

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed DDS-626, Potomac Energy Holding, LLC, requesting a departure from Section 4.7 of the 2010 *Prince George’s County Landscape Manual*, in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on April 16, 2015, the Prince George’s County Planning Board finds:

A. **Location and Field Inspection:** The subject property is a square-shaped parcel on the northeast side of Baltimore Avenue (US 1), approximately 400 feet north of the Capital Beltway (I-95/495, College Park exit). The 0.73-acre parcel is zoned Commercial Shopping Center (C-S-C) and is improved with an existing gas station with two service bays. Additional structures on the site include two concrete pump islands, five gasoline pump dispensers, one canopy, three underground storage tanks, one freestanding sign, and 20 surface parking spaces. The property has direct vehicular access to US 1. The site is located within Planning Area 61 within the Calverton community and is the gateway to the 2009 *Approved Central US 1 Corridor Sector Plan and Adopted Sectional Map Amendment*. The subject property is in Council District 1.

B. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Gas Station with 2 Service Bays	Gas Station with Food or Beverage Store
Acreage	0.728	0.728
Parcels	1	1
Square Footage/GFA	2,079	2,580

C. **History:** Special Exception No. 1779 was approved in 1968 allowing a gas station on the property. The subject property was retained in the C-S-C Zone by the 1990 Approved Master Plan and Sectional Map Amendment for Subregion I Planning Areas 60, 61, and 62. The site plan was revised in 1994 to modify the existing concrete pump island to be handicap accessible, to add one new natural gas dispenser, and a portico (SE-1779 and Variance SE-1779A). In 1997, the site plan was revised to replace the freestanding sign.

D. **Master Plan Recommendation:** The property is part of the Innovation Corridor, a priority investment area and critical economic generator for the County, as designated by *Plan Prince George’s 2035 Approved General Plan* (Plan Prince George’s 2035). The US 1 Corridor is envisioned as the Subregion 1 “central spine” and “Main Street.” The 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (Subregion 1 Master Plan) places the subject property in the US 1 Corridor, Focus Area 1 (see pages 19-20), and in a designated gateway streetscape

zone (see page 83). The master plan underscores the importance of pedestrian-oriented design along the US 1 corridor. It should be noted that the urban design strategies and principles of Plan Prince George's 2035 further reinforce the importance of pedestrian-oriented design. The master plan envisions the US 1 Corridor as a walkable main street and emphasizes the importance of high-quality design to improve the pedestrian environment along the corridor.

- E. **Request:** The applicant is proposing a major revision to the existing Special Exception (SE-1779) for a gas station. The project will entail the complete removal of all existing structures on the property and the new construction of a 2,580-square-foot food or beverage store; a 1,344-square-foot car wash; a canopy; and six multi-product fuel pump dispensers that provide a total of twelve fueling positions. Both the gas station and the car wash require approval of a special exception in the C-S-C Zone, while a food or beverage store is a permitted use.

The applicant has also requested a Departure from Design Standards (DDS-626) from Section 4.7 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The applicant's request for alternative compliance was denied in March 2015 by the Planning Director.

The applicant has also requested a Departure from Parking and Loading Standards (DPLS-411) from Section 27-582(a) of the Prince George's County Zoning Ordinance for the elimination of the loading space requirement due to the 50-foot setback requirement from a residential property set forth in Section 27-579.

The applicant has also requested a Departure from Sign Design Standards (DSDS-684) from Section 27-614(a)(1) of the Zoning Ordinance in order to allow a freestanding sign on a property where the main building associated with the freestanding sign is set back less than 40 feet from the front streetline. The proposed building is set back 24 feet from the front streetline along Baltimore Avenue (US 1). Therefore, a departure of approximately 16 feet is requested.

- F. **Neighborhood and Surrounding Uses:** The subject property, 10211 Baltimore Avenue, is located in the Calverton neighborhood in Beltsville, Maryland. It is part of the southern gateway to the US 1 Corridor. It is adjacent to the U.S. Department of Agriculture (USDA), National Agricultural Library, and within 1,000 feet of the main campus of the premier Beltsville Agricultural Research Center. The general neighborhood is bounded to the north by Sunnyside Avenue, to the west by Baltimore Avenue (US 1), to the south by the Capital Beltway (I-95/495) at the border to the City of College Park, and to the east by Rhode Island Avenue. The uses immediately surrounding the proposed special exception are as follows:

**North and East—** The National Agricultural Library (and offices) zoned Reserved Open Space (R-O-S).

**West—** Baltimore Avenue (US 1) and the Ikea Center Subdivision (located in College Park developed with multifamily and retail commercial uses zoned Mixed Use—Transportation Oriented (M-X-T)).

