

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed SE-4440 and AC-01043 requesting to relocate a proposed car wash that was approved under an earlier Special Exception but was not constructed and Alternative Compliance is requested from Section 4.7 (Buffering Planting Requirements) and from Section 4.2 (Commercial and Industrial Landscape Strip Requirements) 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:

1. 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.
2. 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.
3. The applicant wishes to further renovate the existing gas station by razing the existing three-bay service station building and erecting a 2,133 square foot food mart (a use permitted by right in the C-S-C Zone). A redesign of the parking

layout and changes in landscaping are necessary. A new trash enclosure measuring 8 feet x 12 feet will also be added along the southern property boundary.

Alternative Compliance is requested from Section 4.7 (Buffering Planting Requirements): Requiring buffering between incompatible uses a medium high impact and high impact uses. Section 4.7, Buffering Planting requires a minimum landscape yard of twenty (20) feet between the subject site and the adjoining office complex. Alternative Compliance is also being requested from Section 4.2 (Commercial and Industrial Landscape Strip Requirements) requiring a ten (10) foot wide landscape strip adjacent to public rights-of-way. Alternative Compliance is requested for these landscape strip requirements along Sellman Road and Baltimore Avenue.

4. 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 defined by a triangle formed by the following roads:

Northeast - Powder Mill Road

Southeast - Baltimore Avenue

Northwest - Rhode Island Avenue

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.

5. There are no specific Special Exception requirements for a car wash.
6. Parking Regulations: The subject property will contain three uses: a car wash, a gas station, and a food and beverage store. The site plan indicates that parking will be provided as follows:

Gas Station: 1 parking space per employee required.

Food and Beverage Store (■C-Store●): 1 parking space per 150 square feet up to 3,000 square feet; 14.2 spaces required (for a 2,133 square-foot building).

Car Wash: 1 parking space per 500 square feet.; 2.1 spaces required for a 900 square-foot building;

Total parking required: 17.3 or 18 spaces, minus 20 percent reduction for joint use=14.4 or 15 parking spaces.

The site plan shows that 14 spaces will be provided. At the public hearing on December 20, 2001, the applicant correctly pointed out that the parking computations on the site plan are incorrect. The 900 square foot car wash requires 1.8 parking spaces and no parking space is required for a gas station employee since there will be no separate kiosk for gas sales. All gas will be purchased either at the pump or in the food and beverage store. There will be no specific gas station employee. The total required parking is 13 parking spaces (14.2 + 1.8=16 spaces plus 20% reduction = 12.8 or 13 parking spaces). The site plan shall be revised to indicate that a minimum of 13 parking spaces are required.

7. Sign Regulations: An existing 25-foot high freestanding sign is located along Baltimore Avenue in the southwestern corner of the property. The applicant proposes merely to reface this sign to identify the food mart as well as the pricing information. The area of the sign will be 68.03 square feet. 70.50 square feet is permitted. The sign conforms to the location requirements of the Zoning Ordinance.
8. 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.**

The District Council, in their August 1968 special exception review of the existing gas station (SE 1642), and the Planning Board in its 1989 and 1995 reviews of the revision to special exception site plan, found the use and site plan met and satisfied all of the provisions of Section 27-317. The applicant's proposed revisions, namely, a redesign of the parking layout, the addition of a trash enclosure, landscaping, the razing of the service station building, and erection of a food mart (which is permitted by right), do not, in the Planning Board's opinion, increase the intensity of the use. As discussed in the staff report, there is very little difference between what is being proposed in this application and what was approved (but never completely developed) on the 1997 Special Exception site plan. It is therefore reasonable to conclude that the proposed use will continue to be in harmony with the purposes of the Zoning Ordinance.

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

If the requested variances, departure, and Alternative Compliance are granted, the proposed use will continue to be in conformance with all the applicable 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.**

The use and the proposed renovations will not impair the integrity of the Subregion I Master Plan which recommends retail commercial development for this site. The gas station use has existed at this site for over 30 years without causing any apparent adverse impact on the health, safety or welfare of residents or workers in the area.

- (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.**

The proposed renovations, in the Board's opinion, will enhance the operation of the gas station and make the use more visually attractive. The proposed changes will not be detrimental to the use or development of adjacent properties which are currently improved with retail and commercial uses.

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

The site is exempt from the requirement to file a tree conservation plan.

1. Alternative Compliance Application AC-01043:

Alternative Compliance is requested from Section 4.7 (Buffering Planting Requirements): Requiring buffering between incompatible uses a medium high impact and high impact uses. Section 4.7, Buffering Planting requires a minimum landscape yard of twenty (20) feet between the subject site and the adjoining office complex.

Alternative Compliance is also being requested from Section 4.2 (Commercial and Industrial Landscape Strip Requirements) requiring a ten (10) foot wide landscape strip adjacent to public rights-of-way. Alternative Compliance is requested for these landscape strip requirements along Sellman Road and Baltimore Avenue.

Pursuant to the *Landscape Manual*, Alternative Compliance may be granted, given specific site concerns which may justify alternative solutions to encourage economically viable and environmentally satisfying solutions. Section 1.3A(1.5) of the *Landscape Manual* states several conditions, which if only one is demonstrated Alternative Compliance may be justified. This site satisfies several of these

conditions including redevelopment in an older community, which will improve environmental quality over the predevelopment conditions.

