



The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

## Special Exception Alternative Compliance 7-Eleven, District Heights

**SE-4832**  
**AC-20010**

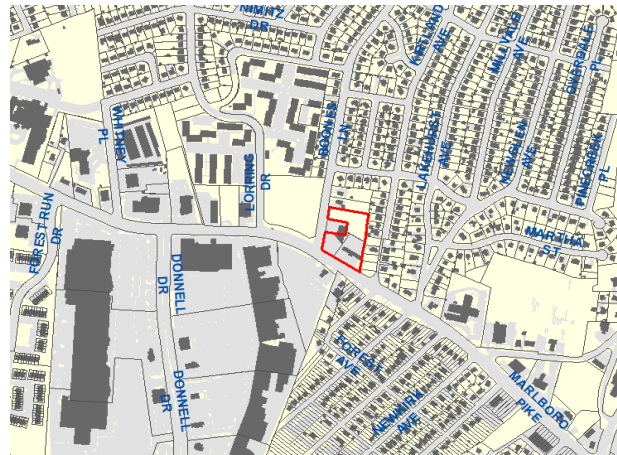
REQUEST	STAFF RECOMMENDATION
Special Exception for the redevelopment of a food and beverage store and new gas station.	APPROVAL with conditions

**Location:** On the north side of Marlboro Pike, at the northeast quadrant of its intersection with Boones Lane.

Gross Acreage:	2.35
Zone:	C-S-C/M-I-O
Dwelling Units:	N/A
Gross Floor Area:	3,500 sq. ft.
Parcels:	2
Outparcels:	1
Planning Area:	75A
Council District:	06
Election District:	06
Municipality:	N/A
200-Scale Base Map:	204SE07

**Applicant/Address:**  
7-Eleven Inc.  
3200 Hackberry Court  
Irving, TX 75063

**Staff Reviewer:** Eddie Diaz-Campbell  
**Phone Number:** 301-952-3665  
**Email:** Eddie.Diaz-Campbell@ppd.mncppc.org



Planning Board Date:	07/30/2020
Planning Board Action Limit:	N/A
Staff Report Date:	07/16/2020
Date Accepted:	03/19/2020
Informational Mailing:	11/14/2019
Acceptance Mailing:	03/10/2020
Sign Posting Deadline:	N/A

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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: Eddie Diaz-Campbell, Senior Planner, Subdivision and Zoning Section,  
Development Review Division

SUBJECT: Special Exception SE-4832  
7-Eleven, District Heights

REQUEST: Special Exception for the redevelopment of a food and beverage storage and new  
gas station

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 30, 2020.

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 Site Description:** The subject property is located on the north side of Marlboro Pike, at the northeast quadrant of its intersection with Boones Lane. The site consists of three properties, including an existing food and beverage store (7-Eleven) on Parcel A (2928 Boones Lane), a disused car wash on Parcel B (7300 Marlboro Pike), and a vacant outparcel known as Outparcel A (2814 Boones Lane). The subject property is zoned Commercial Shopping Center (C-S-C), is 2.35 acres, and is located on Tax Map 81 in Grids E-3, E-4, F-3, and F-4. Marlboro Pike, abutting the subject property to the south, is a variable width, master-planned collector roadway. The full width of the right-of-way has been dedicated where it abuts the subject property.
2. **History and Previous Approvals:** The site has previously been subject to two different special exceptions. Special Exception SE-3571 was approved in February 1985 by the Zoning Hearing Examiner for a car wash. The special exception was filed on 1.76 acres out of the 2.35-acre site, which was one parcel at that time. The car wash did not immediately proceed to construction, and a new special exception was later filed. SE-3817 was approved by the Prince George's County District Council in June 1988 for the same car wash, but the new development proposal also included a 7-Eleven. The 7-Eleven did not at the time itself require a special exception, and so SE-3817 was filed on only the portion of the site containing the car wash, or 38,527 square feet (0.88 acre) of the subject property, which is currently existing Parcel B. Following approval of SE-3817, the car wash and the 7-Eleven currently on the subject properties were constructed. Neither special exception is applicable to the currently proposed project, as a car wash will no longer be one of the uses on-site, and the previous special exceptions were for the car wash only.

