



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

Special Exception

SE-4675

Application	General Data	
Project Name: Tires R Us Location: West Side of Kenilworth Avenue (MD 201) approximately 1,670 feet north of East-West Highway (MD 410) Applicant/Address: Tires R Us 6323 Kenilworth Avenue Riverdale, MD 20737 Property Owner: Africa Women's Health & Social Empowerment Assoc., LLC 2203 Dunrobin Drive Mitchellville, MD 20721	Planning Board Hearing Date:	07/22/10
	Staff Report Date:	07/07/10
	Date Accepted:	03/24/10
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.4662
	Zone:	C-S-C
	Gross Floor Area:	2150 sq. ft.
	Lots:	N/A
	Parcels:	N/A
	Planning Area:	68
	Tier:	Developed
	Council District:	03
	Election District:	19
	Municipality:	Riverdale Park
200-Scale Base Map:	207NE05	

Purpose of Application	Notice Dates	
Special Exception for vehicle repair and vehicle parts or tire store with installation facilities in the C-S-C Zone.	Informational Mailing	09/09/09
	Acceptance Mailing:	03/16/10
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Tom Lockard Phone Number: 301-952-3410 E-mail: Tom.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

FROM: Tom Lockard, Planner Coordinator

SUBJECT: **Special Exception Application No. 4675**

REQUEST: **Vehicle repair and vehicle parts or tire store with installation facilities in the C-S-C Zone.**

RECOMMENDATION: **Approval with conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of July 22, 2010. The Planning Board also encourages all interested persons to request to become a person of record for this application.

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 a rectangularly-shaped lot, approximately 0.46 acres in size. It comprises part of Lot 2 of the Greta–East Riverdale Subdivision. It is located on the west side of Kenilworth Avenue (MD 201) approximately 1,670 feet north of East-West Highway (MD 410) and is developed with a one-story brick service station building with three bays, formerly a Shell gas station. The majority of the site is in the 100-year floodplain of the Northeast Branch of the Anacostia River. The gas pumps and underground tanks were removed when the gas station on the site was abandoned. The applicant currently is operating a tire sales and installation shop on the premises.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Tire Sales and Installation	Tire Sales and Installation
Acreage	0.46	0.46
Lots	1	1

C. **History:** The property was retained in the C-S-C Zone in the May 1994 *Approved Master Plan and Sectional Map Amendment Planning Area 68*. The site had an approved Special Exception (SE-1080), for a gas station which was approved by the District Council in 1964 and was most recently revised twice in 1998. The gas station was abandoned and the pumps and tanks removed, at which time the special exception was terminated in accordance with Section 27-358(c) of the Zoning Ordinance. In 2006, a U&O permit was issued for the retail sales of tires and rims without installation, a permitted use in the C-S-C Zone.

D. **Master Plan Recommendation:** The 2002 *Approved Prince George’s County General Plan* places this property 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. This application is consistent with the 2002 General Plan Development Pattern policies for the Rural Tier.

This application conforms to the recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment Planning Area 68*, which recommends a commercial land use for the subject property.

E. **Request:** The applicant is seeking approval of a special exception to allow the existing tire and rim sales business to retain added installation services.

F. **Neighborhood and Surrounding Uses:** The neighborhood is defined by the following boundaries.

- **North**—River Road
- **East**—Kenilworth Avenue (MD 201)
- **South**—Quesada Road
- **West**—Northeast Branch

The neighborhood is generally commercial in nature with strip-commercial uses predominating. Residences are located across Kenilworth Avenue to the east and further to the south, along Quesada Road.

The site is surrounded by the following uses:

- **North**—A restaurant and church in the C-S-C and C-O Zones, respectively.
- **East**—Across Kenilworth Avenue are single-family residences in the R-55 Zone.
- **South**—Strip commercial uses including a bowling alley, bakery, post office and auto parts store, all in the C-S-C Zone.
- **West**—Undeveloped floodplain in the R-O-S Zone, part of the Anacostia River Park.

G. **Specific Special Exception Requirements for a Vehicle Repair and Vehicle Parts or Tire Store with Installation**

Section 27-417.01 of the Zoning Ordinance provides the following specific requirements for a vehicle parts and tire store with installation:

- (1) **All sales and installation operations shall be conducted within a wholly enclosed building, with no outdoor storage;**

Comment: The applicant provides that all sales and installation operations will be conducted within the existing building on the property. As noted earlier, the existing building was used as part of a service station that previously occupied the property. The applicant is proposing to use the existing service bays for all installations.

- (2) **Installation activity on any motor vehicle shall be completed within forty-eight (48) hours or less. No vehicle may be stored on the property for longer than this period; and**

Comment: The applicant submits that the installation of tires will occur within 48 hours. Vehicles will not be stored on the property in excess of this period of time.

- (3) **The demolition or junking of motor vehicles is prohibited.**

Comment: The subject application does not include the demolition or junking of motor vehicles. The applicant will not be performing heavy repairs on the property and, therefore, wrecked or junked vehicles will not be present.

