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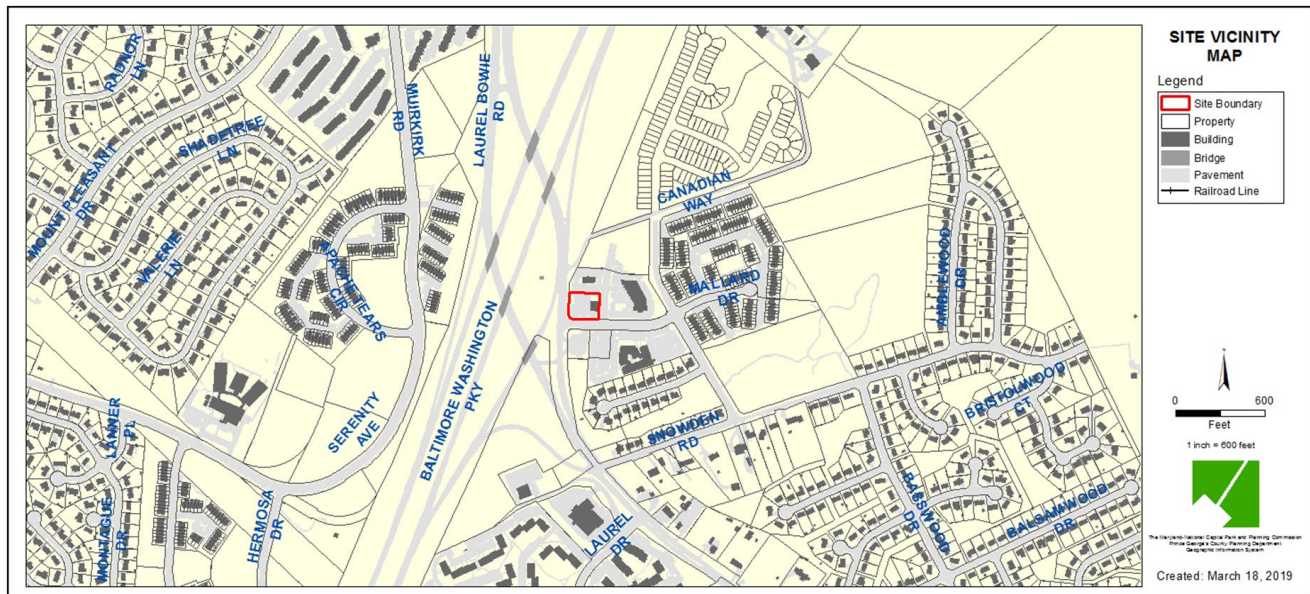
## Special Exception Alternative Compliance

**SE-4818**  
**AC-19002**

Application	General Data	
<b>Project Name:</b> 7-Eleven, 9820 Mallard Drive  <b>Location:</b> On the east side of MD 197 (Laurel Bowie Road), in the northeast quadrant of its intersection with Mallard Drive.  <b>Applicant/Address:</b> 7-Eleven 3200 Hackberry Road Irving, TX 75063  <b>Property Owner:</b> Southland Corporation PO Box 711 Dallas, TX 75221	Planning Board Hearing Date:	05/02/19
	Staff Report Date:	04/11/19
	Date Accepted:	12/05/18
	Planning Board Action Limit:	N/A
	Plan Acreage:	35,312 sq.ft.
	Zone:	C-S-C
	Gross Floor Area:	N/A
	Lots:	0
	Parcels:	01
	Planning Area:	62
	Council District:	01
	Election District:	10
	Municipality:	N/A
	200-Scale Base Map:	216NE09

Purpose of Application	Notice Dates	
To add a gas station to an existing food and beverage store site in the C-S-C Zone.	Informational Mailing	07/30/18
	Acceptance Mailing:	11/26/18
	Sign Posting Deadline:	NA

<b>Staff Recommendation</b>		Staff Reviewer: Ras Tafari Cannady II Phone Number: 301-952-3411 Email: Ras.Cannady@ppd.mncppc.org	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board  
The Prince George's County District Council

VIA: Sherri Conner, Supervisor, Subdivision and Zoning Section  
Development Review Division

FROM: Ras Tafari Cannady II, Senior Planner, Subdivision and Zoning Section  
Development Review Division

SUBJECT: Special Exception SE-4818  
Alternative Compliance AC-19002  
7-Eleven, 9820 Mallard Drive

REQUEST: To add a gas station to an existing food and beverage store site in the C-S-C Zone.

