

## R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed Departure from Parking and Loading Standards Application No. 272 requesting a departure of two parking spaces 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. Parking and Loading Regulations:
  - 1. Number of Required Parking Spaces - Departure from Parking and Loading Standards Application No. 272: A total of 12 parking spaces are required and 10 are provided. The applicant is seeking a departure of 2 spaces.

(A) **Section 27-588(b)(8) 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 Section 27-550 will be served by the applicant=s request.**
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 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.**
4. **All methods for calculating the number of spaces required have either been used or found to be impractical.**
5. **Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

Finding: The purposes of required off-street parking and loading spaces are set forth in Section 27-550 of the Zoning Ordinance. These purposes generally are to require off-street parking and loading spaces in numbers sufficient to serve the parking and loading needs associated with the use and to aid in relieving traffic congestion on streets by reducing the use of streets for parking and loading. Other purposes are to protect the residential character of residential areas and to provide parking and loading areas which are convenient and increase the amenities in the Regional District.

The grant of the requested departure will not cause disharmony with the above-stated purposes. The proposed on-site parking will be adequate to serve the use. Most of the vehicle trips to this site will be for fueling purposes. Some customers will make a brief stop in the food mart while their vehicle remains parked at the pump and therefore will not utilize a designated parking space. The required number of parking spaces is based on the full size of the food mart building, but some of the building will be allocated to gasoline sales and storage related solely to the gas station use. Ten parking spaces will be adequate given the above factors and the nature of the interaction of the gasoline and food mart operations.

The requested departure is the minimum necessary. Given the site design, it is not feasible to locate the required 12 spaces on site. Ten spaces are the maximum number which can be provided given the size of the property and the design constraints. All methods for calculating the number of parking spaces (including the 20 percent reduction for joint uses authorized by Section 27-571) have been applied in this case.

Finally, the granting of the requested departure will not infringe upon the parking and loading needs of adjacent residential areas. The off-street parking compound and off-street loading space proposed by the applicant are adequate to serve the parking and loading needs of this use.

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

- 1. 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 500 > of the subject property.**
- 2. The recommendations of an area master plan, or County or local revitalization plan, regarding the subject property and its general vicinity.**
- 3. The recommendations of a municipality (within which the property lies) regarding the departure.**
- 4. Public parking facilities which are proposed in the County=s Capital Improvement Program within the general vicinity of the property.**

Finding: There is no apparent shortage of parking spaces within the general vicinity of this use. It appears that all adjoining properties (developed with commercial uses) have their own parking compounds. The 1990 *Subregion I Master Plan* recommends commercial use for this site and, therefore, the gas station and proposed food mart are in compliance with the Master Plan recommendation. The site does not lie within the boundaries of any municipality. There are no public parking facilities within the general vicinity of this site.

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 DPLS-272

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, Eley, Brown voting in favor of the motion, and 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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