**South—** Jefferson at College Park (Wynfield Apartments) developed with multifamily dwelling units zoned M-X-T.

G. **Required Findings:** A food or beverage store is a permitted use in the C-S-C Zone. The gas station and the car wash require approval of a special exception. Section 27-317(a) of the Zoning Ordinance provides the following required findings for approval of a special exception:

(a) **A Special Exception may be approved if:**

(1) **The proposed use and site plan are in harmony with the purposes of this Subtitle;**

With the recommended conditions, the proposed use as a gas station, convenience store, and car wash, and the 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;**

The redevelopment of this site will bring the subject property into conformance with current requirements and development standards. The applicant is requesting approval of departures from Section 4.7 of the Landscape Manual for the proposed landscaping, and the proposed redevelopment of the site meets the standard zoning requirements of the C-S-C Zone. With the requested departures and 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;**

The proposed redevelopment of the property with commercial uses conforms to the land use designation in the 2010 Subregion 1 Master Plan. The master plan recommends a commercial land use for the subject property, and the proposed use conforms to the Plan Prince George's 2035 vision. Therefore, 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.

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

A gas station has been in continuous operation on this property for more than 45 years and it has had no adverse effects on the health, safety, or welfare of residents or workers in the area. The proposal is designed to provide for the safe internal flow of pedestrians and vehicles on-site and for the safe ingress and egress of vehicles.

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

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The redevelopment of the existing gas station mirrors the redevelopment of the adjacent properties and the general neighborhood. It is the applicant's belief that the modernization of the site will be complementary to the main street vision noted in the Subregion 1 Master Plan.

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

The site plan is in conformance with the approved Standard Letter of Exemption (S-075-14) from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and expires on May 30, 2016. The plan also appears to be in conformance with the goals, policies, and strategies contained in the Environmental Infrastructure section of the Subregion 1 Master Plan. Because the site is less than 40,000 square feet in size and has no previous approved tree conservation plans, a standard exemption letter was issued by the Environmental Planning Section. No other environmental issues relate to the applicant's proposal.

**(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 in accordance with the requirement of Subtitle 24-130 (b)(5).**

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

**(b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted.**

The site is not located in a Chesapeake Bay critical area overlay zone.

H. **Specific Special Exception Requirements:** Section 27-358(a) of the Zoning Ordinance provides the 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.**

The applicant’s proposal generally complies with the above criteria. The site is currently developed with an existing gas station. The proposal is to redevelop the gas station to add a convenience store, car wash, and one additional gasoline dispenser. There is no vehicle repair service proposed. The property has 200 feet of frontage, direct access, and over 100 feet of right-of-way on Baltimore Avenue (US 1). The proposed two-way access is curbed and 30 feet wide, and the one-way entrance is 20 feet wide. The sidewalks are six feet wide and the gasoline pumps are more than 25 feet away from the streetline. As required, the site plan shows the topography of the subject property as well as the abutting properties. The location of the trash enclosure is also shown. There are no vending machines proposed.

The exceptions to compliance are:

1. Section 27-358(a)(2) as the subject property is adjacent to the USDA National Agricultural Library. However, the structures on-site are located more than 300 feet southwest of the library and office building.

2. Section 27-358(a)(10) states that the architectural elements and character of the proposed buildings shall demonstrate compatibility with existing and proposed surrounding development. The applicant has provided architectural details and an elevation of the proposed building on the site plan which will be compatible with the surrounding development and conform to the design elements of the site plan. The applicant has proffered to install a faux window on the building at the west elevation facing US 1. Some improvements to the building design have been provided on revised elevations in accordance with the previous comments from both Community Planning and Urban Design staff. Appropriate conditions have been recommended to require staff approval of the architectural elevations prior to certification of the special exception site plan.

The proposed redevelopment is a continuation of an existing use. The need for this development was determined in 1968 with the approval of SE-1779 and again with each subsequent approved revision. The proposed redevelopment of this facility will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.