RECOMMENDATION: **APPROVAL with conditions**

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NOTE:

The Planning Board has scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of May 2, 2019.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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## FINDINGS:

1. **Location:** The property is located on the east side of MD 197 (Laurel Bowie Road), in the northeast quadrant of its intersection with Mallard Drive. The site is comprised of 35,312 square feet of land in the Commercial Shopping Center (C-S-C) Zone. The property is currently improved with a 3,170-square-foot food and beverage store with an associated asphalt parking lot, constructed in 1987. The site has approximately 178 linear feet of frontage along Mallard Drive, and 152 linear feet of frontage along MD 197. Vehicular access to the site is provided via an entrance from Mallard Drive, located on the south side of the site, and an internal access from the abutting shopping center on the north side of the site.

During the field inspection, it was noted that the site is well maintained with existing, healthy landscaping along the northern, southern, and western boundaries of the site, within the existing landscape strips. Plantings also exist beyond the subject site, which provide screening and buffering from the abutting shopping center. The field visit further revealed that the subject site has one existing 20-foot-tall freestanding sign, along with two small directional signs for the food and beverage store. The 20-foot-tall freestanding sign is located in the public right-of-way of MD 197, and two 3-foot-high directional signs are located on the subject property.

The aforementioned freestanding sign located in the southwest corner of the site, in the public right-of-way of MD 197, advertises the store's sale of alcoholic beverages (beer and wine). An electronic window sign inside the store also indicates alcoholic beverage sales. The retail sale of alcoholic beverages is prohibited from a food or beverage store that is approved as part of a special exception, in accordance with Section 27-355(a)(5) of the Prince George's County Zoning Ordinance. The applicant has proposed new signage that will replace the existing signage, which will not advertise the sale of alcoholic beverages. Review of the signage is discussed within the Sign Regulations finding of this report.

2. **History and Previous Approvals:** According to the Maryland Department of Assessment and Taxation database, the subject property was developed in 1987 with a 3,174-square-foot food and beverage store. The site and landscaping plans were approved via Permit 753-86-CGU.

The subject property is known as Parcel D, recorded in Plat Book NLP 102-14, approved by the Prince George's County Planning Board on October 26, 1978. The plat shows Mallard Drive to be 70 feet wide, and MD 197 to be 60 feet wide to its center line. According to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), MD 197 is an arterial facility with a proposed right-of-way of 120 to 200 feet with six lanes. However, the alignment of MD 197, along the subject property, is within its interchange with MD 295 (Baltimore-Washington Parkway), a master plan freeway, for which sufficient right-of-way exists. No further right-of-way dedication is required at this time.

The site has an approved Stormwater Management Concept Plan (34803-2018-00), which was approved on October 9, 2018, and remains valid until October 9, 2021.

3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded to the north by the Patuxent River; to the south by MD 197; to the east by the Patuxent Wildlife Reserve; and to the west by MD 295 and MD 197. The immediate area surrounding the subject property is developed with commercial uses, as follows:

- North—** A laundromat in the C-S-C Zone.
- South—** Mallard Drive and beyond, vacant land in the C-S-C Zone, and office buildings in the C-O (Commercial Office) Zone.
- East—** A commercial shopping center with various uses including a church, restaurants, a dry cleaner, and a barber shop in the C-S-C Zone.
- West—** MD 197 and MD 295.

4. **Request:** The applicant requests a special exception to add a gas station to an existing food and beverage store site in the C-S-C Zone. The applicant proposes the addition of four multi-product fuel pump dispensers (MPDs), housing eight fueling positions, as well as a 20-foot-wide by 90-foot-long by 17.6-foot-high canopy. A gas station with associated food or beverage store is permitted in the C-S-C Zone with the approval of a special exception, in accordance with Section 27-461 of the Zoning Ordinance.

5. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Food and beverage store	Gas station with associated food and beverage store
Acreage (sq. ft.)	35,312	35,312
Parcels	1	1
Gross Floor Area (sq. ft.)	3,170	3,170
Lots	0	0

6. **Required Findings:** A special exception is subject to the general findings for approval of all special exceptions contained in Section 27-317(a) of the Zoning Ordinance. Part 4 of the Zoning Ordinance also includes additional required findings for specific uses. A gas station is subject to the findings of Section 27-358, and the food and beverage store component is subject to the additional findings contained in Section 27-355. The analysis of all the required findings for approval are provided below.

In support of the application, the applicant filed a statement of justification (SOJ) dated November 13, 2018, which was superseded by a revised SOJ submitted on January 10, 2019, adopted herein by reference, and referenced throughout this technical staff report. The applicant also included a market analysis (dated January 10, 2019), as well as site and landscape plans.

**General Special Exception Findings—**Section 27-317(a) provides the following:

**(a) A Special Exception may be approved if:**

- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The purposes of Subtitle 27 of the Prince George's County Code, as set forth in Sections 27-102(a)(1)–(15), are generally to protect the health, safety, and welfare of the public; to promote compatible relationships between various land

uses; to guide orderly development; and to ensure adequate public facilities and services. Specific to the C-S-C Zone, as set forth in Section 27-454(a) of the Zoning Ordinance, the purposes relate to providing locations for predominately retail commercial shopping facilities; compatible institutional, recreational, and service uses; and to exclude uses incompatible with general retail shopping centers and institutions. As outlined in the applicant's SOJ, staff finds that the uses and the site plan, as proposed, will be in harmony with the purposes of this Subtitle if approved with the recommended conditions contained herein.

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

As outlined within this technical staff report, this application has not demonstrated conformance with all of the requirements and regulations of the Zoning Ordinance. More specifically, the applicant has not demonstrated conformance with Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), along the site's northern boundary line. The applicant filed a request for alternative compliance from Section 4.7 along the northern and eastern property lines, adjacent to a laundromat and church, respectively, to reduce the landscape yard and building setback widths. The Planning Director recommended DISAPPROVAL of alternative compliance from the Landscape Manual for Section 4.7 along the northern property line, and APPROVAL of alternative compliance from Section 4.7 along the eastern property line. The landscape requirements and recommendation are discussed further in this report and, with the recommended conditions, the subject application will be 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.**

The gas station with associated food and beverage store will not impair the integrity of any master plan, functional plan, or the *Plan Prince George's 2035 Approved General Plan* (Plan 2035). This application is in the Established Community area of 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 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (Subregion 1 Master Plan and SMA) retained the subject property in the C-S-C Zone and recommends commercial land uses for the subject property. The addition of a gas station with the existing food and beverage store is consistent with the zoning category.

**(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

The proposal is designed to provide safe internal circulation flow for pedestrians and vehicles on-site, as well as a safe ingress and egress of vehicles. None of the responses from any referring agency received by staff, and incorporated herein by reference, indicate that the proposed addition of a gas station to the existing food and beverage store will 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 subject application proposes to add a gas station use, in combination with an existing food and beverage store. The redevelopment of a portion of the property to accommodate the gas facility will grant the applicant the ability to bring the site into compliance with current stormwater management practices, landscaping requirements, and zoning regulations, pursuant to the conditions recommended.

The applicant has incorrectly noted, on page 4 of the revised SOJ, that the closest gas station is over eight miles from the subject property. Staff, however, notes that there are two existing gas stations (Shell and Sunoco) with associated food and beverage stores, which are located approximately 0.51 and 0.64 miles, respectively, to the north of the subject site, on the east side of MD 197. The Shell gasoline station houses four MPD gas pumps, three vehicle service bays, and a 1,680-square-foot food and beverage store. The Sunoco gasoline station also has four MPDs with a 2,219-square-foot food and beverage store. The applicant has provided a market analysis, which studies these gas stations with associated food and beverage stores within a one-mile radius. The analysis concludes that there is a conservative demand in the area for a gasoline station.

The proposed development will not detrimentally impact the use or development of adjacent properties, as the proposed gas station, pursuant to the conditions recommended, will be in architectural harmony with the existing surrounding developments and will provide goods and services, which will supplement those on abutting properties.

