

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 DPLS-462, 7-Eleven Marlboro Pike, requesting departure of three parking spaces from the 18 parking spaces required 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 July 18, 2019, the Prince George's County Planning Board finds:

1. **Location and Field Inspection:** The subject property is located at the southeast quadrant of the intersection of Marlboro Pike and Walker Mill Road. The site is comprised of 35,133 square feet of land in the Commercial Shopping Center (C-S-C) Zone. The property is currently improved with a 9,211-square-foot service garage with an associated asphalt parking lot, constructed in 1988. The site has approximately 190 linear feet of frontage along Marlboro Pike, and 207 linear feet of frontage along Walker Mill Road. Vehicular access to the site is provided via an entrance from Walker Mill Road located on the north side of the site, and an entrance on Marlboro Pike located on the west side of the site.
2. **History and Previous Approvals:** According to the Maryland Department of Assessment and Taxation database, the subject property was developed in 1988 with a 9,211-square-foot service garage. The site and landscaping plans were approved via Permit 753-86-CGU. This departure from parking and loading standards (DPLS) includes the following legal lots recorded in the Prince George's County Land Records: Parcels 35, 36, and 383 recorded in Liber 40568 folio 338. The applicant proposes to remove the existing service garage to construct a 2,993-square-foot food and beverage store in combination with a gas station.
3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded to the north by Brooks Drive, Walker Mill Road, and Rollins Avenue; to the west and south by MD 4 (Pennsylvania Avenue); and to the east by Silver Hill Road. The immediate area surrounding the subject property is developed with commercial uses, as follows:

North— Walker Mill Road and beyond; vacant land in the One-Family Detached Residential (R-55) Zone and two eating and drinking establishments in the C-S-C Zone.

South— Vacant land in the C-S-C Zone.

East— Single-family detached dwellings in the R-55 Zone.

West— Marlboro Pike and beyond; a car wash and a commercial multi-tenant building in the C-S-C Zone.

4. **Request:** The applicant is requesting a Departure from Parking and Loading Standards (DPLS-462) from Section 27-568(a) of the Prince George's County Zoning Ordinance, for a reduction in the number of required parking spaces. This subject application entails a 2,993-square-foot food and beverage store, in combination with a gas station, in the C-S-C Zone. The subject application proposes four concrete fueling islands, with four multiproduct dispensers housing a total of eight pumps, as well as a 36-foot-wide by 53-foot-long canopy. This gas station can serve up to eight vehicles at a time. Both the food and beverage store, as well as the gas station, require approval of a special exception in the C-S-C Zone, in accordance with Section 27-461 of the Zoning Ordinance, which is requested via a separate development application (SE-4822) and review process submitted concurrently with this application. Approval of the special exception is dependent on the approval of this departure.

5. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Service Garage	Gas station, Food and Beverage Store
Acreage (sq. ft.)	35,133	35,133
Parcels	3	3
Gross Floor Area (sq. ft.)	9,211	2,993
Lots	0	0

6. **Master Plan Recommendation:** This application is in the Established Communities area of the *Plan Prince George's 2035 Approved General Plan* (Plan 2035), which is most appropriate for context-sensitive infill and low- to medium-density development, and recommends maintaining and enhancing existing public services, facilities, and infrastructures to ensure that the needs of residents are met. This application is consistent with that vision.

The 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Master Plan and SMA) recommends commercial land uses on the subject property. The construction of a food and beverage store, in combination with a gas station, is consistent with this vision.

Thus, it can be concluded that 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, Plan 2035.

7. **Parking and Loading Regulations:** Section 27-568(a)(5) sets forth the required number of parking spaces for commercial trade/services. In this instance, the 2,993-square-foot food and beverage store requires one off-street parking space for every 150 square feet of gross floor area (GFA) for the first 3,000 square feet of GFA; and the gas station requires one parking space per employee. Two employees are noted on the site plan. Therefore, 22 parking spaces are required for the two uses on the subject property. Each of the uses individually do not require more than

20 parking spaces; therefore, the applicant may utilize a 20 percent joint parking use parking lot reduction. When the 20 percent joint-use parking reduction calculation is applied for the multiple uses (Section 27-572), the parking spaces required are reduced by four. Therefore, 18 parking spaces are required. Fifteen parking spaces are provided. The applicant requested a Departure from Parking and Loading Standards (DPLS-462) for three of the 18 required off-street parking spaces. The departure is processed as a separate application, which has been filed concurrently with the special exception application.

Section 27-582 of the Zoning Ordinance requires one loading space for 2,000 to 10,000 square feet of GFA. The GFA for the food and beverage store is 2,993 square feet. The applicant has provided the required loading space on the site plan. The parking spaces and loading space meet the location and size requirements, in accordance with the Zoning Ordinance.

Required Findings for Departures from Parking and Loading Standards (DPLS-462)—The applicant requests a departure from Section 27-568, which requires the provision of 18 off-street parking spaces for the subject development. Due to site constraints, the applicant is limited to providing 15 off-street parking spaces; therefore, a departure of three parking spaces is sought.