H. **Parking and Loading Requirements:** Section 27-568(a) of the Zoning Ordinance sets forth the parking requirements for all uses. It requires nine parking spaces for the subject use, three per service bay. The site plan shows ten spaces, with locations and dimensions consistent with previously approved plans. A van space for the physically handicapped must be shown dimensioned at 16 feet by 19 feet.

One required loading space has been properly reflected on the submitted plan. The loading space must be screened in accordance with Section 4.4 of the *Prince George's County Landscape*

Manual, or Alternative Compliance obtained.

- I. **Prince George's County Landscape Manual Requirements:** The site is generally exempt from the *Prince George's County Landscape Manual* since no new building or outdoor parking areas are to be constructed. The new loading space must be screened in accordance with Section 4.4 of the *Prince George's County Landscape Manual*, or Alternative Compliance obtained.
- J. **Sign Regulations:** The existing freestanding sign along Kenilworth Avenue is shown to remain in its present location. As shown on the site plan, the sign is partially within the wide, unused right-of-way for Kenilworth Avenue. In 1998, the applicant sought, and was granted, a Departure from Sign Design Standards (DSDS-550) to allow this sign location.
- K. **Zone Standards:** The proposed use is in the C-S-C Zone. The site plan indicates all required setbacks are met, with the exception of the ten-foot setback for the canopy. The applicant obtained a Variance Request (VSE-1080/02) in 1998 from the setback requirement. No further variances or departures are required.
- L. **Referral Comments:**

Permits Section—The Permits Section, in a referral dated July 6, 2010, identified the following issues:

1. Is the site plan in conformance with the Subdivision Regulations? Refer to Subdivision Office for review.

Comment: The subject property is a recorded lot. No further subdivision activity is required because the applicant is not proposing any new gross floor area.

2. There appears to be a fence located at the rear of the building, all fencing off-site must be removed from the site plan.

Comment: A condition to this effect is included in the staff recommendation section at the end of this report.

3. A space for the physically handicapped must be provided at 16 feet by 19 feet in size.

Comment: A condition to this effect is included in the staff recommendation at the end of this report.

4. A new loading space has been provided along the right-of-way (ROW). Section 4.4 of the *Prince George's County Landscape Manual* requires all loading spaces to be screened from the street.

Comment: A condition to this effect is included in the staff recommendation section at the end of this report.

5. The review of this referral does not include the review of any signage.

Comment: The applicant is not proposing new signage. The existing freestanding sign is shown

to be retained in the location approved by the Planning Board in Departure from Sign Design Standards DSDS-550.

Town of Riverdale Park—The subject property is located within the Town of Riverdale Park. Staff has not yet received the Town’s position in the case. The applicant is scheduled to present the plan to the Mayor and Council at their July 6, 2010 meeting. The Town Administrator has advised that the Town’s position will be submitted prior to the public hearings on the case.

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.

Comment: The purposes of the Zoning Ordinance, as provided in Section 27-102(a), seek generally to protect and promote the health, safety and welfare of county inhabitants, and promote compatible land use relationships. The proposed use is consistent with the type of vehicle-related use that formerly occupied the property. As is the case with most abandoned gas stations, the site can no longer be used for the sale of petroleum products because of restrictive covenants in the deed. The proposed use is a logical alternative for an adaptive reuse.

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

Comment: With the previously approved departure and variances recommended conditions of approval, the proposed use is in conformance with all the applicable requirements and regulations of the Zoning Ordinance.

(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: This application is subject to the recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment Planning Area 68*, which recommends a commercial land use for the subject property. Staff notes that the property has historically been a vehicle-service-related use and now involves the retail sale of tires. This use will not, therefore, impair the retail commercial recommendation of the plan.

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

Comment: The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. The Transportation Planning Section, in a memorandum dated May 21, 2010, found no significant transportation impacts that would result from the approval of this application. This adaptive reuse of an abandoned gas station probably has fewer impacts associated with it than did the original use which existed on the site for more than 40 years.

A special exception use, not unlike a comprehensive rezoning, is accorded a strong presumption of validity. A special exception use is considered compatible with uses permitted by right within the zone as long as specific criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use

would create an adverse impact upon surrounding properties is to show that the proposed use, **at the particular location proposed, would have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the zone.** Although there are clearly negative effects associated with the proposed facility, they are integral to the use and will not result in greater or more unique adverse effects at the proposed location than if the use were located at another site with the same zoning. Therefore, with the recommended conditions, it can be reasonably concluded that 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.

Comment: The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. Essentially, this application proposes the substitution of one automobile-related use for another. Nothing in the record for this case suggests that this use would 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.

Comment: The subject site has less than 10,000 square feet of existing woodland and a gross tract area of less than 40,000 square feet and therefore is exempt from the Wood land Conservation Ordinance. An exemption letter has been issued and remains valid until October 29, 2011.

CONCLUSION:

Based on the preceding analysis and findings, staff is recommending that Special Exception Application No. SE-4675 be APPROVED, subject to the following conditions:

1. All off-site fencing shall be removed from the site plan.
2. The van parking space for the handicapped shall be shown to be 16 feet by 19 feet in size.
3. The loading space shown on the site plan shall be screened in accordance with Section 4.4 of the *Prince George's County Landscape Manual* or Alternative Compliance obtained.