

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed ROSP-SE-4303/01 requesting 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 January 10, 2008, the Prince George's County Planning Board finds:

FINDINGS:

- A. **Location and Field Inspection:** The subject property is located in the median of US 301 approximately 2,500 feet north of its intersection with Queen Anne Road. The 4.69-acre site is developed with a 16-pump gas station and a 4,675-square-foot food and beverage store. A 49-space parking lot surrounds the store. The gas station/food and beverage store sits on the high point on the property; the remainder of the site slopes down towards US 301. The site is predominantly cleared, with the exception of some existing woods along the northern boundary where the site adjoins residentially zoned and occupied land. Access is provided via driveways from southbound US 301, the crossover road between the two sides of US 301, and from a service road (a remnant of old US 301) running parallel to northbound US 301.

B. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	C-M	C-M
Use(s)	Gas Station Food & Beverage Store	Gas Station Food & Beverage Store
Acreage	4.69	4.69
Lots	0	0
Parcels	1 (Parcel 7, TM 70)	1 (Parcel 7, TM 70)
Square Footage/GFA	4,675	4,675

- C. **History:** The 2006 Bowie and vicinity sectional map amendment retained the property in the C-M (Miscellaneous Commercial) Zone. Special Exception 4303 was approved by the District Council in 1998 to permit a food and beverage store. The gas station is a permitted use in the C-M Zone. There have been no further zoning actions on the subject property.
- D. **Master Plan Recommendation:** The 2002 General Plan places the site in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The 2006 approved Bowie and vicinity master plan and sectional map amendment recommends the retention of the existing commercial use.

- E. **Request:** The applicant seeks approval of a minor revision of the approved site plan to add additional parking spaces to serve the WAWA gas station/food and beverage store. This revision would add 54 additional parking spaces, while removing three of the four oversize (truck) parking spaces.
- F. **Neighborhood and Surrounding Uses:** The neighborhood contains the subject gas station/food and beverage store, a few single-family residences in the median to the north and the now-developing employment park to the south and west (Collington Center). The remainder of the neighborhood is undeveloped other than a few scattered residences and agricultural fields.

Immediately surrounding the subject site are the following uses:

- North -** Single-family residences in the median in the R-R, R-A and R-E Zones.
- East -** Across US 301 are scattered residences and agricultural uses in the R-A Zone.
- South -** Across a service road connecting the lanes of US 301 is undeveloped median within the right-of-way.
- West -** Across US 301 is undeveloped land in the E-I-A Zone (Collington Center).

- G. **Minor Change Provisions:** Section 27-325(b), which governs minor revisions to special exception site plans, provides that:

- (1) **The Planning Board is authorized to approve the following minor changes:**
- (A) **An increase of no more than fifteen percent (15%) in the gross floor area of a building;**
 - (B) **An increase of no more than fifteen percent (15%) in the land area covered by a structure other than a building;**
 - (C) **The redesign of parking or loading areas; or**
 - (D) **The redesign of a landscape plan.**

The proposed revisions do not increase the gross floor area of the building. The change does constitute a redesign of the parking areas; however, no redesign of the landscape plan is proposed.

- H. **Specific Special Exception Requirements:** Pursuant to Section 27-355 of the Zoning Ordinance, the following specific requirements apply to a food and beverage store in the C-M Zone:

Section 27-355 of the Zoning Ordinance:

A food or beverage store may be permitted, subject to the following:

- 1. The applicant shall show a reasonable need for the use in the neighborhood;**
- 2. The size and location of, and access to the establishment shall be oriented toward meeting the needs of the neighborhood;**
- 3. The proposed use shall not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses;**
- 4. In the I-1 and I-2 Zones, the proposed use shall be located in an area which is (or will be) developed with a concentration of industrial or office uses;**
- 5. The retail sale of alcoholic beverages from a food or beverage store approved in accordance with this Section is prohibited....**

Each of the above criteria was addressed when the special exception was initially approved by District Council. The Council found that the use complied with each criterion. The project is currently under construction in accordance with the Council's decision. This application proposes no changes in the building which was approved, the number of pumps at the gas station, or other physical changes to the uses taking place on the site. Staff has reviewed the proposed revision and has determined that the addition of 54 parking spaces does not alter any of the findings as they relate to the specific criteria set forth in Section 27-355.