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

Section 27-588(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 to develop a food or beverage store, in combination with a gas station, with 15 of the 18 required parking spaces. This departure seeks to ensure sufficient parking to serve the needs of the food and beverage store, in combination with a gas station, and is not otherwise located adjacent to public residential streets; therefore, there will be no impact to residential areas or the residential character of the surrounding community.

The provided parking facilities are immediately adjacent to the building(s) and convenient to the uses they serve. The applicant has revised the site plan to adequately promote accessibility and circulation for patrons, all of which benefit the redevelopment of the property. Moreover, the subject property is located in an area that is served by public transportation. The site is adjacent to several bus routes/stops. Metrobus Routes J12 and V12 bus stops are located on the southwest portion of the site's frontage, along Marlboro Pike. TheBus Route 24 bus stop is located on Walker Mill Road, on the northeast portion of the site's frontage, along Walker Mill Road.

The Planning Board found it reasonable to deduce that the departure of three parking spaces will not adversely affect nearby properties, as parking will be sufficient to serve patrons. The requested departure will not impair the visual, functional, or environmental quality or integrity of the site or surrounding neighborhood. The reduction in the number of parking spaces by three will allow 83.3 percent of the required parking to be standard sized spaces, not compact. The applicant stated that compact spaces are not viable, given the site constraints, and would result in a more restrictive parking scenario along the front of the store by providing smaller spaces that would be less conducive than standard spaces. Even if the applicant made use of compact spaces, the site would still not conform to the parking requirement, necessitating a departure.

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

The requested departure is the minimum necessary, given the utilization of the 20 percent reduction. As previously stated, circumstances exist that are special to this site, mainly its size and unique shape at an acute corner, which this departure will alleviate. Furthermore, because there will be sufficient parking spaces to accommodate the proposed retail use based on the Institute of Transportation Engineers (ITE) Parking General Manual, and there will not be any spill over parking onto surrounding areas, the parking and loading needs of the adjacent property will not be infringed upon. This contention is further supported by the fact that public transportation exists in the immediate area and patrons for the food and beverage component can also easily walk to this location.

The ITE Parking Generation Manual provides that the parking demand for a convenience market in a dense multiuse urban setting, averages 2.92 spaces per 1,000 square feet, and 5.44 spaces per 1,000 square feet in a general urban/suburban setting. In the applicant's statement of justification, the applicant contends that the subject property can be classified as somewhere in between a dense multiuse urban setting and a general urban/suburban setting. Consequently, at a parking ratio of approximately 5 spaces per 1,000 square feet, the applicant also contends that the average parking demand will be met, despite the requested departure.

The Planning Board agrees with the applicant's assertion that the departure is the minimum necessary, given the specific circumstances of the request.

- (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 applicant contends that the departure will alleviate circumstances that are special to the proposed use on this property, given the unique shape of the subject property, as a result of an acute angle of the two intersecting streets on which this property fronts. This unique property situation has existed since 1930, based on aerial photographs (PGAtlas). In addition to the limitations that exist around the property, there are multiple rights-of-way and older existing developments in the area.

The property, which is located on an acute corner of the intersection of Walker Mill Road and Marlboro Pike, has prompted the applicant to orient the canopy and building, to front towards the existing intersection and traffic signal. This layout allows for the most efficient ingress/egress to the site for fuel dispensing vehicles, as well as vehicular patron traffic to the convenience store and fuel pumps, by orienting the drive lanes to provide a direct path between both site entrances. This also allows for a natural green space at the front corner of the site, that will be used to accommodate stormwater management. Due to the canopy and building facing the intersection, visibility for passing vehicles is enhanced in order to provide additional time for vehicles trying to gain access to the site to maneuver to accessible positions.

The development proposal, with the reduction allowed for the joint use of parking lot, results in an 18-parking space requirement. The proposed layout provides for 15 parking spaces.

Lastly, because the purposes of this part seek to ensure sufficient parking and loading to serve the needs of the patrons of the store, the applicant believes that 15 parking spaces for this location will be sufficient to serve the needs of the

patrons.

It is noted that the site is adjoined to the west and south by developed property in the C-S-C Zone. The Planning Board agrees with the applicant's assertion that the departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, and that are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949, as stated herein.

- (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**

The calculating methods provided in the Zoning Ordinance, including utilization of the shared 20 percent reduction, which the applicant has taken advantage of, require 18 parking spaces. The applicant is proposing 15 parking spaces; thus, necessitating a departure of three parking spaces. The reduction in the number of parking spaces by three spaces will allow 83.3 percent of the required parking to be standard sized spaces, not compact.

The applicant notes that compact spaces are not viable, given the site constraints, and would result in a more restrictive parking scenario along the front of the store, by providing smaller spaces that would be less conducive than standard spaces.

Moreover, the departure ensures that the applicant is able to accommodate the Section 4.3 internal planting requirements, in the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

The Planning Board agrees that 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.

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

There will be sufficient parking spaces to accommodate the proposed retail use and there will not be any spillover onto surrounding areas; therefore, the parking and loading needs of adjacent residential areas will not be infringed upon by the requested departure. Furthermore, since public transportation exists in the immediate area, patrons for the food and beverage component can also easily walk to this location.

- (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 the subject property. The area within 500 feet of the subject property is characterized by commercial and residential development.

- (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 Marlboro Pike Master Plan and SMA recommendations and will not impair the integrity of the master plan. In addition, Plan 2035 designates the property in the Established Communities Growth Policy Area and makes no specific recommendations concerning parking spaces in this area. The vision for Established Communities area is context-sensitive infill and medium-high density development. The application is consistent with the Established Communities Growth Policy in Plan 2035.

- (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.**

According to the Prince George's County Capital Improvement Program, 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;**

The subject property is located in an area that is served by public transportation. The site is adjacent to several bus routes/stops. Metrobus Routes J12 and V12 bus stops are located on the southwest portion of the site's frontage, along Marlboro Pike. TheBus Route 24 bus stop is located on Walker Mill Road, on the northeast portion of the site's frontage, along Walker Mill Road. As this is an automobile-related use, it is not anticipated that many patrons will use public transportation, however, public transportation is available for patron use.

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

The proposed development is occurring in an established neighborhood. No other design alternative solutions are noted by the applicant, as the applicant is proposing standard parking spaces within the parking lot for patrons. The site does not avail itself to the utilization of compact spaces, therefore, no alternative design solutions (saving the 20 percent reduction already utilized) to off-street facilities will yield additional spaces. The Planning Board has determined that there are no alternative design solutions, which would result in the required parking for the use.

- (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 proposed use will remain in operation 24 hours a day. The requested departure will not impact other retail uses within 500 feet of the subject property because adequate parking for the site will be provided based on the ITE Parking Generation Manual standard. No overflow parking is expected because the site will provide adequate parking. Therefore, the Planning Board finds that this use is compatible with the surrounding uses within 500 feet of the subject property.

- (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 zoned C-S-C and, therefore, is not subject to this provision.

8. **Zone Standards:** The subject site was reviewed for compliance with the requirements of the C-S-C Zone and the regulations of the Zoning Ordinance with SE-4822. The Planning Board has determined that, with the approval of the DPLS, the proposed development will be in compliance with Section 27-454 of the Zoning Ordinance. Approval of this departure, based on the site plan filed, is required for the approval of SE-4822.
9. **2010 Prince George's County Landscape Manual Requirements:** The proposal to permit a 2,993-square-foot food and beverage store, in combination with a gas station, involves new construction and is subject to the requirements of the Landscape Manual. Conformance with the Landscape Manual requirements is evaluated with SE-4822, including Alternative Compliance AC-19007, which was requested for Section 4.3, Parking Lot Requirements; and Section 4.7, Buffering Incompatible Uses, of the Landscape Manual.

Tree Canopy Coverage Ordinance: Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy, for any development that proposes more than 5,000 square feet of GFA or disturbance, and requires a

grading permit. The subject site is zoned C-S-C, and is required to provide a minimum of 10 percent of the gross tract area, to be covered by tree canopy. The revised landscape plan provides the required schedule, showing the requirement being met through the provision of proposed landscape trees.

10. **Signage:** The development proposal includes one 85.3-square-foot building-mounted sign; one exterior building-mounted ATM sign; six window vinyl signs; one 3-square-foot directional sign along Walker Mill Road; one 6-square-foot directional sign along Marlboro Pike; one 25-foot-high, 99.6-square-foot freestanding pylon sign; and three 9-square-foot canopy signs.

The proposed signage meets the area, height, and setback requirements of the applicable sign regulations contained in Part 12 of the Zoning Ordinance, and is evaluated with the companion special exception.

11. **Further Planning Board Findings and Comments from Other Entities:** The following referrals were received and are incorporated herein by reference; all of the comments are addressed on the site plan, or as part of this resolution:
- a. Permit Review Section, dated May 28, 2018 (Bartlett to Cannady II)
 - b. Special Projects Section, dated June 17, 2019 (Kowaluk to Cannady II)
 - c. Historic Preservation Section, dated May 20, 2018 (Stabler to Cannady II)
 - d. Maryland State Highway Administration, dated June 18, 2019 (Woodroffe to Cannady II)
 - e. Environmental Planning Section, dated June 6, 2019 (Schneider to Cannady II)
 - f. Community Planning Division, dated June 14, 2019 (Umeozulu to Cannady II)
 - g. Transportation Planning Section (Trails), dated June 13, 2019 (Shaffer to Cannady II)
 - h. Transportation Planning Section, dated June 16, 2019 (Burton to Cannady II)
 - i. Urban Design Section, dated June 24, 2019 (Burke to Cannady II)

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 condition:

1. The departure from parking and loading standards site plan and the Special Exception SE-4822 site plan shall match prior to certification.

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 Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, and Hewlett voting in favor of the motion, and with Commissioners Doerner and Washington absent at its regular meeting held on Thursday, July 18, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of July 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:RTC:gh