- I. **Parking and Loading Regulations:** Based on the gross floor area of the proposed food or beverage store (2,580 square feet), a total of 17 parking spaces and one loading space are required to serve the property. The applicant proposes to provide 17 parking spaces. The applicant has requested a departure (DPLS-411) for the one required loading space. The departure is discussed in greater detail in Finding O of this staff report.
- J. **2010 Prince George's County Landscape Manual Requirements:** The application to modernize an existing gas station involves new construction and is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The application is in general conformance with Sections 4.2, 4.3, 4.4, and 4.9 of the Landscape Manual. However, there are some technical corrections that need to be made and will be addressed through conditions.
  - **Section 4.2, Requirements for Landscape Strips along Streets**—The proposal is subject to Section 4.2 along its Baltimore Avenue (US 1) frontage. The current submitted plan provides the appropriate schedule showing the requirements of this Section being met.
  - **Section 4.3, Parking Lot Requirements**—The special exception plan proposes to demolish the existing parking lot and construct a new one, making the parking area subject to the requirements of Section 4.3. The plan provides a Section 4.3.c., Interior Parking Lot Landscaping, landscape schedule that is correct and demonstrates conformance to the requirements of this Section.
  - **Section 4.4, Screening Requirements**—A dumpster enclosure proposed to be constructed of masonry materials that are compatible with the building has been provided. No mechanical equipment such as meters, freestanding air conditioners, heat pumps, or similar equipment is shown on the plans. The plans should be revised to show the location

of such mechanical equipment and show it being screened in conformance with the requirements of this Section.

- **Section 4.9, Sustainable Landscaping Requirements**—The site is subject to the requirements of Section 4.9. A schedule was provided on the plan; however, the number of plants proposed does not match the plant list of the landscape plan. Additionally, the plant list does not specify what plants are native.

The application for Alternative Compliance (AC-14024) for the subject property from Section 4.7 of the Landscape Manual was denied by the Planning Director in March 2015. The applicant is seeking departures from Section 4.7, Buffering Incompatible Uses, along its northern, eastern, and southern property lines. These departures are discussed further in Section N of this staff report.

#### **Tree Canopy Coverage**

This application is subject to the Prince George's County Tree Canopy Coverage Ordinance. The special exception area of 0.73 acre is zoned C-S-C and is required to provide ten percent, or 3,171 square feet, in tree canopy coverage (TCC). A TCC worksheet has been provided on the landscape plan specifying that this requirement is being met through the proposed tree plantings on-site. However, the number of proposed trees listed in the schedule does not match the plant list or landscape plan. This should be corrected so that the TCC schedule, plant list, and landscape plan all match, and that the TCC requirement is shown as being met by the proposed tree plantings. These needed corrections are proposed as conditions of this approval.

- K. **Zone Standards:** The applicant's proposal is in compliance with the requirements of Section 27-454, C-S-C Zone (Commercial Shopping Center), of the Zoning Ordinance.
- L. **Signage:** The applicant is proposing building, canopy, and freestanding signage that are prototypical franchise-style for Dash-In and Shell. The building signs and window stickers will be the red and green Dash-In logos, while the canopy sides and canopy signage will be the red and yellow logos that are typical for Shell. The freestanding sign will be a combination of both and will include three types of gasoline price signs. The signage is within the allowed square footage and height (freestanding sign). A departure for the placement of the sign, per Section 27-614(2)(1) of the Zoning Ordinance, is requested.
- M. **Required findings for Departures from Sign Design Standards (DSDS-684):** The applicant has requested a departure from Section 27-614(a)(1) of the Zoning Ordinance because the main building associated with the freestanding sign is not set back at least 40 feet from the front streetline. The proposed placement of the freestanding sign is in compliance with Section 27-614(a)(4) because the freestanding sign is proposed to be set back a minimum of ten feet from the ultimate right-of-way of Baltimore Avenue (US 1), therefore, a departure is not necessary to meet the requirement of Section 27-614(a)(4). Section 27-614(a)(1) states the following:

**(a) Location.**

- (1) In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs shall only be located on property where the main building associated with the sign is located at least forty (40) feet behind the front street line. This shall not apply to integrated shopping centers, other commercial centers with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial centers, or office building complexes.**

Section 27-239.01(b)(7) of the Zoning Ordinance contains the required findings that the Planning Board must make in order to approve a departure request:

**Section 27-239.01. Departures from Design Standards.**

**(7) Required findings.**

- (A) In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

Section 27-614(a)(1) requires that freestanding signs associated with a building are set back at least 40 feet behind the front streetline. The proposed building on the subject property will be just over 24 feet from US 1. A departure of 16 feet is being requested and currently, the freestanding sign is wholly located within the limits of the ultimate right-of-way and is set back to meet the ten-foot setback requirement from the front streetline. A freestanding sign has existed on the site for many years. If the departure is granted, the purposes of this Subtitle will be equally well or better served by the applicant's proposal.

