

Prince George's County Special Exception Application No. 4397

Applicant: Pumpkin Hill, L.C. Properties

Location: Northwest quadrant of the intersection of South Laurel Drive and Laurel-Bowie Road (MD 197)

Request: Food and Beverage Store in the C-M Zone

R E S O L U T I O N

WHEREAS, the applicant has requested a special exception for a Food and Beverage Store in accordance with Section 27-355 of the Prince George's County Zoning Ordinance; and

WHEREAS, the Technical Staff Report released February 7, 2001, recommended Denial; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on March 22, 2001, the Prince George's County Planning Board disagreed with the staff recommendation in this case.

WHEREAS, the Planning Board recommendation is based on the following DETERMINATIONS:

- A. Location and Field Inspection: The subject property is located on the northwest corner of Laurel-Bowie Road (MD 197) and South Laurel Drive. The site is made up of two parcels, and is generally rectangular in shape. It is currently undeveloped.
- B. History: This site has been the subject of two previous special exception applications, both for gas stations. The first, SE-2399 was approved in the early 1970s but never built. The second, SE-39 96, was dismissed in 1990 after the site was placed in the C-O Zone. The subject property was placed in the C-O Zone by the *Sectional Map Amendment (SMA) for Subregion I* which was approved in 1990.
- C. Master Plan Recommendation: The 1990 *Master Plan for Subregion I* recommends a retail-commercial use for the subject property. In the associated SMA, after a reassessment of retail-commercial needs for the area, the site was placed in the C-O Zone.
- D. Request: The applicant requests a reclassification from the C-O Zone to the C-M Zone. If successful in having the property rezoned, the applicant requests to place a food and beverage store on the site, to be built in conjunction with a gas station and car wash, which are permitted uses in the C-M Zone.
- E. Neighborhood and Surrounding Uses: The site is surrounded by the following uses:

North - Right-of-Way for the Baltimore Washington Parkway/MD 197
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East - Across MD 197 are single-family residences in the R-R Zone and a flower shop in the C-A Zone.

South and West - Garden apartments (The Evergreens, Villages of Montpelier) in the R-18 Zone.

The neighborhood is defined by the following boundaries:

North - Canadian Way

East - Patuxent Wildlife Research Center

South - PEPCO Right-of-Way

West - Baltimore-Washington Parkway

The surrounding neighborhood is suburban in character and developed with a mixture of single-family residences, townhouses and apartment complexes. Commercial uses, both retail and office are found 1,000' feet to the north at the intersection of MD 197 and Mallard Drive. This existing commercial area includes the Pheasant Run Shopping Center, a 7-Eleven, a small office building and a gas station.

F. Specific Special Exception Requirements -Food and Beverage Store (Section 27-355):

(a) 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;

Finding: The term **■need■** in a special exception case has been determined to mean **■expedient, reasonably convenient and useful to the public.■** This is a less onerous finding than when an applicant must show a use to be **■necessary,■** which carries the burden of showing an actual deficit exists which can be filled by the requested use.

While the applicant need not show an actual deficit in food and beverage stores, they must show that the proposed use would be expedient, reasonably convenient and useful to the public in the subject neighborhood. Given the number of residents in the neighborhood, as well as the traveling public along adjacent roads, there is a reasonable need for this use. This is particularly true when the new traffic patterns in the neighborhood are taken into account.

2. The size and location of, and access to, the establishment shall be oriented toward meeting the needs of the neighborhood;

Finding: A 3,438 Sq. St. food and beverage store at this location would be easily accessible for the residents of The Evergreens and the Villages of Montpelier apartment complexes. It would also be more convenient for the traveling public along adjacent roads than would the existing convenience store at the Pheasant Run Shopping Center.

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;

Finding: The food and beverage store, if approved, would not restrict the availability of land or upset the balance of land use in the area because there is a need for such a use.

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;

Finding: The site, if rezoned pursuant to A-9946, would be in the C-M Zone. Thus, this section is not applicable to this request.

