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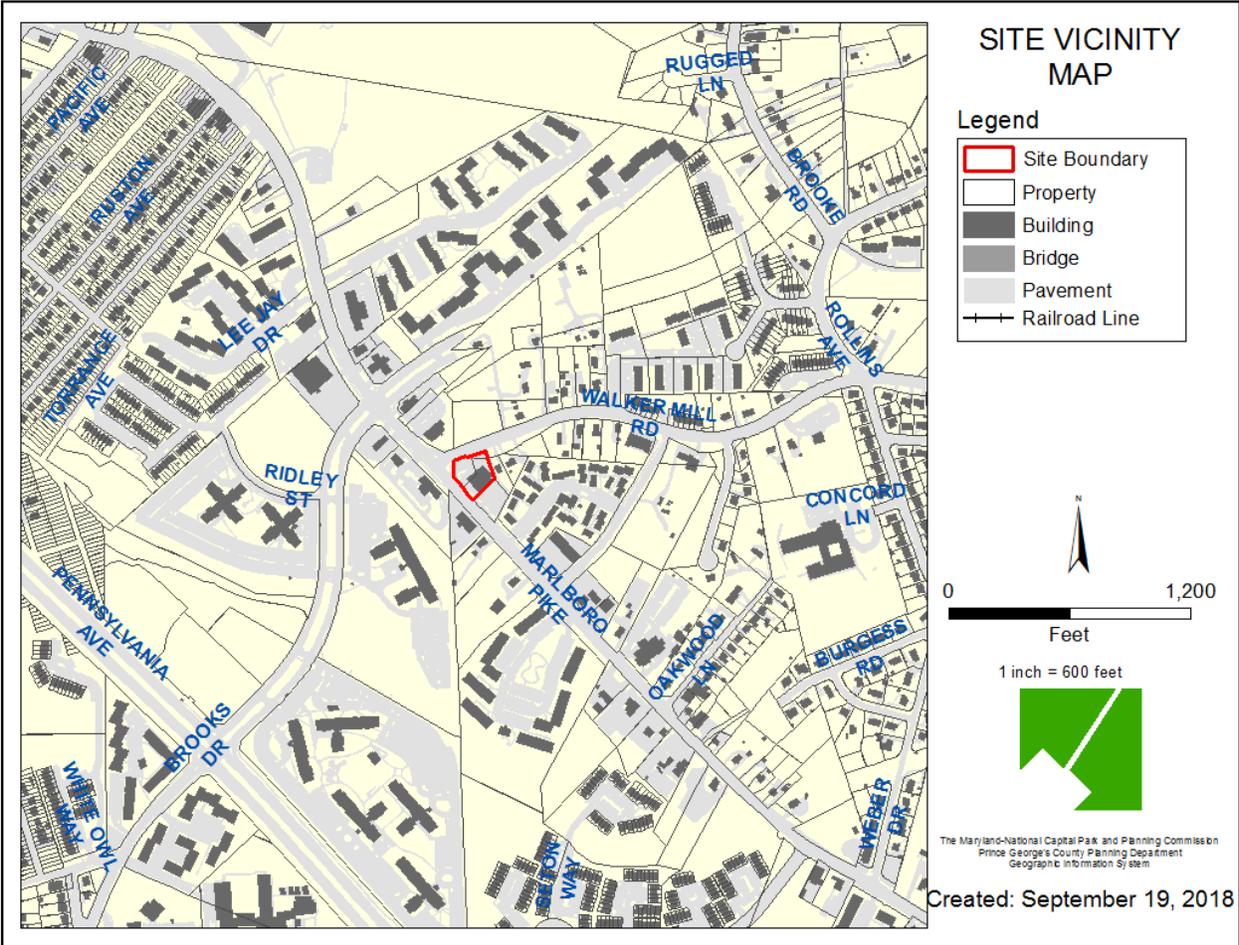
## Special Exception Alternative Compliance