- (ii) The departure is the minimum necessary, given the specific circumstances of the request.**

While the departure is the minimum necessary, it is the increase in gross floor area and the addition of gasoline dispensers that prompts the necessity of the departure. A reduction in the size of the building would eliminate the need for a departure of approximately 16 feet from US 1 along the west side of the building. The elimination of the car wash would do the same. However, given the size and scale of the new developments in the area, staff finds that the departures are the minimum necessary given the specific circumstances of the request.

**(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The departure is necessary in order to alleviate circumstances which are unique to the site and the nature of the subject use. As stated previously, this is the redevelopment of an existing gas station at a location that now, per the Subregion 1 Master Plan, serves as a gateway streetscape zone which “emphasizes the importance of high-quality design to improve the pedestrian environment along the corridor.” The modernization of the site, along with conditions to connect the on-site sidewalk to the street sidewalk, will provide better on-site circulation to serve both pedestrians and vehicles.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

A gas station has been in continuous operation on this property since approximately 1968, and a freestanding sign has been on-site for many years. The replacement of the sign, the redevelopment of the site with a larger modern structure, and the removal of the service bays will improve the visual quality of the site. As such, the proposed departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

**N. Required findings for Departures from Design Standards (Landscape Manual) (DDS-626):**

The applicant requests a reduction in the building setbacks and landscape yards required by Section 4.7 of the Landscape Manual along the northern, eastern, and southern property lines. The Planning Director finds that there is no feasible proposal for alternative compliance which would exhibit equally effective design characteristics for these requirements.

Along the northern property line, there is no nearby development on the adjacent property at this time, only a grass field. This is problematic as, with the reduced building setback, landscape yard, and proposed plants, the northern elevation of the building will be fully exposed to all drivers on Baltimore Avenue (US 1) as the building sits at about the same elevation as the nearby roadway. The plan shows a retaining wall along the majority of this property line, which extends one to seven feet below the finished floor elevation of the building. A six-foot-high sight-tight fence is also shown along this property line, but at the bottom of the retaining wall such that it only screens the wall and almost none of the building elevation. A single row of 17 short shrubs on the uphill side of the retaining wall is the only plant material proposed along this property line. Without some additional features and improvements, this portion of the development could have a significant negative visual impact on the surrounding neighborhood.

Along the eastern property line, there is no nearby development on the adjacent property at this time, only a grass field. This is problematic as, with the reduced building setback, landscaped yard,

and proposed number of plants, the eastern elevation of the buildings will be fully exposed to the adjacent property. The plan shows a retaining wall along the majority of this property line which extends one to seven feet below the finished floor elevation of the buildings. No fence is proposed here and all of the plant material is proposed to be located at the top of the retaining wall which would help screen the food and beverage store building, but not the car wash building, as no landscaping is proposed between it and the property line.

Along the southern property line, the adjacent development is a multifamily apartment complex that was developed in approximately 1998 when the existing gas station was already developed and in use. The adjacent residential site obtained approval of an Alternative Compliance application at that time to reduce the bufferyard width provided on their property. However, this does not convey any relief from the requirements of Section 4.7 of the Landscape Manual for the subject site development, as it is the higher impact use. The subject development would increase the use's impact on the surrounding area by increasing the size of the building, the amount of impervious area on-site, and extending it toward the property line. Additionally, the plan shows a retaining wall along the majority of the southern property line which extends one to 7.5 feet below grade, such that the proposed gas station development will sit up to approximately 12 feet higher than the adjacent multifamily apartment buildings. The submitted landscape plan proposes no plant materials or fencing and only two feet between the property line and the retaining wall. Without some additional features and improvements, this proposed development would significantly negatively impact the viewshed from the adjacent residential community.

Section 27-239.01(b)(7) of the Zoning Ordinance contains the required findings that the Planning Board must make in order to approve a departure request:

**Section 27-239.01. Departures from Design Standards.**

**(7) Required findings.**

**(A) In order for the Planning Board to grant the departure, it shall make the following findings:**

**(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The applicant contends that, through the redevelopment of the site, the purposes of the subtitle will be equally well or better served by their proposal. However, this can only be done with the implementation of conditions. If the requested reductions are approved without conditions it would have a significant negative visual impact on the surrounding neighborhood. The applicant is proposing increasing the size of the building, the amount of impervious area on-site, and extending it toward the property line. Also, building elevations are exposed to the adjacent properties. The approval of the departures, with conditions, will be equally well or better serve the purposes of the Subtitle.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request.**

The departure is the minimum necessary, given the specific circumstances of the request. However, without additional features and improvements, the proposed development would negatively impact the viewshed from the adjacent residential community to the south.