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

The site has been issued a standard letter of exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (S-077-2018), dated May 23, 2018, with an expiration of May 23, 2020, and therefore conforms to this requirement.

**(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

This special exception site plan does not contain any regulated environmental features and, therefore, conforms to this requirement.

## **Specific Special Exception Requirements—**

### **Section 27-355. Food or beverage store.**

**(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;**

A gas station with associated food or beverage store may be permitted within the C-S-C Zone by special exception, if the applicant can show a reasonable need for the use in the neighborhood. In this case, the food and beverage store has been successfully existing and operating on the subject property for over 30 years. The applicant believes that, this itself is evidence that the food and beverage store is reasonably convenient to the public and that there is a need for the use in the neighborhood. Moreover, the SOJ states that there are over 20,000 people who either live or work within the vicinity of the subject property. Approximately 4,500 of whom live within a one-half mile radius of the subject property. MD 197 is a major corridor in Prince George's County, and is also designated as an arterial road in the MPOT. There are approximately 23,000 vehicles per day traveling along this portion of MD 197. The existence of a food and beverage store at this location has served the convenience needs of the community, as well as the traveling public along MD 197, for decades. Staff believes that keeping a store such as this in this location will continue to serve the needs of the community.

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

The site has two access points, one of which is an internal driveway entrance from the abutting shopping center and the other is a direct access from Mallard Drive. The existing 3,170-square-foot building has proven to be an appropriate size for the site and conforms to the regulations applicable in the C-S-C Zone. The size and location of the building, as well as access points to the food and beverage store, which will remain unchanged, are 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;**

Staff notes that there are two other similar uses located within one-half mile north of subject site. These are existing Shell and Sunoco gas stations with associated food and beverage stores. However, staff believes that the proposed redevelopment will not unduly restrict the availability of land or upset the balance of land use in the area, based upon the market analysis. The aforementioned market analysis demonstrates an excess demand in the area for gasoline, which may be met with this proposal, and the food and beverage store has existed on the subject site for more than 30 years.

**(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;**



The proposed use is located within the C-S-C Zone. This criterion does not apply to the subject application.

- (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.**

During the field inspection, staff noted that alcoholic beverages are sold in the existing food and beverage store. Additionally, the existing 20-foot-high freestanding sign and electronic window sign clearly advertise wine and beer sales on the site. Staff is unable to locate any permit for such a sign with Prince George's County Department of Permitting, Inspections and Enforcement (DPiE). The applicant, in the SOJ incorrectly states "Alcoholic beverages are not sold within the existing food or beverage store, and the applicant is not proposing to sell alcoholic beverages at this location." In accordance with this finding, the retail sale of alcoholic beverages is prohibited.

The applicant has proposed new signage that will replace the existing signage, which will not advertise the sale of alcoholic beverages. Review of the signage is further discussed within the Sign Regulations findings of this report.

#### **Section 27-358. Gas Station.**

- (a) **A gas station may be permitted, subject to the following:**

- (1) **The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;**

The subject property has approximately 178 linear feet of frontage along Mallard Drive, which has a right-of-way width of 70 feet. This site also has approximately 152 linear feet of frontage along MD 197, which has a variable right-of-way width that exceeds 70 feet.

- (2) **The subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, or hospital is located;**

The subject property is not located within 300 feet of a school, playground, hospital, or library.

- (3) **The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a Special Exception in accordance with the provisions of Section 27-417;**

The subject application does not include the display and rental of cargo trailers, trucks, or similar uses.

- (4) **The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;**

The subject property will not be used for the storage or junking of wrecked motor vehicles (whether capable of movement or not).

- (5) **Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Permitting, Inspections, and Enforcement, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter.**

The site is a corner lot. The proposal meets all the zoning requirements with regard to access driveways, including the requirements for a 20-foot setback from the point of curvature and the 12-foot setback from the side or rear lot line of any adjoining lot. The proposal provides one 35-foot-wide access driveway from Mallard Drive, that is located more than 60 feet from the point of curvature and more than 84 feet from the rear property line of the adjoining lot. Prior to certification of the site plan, the plan should clearly provide a dimension from the point of curvature and the adjoining lot to the site access.