**SE-4822**  
**AC-19007**

Application	General Data	
<b>Project Name:</b> 7-Eleven Marlboro Pike  <b>Location:</b> At the southeast quadrant of the intersection of Marlboro Pike and Walker Mill Road  <b>Applicant/Address:</b> 7-Eleven, Inc. 3200 Hackberry Road Irving, TX 75063  <b>Property Owner:</b> Michael Puckett & Mary Cranford, et al 14616 Brock Hall Drive Upper Marlboro, MD 20772	Planning Board Hearing Date:	07/25/19
	Staff Report Date:	07/09/19
	Date Accepted:	05/13/19
	Planning Board Action Limit:	N/A
	Plan Acreage:	35,133 sq. ft.
	Zone:	C-S-C
	Gross Floor Area:	2,993 sq. ft.
	Lots:	0
	Parcels:	3
	Planning Area:	75A
	Council District:	07
	Election District:	06
	Municipality:	N/A
200-Scale Base Map:	203SE05	

Purpose of Application	Notice Dates	
Special exception to permit a 2,993-square-foot food and beverage store in combination with a gas station in the C-S-C Zone.  Alternative compliance from Sections 4.3 and 4.7 of the Landscape Manual.	Informational Mailing:	11/20/18
	Acceptance Mailing:	05/06/19
	Sign Posting Deadline:	N/A

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Ras Tafari Cannady II, AICP <b>Phone Number:</b> 301-952-3411 <b>Email:</b> 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, AICP, Senior Planner, Subdivision and Zoning Section  
Development Review Division

SUBJECT: **Special Exception SE-4822**  
**Alternative Compliance AC-19007**  
**7-Eleven, Marlboro Pike**

REQUEST: **Special exception to permit a 2,993-square-foot food and beverage store in combination with a gas station in the C-S-C Zone.**

**Alternative compliance from Sections 4.3 and 4.7 of the Landscape Manual.**

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 July 25, 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 and Field Inspection:** The property is located at the southeast quadrant of the intersection of Marlboro Pike and Walker Mill Road. The site is comprised of 35,133 square feet of land in the Commercial Shopping Center (C-S-C) Zone. The property is currently improved with a 9,211-square-foot service garage with an associated asphalt parking lot, constructed in 1988. The site has approximately 190 linear feet of frontage along Marlboro Pike, and 207 linear feet of frontage along Walker Mill Road. Vehicular access to the site is provided via two entrances on Marlboro Pike, located on the west side of the site.
2. **History and Previous Approvals:** According to the Maryland Department of Assessments and Taxation database, the subject property was developed in 1988 with a 9,211-square-foot service garage. The site and landscaping plans were approved via Permit 753-86-CGU. This special exception plan includes the following legal lots recorded in the Prince George’s County Land Records: Parcels 35, 36, and 383 recorded in Liber 40568 folio 338. The applicant proposes to remove the existing service garage to construct a 2,993-square-foot food and beverage store in combination with a gas station.
3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded to the north by Brooks Drive, Walker Mill Road, and Rollins Avenue; to the west and south by MD 4 (Pennsylvania Avenue); and to the east by Silver Hill Road. The immediate area surrounding the subject property is developed with commercial uses, as follows:
  - North—** Walker Mill Road and beyond; vacant land in the One-Family Detached Residential (R-55) Zone and two eating and drinking establishments in the C-S-C Zone.
  - South—** Vacant land in the C-S-C Zone.
  - East—** Single-family detached dwellings in the R-55 Zone.
  - West—** Marlboro Pike and beyond; a car wash and a commercial multi-tenant building in the C-S-C Zone.
4. **Request:** The applicant requests a special exception to permit a 2,993-square-foot food and beverage store in combination with a gas station in the C-S-C Zone. The subject application proposes four concrete fueling islands, or four multiproduct dispensers housing eight pumps, as well as a 36-foot-wide by 53-foot-long canopy. A gas station with associated food or beverage store is permitted in the C-S-C Zone, with approval of a special exception, in accordance with Section 27-461 of the Prince George’s County Zoning Ordinance. In addition, the applicant seeks a departure from parking and loading standards (DPLS) from the required 18 parking spaces, as well as approval of alternative compliance for relief from Sections 4.3 and 4.7 of the 2010 *Prince George’s County Landscape Manual*. In accordance with Section 27-588 of the Zoning Ordinance, the applicant has requested a DPLS via a separate development application (DPLS-462) and review process submitted concurrently with this application. Vehicular access to the site is proposed via an entrance from Walker Mill Road, located on the north side of the site, and an entrance on Marlboro Pike, located on the west side of the site.

5. **Development Data Summary:**

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

6. **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 April 25, 2019, which was superseded by a revised SOJ submitted on June 13, 2019, adopted herein by reference, and referenced throughout this technical staff report. The applicant also included a market analysis (submitted on April 25, 2019), as well as site and landscape plans. The site and landscape plans were revised and resubmitted to the Prince George’s County Planning Department on June 13, 2019.

**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 Section 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 will conform with all of the requirements and regulations of the Zoning Ordinance with the recommended conditions.

(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.**

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

The 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA) recommends commercial land uses on the subject property. The construction of a 2,993-square-foot food and beverage store in combination with a gas station is consistent with this vision.

In addition, the Marlboro Pike Sector Plan and SMA recommends a main street character with enhanced bicycle and pedestrian facilities along segments of Marlboro Pike. The site does not appear to be in one of the designated main street character areas identified on page 56 of the sector plan. Standard sidewalks and designated bike lanes are appropriate along the subject site's frontage along Marlboro Pike. However, the site is within the area covered by the Prince George's County Department of Public Works and Transportation (DPW&T) Marlboro Pike Safe Routes to Schools Capital Improvement Program (CIP) project. Frontage improvements for the subject site need to be coordinated with DPW&T and the planned CIP improvements. Reallocation of curb-to-curb space, designated bike lanes, and standard sidewalks are included along the site's frontage in the draft plans by DPW&T.

Both the sector plan and the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) recommend a wide sidewalk or shared-use path along Walker Mill Road. The text for this recommendation is copied below:

**Walker Mill Roadside Path/Wide Sidewalk: This project should be implemented as a shared-use side path or wide sidewalk. This facility will connect to the existing wide sidewalk along Ritchie Marlboro Road at the Capital Beltway interchange. This facility will provide access to Walker Mill Regional Park, John H. Bayne Elementary School, and Walker Mill Business Park (MPOT, page 29).**

There is not adequate existing right-of-way along Walker Mill Road to accommodate the master plan trail. The sidewalk along Walker Mill Road will accommodate pedestrians until funding becomes available, additional right-of-way is acquired, and the master plan facility can be constructed.

Standard sidewalks are reflected on the site plan along the site's frontages of Walker Mill Road and Marlboro Pike, and a sidewalk is shown linking the building entrance with Walker Mill Road. Staff recommends an additional sidewalk/pedestrian route linking the building with the sidewalk along Marlboro Pike.

Staff finds that the gas station with associated food and beverage store will not impair the integrity of any master plan, functional plan, or Plan 2035.

- (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 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 construction of a 2,993-square-foot food and beverage store in combination with a gas station 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 permit a 2,993-square-foot food and beverage store in combination with a gas 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-121-2018) dated August 24, 2018, with an expiration of August 24, 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 food and beverage store in combination with a gas station 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 support of this finding, the

applicant has submitted a market analysis, which was received on April 25, 2019, prepared by Laverna Olkowski, Sr. Real Estate Representative, 7-Eleven, Inc.

The needs analysis states:

**It is reasonable to assume that 7-Eleven, the largest (in terms of number of locations 8,303 in U.S. and considered one of the industry leaders in progressive growth and marketing ideas for the Convenience Gas industry, will continue to select new locations that have the ability to include both gas and convenience store offerings. As part of the rationale for this specific location in District Heights, the connectivity and free flow of site provide an excellent opportunity to offer gasoline and fresh food offerings to their customers and other shoppers in a safe, convenient location that meets current land development requirements.**

**We therefore conclude that the conservative demand for gasoline in this market area exceeds the current supply per year. We have a very high level of confidence in this conclusion that the demand will more than justify the addition of this proposed gasoline convenience outlet.**

Further, the applicant states in the SOJ that, “It is well established that this criterion requires than an applicant demonstrate that a proposed food or beverage store is reasonable convenient or expedient. As provided in the needs analysis and supported by the practice of colocation of gas facilities with a food or beverage store, the need for the latter make the former reasonably convenient.”

Staff agrees with the applicant, that where the colocation of gas facilities with a food or beverage store is proposed, the necessity or demand of the gas station creates a reasonable need for a food or beverage store, which will provide convenience and expedient service to the community.

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

Vehicular access to the site is proposed via an entrance from Walker Mill Road, located on the north side of the site, and an entrance on Marlboro Pike, located on the west side of the site. The proposed 2,993-square-foot food and beverage store will 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, 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 five similar uses located within the subject site’s trade area. As shown within the gas station analysis of this report, staff believes that development of the site will not unduly restrict the availability of land or upset

the balance of land use in the area, based upon the market analysis, which demonstrates a conservative demand for this proposed 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;**

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.**

The applicant's SOJ states that alcoholic beverages will not be sold within the proposed food and beverage store. Staff recommends that a note be placed on the plan prohibiting the sale of alcoholic beverages on the site.

**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 is a corner lot and has approximately 444.55 feet of frontage along both Walker Mill Road and Marlboro Pike. Walker Mill Road has a variable width right-of-way that measures approximately 80 feet and is designated as a master-planned collector roadway (C-427). Marlboro Pike has a variable width right-of-way that measures approximately 80 feet in front of the subject property and is designated as a master-planned collector roadway (C-410). Access to the development is proposed from both Walker Mill Road and Marlboro Pike, which both have 80-foot-wide minimum rights-of-way.

- (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;**

As stated in the applicant's SOJ, the subject property will not be used for the storage or junking of wrecked motor vehicles (whether capable of movement or not). In addition, no storage areas are shown or proposed on the submitted plans.

- (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 proposal provides two access driveways that meet the criteria above. One 37.4-foot-wide access driveway is proposed onto Walker Mill Road, which is more than 95 feet from the point of curvature and not less than 12 feet from the side property line. One 35.2-foot-wide access driveway is proposed onto Marlboro Pike, which is more than 100 feet from the point of curvature and not less than 12 feet from the side property line.

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

The proposed driveways, defined by curbing, are 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 Marlboro Pike Sector Plan and SMA, which provide recommendations for sidewalk improvements along Walker Mill Road and Marlboro Pike, as discussed in the prior findings of this report.

Standard sidewalks are reflected along the site's frontages of Walker Mill Road and Marlboro Pike and a sidewalk is shown linking the building entrance with Walker Mill Road. Staff recommends an additional sidewalk/pedestrian route linking the building with the sidewalk along Walker Mill Road.

- (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 the gasoline pumps and other service appliances are proposed outside of the 25-foot street setbacks on both Marlboro Pike and Walker Mill Road.

- (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.**

The applicant's SOJ states that 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 were submitted for the proposed gas station canopy and food and beverage store, in conjunction with the special exception site plan. The applicant proposes the use of a stone veneer base and burgundy sheet metal-capped posts for the typical franchise flat-roofed gas station canopy. This complements the treatments proposed on the food and beverage store, which is stone veneer and red brick on all sides. Corner features provide variety to the roofline and storefront doors, and windows are provided along the front elevation. The architectural treatments are of high quality and will be a compatible and attractive addition to the surrounding development, which primarily consists of buildings with brick and other masonry finishes.

- (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 generally 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 southern portion of the food and beverage store; however, a detail of the enclosure has not been provided showing the materials used and type of trash enclosure. A condition requiring the detail and use of materials compatible with the proposed building is recommended. A vacuum and air station within the parking area is identified on the plans and meets the required setbacks. There are no other vending areas proposed.

- (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. Staff recommends that a note be placed on the plan necessitating the termination of the special exception, and removal of all structures exclusively used in the business (including underground storage tanks), except buildings, upon the abandonment of the gas station.

- (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 April 25, 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. More specifically, there are five existing gas station operations within a one-mile radius, which the applicant used to comprise the primary market area surrounding the subject proposed gas station:

- Sunoco (2000 Brooks Drive)
- Lowest Price (5258 Marlboro Pike)
- Shell (5017 Marlboro Pike)
- BP (4909 Marlboro Pike)
- Shell (5921 Silver Hill Road)

The needs analysis 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 needs analysis utilized DPW&T and Maryland State Highway Administration Average Daily Traffic (ADT) count list data to show the ADT count of 31,523 vehicles traveling by the site.

#### **Method 1**

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

**Method 4**

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

**Method 5**

Identify the 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.

In response to Subdivision and Development Review Committee comments given to the applicant by staff on May 31, 2019, necessitating additional information within the SOJ to adequately determine the gallons of gasoline pumped, the applicant submitted a supplemental needs analysis prepared by Valbridge Property Advisors (Mr. Edward Steere) dated June 10, 2019. This needs analysis is meant to be a separate, independent review to supplement 7-Eleven’s analysis of the trade area.

The needs analysis states,

**We find that there is an estimated demand for at least 29.9 million gallons of gasoline within the defined District Heights trade area, as determined by standard market research methodologies of residential and pass-through demand. The existing supply is approximately 25.88 million gallons per year, leaving a net unmet demand of approximately 4 million gallons. This number is not explicit, as we are unable to capture actual production volumes of competitive gas stations.**

**Considering the growth projected at residential neighborhoods such as Metro City coupled with existing employment and transient traffic, we believe the demand significantly exceeds the current supply in the trade area, especially when considering the relatively heavy traffic volumes seen coming through this area of Prince George’s County. It is important to note that the availability of gas stations in the community offers mostly older, obsolete service stations with small kiosks or snack shops, which are not in demand by the current consumer. We find that many existing stations do not capture consistent levels of demand, and we judge that that a substantial volume of trade will be handled by the few modern facilities proposed for the area such as the subject that offer larger convenience spaces and services that are attractive to a broader market of consumers.**

**We find that there is a public need for this new gasoline station, due to the facts presented above. There are few opportunities in the market area for**

**customers to find fuel and associated convenience items in a clean, well-lit environment that is in demand at this time. With little exceptions, the gas stations in the trade area are all old and outdated, and many do not offer a full range of duel or convenience items. Additionally, this station is to be located proximal to an interstate highway interchange, offering the opportunity to serve both commuter, interstate and neighborhood traffic.**

To conduct the analysis, the needs analysis identified the trade area, the trade area residents, trade area demand, District Heights trade area supply, pipeline supply, current performance, and unmet demand. A summary of each point is provided below:

- Trade Area: The trade area is centered primarily on the Marlboro Pike corridor between the District of Columbia and Forestville. The trade area extends northward to MD 214 (Central Avenue), effectively capturing commuters and consumers traveling out of the residential communities within Walker Mill and District Heights. This is defined as a reasonable representation of consumers seeking convenience store and fueling services along the course of their travel to and from work or routine shopping trips.
- Trade Area Residents: The trade area is populous and is projected to remain stable going forward to 2023. A moderate average income of \$69,939 enables 46.2 percent homeownership rate, with homes being valued at an average of \$239,208 in 2018. The Census Bureau’s American Community Survey for 2012-2016 estimates that there are roughly 1.6 vehicles per household on average and that 70.6 percent of workers drive to work.
- Trade Area Demand: The total demand available to gas stations within the District Heights trade area is in the range of 23.9 million gallons per year. Although households residing in the District Heights trade area will account for a demand of 25.3 million gallons, demand is greater due to a daytime worker population which compromises roughly one-quarter of the total population.
- Competitive Supply: There is notable competition within the defined District Heights trade area for the available consumer demand for gasoline and diesel.
  - District Heights Trade Area Supply: The 19 other gas stations identified along the Marlboro Pike corridor between the Washington, DC city line and the I-95/I-495 (Capital Beltway) represent the most direct competition for the subject due to their central location within the trade area’s highway network proximate to residential communities and retail destinations.
  - Pipeline Supply: There are two other gas stations in the planning phases or under construction within the trade area. These stations will have more contemporary formats and are located in strong locations oriented toward capturing a high proportion of their sales from regional shoppers and residential neighborhoods.
  - Current Performance: Estimating that the total existing competitive supply is now pumping approximately 25.88 million gallons of gasoline per year, the local consumer demand for gasoline within the trade area is

shaped by other factors including price, accessibility, and perceived safety. Fueling options within the trade area of the subject property vary in regard to other factors, and some do not draw the same volumes of customers, as indicated by the range in total sales volume for sites in the same general area.

- **Unmet Demand:** Unmet trade area demand (need) is quantified in the range of approximately 4 million gallons per year, based on a comparison of trade area consumption with the estimated gallonage pumped for the area by the existing service stations. This is a conservative estimation, based on the estimated 1.36 million gallons of annual supply per station.

Staff finds that the proposed gas station is necessary to the public, given the unmet demand as shown within the market analysis received on April 25, 2019, prepared by Laverna Olkowski, Sr. Real Estate Representative, 7-Eleven, Inc., and the needs analysis prepared by Valbridge Property Advisors (Mr. Edward Steere), dated June 10, 2019.

In addition, 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.

7. **Parking Regulations:** Section 27-568(a)(5) of the Zoning Ordinance sets forth the required number of parking spaces for commercial trade/services. In this instance, the 2,993-square-foot food and beverage store requires one off-street parking space for every 150 square feet of gross floor area (GFA) for the first 3,000 square feet of GFA; and the gas station requires one parking space per employee. One employee is noted on the site plan. Therefore, 22 parking spaces are required for the two uses on the subject property. When the 20 percent joint-use parking reduction calculation is applied for the multiple uses (Section 27-572 of the Zoning Ordinance), the parking spaces required is reduced by four. Therefore, 18 parking spaces are required. Fifteen parking spaces are provided. The applicant requested a Departure from Parking and Loading Standards (DPLS-462) for 3 of the 18 required off-street parking spaces. The departure is processed as a separate application, which has been filed concurrently with the special exception application.

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

8. **Prince George's County Landscape Manual Requirements:** This site plan is subject to the following sections of the Landscape Manual: Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Special Roadways; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements.

The provision of Section 4.9 is met, pursuant to the revised landscape plans submitted by the applicant. However, the required Section 4.6 buffer along Marlboro Pike, a designated historic road, is not accurately reflected on the plans and some of the shade trees provided per Section 4.2 along Walker Mill Road are shown outside the boundary of the subject property and need to be moved out of the right-of-way. In addition, no details for the screening of the trash facilities have

been provided on the plans per Section 4.4. Conditions requiring the appropriate schedules, plantings, and details are recommended as conditions of approval.

An Alternative Compliance (AC-19007) application has been filed from the requirements of Section 4.3 for a reduction in the interior parking lot landscaping, and from Section 4.7 for a reduction in the width of the bufferyard along the eastern property line.

**Section 4.3, Parking Lot Requirements**

REQUIRED: Section 4.3, Interior Planting for Parking Lots 7,000 Square Feet or Larger

Parking Lot Area	8,731 sq. ft.
Interior Landscape Area Required	8 percent or 699 sq. ft.
Plant units (1 shade tree per 300 sq. ft.)	3

PROVIDED: Section 4.3, Interior Planting for Parking Lots 7,000 Square Feet or Larger

Parking Lot Area	8,731 sq. ft.
Interior Landscape Area Provided	6.9 percent or 607 sq. ft.
Plant units (1 shade tree per 300 sq. ft.)	2

**Justification of Recommendation**

Section 4.3(c)(2)(A), Table 4.3-1 sets forth the requirements for the minimum percentage of interior planting area based on the proposed parking lot size, which in this case is 8 percent of 8,731 square feet, or 699 square feet. The applicant is requesting approval of an alternative design to allow for a reduction in the required interior planting area from the required 8 percent to 6.9 percent, or 607 square feet. The applicant proposes to provide two of the required three shade trees, which is appropriate for the reduced planting area. However, it is recommended that larger caliper shade trees be provided, to allow for more immediate shading of the pavement area.

Staff finds the applicant’s proposal equally effective as normal compliance with Section 4.3, if approved with conditions, given the increase in the size of the shade trees and the minor nature of the reduction.

**Section 4.7, Buffering Incompatible Uses**

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the eastern property line, adjacent to existing one-family detached dwelling (Bufferyard 1)

Length of bufferyard	140 feet
Minimum building setback	50 feet
Landscape yard width	40 feet
Fence or wall	Yes
Percent with existing trees	0
Plant units (160 per 100 l. f.)	112*

\*A 50 percent reduction in the plant unit requirement is requested with the provision of the 6-foot-high, sight-tight fence.

PROVIDED: Section 4.7, Buffering Incompatible Uses, along the eastern property line, adjacent to existing one-family detached dwelling (Bufferyard 1)

Length of bufferyard	140 feet
Minimum building setback	25 feet
Minimum landscape yard	15 feet
Fence or wall	Yes, 6-foot-high, sight-tight
Percent with existing trees	0
Plant units	114*

\*This will increase to 130, if revised as conditioned herein.

**Justification of Recommendation**

The applicant requests alternative compliance from the requirements of Section 4.7 by proposing an alternative solution to providing the required bufferyard along the eastern property line, adjacent to an existing one-family detached dwelling. In this case, the proposed use is high-impact, which requires a Type D bufferyard, including a 50-foot building setback and a 40-foot-wide landscape yard, to be planted with 160 plant units per 100 linear feet of property line. The alternative design solution consists of a planted landscape yard with a varied width from 15 to 25 feet, with an additional two plant units, and a 6-foot-high, sight-tight fence along the property line, for which a detail sheet needs to be provided. In order to contribute to an effective bufferyard from the adjacent residential property, the applicant should substitute 24 of the proposed shrubs along the eastern property line with 8 evergreen trees and provide larger caliper shade trees. This will add an additional 16 plant units, for a total of 130, an increase of 16 percent over normal requirements.

In conclusion, staff finds the request for approval of Alternative Compliance equally effective as normal compliance with Section 4.7, if approved with conditions set forth in the Recommendation section of this report. These conditions will require larger shade trees and 16 percent more plant units than what is normally required, in accordance with the requirements of Section 4.7, creating an equally effective bufferyard.

APPROVAL of Alternative Compliance AC-19007, 7-Eleven Marlboro Pike, from the requirements of the 2010 *Prince George's County Landscape Manual* for Section 4.3, Parking Lot Interior Planting Requirements, for interior planting area, and for Section 4.7, Buffering Incompatible Uses, along the eastern property line is recommended.

9. **Tree Canopy Coverage:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development that proposes more than 5,000 square feet of GFA, or disturbance, and requires a grading permit. The subject site is zoned C-S-C and is required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The revised landscape plan dated June 13, 2019, provides the required schedule showing the tree canopy coverage requirement being met through the provision of proposed landscape trees.
10. **Sign Regulations:** The review of this special exception includes one 85.3-square-foot building-mounted sign; one exterior building-mounted ATM sign; six vinyl window signs; one 3-square-foot directional sign along Walker Mill Road; one 6-square-foot directional sign along Marlboro Pike; one 25-foot-high, 99.6-square-foot freestanding pylon sign; and three 9-square-foot canopy signs.

The proposed signage meets the area, height, and setback requirements, except that the applicant's proposed freestanding pylon sign along Marlboro Pike does not meet the setback requirements of the Zoning Ordinance, as contained in Part 12. It is recommended that the plans be revised to provide a 10-foot setback from the street line, defined as the master-planned right-of-way, in order to meet the required setbacks of Section 27-614 of the Zoning Ordinance, unless a written agreement with the Prince George's County Department of Permitting, Inspections and Enforcement is submitted, in accordance with this provision, allowing the sign 10 feet behind the existing right-of-way line.

The proposed signs are internally illuminated so as not to shine directly on adjacent streets or properties. Staff recommends that a note be placed on the site plan indicating that the proposed signage conforms to Section 27-592 of the Zoning Ordinance regarding illumination.

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. Permit Review Section, dated May 28, 2018 (Bartlett to Cannady II)
  - b. Special Projects Section, dated June 18, 2019 (Kowaluk to Cannady II)
  - c. Historic Preservation Section, dated May 20, 2018 (Stabler to Cannady II)
  - d. Maryland State Highway Administration email, dated June 18, 2019 (Woodroffe to Cannady II)
  - e. Environmental Planning Section, dated June 6, 2019 (Schneider to Cannady II)
  - f. Community Planning Division, dated June 14, 2019 (Umeozulu to Cannady II)
  - g. Transportation Planning Section (Trails), dated June 13, 2019 (Shaffer to Cannady II)
  - h. Transportation Planning Section, dated June 16, 2019 (Burton to Cannady II)
  - i. Urban Design Section, dated June 24, 2019 (Burke to Cannady II)

## RECOMMENDATION

A special exception use is considered compatible with uses permitted by-right within the Commercial Shopping Center 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 revised statement of justification dated June 13, 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; and conformance to the 2010 *Prince George's County Landscape Manual*, in this instance. Therefore, staff recommends APPROVAL of Special Exception SE-4822 and Alternative Compliance AC-19007 for 7-Eleven Marlboro Pike, subject to the following condition:

1. Prior to certification of the special exception, the special exception site and landscape plan shall be revised, as follows:
  - a. Provide a 4-foot-wide sidewalk or designated pedestrian route from Marlboro Pike to the building entrance.
  - b. Move all shade trees provided per the Section 4.2 requirements of the 2010 *Prince George's County Landscape Manual* out of the right-of-way and onto the subject property within the 10-foot-wide landscape strip.
  - c. Remove the Section 4.2 schedule and demonstrate conformance to Section 4.6 of the 2010 *Prince George's County Landscape Manual*, along the subject property's entire frontage on Marlboro Pike, a designated historic road.
  - d. Revise the Section 4.7 schedule, along the southern property line, to reflect that no bufferyard is required.
  - e. Place a note on the site plan prohibiting the sale of alcoholic beverages on the site.
  - f. Place a note on the plan necessitating the termination of the special exception and removal of all structures exclusively used in the business (including underground storage tanks), except buildings, upon the abandonment of the gas station.
  - g. Place a note on the site plan stating that illumination of the signs conforms to Section 27-592 of the Prince George's County Zoning Ordinance.
  - h. Provide a detail of the trash enclosure, demonstrating conformance to Section 4.4 of the 2010 *Prince George's County Landscape Manual*, utilizing the same building materials proposed for the food and beverage store.
  - i. Demonstrate conformance with the sign setback requirements of Section 27-614 of the Prince George's County Zoning Ordinance for the freestanding pylon sign.
  - j. Increase the caliper of the proposed shade trees in the Section 4.3 interior planting area and the Section 4.7 eastern bufferyard to 3.5- to 4-inch caliper.
  - k. Replace 24 of the proposed shrubs with 8 evergreen trees along the eastern boundary.
  - l. Clearly show the proposed trees and labels that are blocked by the building graphics.
  - m. Provide a detail of the proposed sight-tight fence.