A preliminary plan of subdivision (PPS) was filed after construction concluded to subdivide the property into three separate parcels; one containing the existing food and beverage store, one containing the existing car wash, and one for the remaining land area. PPS 4-89218 was approved by the Prince George's County Planning Board in February 1990 per PGCPB Resolution No. 90-47. The PPS was approved for two parcels and one outparcel with no additional development, subject to five conditions. The following three conditions are relevant to the subject application:

2. **In the event of any further development of Parcel A, such development shall be in compliance with Special Exception No. 3817.**

SE-3817 is discussed above. The subject special exception application will supersede SE-3817; therefore, future development on Parcel A must be in compliance with SE-4832, not SE-3817.

4. **Development of proposed Parcel A shall be limited to permitted uses which would generate no more than 224 vehicle trips during the AM or the PM peak hours based on the trip generation rates cited in the 1989 *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. If no corresponding rates are given in the *Guidelines*, an appropriate rate from the latest edition of the Institute of Transportation Engineers' *Trip Generation Manual* may be used in evaluating the trip generation potential.**

5. **Development of proposed Parcel B [shall] be limited to permitted uses which would generate no more than 48 vehicle trips during the AM or the PM peak hours based on the trip generation rates cited in the 1989 *Guidelines for Analysis of the Traffic Impact of Development Proposals* or the latest edition of the Institute of Transportation Engineers' *Trip Generation Manual*.**

As the proposed development includes both Parcel A and Parcel B, the trip caps in Conditions 4 and 5 of the PPS may be combined for an overall site cap of 272 trips during the AM or PM peak hour. Based on staff's analysis using the Institute of Transportation Engineers Parking Generation manual, the proposed food and beverage store in combination with a gas station would generate 247 AM and 248 PM trips. This is within the cap set by the PPS.

Following approval of the PPS, a final plat of subdivision was approved for Parcels A and B and Outparcel A and recorded in Plat Book VJ 157, page 65, in March 1991.

A rezoning application, A-9816-C, was filed concurrently with the PPS to rezone the portion of the property zoned Townhouse to C-S-C. This application was approved, and the property is now zoned C-S-C in its entirety.

3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded on the north by Marbury Drive, on the east by Ritchie Road and Forestville Road, on the south by Marlboro Pike, and on the west by Kipling Parkway. The neighborhood contains a wide variety of uses. The northern and eastern portions of the neighborhood contain single-family detached housing. Commercial and institutional uses are located along Marlboro Pike. Multifamily housing is located to the north of Marlboro Pike in the central part of the neighborhood. The immediate uses surrounding the subject property are as follows:

**North—** A one-family detached dwelling in the One-Family Detached Residential (R-55) Zone.

**East—** Vacant properties and one-family detached dwellings in the R-55 Zone.

**South—** Marlboro Pike, with an integrated shopping center zoned C-S-C beyond.

**West—** The subject property surrounds, on three sides, a parcel in the C-S-C Zone used as a faith center. This parcel and the subject property both front on Boones Lane to the west. Beyond Boones Lane is a grocery store in the C-S-C Zone.

4. **Request:** The applicant requests approval of a special exception to permit a food and beverage store in combination with a gas station in the C-S-C Zone. The applicant proposes to redevelop the subject site with a 3,500-square-foot 7-Eleven store and a gas station canopy with eight multi-product gas dispensers. The special exception has been filed on the entirety of the 2.35-acre site.

5. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Food and Beverage Store Car Wash	Food and Beverage Store Gas Station
Acreage	2.35	2.35
Parcels	2	2
Outparcels	1	1
Gross Floor Area	Food and Beverage Store – 3,129 sq. ft. Car Wash – 4,490 sq. ft.	Food and Beverage Store – 3,500 sq. ft.

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 Prince George’s County Zoning Ordinance. Part 4, Division 3, of the Zoning Ordinance also includes additional required findings for specific uses. A gas station is subject to the additional findings of Section 27-358 of the Zoning Ordinance. A food and beverage store is subject to the additional findings of Section 27-355 of the Zoning Ordinance. The analysis of all the required findings for approval is provided below.

In support of the application, the applicant filed a statement of justification (SOJ) dated January 13, 2020. This case was heard at the Subdivision and Development Review Committee (SDRC) meeting on April 3, 2020. Following this meeting, the applicant submitted a revised SOJ dated May 12, 2020 and a Needs Analysis dated April 22, 2020, as requested by staff at the SDRC meeting. This technical staff report is based on a review of these materials, site plans dated June 22, 2020, and landscape plans dated June 26, 2020.