**(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The departure is necessary in order to alleviate circumstances which are unique to the site. This is an isolated C-S-C-zoned property is adjoined on two sides by property in the R-O-S Zone, the USDA National Agricultural Library and a multifamily complex at the southern property line. The other borders, all property owned by the Federal Government, are not yet fully developed. Given the nature of the of the adjoining land uses, compliance with Section 4.7 of the Landscape Manual would inhibit the applicant's ability to redevelop the existing gas station.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

With the proposed conditions, the departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood. The proposed redesign of the gas station will provide both a safer environment and be more attractive to neighborhood residents and travelers along Baltimore Avenue (US 1). The net impact of the modernization of the gas station to the neighborhood is such that there will be an attractive and modern building, landscaping, and improved site circulation.

- O. **Required findings for Departures from Parking and Loading Standards (DPLS-411):** The applicant has requested a departure from Section 27-582(a) of the Zoning Ordinance, which requires the provision of one loading space for the subject use. The provision of the loading space will conflict with both the 50-foot residential setback requirement of Section 27-579 and the screening requirement of the Landscape Manual. The applicant has proposed to use the spaces in front of the proposed building (convenience store) during off-peak hours for loading purposes.

**Section 27-588. Departures from the number of parking and loading spaces required.**

**(b)(7) Required Findings**

**(A) In order for the Planning Board to grant the departure, it shall make the following findings:**

**(i) The purposes of this Part (Section 27-550) will be served by the applicant's request;**

**Section 27-550. Purposes**

**(a) The purposes of this Part are:**

- (1) To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**
- (2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
- (3) To protect the residential character of residential areas; and**
- (4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

The purposes of the parking and loading regulations will be served by the applicant's request. The applicant seeks to ensure sufficient parking and loading to serve the needs of the patrons of this proposed gas station, convenience store, and car wash and to relieve on-site traffic and circulation congestion through the elimination of the loading space on this property. The applicant's proposal to use parking spaces during off-peak hours in-lieu-of a formally delineated loading space is a reasonable alternative for this particular site because the inclusion of the loading space would require more departures for the loading space and for a reduction in parking, and it may temporarily block vehicular flow when in use.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request;**

The departure is the minimum necessary per the site plan conditions. However as noted previously, the loading space cannot be provided without reducing the number of required parking spaces, impacting setbacks or drive aisle widths. Therefore, the departure is the minimum necessary given the specific circumstances.

- (iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;**

The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. The site is adjoined to the north and east by property in the R-O-S Zone and developed with a government office building, the USDA National Agricultural Library, and therefore it is required to provide significant buffer yards. In addition, the underlying nature of this use is that it is served by panel trucks, and the loading needs can be addressed by using a parking space and, if timed correctly, the use of that space will not impact the peak hour parking needs of the subject use. The purposes of the Parking and Loading Regulations will be served by the request.

- (iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

All methods of calculation have been fully applied to this site. The applicant has applied the correct method for calculating the number of loading spaces required. One loading space is required and the applicant is requesting relief from the provision of that one space.

- (v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

The applicant submits that the parking and loading needs of the residential areas will not be infringed upon if this request is granted. The site is relatively isolated in that it is adjoined to the north and east by the Beltsville Agricultural Research Center (BARC) and the parking associated with BARC is located more than 250 feet away. There is a fence along the southern property border which makes it impractical to suggest using that parking lot for loading purposes. The use of parking spaces as a loading space during off-peak hours will alleviate any circulation issues and the necessity of multiple/additional departures.

**(B) In making its findings, the Planning Board shall give consideration to the following:**

- (i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;**

There is no indication of a shortage of parking within the general vicinity of this facility. The area within 500 feet of the subject property is characterized by commercial uses to the west, an institutional use (USDA National Agricultural Library) to the north and east, and multifamily residential development to the south. All such uses have adequate parking.

- (ii) The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;**

The proposed use is consistent with the with the plan recommendations and will not impair the integrity of the master plan.

- (iii) The recommendations of a municipality (within which the property lies) regarding the departure; and**

The subject property is not located within a municipality.

- (iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.**

There are no public parking facilities proposed for this area.

**(C) In making its findings, the Planning Board may give consideration to the following:**

- (i) Public transportation available in the area;**

Public transportation is available at this location. However, this is an automobile-related use, as such it is not anticipated that many patrons will use public transportation.