5. The retail sale of alcoholic beverages from a food or beverage store approved in accordance with this section is prohibited; except that the District Council may permit an existing use to be relocated from one C-M zoned lot to another within an urban renewal area established pursuant to the Federal Housing Act

of 1949, where such use legally existed on the lot prior to its classification in the C-M Zone and is not inconsistent with the established urban renewal plan for the area in which it is located.

Finding: The applicant does not propose the sale of alcoholic beverages.

G. Parking and Loading Requirements: Parking and loading for the site breaks down as follows:

<u>USE</u>	<u>SCHEDULE</u>	<u>SPACES REQUIRED</u>
Gas Station/Food and Beverage Store (3,925 s.f.) w/ 2 employees	1/employee +1/150 s.f. up to 3,000 s.f. +1/200 s.f. additional	27
Car Wash (1,368 s.f.)	1/500 s.f.	3
TOTAL PARKING REQUIRED		30
TOTAL PARKING PROVIDED		30
TOTAL LOADING REQUIRED	1/2,000 to 10,000 s.f. GLA	1
TOTAL LOADING PROVIDED		1

The applicant has provided the correct amount of parking and loading to serve the proposed uses. However, General Note 18 as shown on the site plan is incorrect, showing no loading space as required (although one is provided). Note 18 would need to be revised if this application is approved. The applicant must also show the method by which compact parking spaces are to be identified in the field.

H. Landscape Manual Requirements: The landscape plan submitted with the application appears to show compliance with the requirements of the *Landscape Manual*. However, the following revisions must be made if the application is approved:

1. If bufferyard ■C• adjoins a compatible use, a five-foot-wide perimeter landscaped strip needs to be provided.
2. A plant schedule must be provided to demonstrate compliance with Section 4.3(b) of the *Landscape Manual*.
3. A detail for the dumpster screening material must be provided.
4. The site plan shows the site to adjoin the South Laurel Apartments to the west. However, the corresponding bufferyard schedule notes a commercial use to the west.

The applicant must revise the site plan to show buffering in accordance with the *Landscape Manual*.

- I. Zone Standards: The subject development proposal meets the standards for development in the requested C-M Zone.
- J. Sign Regulations: One sign is shown on the site plan. It meets the setback, size and height requirements of Part 12 (Sign Regulations) of the Zoning Ordinance.
- K. Other Issues:
 - 1. The gas station component of this proposal is required to receive Detailed Site Plan approval pursuant to Section 27-461(1)(b). The proposed gas station must be in accordance with Sections 27-358(a)(1), (2), (4), (5), (6), (7), (8), (9) and (10). Such approval must be obtained prior to permit issuance.
 - 2. Although there is no limit on the height of buildings in the C-M Zone, the site plan must reflect the height of all structures shown thereon, particularly the gas station/food and beverage store and the car wash.
- L. 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.**

Finding: The purposes of the Zoning Ordinance are many and varied, but they generally seek to protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County. This is accomplished by promoting beneficial land use relationships, thus minimizing adverse impacts on adjoining properties. This proposal for a food and beverage store promotes these purposes, by providing a needed use in an appropriate location with easy access to adjacent roads

- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

Finding: Presuming the site were rezoned, the proposal conforms with the requirements and regulations of the Zoning Ordinance.

- (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.**

Finding: The proposed development of a food and beverage store would actually conform to the Master Plan's recommendation for retail-commercial use.

- (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.**

Finding: Special exception uses are deemed compatible in the specific zone they are allowed, absent site-specific evidence to the contrary. In the subject case, there is no evidence that the proposed use will be injurious to workers or residents in the area, adjacent properties or the general neighborhood.

- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

Finding: The site is exempt from this requirement. A letter of exemption, dated May 11, 2000, was issued because the proposed development does not have 10,000 square feet of woodland, and the site does not have a previously approved Tree Conservation Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board recommends that Special Exception No. 4397 be APPROVED.

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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 Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, March 22, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of April 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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