- (6) **Access driveways shall be defined by curbing;**

The proposed driveway, defined by curbing, is shown on the site plan.

- (7) **A sidewalk at least five (5) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;**

The application is covered by the MPOT and the Subregion 1 Master Plan and SMA. The MPOT recommends an 8-foot-wide, shared-use side path along MD 197.

The Subregion 1 Master Plan and SMA encourages sidewalk connections throughout the area. “At the community level, appropriate trail and sidewalk connections are needed to provide safe places to walk between adjacent communities and land uses and allow safe access to schools, parks and other neighborhood facilities” (page 45). The site plan proposes a 5-foot-wide sidewalk to replace the existing sidewalk along Mallard Drive, which will connect to the existing sidewalk on MD 197. Pedestrian connections from the sidewalks along Mallard Drive and MD 197 should be provided to the building on the subject site.

The MPOT includes a side path recommendation along MD 197 (page 28):

**Currently, much of the land between Laurel and Bowie is in federal ownership and is restricted from trails and other recreational uses. However, a side path within the MD 197 right-of-way will provide a trail connection from Bowie to Laurel without impacting the adjacent federal properties. A side path is necessary to safely accommodate pedestrians and bicyclists along this high volume, high speed roadway. This trail will also provide access to the existing WB&A Trail and serve as a segment of the nationally designated East Coast Greenway.**

Staff recommends expanding the sidewalk along MD 197 to the MPOT recommended 8-foot-wide, shared-use side path. This improvement will be within the MD 197 right-of-way and under the purview of the Maryland State Highway Administration (SHA). Any improvements along SHA rights-of-way are subject to modification and approval by SHA.

- (8) Gasoline pumps and other service appliances shall be located at least twenty-five (25) feet behind the street line;**

The site plan indicates that all gasoline pumps and service appliances are located at least 25 feet behind the street line. Specifically, the proposed gas pumps are set back more than 55 feet from Mallard Drive and more than 63 feet from MD 197, as required by this section. There is also a car vacuum located on the site plan, which is more than 25 feet from each abutting street.

- (9) Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.**

Vehicle repair services are not proposed with the subject application.

- (10) Details on architectural elements such as elevation depictions of each facade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.**

Architectural elevations for the proposed gas canopy have been submitted, in conjunction with the special exception site plan. The architectural elevations for the gas canopy propose brick columns and a metal canopy. The existing food and beverage store was constructed in 1987 with light red cinder blocks, which is compatible with the surrounding commercial development that was built around

the same time. Staff recommends that the proposed gas canopy use similar light red colored brick columns to match the existing store, so it is compatible and consistent with the existing and surrounding commercial development in the area.

**(b) In addition to what is required by Section 27-296(c), the site plan shall show the following:**

- (1) The topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet);**
- (2) The location and type of trash enclosures; and**
- (3) The location of exterior vending machines or vending area.**

Section 27-296(c) of the Zoning Ordinance lists the plan submission requirements for special exception applications. The subject application complies with the criteria listed within this section. In regard to the plan requirements listed above, the site plan submitted in conjunction with the subject application shows the topography of the subject property, as well as the topography of the abutting properties, for a depth of more than 50 feet. The location of the trash enclosure is shown along the northern portion of the food and beverage store, and a detail sheet has been provided showing the materials used and type of trash enclosure. There are no vending machines or vending areas proposed with the subject application.

**(c) Upon the abandonment of a gas station, the Special Exception shall terminate, and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term “abandonment” shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease.**

The applicant has agreed to comply with this provision, as stated in the revised SOJ, which should be noted on the plans.

**(d) When approving a Special Exception for a gas station, the District Council shall find that the proposed use:**

- (1) Is necessary to the public in the surrounding area; and**
- (2) Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.**

A gas station with an associated food or beverage store may be permitted within the C-S-C Zone by special exception, if the applicant can show that the gas station component is necessary to the public within the surrounding area. The applicant submitted a market analysis, which was received on January 10, 2019, prepared by Laverna Olkowski, Sr. Real Estate Representative, 7-Eleven, Inc. The purpose of the study was to provide a determination of whether there is a reasonable need for the use of a gas station within the neighborhood. There are two existing gas station operations within a one-half mile radius, which the applicant used to comprise the primary market area surrounding the subject proposed gas station; Shell Station (12601 Laurel Bowie

Road) and Sunoco Station (12705 Laurel Bowie Road). The applicant utilized five different methods to show that the proposed gas station will provide goods and services for which there is a conservative demand in the area. These methods are outlined below.