**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) through (15) of the Zoning Ordinance, 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 excluding uses incompatible with general retail shopping centers and institutions. Staff finds that the use and the site plan, as proposed, will be in harmony with the purposes of this Subtitle, given the analysis and 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 demonstrated conformance with the requirements and regulations of the Zoning Ordinance.

**(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

This application is in the Established Communities growth policy area of the *Plan Prince George's 2035 Approved General Plan* (Plan 2035). Plan 2035 describes these areas as 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 use of this site as a food and beverage store in combination with a gas station is not inconsistent with this vision.

While the subject site is located within the boundaries of the Marlboro Pike Sector Plan and SMA, it is not within the plan's Development District Overlay Zone and therefore, not subject to the associated development standards. The site is in a defined activity node and Priority Area 6, but again, outside of character areas that require conformance with specific development criteria. The Marlboro Pike Sector Plan and SMA does require consideration be given for streetscape plantings and bus stops, and the proposed design includes these elements to the degree feasible.

Staff finds that the proposed use does not substantially 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 applicant is proposing lighting and landscaping, as well as implementing other Crime Prevention Through Environmental Design principles, all of which will further ensure the health, safety, and welfare of residents or workers in the area.

The site provides for acceptable internal circulation of vehicles and pedestrians, as well as safe ingress and egress of vehicles from both Marlboro Pike and Boones Lane. Staff noted that there is little maneuvering space on-site for larger vehicles such as tractor trailers, and recommends the applicant voluntarily restrict use of larger vehicles on-site to between the hours of 7 PM and 6 AM, in order to minimize interactions with other

vehicles using the site. This will help to ensure the safety of people working in and around the vehicles.

**(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

Staff finds that the proposed development will not detrimentally impact the use or development of adjacent properties. The proposed uses will complement the other commercial uses in the immediate area, by providing a convenient service to patrons of nearby businesses.

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

This property qualifies for a standard exemption from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because even though the site is greater than 40,000 square feet in size it contains less than 10,000 square feet of existing woodlands and has no previously approved tree conservation plans. A Type 2 tree conservation plan was originally submitted with the special exception application; however, during review of the application, staff determined that the site qualifies for a standard Woodland Conservation Ordinance Exemption Letter. The site contains no woodlands and has no woodland conservation 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.

**(b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:**

- (1) Where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or**
- (2) Where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.**

The subject site is not located within the Chesapeake Bay Critical Area Overlay Zone. Therefore, the required findings outlined in subsection (b) above do not apply.

**Specific Special Exception Requirements**—In addition to the requirements of Section 27-317(a), Part 4, Division 3, of the Zoning Ordinance provides the following requirements for the specific uses proposed:



**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;**

This criterion is met. The subject property has approximately 325 feet of frontage on Marlboro Pike, which has an 80-foot right-of-way abutting the property. Direct vehicular access will be provided to both Marlboro Pike and Boones Lane.

- (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;**

This criterion is met. There are no schools, outdoor playgrounds, libraries, or hospitals within 300 feet of the subject property.

- (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;**

This criterion is met. The applicant does not propose display or rental of cargo trailers, trucks, or similar uses, which is also noted on the plans.

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

This criterion is met. The applicant will not store motor vehicles at the subject property, which is also noted on the 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. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot;**

The proposal provides for two access driveways that meet this criterion. One 35-foot-wide access driveway is proposed onto Boones Lane, which is more than 20 feet from the point of curvature and more than 12 feet from the side property line. Another 35-foot-wide access driveway is proposed

onto Marlboro Pike, which is more than 20 feet from the point of curvature and more than 12 feet from the side property line.

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

This criterion is met. As shown on the special exception site plan, the access driveways are to be defined by curbing.

**(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;**

This criterion is met. An 8-foot-wide sidewalk is proposed abutting the building on its south and west sides. A 5-foot-wide sidewalk is proposed abutting the building on its east side. From the building's west side, a 6-foot-wide sidewalk connects to the Boones Lane street curb. From the building's south and east sides, a 6-foot-wide sidewalk connects to the Marlboro Pike street curb. The sidewalks are adequately positioned to serve pedestrian traffic.

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

This criterion is met. The proposed gasoline pumps are approximately 64 feet from the street line of Boones Lane and 37 feet from the street line of Marlboro Pike.

**(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 does not propose vehicle repair service.

**(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 new 7-Eleven store and gas station show a coordinated design theme. Tower elements have been used to anchor corners of the building and accent the main elevations facing Marlboro Pike.

Panelized exterior wall systems simulating red brick and gray stone are provided on store façades and on fueling island vertical columns. The trash enclosure is proposed to be of the same material and color schemes. Appropriate fenestration is provided strategically on the main elevations. The building design and finish demonstrate compatibility with surrounding development.

**(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.**

The site plan accurately shows items (1) and (2) above; the design of the trash enclosure is acceptable. No exterior vending machines or areas are 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 will comply with this provision, as stated in the applicant's SOJ. A corresponding note should be included in the general notes on the site plan.

**(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**

The applicant submitted a Needs Analysis dated April 22, 2020, in order to support a finding that the gas station was necessary to the public in the surrounding area. According to the study, there is a reasonable need in the area for gas stations, which are specifically combined with convenience stores. The combined services offered by this pairing are not found at most of the other gas stations in the area, which are generally combined with auto repair shops instead. Because the proposed gas station will help meet unmet demand for this pairing of services, it will be found convenient and useful by the public. The applicant has provided that the use is necessary if it can be determined to be convenient and useful to the public, as has been determined in prior Maryland applications cited within their SOJ and Needs Analysis. Staff finds that the gas station meets this criterion, and therefore can be considered necessary.

- (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.**

The proposed uses will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses. The new gas station is being developed on the site of an existing 7-Eleven and a disused car wash. The applicant's Needs Analysis shows there is demand for the gas station and paired services, which will be useful to the public. The proposal to redevelop the site and add a gas station complements the existing food and beverage store use on the site and, therefore, does not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.

**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;**

The applicant submitted a market study dated April 22, 2020, in order to support a finding that the food and beverage store (convenience store) was needed in the neighborhood. According to the study, there is a reasonable need in the area for convenience stores, which are specifically combined with gas stations. The combined services offered by this pairing are not found at most of the gas stations in the area, which are generally combined with auto repair shops instead. Because the proposed 7-Eleven will help meet unmet demand for this pairing of services, it will be found convenient and useful by the public. Under Maryland law, in this context, a service is needed if it can be determined to be convenient and useful to the public. Staff finds that the convenience station meets this criterion, and therefore can be considered needed.

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

The 7-Eleven's location, access points, and size orient it to meeting the needs of the neighborhood. The site is in between an integrated shopping center and a residential community of single-family homes, where it is well placed to serve both. Its access points onto Boones Lane and Marlboro Pike will facilitate patrons coming from these areas. The size of the establishment is appropriate to the size of the land area available on the site.

- (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;**

The proposed uses will not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses. The new 7-Eleven is being developed on the site of an existing 7-Eleven and a disused car wash. It appears the car wash has been abandoned since at least 2012,

meaning that there was ample opportunity for another use to move into the property. That one did not shows that the demand for land in the area is not exceptionally high. The site's redevelopment should not pose an obstacle for other potential uses which might want to move into the area.

- (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 subject property is located within the C-S-C Zone; therefore, this criterion does not apply.

- (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.**

According to the applicant's SOJ, alcoholic beverages will not be sold within the proposed food and beverage store. A corresponding note should be included in the general notes on the site plan.

Based on the project meeting, the approval criteria contained in Sections 27-317(a), 27-358, and 27-355, staff finds that a special exception may be approved for use of a food and beverage store in combination with a gas station on the property.

7. **Parking Regulations:** The proposed development is required to provide parking in conformance with Part 11-Off Street Parking and Loading of the Zoning Ordinance. A total of 25 parking spaces is normally required for the food and beverage store and gas station, however, the required parking may be reduced up to 15 percent, under certain circumstances, in accordance with Section 27-568(b) of the Zoning Ordinance. The applicant has applied the 15 percent reduction in this instance, which brings the requirement down to 22 parking spaces. It is noted that the proposed plan satisfies the interior parking lot planting requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), and is located within the area formerly known as the Developing Tier. The parking schedule should be updated to reflect that the existing impervious area exceeds 40 percent of the net lot area of the site, in order to demonstrate the parking reduction criteria, per Section 27-568(b)(1) is met by this application. The site plans show that 22 parking spaces are provided and that the handicap-accessible parking space and loading spaces have been provided, in accordance with Part 11 of the Zoning Ordinance.
8. **2010 Prince George's County Landscape Manual Requirements:** Landscaping, screening, and buffering on the subject site, as shown and submitted on the landscape plans, are in conformance with the applicable requirements of Section 4.2, Landscape Strips Along Streets (for Boones Lane only); Section 4.3-2, Parking Lot Interior Requirements;

Section 4.4, Screening; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements, of the Landscape Manual.

Regarding the Section 4.2 landscape strip along Boone's Lane, plantings that are shown within the PUE should be relocated outside of it wherever it is feasible. If landscaping is proposed and approved within the PUE, the owner shall maintain and replace the plant materials, in accordance with Section 1.6, Maintenance and Enforcement, of the Landscape Manual.

Section 4.6, Buffering Development from Streets, applies to the project for the property's frontage along Marlboro Pike, a designated historic road. The applicant is requesting alternative compliance from the standard requirements of Section 4.6. All plant material required by Section 4.6 must be located outside of public utility easements (PUEs) adjacent to the right-of-way. The subject site is in the Developed Tier and in accordance with Section 4.6(c)(2)(A)(i), it is required to provide a minimum of a 10-foot-wide buffer with one shade tree and 10 shrubs per 35 linear feet of frontage, excluding driveway openings. The site includes 303 linear feet of frontage along Marlboro Pike, excluding driveway entrances, and is required to provide 9 shade trees and 87 shrubs. AC-20010 proposes a buffer strip, varied from 10 to 13 feet in width, with the required number of plant units, however, the majority of the buffer strip plantings are within the 10-foot-wide PUE along Marlboro Pike, as follows:

**REQUIRED: Section 4.6(c)(2)(A) Buffering Development from Special Roadways (Marlboro Pike – historic road)**

Linear feet of frontage	303 feet
Minimum width of buffer	10 feet
Shade trees (one tree per 35 linear feet)	9
Shrubs (10 shrubs per 35 linear feet)	87

**PROVIDED: Section 4.6(c)(2)(A) Buffering Development from Special Roadways (Marlboro Pike – historic road)**

Linear feet of frontage	303 feet
Minimum width of buffer	Varied from 10 to 13 feet
Shade trees	9
Shrubs	87

This request for alternative compliance proposes to install required plantings within the PUE because the site is small with an adjacent property intruding into the middle that significantly limits the depth of the site measuring from Marlboro Pike. As noted above, the number and type of proposed plantings satisfy the requirements of Section 4.6(c)(2)(A)(i), and a buffer width of up to 13 feet, 30 percent wider than required, is also provided in portions of the site's frontage. The proposal can be considered equally effective as normal compliance provided all Section 4.6 plantings, including those proposed within the PUE, will be maintained in perpetuity by the property owner. The Alternative Compliance request is recommended for approval subject to conditions requiring accurate information on the

plans and a notation indicating it is the property owner's responsibility to maintain the plantings, as set forth in the recommendation section of this report.

9. **Tree Canopy Coverage:** This application is subject to the requirements of the Tree Canopy Coverage Ordinance. The subject site is located within the C-S-C Zone and required to provide 10 percent of the site area in tree canopy coverage (TCC). The subject site is 2.35 acres in size and a total of 0.235 acre or 10,237 square feet of TCC is required. The TCC schedule provided by the applicant indicates that 16,900 square feet of coverage is to be provided, exceeding and satisfying the requirement.
10. **Signage:** The development includes a single 25-foot-tall pylon sign, adjacent to the corner of Marlboro Pike and Boones Lane, three fuel island canopy-mounted identity signs and decorative striping, and two building-mounted identity signs are provided on the 7-Eleven store. Six window vinyl signs and an interior-hanging ATM sign are also provided. The signage package conforms to the sign face area requirements of Part 12 of the Zoning Ordinance for signs in the C-S-C Zone. Full cut-off LED lighting fixtures are proposed and are acceptable.
11. **Military Installation Overlay Zone:** This application is located within the Military Installation Overlay Zone. Pursuant to Section 27-548.54, Requirements for Height, the subject property is in the Transitional Surface G-1 (7:1)-Left Runway. Structures proposed for this site must not exceed the maximum height of 248 feet. The maximum height of the proposed structure on the subject property is 23 feet and 4 inches, which is within the requirements for height for the subject property.
12. **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 March 27, 2020 (Hughes to Diaz-Campbell)
  - b. Community Planning Division, dated May 28, 2020 (Tariq to Diaz-Campbell)
  - c. Transportation Planning Section (traffic), dated May 26, 2020 (Hancock to Diaz-Campbell)
  - d. Environmental Planning Section, dated May 21, 2020 (Schneider to Diaz-Campbell)
  - e. Special Projects Section, dated May 26, 2020 (Kowaluk to Diaz-Campbell)
  - f. Urban Design Section, dated June 1, 2020 (Bossi to Diaz-Campbell)
  - g. Historic Preservation Section, dated March 25, 2020 (Stabler to Diaz-Campbell)
  - h. Transportation Planning Section (trails) dated April 23, 2020 (Smith to Diaz-Campbell)
  - i. Prince George's County Department of Permitting, Inspections and Enforcement, dated May 15, 2020 (Giles to Diaz-Campbell)

- j. Washington Suburban Sanitary Commission, dated March 30, 2020 (Mapes and Mejias, no labeled recipient)
- k. Prince George's County Police Department, dated April 1, 2020 (Contic to DRD)
- l. Prince George's County Fire Department, dated March 23, 2020 (Reilly to Diaz-Campbell)
- m. Maryland State Highway Administration, dated March 23, 2020 (Woodroffe to Diaz-Campbell)
- n. Prince George's County Department of Permitting, Inspections and Enforcement, dated March 23, 2020 (Branch to Diaz-Campbell)

## 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, would not have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the C-S-C Zone.

Based on the applicant's revised SOJ, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in the Zoning Ordinance. These findings include those in Section 27-317 (in general), Section 27-358, for a gas station, and Section 27-355, for a food and beverage store. Therefore, staff recommends approval of Special Exception SE-4832, 7-Eleven District Heights, subject to the following conditions of approval:

1. Prior to certification of the special exception, the site and landscape plan shall be revised, as follows:
  - a. Under General Note 19, remove item (a)(10), as no repair services are being offered on-site.
  - b. Under General Note 19, add reference to Section 27-358(c), in order to demonstrate the special exception shall terminate, should the gas station be abandoned.
  - c. Under General Note 1, specify that the site is also in Grids E-4, F-3, and F-4 of Tax Map 81.
  - c. Clarify whether Bufferyard 1 will include a 6-foot board on board fence (per the Landscape Schedule) or a wall (per the plan drawing).
  - d. On the site and landscape plans, show the height and type of the existing and proposed fences within Bufferyards 2 and 3.



- e. Provide a note on the site plan indicating that the proposed building height is consistent with the height requirements of the Military Installation Overlay Zone.
  - f. Remove the designation “MD. Rte. 4” from Marlboro Pike on the plans, as Marlboro Pike is not a state road.
  - g. On the site plan, provide a distance and bearing for the street line along Marlboro Pike.
  - h. Remove the Maryland-National Capital Park and Planning Commission approval blocks from the plan.
  - i. Add a general note stating that no alcoholic beverages will be sold within the food and beverage store.
  - j. Demonstrate that the existing impervious area exceeds 40 percent of the net lot area of the site and update the parking schedule to indicate that the site qualifies for the 15 percent parking reduction, pursuant to Section 27-568(b)(1) of the Prince George’s County Zoning Ordinance.
  - k. Correct landscape plan labeling to show a Section 4.6 buffer provided along the site’s frontage of Marlboro Pike.
  - l. Provide the correct landscape schedule for Section 4.6-2 on the landscape plan.
  - m. Add a landscape plan note indicating that Section 4.6 plantings along the site’s frontage of Marlboro Pike shall be maintained in perpetuity by the property owner.
- 2. Prior to certification of the special exception site plan, a stormwater management concept approval letter and plan shall be submitted.
  - 3. Prior to issuance of the first permit for the subject property, an approved Woodland Conservation Ordinance Exemption Letter shall be included in the permit.
  - 4. Prior to certification, the applicant, and the applicant’s heirs, successors, and/or assignees shall revise the site plan to provide the following:
    - a. A striped bicycle lane along the subject site’s frontage on Marlboro Pike, unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement.
    - b. An 8-foot-wide sidewalk along the frontage of Boones Lanes and Marlboro Pike, unless modified by the Prince George’s County Department of Public Works and Transportation, with written correspondence.
    - c. Continental style crosswalks at driveway entrances, unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement.
    - d. Inverted U-style bicycle racks.