

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Design Standards Application No. 524 requesting a departure to allow a 20-foot by 10-foot loading space 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 November 8, 2001, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The site is located in the northwest corner of Baltimore Avenue (US 1) and Montgomery Road in Beltsville. The site comprises approximately 14,950 square feet and is improved with a Shell gas station constructed in 1962. A one-story building houses two service bays, an office, and sales area. The site has approximately 110 feet of frontage on Baltimore Avenue and approximately 163 feet of frontage on Montgomery Road. It is accessed from both streets.
- B. History: The District Council approved a special exception for a gas station for this site in 1962 pursuant to SE-737. On July 9, 1987, per Appeal No. 8684, the Board of Appeals granted variances from Sections 27-358(a)(5) and (8) to permit access driveways along Montgomery Road to be 25 feet wide, driveways along US 1 to be 20 feet wide, and to permit a 9-foot pump island setback. In 1995, Shell Oil Company sought a revision to SE-737 (ROSP-SE- 737/1) to make minor changes to the site. This request was approved by the Planning Board on November 2, 1995.
- C. Master Plan Recommendation: The 1990 *Subregion I Master Plan* recommends retail-commercial use for the property.
- D. Request: Motiva wishes to further renovate this gas station by razing the existing two-bay service station building and erecting a 2,010-square-foot food mart (a use permitted by right in the C-S-C Zone). As a result of the older, developed nature of the site, numerous variances and departures are required.
- E. Surrounding Uses: The site is surrounded on all sides by strip-commercial uses in the C-S-C Zone.
- F. Loading Space Requirements - Departure from Design Standards Application No.524: This use requires one loading space. Because the applicant is proposing a loading space measuring 20 feet by 10 feet, a departure from Section 27-578(a) is necessary.
 - (A) **Section 27-239.01(b)(9) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:**

1. **The purposes of this Subtitle will be equally well or better served by the applicant=s proposal.**

The purposes of the Zoning Ordinance relative to off-street parking and loading are set forth in Section 27-550 as follows:

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.**

Finding: The applicant is proposing a loading space measuring 20 feet by 10 feet in lieu of the required 33 feet by 12 feet. The purposes of the Zoning Ordinance will be equally well satisfied if the requested departure is granted. The loading space will be located on the northwest side of the food mart building adjacent to commercially zoned property and, as such, will not endanger the character of residential areas. This location is also convenient and accessible to delivery vehicles. The applicant anticipates that given the size of the food mart building, all deliveries will be made by panel trucks and, therefore, a smaller loading space shall be adequate to serve the loading needs of this use.

2. **The departure is the minimum necessary, given the specific circumstances of the request.**
3. **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.**
4. **The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.**

Finding: The proposed renovations require a redesign of the parking layout and additional parking spaces. The applicant is also adding a 10-foot by 10-foot trash enclosure. The proposed loading space will measure 20 feet by 10 feet in lieu of the required 33 feet by 12 feet. The requested departure is the minimum necessary given the site design and layout. Additionally, given the operating conditions of this site, a

standard size loading space is not necessary. The proposed loading space will be situated along the side of the building and near the northwest corner of the site. It will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

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 DDS-524.

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.

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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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Brown and Eley voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, November 8, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of November 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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