More specifically, the applicant utilized Prince George's County Department of Public Works and Transportation (DPW&T) and SHA Average Daily Traffic Count List data to show the average daily traffic count (ADT) of 24,302. This number is limited to the amount of traffic passing the site currently without the addition of new centers being built. The traffic count does not include exit ramp traffic from MD 295, which adds an additional 12,012 ADT.

**Method 1**

Identify the one-mile radius of the primary market area, the number of vehicles per household in the market area, and create a formula for the demand of gallons per year (number of vehicles per year multiplied by the average yearly demand of gallons).

**Method 2**

Identify the primary market area demand for workers within the market area who either drove alone or carpooled (number of workers who drove alone and carpooled multiplied by the average yearly demand of gallons).

**Method 3**

Identify the primary market area demand for households based on one fill-up per vehicle, per week.

**Calculation A:** Number of vehicles in the primary market area multiplied by the average fill up

**Calculation B:** Average demand for households multiplied by 52 weeks

**Method 4**

Utilizing DPW&T ADT count, identify the primary market area demand for traffic counts within the area ((cars per day (ADT) x 365)) x .06).

**Method 5**

Identify the primary market area demand based on gallons per month, based on average daily trips of workers and transient commuters. After identifying the other gasoline retailers in the market area, multiply the 120,000 gallons per month industry standard estimate by 12, then by the number of gasoline stations in the area.

Upon reviewing the proposal and the applicant's market analysis, staff finds that the applicant has identified a market area in close proximity to the site (one-mile radius) and demonstrated that there is an excess demand based on the gallons pumped by the existing gas stations. Further, the Research Section, in a memorandum dated January 10, 2019, (Kowaluk to Alam), concluded that the gas station and existing food and beverage store will be reasonably convenient and useful to the public. Therefore, staff finds that the proposed gas station will provide reasonable and necessary accommodations to the surrounding community.

There is no indication that the approval of the proposed gas station would upset the balance of land use in the area, nor would the use unduly restrict the availability of land in the area for other commercial uses. The subject property is located along an arterial road, MD 197, which is within its interchange with MD 295, and poses no issue regarding the required special exception finding.

7. **Parking Regulations:** In accordance with the parking and loading regulations contained in Part 11 of the Zoning Ordinance, 23 parking spaces, including one handicap-accessible parking space, are required. The subject application's site plan shows 23 parking spaces being provided, including one handicap-accessible parking space, satisfying the parking regulations of the Zoning Ordinance. The subject site plan also correctly shows one loading space required and provided.
8. **Prince George's County Landscape Manual Requirements:** The application is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual because it involves a change of use from a lower- to a higher-intensity use category. The applicant has filed a request for alternative compliance from Section 4.7 along the northern and eastern property lines, adjacent to a laundromat and church, respectively, to reduce the landscape yard and building setback widths.

#### **Northern Property Line**

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the northern property line, adjacent to a laundromat

Length of bufferyard	145 feet
Minimum building setback	30 feet
Landscape yard width	20 feet
Fence or wall	Yes
Percent of existing trees	N/A
Plant units (120 per 100 l.f.)	58

PROVIDED: Section 4.7, Buffering Incompatible Uses, along the northern property line, adjacent to a laundromat

Length of bufferyard	145 feet
Minimum building setback	59.8 feet
Landscape yard width	1.3–20 feet
Fence or wall	Yes
Percent of existing trees	N/A
Plant units (120 per 100 l.f.)	59

#### **Justification of Recommendation**

The applicant requests alternative compliance from the requirements of Section 4.7 to propose an alternative solution to providing the required bufferyard on the subject property. Section 4.7 requires a Type B bufferyard, which includes a 30-foot building setback and a 20-foot-wide landscape yard along the northern and eastern property lines, adjacent to a laundromat and church, respectively.