A gasoline station is particularly vulnerable to the *Landscape Manual* requirements due to its vehicular oriented use. However, at this particular site the proposed landscaping scheme will decrease the impervious area of the present site and improve environmental quality over the existing conditions. Due to the vehicular oriented business aspect of a gasoline fueling station with a convenience store and car wash, traffic circulation and adequate parking are difficult to attain for vehicle refueling and convenience store operations and car wash stacking. In order to facilitate the car wash and the required stacking for the car wash, Alternative Compliance is required on the western property line because the site is unable to provide the required buffering setback. However, the other areas of this particular site will benefit from increased pervious areas and landscaping over existing conditions.

Alternative Compliance is also sought from Section 4.2, landscape strip requirements for Sellman Road and Baltimore Avenue. Per Section 1.3-A2 of the *Landscape Manual*, space limitations, unusually shaped lots, and prevailing practices in the surrounding neighborhood may justify Alternative Compliance for in-fill sites and for improvements and redevelopments in older communities. Based on a vehicular emphasis of a gasoline service station and a necessity to have adequate vehicular circulation for the safety of drivers, vehicles, and pedestrians, it would be economically infeasible and impracticable to redevelop this site using the required setbacks. The applicant plans on maintaining the existing canopy and storage tanks, which restricts the depth of the bufferyard, which can be provided while maintaining safe site access. As a result, on the Sellman Road and Baltimore Avenue property lines, this site is unable to provide the required buffering setback. The planting along both road frontages have been increased to above the *Landscape Manual* requirements in lieu of the ten (10)-foot required bufferyard.

Alternative Compliance is sought from Section 4.7, buffer requirements for the western property line adjacent to the office complex. Per Section 1.3 of the *Landscape Manual*, the change of use on an existing site which increases the buffer required by Section 4.7 more than it is feasible to provide, is a consideration to make an Alternative Compliance necessary in certain applications. The present use of the office complex is considered a medium impact use, while the use of the proposed gasoline service station is considered a high impact use. In order to compensate for the reduced landscape buffers, the applicant proposed to build a six (6)-foot board-on-board fence along the western property line separating the subject site. Further, additional plantings have been proposed throughout the remainder of the site. Currently there is no bufferyard provided and an eight (8)-foot yard on average is proposed. One hundred eleven (111) plant units are

provided along the western property line in lieu of the fifty-eight (58) units required.

Alternative Compliance is also sought from Section 4.2 landscape strip requirements. As an alternative to the setbacks, extensive landscaping is proposed above the *Landscape Manual* requirements for both Sellman Road and Baltimore Avenue. The nine (9)-foot bufferyard along Sellman Avenue which is within the ultimate right-of-way shall be maintained. Currently there is no bufferyard provided along Baltimore Avenue and because the redevelopment proposes to maintain the canopy, no additional yard is proposed, but the landscape island at the intersection of Sellman Road and Baltimore Avenue shall be enlarged and additional landscaping is proposed at the intersection. Twenty-two (22) additional planting units have been provided along Sellman Road (for a total of 55 in lieu of the required 33) and twenty-six (26) planting units are provided along Baltimore Avenue (for a total of 53 in lieu of the required 27) to meet the requirements of Alternative Compliance.

JUSTIFICATION FOR RECOMMENDATION:

With regard to Section 4.2, Commercial Landscape Strip requirements, the applicant's alternative is acceptable due to several factors. First, the existing curb and gutter that defines the landscape strip will not be removed. Also, the applicant's plan calls for a slight increase in plant units than required which tends to compensate for the lack of green area. The Planning Board is of the opinion that the alternative plan, in this instance, is equal to or better than normal compliance to the requirements of the *Landscape Manual*.

With regard to Section 4.7, Buffering Incompatible Uses, the proposed car wash of the existing gas station is within five feet of the property line which places it within the building setback area and bufferyard. However, the adverse impacts to the adjacent commercial offices will be reduced by the proposed, two toned masonry wall (with a gate) which will be attached to the car wash building. The details of the wall are addressed in a letter from the applicant dated November 16, 2001. The Board is of the opinion that the alternative compliance plan is equal to, or better than the normal requirements set forth in Section 4.3 of the *Landscape Manual*.

10. The subject gas station has served the community for over 30 years. A car wash was approved for the subject property under a previous Special Exception, but the use was never constructed. The applicant has demonstrated that the proposed revisions of site plan and Special Exception will not create a use that impairs the findings of the District Council in earlier decisions.

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 recommended to the District Council for Prince George's County, Maryland that SE-4440 be APPROVED, and further APPROVED Alternative Compliance AC-01043 as revised at the public hearing subject to the following conditions:

1. The method of identifying compact parking spaces in the field shall be shown on the site plan.
2. The site plan shall be revised to indicate that a minimum of 13 parking spaces are required.
3. Proposed dumpster shall be screened in accordance with Sections 4.4 of the *Landscape Manual*.
4. AC-01043 is approved subject to a condition that a six-foot-high masonry wall shall be constructed along the rear (northwestern) property line. The wall shall transition into the rear of the proposed building and the back wall of the building will itself constitute the wall. Where the wall transitions out of the northwest corner of the building, the wall shall be reduced in height and length so as not to restrict visibility for motor vehicles exiting the car wash.

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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 Eley, seconded by Commissioner Lowe, with Commissioners Eley, Lowe, Brown, Scott 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

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