- (ii) Any alternative design solutions to off-street facilities which might yield additional spaces;**

There are no alternative design solutions to off-street facilities which might yield additional spaces.

**(iii) The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;**

The gas station, convenience store, and car wash will operate 24 hours a day, 7 days a week. The proposed development is within 500 feet of residential and retail uses. The use as a gas station has existed since 1968 and it is compatible with the nature and operation of other uses in the area.

**(iv) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George’s County Code.**

The subject property is located in the C-S-C Zone and, therefore, is not subject to this provision.

**P. Further Planning Board Findings and Comments from Other Entities:**

- 1. Transportation**—The subject property is located within Transportation Service Area (TSA) 2, as defined in Plan Prince George’s 2035. Areas within TSA 2 are generally subject to level-of-service (LOS D).

<b>Comparison of Estimated Trip Generation, SE-4756, 0.73 acres</b>								
Zoning or Use	Units or Square Feet	AM Peak-Hour Trips			PM Peak-Hour Trips			All Daily Trips
		In	Out	Total	In	Out	Total	
<b>Existing Zoning</b>								
C-S-C (gas station)	10 gasoline pumps	64	62	126	80	76	156	1,686
Less Pass By	-75 percent	48	47	95	60	57	117	
	Net new trips	16	15	31	20	19	39	
<b>Proposed Use</b>								
Gas Station	12 gasoline pumps	82	78	160	89	85	174	1,834
Car Wash	1,344 square feet							
Food/Beverage Store	2,816 square feet							
Less Pass By	-75 percent	62	59	120	67	64	131	
	Net new trips	20	19	40	22	21	43	148
<b>Difference</b>		+4	+4	+9	+2	+2	+4	+148

There is only a minor increase in the number of new AM and PM peak hour trips generated by the proposed uses (gas station, retail, and car wash) versus the existing gas station, based on trip rates in the ITE Trip Generation manual. On a daily basis, the trip increases are marginal. The site is adjacent to Baltimore Avenue (US 1), a major arterial roadway. As a result, a majority of the trips are expected to be pass-by trips, meaning vehicles already on the adjacent roadway, not new trips.

Access is shown along US 1 with two existing entrances. These will be modified; the south entrance is being converted to right-in only. The north entrance will be a right-in/right-out entrance only, no left turns will be allowed from the site. The proposed car wash is located on the east side of the property away from US 1 which is desirable to prevent queuing of vehicles. The stacking area is approximately 225 feet; the car wash lane is separated from the other proposed uses. A queuing study for the car wash was not submitted. Overall circulation is acceptable.

The site is adjacent to US 1, a master plan arterial roadway listed in the 2010 Subregion 1 Master Plan with a right-of-way width of 90 to 120 feet. No new structures are located within the existing master plan right-of-way. The planned uses (new gas station, car wash, and convenience store) will meet the requirements of Subtitle 27 of the Prince George's County Code for the approval of a special exception from the standpoint of vehicular circulation and transportation. Although there are two existing entrances on US 1, the Maryland State Highway Administration (SHA) will review the proposed changes to them.

2. **Urban Design**—Elevations and architectural details of the proposed buildings, canopy, and associated signage have been provided for evaluation. The proposed food and beverage store building is proposed to have a flat roofline and be faced mainly in red brick and a red split-face block watertable with a large area of aluminum storefront windows on the southern elevation facing into the site. The building elevations facing Baltimore Avenue (US 1), the western and northern, are proposed as largely blank walls with some inset panels, downspouts (not an architectural detail), and a single storefront window on the western elevation. The eastern building elevation that faces the adjacent library property is devoid of any architectural detail, except for a few inset panels. Building-mounted signage includes small, square, red and white logo signs on the southern and western elevations, although no dimensions were provided showing that these meet Zoning Ordinance requirements.

The proposed canopy is of a prototypical franchise-style with a yellow and red top and white steel column canopy supports. It includes small square logo signs on the western and southern elevations. The proposed car wash building is proposed to be constructed of the same materials as the food and beverage store. The northern and southern elevations include blue, vinyl, roll-up garage doors for access and a blue graphic display band along the top. The western elevation includes the same graphic display band along the top, a small white identity sign, and four aluminum storefront windows, along with a metal

pedestrian access door. The eastern elevation, which faces the adjacent library property, is also devoid of architectural detail, except for the same blue graphic display band at the top. Additionally, the applicant submitted a color elevation of the proposed on-site freestanding sign. The proposed 18.5-foot-high by 6-foot-wide sign is proposed to be constructed of internally-illuminated plastic panels of a variety of colors with a brick base.