Along the northern property line (Bufferyard 2), the building setback is met, but the landscape yard is only 1.3 feet in width, for approximately 18 percent of the total length, 4 feet or less for another 54 percent of the total length and meets the 20-foot width requirement for the remainder. It should be noted that the addition of the gas station and related improvements are causing a reduction in the existing landscape area along this property line. The gas station canopy is approximately 30 feet south of this property line and the adjacent laundromat is approximately 70 feet north of the property line.

As an alternative, the applicant is providing a 6-foot-high, sight-tight fence and one more plant unit than required. It should be noted that the fence is already being used, as permitted, for a 50 percent reduction in the number of required plant units, so it is not in addition to the requirements. The applicant justifies this by stating that the site meets the tree canopy coverage requirement and exceeds the required plant units on the overall site by 3 percent. The applicant claims that this is equally effective as normal compliance in meeting the guidelines and intent of the Landscape Manual.

The Planning Director did not agree and suggested that the applicant reduce some of the drive aisle widths to provide as much additional landscape yard as possible. The applicant then submitted two truck turning exhibits to demonstrate how it was not feasible to reduce these without resulting in a need to relocate the dumpster and loading space, and potentially result in a parking departure. Moreover, reducing the drive aisle would result in the applicant not being able to provide safe on-site circulation, as the drive aisles would be too narrow to accommodate the requisite trash collection and fuel trucks.

While there are space limitations of this older site, it is unconvincing that provision of less than 20 percent of the required width of the landscape yard, for more than 70 percent of the length, could be considered equally effective in its ability to fulfill the design purposes of Section 4.7, relative to creating a transition and buffering the undesirable effects of the proposed high-intensity use. Therefore, the Planning Director recommends disapproval of the request, along the northern property line.

### **Eastern Property Line**

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the eastern property line, adjacent to a church

Length of bufferyard	164 feet
Minimum building setback	30 feet
Landscape yard width	20 feet
Fence or wall	No
Percent of existing trees	N/A
Plant units (120 per 100 l.f.)	132

PROVIDED: Section 4.7, Buffering Incompatible Uses, along the eastern property line, adjacent to a church

Length of bufferyard	164 feet
Minimum building setback	3.1 feet
Landscape yard width	1.3–20 feet
Fence or wall	No
Percent of existing trees	N/A
Plant units (120 per 100 l.f.)	135

**Justification of Recommendation**

Along the eastern property line (Bufferyard 3), the existing one-story food and beverage store building, which was constructed in approximately 1987, encroaches into the required building setback and landscape yard, reducing it to 3.1 feet wide for approximately 60 feet. To the south of the building is an existing parking lot area that encroaches into the required landscape yard, reducing it to 4.15 feet wide for approximately 23 feet in length. Along the remainder of the property line, approximately 50 percent, the building setback and landscape yard requirements are met. As an alternative, the applicant is providing three more plant units than required. The applicant justifies this by stating that the site meets the tree canopy coverage requirement and exceeds the required plant units on the overall site by 3 percent. The applicant claims that this is equally effective as normal compliance in meeting the guidelines and intent of the Landscape Manual.

This bufferyard is different from the northern bufferyard in that the building and parking lot location along this property line are existing and not proposed to change with the current application. Additionally, the food and beverage store itself is a compatible use with the adjacent church; the addition of the gas station use requires the bufferyard. In fact, because it sits between the property line and the higher-impact gas station use, the existing building could be considered to contribute to the buffer between the incompatible uses. Finally, the church on the adjacent property is over 200 feet away from the property line.

The Planning Director recommends that, given the existing conditions, the provision of the full plant unit requirement, the location of the food and beverage store building, and the use on the adjacent property, the applicant's proposal is equally effective as normal compliance with Section 4.7 of the Landscape Manual.

In conclusion, the Planning Director recommends DISAPPROVAL of alternative compliance from the Landscape Manual for Section 4.7 along the northern property line, and APPROVAL of alternative compliance from Section 4.7 along the eastern property line.

This recommendation would require the applicant to redesign the site to provide the required buffer, which may include the removal of one pump island and relocation of the loading space and trash enclosure, or obtain approval of a departure from design standards along the northern property line.