In addition, Section 27-325(a)(4) provides that:

The revised site plan shall comply with all applicable requirements of this Subtitle, and with any conditions, relating to the use, imposed in the approval of the Special Exception or of any applicable Zoning Map Amendment, subdivision plat, or variance.

The District Council approved SE-4303 subject to the following conditions:

- 1. The applicant shall comply with access improvements required by the State Highway Administration.**
- 2. The applicant shall secure a variance from Section 27-358 (a)(5) to allow for two driveways less than 30 feet in width.**

In lieu of obtaining a variance, the applicant revised their access driveways to meet the 30-foot requirement, with the exception of the driveway from southbound US 301, which tapers down to 18 feet in width pursuant to design criteria established by the State Highway Administration (SHA). The District Council has subsequently amended this section of the Zoning Ordinance to allow alternative driveway designs required by the SHA and Department of Public Works and Transportation without the need to obtain a variance.

3. The applicant shall secure Alternative Compliance for landscaping deficiencies, obtain a departure or revise the site plan to show compliance with the requirements of the *Landscape Manual*.

The applicant revised the site plan to meet the requirements of the *Landscape Manual* with the exception of the relocation of a portion of the commercial landscape strip along the main entrance drive from the crossover rather than along the site frontage of US 301. This relocation was approved via Alternative Compliance Case No. 98009. The new parking area appears to be in conformance with the requirements of the *Landscape Manual*

4. Appropriate signage shall limit access to the access road north of the subject property to local residents only.

Signage exists which prohibits traffic from exiting from the site north onto the service road.

- I. **Parking Regulations:** The applicant originally provided 49 parking spaces for the building, which exceeds the 31 spaces required by the code. With the net additional 51 parking spaces proposed in this minor revision (54 spaces - 3 oversize spaces, which would be removed to provide access), 100 parking spaces will be provided on-site, more than three times the minimum required number.
- J. ***Landscape Manual* Requirements:** Generally, compliance with the *Landscape Manual* is required when there is either a proposed increase in gross floor area of a building or a change of use. The proposed additional parking is not the result of a change of use or an increase in gross floor area. The proposed revision is, therefore, exempt from the *Landscape Manual*. The plan provided by the applicant shows the landscaping in accordance with the approved landscape plan from the initial approval of the special exception.
- K. **Zone Standards:** No additional variances or waivers are required for this application.
- L. **Sign Regulations:** No signs are proposed for this revision.
- M. **Required Findings:**

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

- (1) **The proposed use and 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.**
- (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 Map Plan, the General Plan.**
- (4) **The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**
- (5) **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**
- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The District Council, in approving the subject use, found it provides a reasonable and convenient location for food and beverages for the general neighborhood and the traveling public, without being detrimental to the adjoining property owners. The residents within the median were very concerned with the use and the impact it would have on their way of life. This application would extend the use closer to the residences and thus create the potential for greater impacts, particularly if the parking area is increased to the extent proposed by the applicant. However, with conditions of approval imposed, staff believes the proposed revisions will not impair the findings made by Council.

N. Referrals:

a. Community Planning North Division, dated July 10, 2007:

“The 2006 approved Bowie and vicinity master plan recommends that US 301/Crain Highway be upgraded from US 50 southward to a six- to eight-lane freeway (F-10) with a continuous parallel arterial facility (A-61) on the west side. Rights-of-way of this freeway range from 300 to 600 feet in width, excluding service road. (See page 44.) The Land Use and Transportation Map (South of US 50) depicts the property within the planned F-10 freeway. In the Developing Tier section, the master plan recommends facilitating future highway improvements on US 301/MD 3 while allowing limited, low traffic-generating development along the corridor. (See page 11, Policy 5.)

“It appears that the proposed increase in parking spaces from 31 required by the Zoning Ordinance to 100 could potentially generate more traffic volume at the site, causing safety problems on US 301. Currently, the food store attracts many truck drivers who park their trucks on the service road east of the property. A portion of the proposed parking lot behind the food store could be potentially used for truck parking. The applicant should explain the reason why additional parking spaces are needed for this site.”

b. Urban Design Section, dated September 24, 2007:

The required number of parking spaces for the site is 31 parking spaces. The subject site has currently 46 parking spaces. The proposed addition of 54 parking spaces will provide a total

of 100 parking spaces. This excess of parking will increase the pedestrian and vehicle traffic on site. It is not clear how providing additional parking will allow for a “safer internal flow of vehicles and pedestrians.” There is an existing loading space located at the rear of the WAWA building. The proposed 54 parking spaces will be located to the north end section of the site. Although building entrances are not shown on the site plan, a customer parking in the new parking area would have to walk across the parking lot, behind the building, to get to the front building entrance. Thus, the location of proposed parking area would negatively affect the health and safety of residents or workers in the area.