The architecture for the buildings and canopy are of a somewhat standard commercial design, with a flat roof and minimal fenestration or detailing made of basic materials such as brick, concrete block, and metal trim. Recent guidance from the Planning Board has been to increase the quality in gas station architectural and sign design and choice of materials; therefore, a revision of the building elevation drawings to create more visual interest by the creative use of fenestration, material choices, and architectural detailing is proposed as necessary conditions. The specific recommendations for the upgrades to the proposed architecture are also noted as conditions.

3. **Community Planning**—The Subregion 1 Master Plan envisions the Baltimore Avenue (US 1) corridor as a walkable main street and emphasizes the importance of high-quality design to improve the pedestrian environment along the corridor. The subject property, located at the southern gateway to the US 1 Corridor and adjacent to the USDA National Agricultural Library, presents an opportunity to continue to improve the visual appeal and competitiveness of the corridor and to serve as an example for future (re)development efforts. Its proposed redevelopment follows in the footsteps of Preliminary Plans 4-10023 and 4-13021, both of which raised and addressed similar concerns and opportunities through limited detailed site plans, and is located directly across the street from Buffalo Wild Wings, which successfully creates a visual and physical street wall along US 1 through the siting of the building and the installation of landscaping and brick pillars.

The proposed layout and design of the subject property are not consistent with several of the master plan's policies and strategies specific to the US 1 Corridor.

- By orienting the side and rear of the proposed convenience store to US 1, the application does not establish a consistent pedestrian-friendly streetscape and create a well-defined and visually consistent street wall along the corridor. The lack of fenestration and architectural detailing assigned to these highly visible elevations magnifies this issue. (The visibility of the rear of the convenience store is attributed to topography and the undeveloped state of the land immediately to its north.)
- The application does not provide signage that conforms in scale and character to the gateway vision for this segment of US 1.
- The application does not provide landscaping consistent with the recommendation to provide a heavily planted streetscape gateway from the Capital Beltway (I-95/495) north to Sunnyside Avenue.

To protect the integrity of the master plan vision for the US 1 Corridor, the Community Planning Division recommends that the application address:

- The scale and character of the proposed sign;
- The quantity and type of landscaping along US 1, with a particular emphasis on the northern and southern corner of the property;
- The lack of an established street wall framing US 1;
- The architectural character and fenestration of the proposed buildings, with a particular emphasis on the highly visible side and rear elevations of the convenience store;
- The character of the gas station.

The applicant has addressed many of the design concerns noted by the Community Planning Division. For example, the applicant has agreed to add a faux window and awning to the Baltimore Avenue (US 1) side of the building. Other specific recommendations for upgrades to the proposed architecture, landscaping, and signage are noted as conditions of approval.

4. **Subdivision**—Pursuant to Section 24-111(c)(2) of the Subdivision Regulations, a site is exempt from the requirement of filing a preliminary plan of subdivision if the total development proposed for the final plat does not exceed 5,000 square feet of gross floor area. As previously discussed, the special exception indicates that the proposed construction will not exceed 5,000 square feet of gross floor area, which meets the requirements of the exemption. The development of more than 5,000 square feet on the subject site will require a preliminary plan and a new final plat. Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected.
5. **Special Projects**—The proposed development is within the service area of Police District I, Hyattsville. The proposed project is served by Beltsville Fire/EMS, Company 31, a first due response station (a maximum of seven minutes travel time), located at 4911 Prince George's Avenue.

The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the "Adequate Public Facilities Regulations for Schools" (Prince George's County Council Resolutions CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use. The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System.

## CONCLUSION

The applicant has met their burden of proof in this instance.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the above-noted application, subject to the following conditions:

1. Prior to certification of the special exception site plan, the following revisions shall be made:
  - a. The width of the driveway entrances shall be dimensioned.
  - b. The width of all sidewalks shall be dimensioned in order to demonstrate compliance with Section 27-358(a)(7) of the Prince George's County Zoning Ordinance. Any existing sidewalk that is less than five feet wide shall be labeled as "To be widened to 5 feet in width."
2. The following revisions shall be made to the architectural elevations and the site plans as required, and be reviewed and approved by the Urban Design Section (M-NCPPC) prior to certification of the special exception site plan:
  - a. Provide a brick base for the proposed freestanding sign. The brick to be applied at the sign base shall be the same brick as on the proposed building.
  - b. Provide red-colored fabric canopies on top of each insert brick panel on the rear elevation of the proposed convenience store and on the top of the windows on both the right and left elevations.
3. Prior to certification of the special exception, a copy of an approved stormwater management concept plan and letter from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) shall be submitted to the Environmental Planning Section.
4. Prior to certification of the special exception, revise General Note 7 on Sheet 4 to reflect 3,924 square feet of gross floor area, instead of 7,619 square feet.
5. The special exception plan shall be revised to:
  - a. Provide a sidewalk connection between the sidewalk within the right-of-way of Baltimore Avenue (US 1) and the sidewalk in front of the food and beverage store.

- b. Add signage calculations to the plan that show the proposed and allowed amounts of building and canopy signage, in accordance with Section 27-613(c) of the Prince George's County Zoning Ordinance.
  - c. Provide a six-foot-high sight-tight fence at the top of the entire length of the retaining wall along the north, east, and south sides of the property.
6. The architecture for the subject buildings shall be improved as follows:
- a. The blank walls of the food and beverage store, specifically along the northern and western elevations, should be enhanced with an objectively pleasing pattern of fenestration and use of architectural detail that includes decorative brickwork (changes in patterns, colors, and/or materials) on the upper half of the building and enhancements to the roof line (moldings, parapets, cornices, etc.).
  - b. The graphic display band should be removed from the eastern elevation of the car wash building.
  - c. Architectural detail and/or ornamentation should be added to both buildings, including, but not limited to:
    - (1) periodic pilasters or columns;
    - (2) mouldings;
    - (3) decorative brickwork (changes in patterns, colors, and/or materials) such as rowlocks, a soldier course of brick on the upper watertable line, and keystone arches over the windows;
    - (4) enhancements to the roof line (moldings, parapets, cornices, etc.)
    - (5) a variety of quality materials and contrasting colors in an objectively pleasing design.
  - d. The style, materials, and color of the gas station canopy and its column supports should be revised to be architecturally consistent with the revised building style, materials, and colors.
7. The landscape plan for the project should be revised as follows:
- a. Revise the plant list to match the type and quantity of plants shown on the landscape plan and indicate which plants are native species.

- b. Revise the Section 4.7 landscape schedules as indicated below:
  - (1) Along the northern property line, the proposed fence should be located at the top of the retaining wall; the proposed shrub row should be located at the base of the retaining wall and a taller plant species should be specified; and the northern elevation should be revised to add more details through the use of additional fenestration, a variety of materials and/or colors, and variety in the roofline.
  - (2) Along the eastern property line, additional plant materials should be provided in the southeastern corner of the site, both at the top and bottom of the retaining wall, to create a dense varied buffer between the property line and the proposed drive aisle; a row of tall columnar evergreen trees should be provided along the property line adjacent to the car wash building; and a six-foot-high sight-tight fence should be provided at the top of the entire length of the retaining wall.
  - (3) Along the southern property line, a six-foot-high sight-tight fence should be provided at the top of the entire length of the retaining wall and three additional shade trees should be provided within the planting island between the parking area and drive aisle closest to the southern property line.
- c. Revise the Section 4.9 landscape schedule to match the total number and types of plants shown in the plant list and on the landscape plan, while maintaining conformance to the requirements.
- d. Revise the tree canopy coverage worksheet to reflect the proposed plant types and amounts shown in the plant list and on the landscape plan.
- e. Revise the schedule for the landscape strip along the street to indicate that it is for Section 4.2-1.
- f. Revise all of the plant labels on the landscape plan to list the number of plants shown on the plan.
- g. Revise the proposed shrub row between the food and beverage store and the northern property line to be located at the base of the retaining wall and to specify a taller plant species.
- h. Provide additional plant materials in the southeastern corner of the site, both at the top and bottom of the retaining wall, to create a dense varied buffer between the property line and the proposed drive aisle.
- i. Provide a row of tall, columnar, evergreen trees along the property line adjacent to the car wash building.

- j. Provide three additional shade trees within the planting island between the parking area and drive aisle closest to the southern property line.
- 8. Prior to certification of the special exception plan, the applicant shall add a note to the general notes on the site plan indicating that the spaces in front of the proposed building (convenience store) are limited for use as loading purposes only during off-peak hours.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, and Hewlett voting in favor of the motion, and with Commissioner Bailey temporarily absent, and with Commissioner Washington absent at its regular meeting held on Thursday, April 16, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of May 2015.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator