

R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed DPLS-276, requesting a waiver of the loading space requirement for a proposed food and beverage store 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 December 20, 2001, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The site is located in the southwest quadrant of Baltimore Avenue (US 1) and Sellman Road in Beltsville. The site comprises approximately 21,514 square feet and is improved with a Shell gas station constructed in 1968. A one-story masonry building houses three service bays, an office, and a sales area. The site has approximately 155 feet of frontage on Baltimore Avenue and approximately 140 feet of frontage on Sellman Road. It is accessed from both streets.
- B. History: The District Council approved a special exception for a gas station for this site in 1968 pursuant to S.E. 1642. In 1989 the Planning Board, per Resolution PGCPB No. 89-58, approved a minor site plan revision (SE-1642/1) to allow for the relocation of the pump islands and the addition of a new canopy. Also in 1989, the Board of Appeals, per Appeal No. 9884, granted a number of variances: from Section 27-462 to allow the canopy to be set back eight feet from the street line in lieu of the required 10 feet; from Section 27-358(a)(8) to allow gasoline pumps to be set back 18 feet from the street line in lieu of the required 25 feet; from Section 27-358(a)(5) to allow driveway entrances less than the required 30 feet in width; and from Section 27-358(a)(5) to allow the southernmost driveway on Baltimore Avenue to end at a point six feet from the south property line and the westernmost driveway on Sellman Road to end at a point eight feet from the western property line in lieu of the required 12 feet. In 1997, the District Council approved a special exception for a car wash on the site per S.E. 4192. The car wash was not constructed, however. In conjunction with SE-4192, a second minor revision (ROSP SE-1642/2) to SE-1642 was approved by the Planning Board, per PGCPB No. 96-297, in order to add a storage room for the gas station operation. This storage room, however, was never constructed. Alternative Compliance AC-95062, for the Commercial Landscape Strip and Parking Lot Landscape Strip requirements of the *Landscape Manual*, was also granted in conjunction with SE-4192.
- C. The site plan indicates that the proposed food and beverage store will occupy a 2,133-square-foot building. Section 27-582 requires that a loading space be provided any time the floor area of a building for a commercial use exceeds 2,000 square feet. The applicant is requesting a waiver of this requirement.
- D. Neighborhood and Surrounding Uses: The site is surrounded by commercially zoned (C-S-C) properties improved with commercial uses. The site is bounded by

the Beltsville Plaza retail center on the north across Sellman Road, on the east by the Cosco Wholesale Club facility across Baltimore Avenue, on the south by a Kentucky Fried Chicken restaurant, and on the west by office buildings.

The neighborhood is a mix of residential and commercial uses, with single-family detached homes generally occupying land interior to the neighborhood and to the west along Rhode Island Avenue. Commercial uses and some multifamily dwellings are prevalent along Powder Mill Road and Baltimore Avenue.

- E. Section 27-588 provides that departures from the minimum number of parking and loading spaces may be granted by the Planning Board when the following findings are made:

(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;**

The purposes of the Zoning Ordinance relating to off-street parking and loading are set forth in Section 27-550 of the Zoning Ordinance. Those purposes are 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.**

Each of the above purposes will be equally well or better satisfied if this departure is granted. It should be noted that the building is only slightly in excess of 2,000 square feet in size. Were it not for the fact that the applicant is proposing to construct a prefabricated building, the size of the building could be reduced by 133 square feet and the departure would not be needed.

Further, given the size of the convenience store and based upon experience as an

operator of such stores, the applicant anticipates that all deliveries will occur in panel trucks as opposed to large tractor trailers. The applicant will arrange for all deliveries to occur during off-peak hours. Therefore, there will be more than ample room on site for panel trucks to make deliveries. Given this fact, approving this departure will not result in traffic congestion on streets or the utilization of public streets for loading purposes. Also, approving this departure will not endanger the residential character of residential areas. Delivery vehicles can be accommodated on the site, and there are no residential areas immediately adjacent. Therefore, the purposes for requiring off street loading spaces will be satisfied in this instance.

(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. The proposed building is 2,133 square feet, which is only 133 square feet above the minimum requirement for a loading space. The building is a prefab structure that cannot be reduced by 133 square feet.

(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 unique to the site. This is an older site which is being redeveloped. Due to the proposed operating characteristics of the site, the applicant submits that a traditional loading space simply is not necessary, especially given the fact that all deliveries will occur during non-peak hours.

(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

Based on the loading space requirements of Section 27-582(a), one loading is required for retail uses with 2,000 to 10,000 square feet. The proposed use will operate out of a 2,133 square foot building. The applicant has correctly calculated the standard and requests a waiver of this requirement

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

There are no residential areas immediately adjacent to the subject property that would be affected by a waiver of one loading space.

(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;**

The property is surrounded by office and retail uses. These uses have adequate on-site parking and loading. The subject request for a waiver of one loading space will not impact adjacent uses.

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

The *Subregion I Master Plan* recommends retail development for the subject property and retail and office development for properties in the general vicinity along Baltimore Ave. The proposed departure does not impair the recommendations of the Master Plan.

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

The subject property does not lie 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 in the County's CIP for the general vicinity.

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

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

The subject property is served by Metro busses which run on Baltimore Ave.

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

There are no practical design solutions that would adequately address the need for a loading space.

- (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 subject food mart will be a 24-hour business. Other nearby uses such as the Costco Wholesale Warehouse to the east across Baltimore Ave., the retail center to the north across Sellman Rd., and the office building to the west basically operate between 9:00 a.m. to 9:00 p.m. The fast-food restaurant which abuts the property to the south generally operates between 10:00 a.m. and 11:00 p.m. Deliveries on the subject site will be restricted to prohibit loading of products and supplies between 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.

- (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 in the C-S-C Zone and does not involve the development of multifamily dwellings.

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-276 subject to a condition that a note shall be added to the plan indicating that loading shall occur during non-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.

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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 and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, December 20, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of January, 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JJ:rmk