacent to the right-of-way of Red Top Road.
 - c. The existing Bradford Pears located on the site shall be noted as "to be removed."
 - d. Correctly identify existing plant material on the plan and indicate whether this existing plant material is to remain or be removed.
 - e. Only provide information on proposed plant material in the planting schedule.
 - f. The freestanding car wash units along the western property line shall be removed.

- g. The freestanding sign and canopies along East-West Highway (MD 410) shall be shown in their approved locations, behind the ten-foot building restriction line, or evidence of a variance or sign permit shall be submitted.
- 2. Prior to issuance of a building permit, Stormwater Management Concept Plan 1500-2009-01 shall be renewed and revised to be consistent with the layout shown on the special exception site plan.
- 3. Prior to issuance of a building permit, the applicant shall obtain a new standard letter of exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.