The site plan indicates “proposed area light,” however, the applicant should provide a photometric lighting plan detail sheet for the type of lights which are proposed to be used on site.

Landscape Manual Conformance

The applicant is proposing 54 additional surface parking spaces located in the eastern portion of the subject site. The proposed site is subject to the requirements of Section 4.3 Parking Lot Requirements and 4.7 Buffering Incompatible Uses of the *Landscape Manual*. The applicant is providing the required 40-foot-wide landscape buffer along the east property line, which is adjacent to an existing single-family dwelling in R-R Zone. The plans appear to be in conformance with the requirements of the *Landscape Manual*. The landscape plan for the overall site should be provided.

Conclusion

The Urban Design Section does not find that the proposed parking facility is designed in relationship to the existing development on this site as safe or convenient for pedestrians walking from their parked vehicles to the convenience store, due to distance and the location of existing loading facilities for the development.

The Planning Board agrees with the Urban Design staff’s assessment that this is not the optimal location for additional parking, but cannot suggest an alternative location. The front of the property contains an underground stormwater management structure and potential parking in that area of the site would involve a more precarious crossing of drive aisles around the gas pumps than would the proposed location. Extending additional parking along the sides of the property is not feasible due to the location of the large septic recovery fields. In this instance, the need for additional parking is substantial enough to locate in this less than ideal location.

c. **Transportation Section, dated July 12, 2007:**

The subject application is limited to the provision of 54 additional spaces only. There will be no improvement to the food and beverage operation or to the type or number of fueling positions. In this regard, since a parking space by itself is not considered a traffic generator, staff concludes that this expansion of the parking facility will not create any additional traffic on the surrounding transportation road network.

Regarding the on-site circulation of traffic, staff opines that more parking spaces in the location as being proposed could lead to better circulation of traffic within the overall site.

- O. **Conclusions:** Even to the casual observer who passes by this site on US 301 during peak hours it is apparent that this use needs additional parking. Staff has visited the site on numerous occasions, both in the AM peak and PM peak hours and as late as 10:00 p.m. In the morning, cars and trucks are double-parked alongside pumps and within the driveways. It is common to see two or three tractor-trailers parked to the rear of the building, with an additional three or four trucks parked along the service road. On-site circulation is at times hectic.

However, the applicant's solution to this problem seems excessive and may result in additional unforeseen problems. Essentially doubling the number of parking spaces would create a large asphalt pad to the rear of the building that is unlikely to be used to capacity. While the Planning Board agrees with the need for additional parking, and concurs that this is probably the only space available for additional parking, we have not seen a degree of illegal parking that would suggest an additional 51 net parking spaces would be necessary. The Planning Board concludes that an additional 45 parking spaces will be sufficient to meet the existing and future needs.

The Planning Board is also concerned that such a large asphalt pad would be appealing to the inordinate number of truckers that use this store, considering that diesel fuel is not available for purchase. A recent week night visit to the site (10:00 p.m. on Thursday, November 15, 2007) found few cars but many tractor-trailers at the site. Staff is concerned that if this additional parking pad is built to the size proposed, truckers will see it as a potential stopping point for evening layovers. The service road already seems to be used for this purpose. This use of the site was clearly never intended when the District Council approved it in 1998, and would negatively impact the residents living within the median to the north.

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, the site plan shall be revised to show a maximum of 45 additional parking spaces. In addition, design techniques such as adherence to standard aisle widths and turning radii shall be employed to discourage the use of the lot by tractor-trailers. The center rows of parking spaces shall be designed to not have pull-through capability.
2. Prior to certification, the revised landscape plan for the overall site shall be provided.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board ' s action must be filed with the Circuit Court 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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Clark and Parker voting in favor of the motion, and with Commissioner Cavitt opposing the motion at its regular meeting held on Thursday, January 10, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of February 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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