9. **Tree Canopy Coverage:** The project is subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance, as it involves a disturbance in excess of 5,000 square feet of land area. The project is located in the C-S-C Zone, which requires 10 percent of the land area to be covered in tree canopy. The site measures 35,312 square feet; therefore, 3,528 square



feet should be covered in tree canopy. The required tree canopy coverage schedule was provided on the landscape plan demonstrating conformance with this requirement.

10. **Sign Regulations:** This application includes the review of one 115.6-square-foot aluminum composite metal (ACM) strip panel, exterior, building-mounted sign; one 25-square-foot, exterior, building-mounted sign; one 99.75-square-foot, exterior, ground-mounted pylon sign at the corner of MD 197 and Mallard Drive; one 3-square-foot directional sign along Mallard Drive; three 9-square-foot fuel canopy signs; and four ACM strips on the canopy. The proposed ground-mounted pylon sign is located on-site and replaces the existing freestanding sign, which is currently in the right-of-way.

The proposed signage meets the area, height, and setback requirements of the applicable sign regulations contained in Part 12 of the Zoning Ordinance.

11. **Referral Comments:** 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 technical staff report:
  - a. The Prince George's County Fire/EMS Department, dated December 7, 2018 (Reilly to Alam)
  - b. Prince George's County Department of Parks and Recreation, dated December 10, 2018 (Asan to Alam)
  - c. Permit Review Section, dated December 10, 2018 (Gallagher to Alam)
  - d. Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), dated December 12, 2018 (Branch to Alam)
  - e. Special Projects Section, dated December 13, 2018 (Mangelvedhe to Alam)
  - f. Historic Preservation Section, dated December 28, 2018 (Stabler to Alam)
  - g. Maryland State Highway Administration (SHA) email, dated January 9, 2019 (Woodroffe to Alam)
  - h. Special Projects Section, dated January 10, 2019 (Kowaluk to Alam)
  - i. Environmental Planning Section, dated January 15, 2019 (Juba to Alam)
  - j. Community Planning Division, dated January 16, 2019 (Dodgshon to Alam)
  - k. Transportation Planning Section, dated January 18, 2019 (Thompson to Alam)
  - l. Transportation Planning Section, dated January 18, 2019 (Lewis-DeGrace to Alam)
  - m. Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), dated February 20, 2019 (Giles to Alam)
  - n. Permit Review Section, dated February 22, 2019 (Linkins to Alam)

- o. Urban Design Section, dated February 27, 2019 (Bush to Alam)
- p. Permit Review Section, dated March 26, 2019 (Linkins to Cannady II)

## RECOMMENDATION

A special exception use is considered compatible with uses permitted by-right within the C-S-C Zone, as long as specific special exception criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, at this particular location proposed, would not have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the zone.

Based on the applicant's statement of justification dated January 10, 2019, the analysis contained in this technical staff report and associated referrals, and materials in the record, the applicant has demonstrated conformance to the required special exception findings, as set forth in Section 27-317 (in general); Section 27-355, Food or beverage store; and Section 27-358, Gas station, of the Zoning Ordinance, but not conformance to the 2010 Prince George's County Landscape Manual, in this instance. Alternative Compliance AC-19002 is recommended for DENIAL along the northern property line. Therefore, staff recommends APPROVAL of Special Exception SE-4818 and Alternative Compliance AC-19002, for Section 4.7 along the eastern property line, for 7-Eleven, 9820 Mallard Drive, subject to the following condition:

- 1. Prior to certification of the special exception, the site plan shall be revised, as follows:
  - a. Label the brick columns of the gas station canopy to indicate that the brick will match the existing food and beverage store.
  - b. Demonstrate conformance to the 2010 *Prince George's County Landscape Manual* along the northern property line or obtain approval of a departure from design standards for the required landscaping.
  - c. Provide dimensions delineating the distance from the point of curvature along Mallard Drive to the driveway entrance and from the adjoining lot, to the east of the subject site, to the driveway entrance.
  - d. Provide a sidewalk or designated pedestrian route from MD 197 (Laurel Bowie Road) to the building entrance.
  - e. Provide a sidewalk or designated pedestrian route from Mallard Drive to the building entrance.
  - f. Provide an 8-foot-wide sidewalk along MD 197 (Laurel Bowie Road), unless modified by the Maryland State Highway Administration.