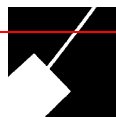


Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530



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## REVISION OF SITE PLAN SE 737/2 (VSE-737A) (DPLS-272) (DDS-524) (DSDS-581) (AC-01042)

| Application  | General Data                    |
|--|---------------------------------|
| Project Name:<br>Beltsville Shell<br><br>Location:<br>Northwest corner of Baltimore Avenue (US 1) and Montgomery Road.<br><br>Applicant:<br>Motiva Enterprises, L.L.C.<br>3800 Pickett Road<br>Fairfax, Virginia 22031 | Date Accepted 7/11/01           |
|  | Planning Board Action Limit N/A |
|  | Tax Map & Grid 18 F-3           |
|  | Plan Acreage 14,950 sq. ft.     |
|  | Zone C-S-C                      |
|  | Dwelling Units N/A              |
|  | Square Footage N/A              |
|  | Planning Area 61                |
|  | Council District 01             |
|  | Municipality None               |
|  | 200-Scale Base Map 213NE5       |

| Purpose of Application  | Notice Dates                                     |
|---|--|
| ROSP-737/2: Minor revision to special exception site plan for an existing gas station   | Adjoining Property Owners (CB-15-1998) 07/20/01  |
| VSE-737A: Variances to permit an 8.3-foot pump island setback and a 0-foot and 3.6-foot canopy setback  | Previous Parties of Record (CB-13-1997) 07/13/01 |
| DPLS-272: Departure from parking and loading standards to allow 10 spaces in lieu of the required 12  | Sign(s) Posted on Site 10/19/01                  |
| DDS-524: Departure from design standards to permit a 20-foot by 10-foot loading space   | Variance(s): Adjoining Property Owners 10/26/01  |
| DSDS-581: Departure from sign design standards to permit a freestanding sign partially within the right-of-way serving a building less than 40 feet from the right-of-way and canopy signs less than 10 feet behind the streetline. |  |
| AC-01042: Alternative Compliance from Section 4.2 of the <i>Landscape Manual</i>  |  |
| Staff Recommendation  | Staff Reviewer                                   |
| APPROVAL  | Tom Lockard                                      |
| APPROVAL WITH CONDITIONS  |  |
| DISAPPROVAL   |  |
| DISCUSSION  |  |
| VSE-737A, DPLS-272, DDS-524, DSDS-581   | ROSP-SE-737/2, AC-01042                          |

October 31, 2001

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Tom Lockard , Senior Planner

SUBJECT: **Revision to Special Exception Site Plan Application No. ROSP SE 737/2**  
**Variance in Conjunction with a Revision to Special Exception Site Plan Application No. 737A**  
**Departure from Parking & Loading Standards Application No. 272**  
**Departure from Design Standards Application No. 524**  
**Departure from Sign Design Standards Application No. 581**  
**Alternative Compliance Application No. AC-01042**

REQUEST: **ROSP-737/3:** Minor revision to special exception site plan for an existing gas station

**VSE-737A:** Variances to permit a 8.3-foot pump island setback and a 0-foot and 3.6-foot canopy setback

**DPLS-272:** Departure from parking and loading standards to allow 10 off-street parking spaces in lieu of the required 12

**DDS-524:** Departure from design standards to permit a 20-foot by 10-foot loading space

**DSDS-581:** Departure from sign design standards to permit a freestanding sign for a building set back less than 40 feet from the streetline, canopy signs 1.3 feet and 3.6 feet from the streetline, and a freestanding sign partially within the ultimate right-of-way

**AC-01042:** Alternative Compliance from Section 4.2 of the *Landscape Manual*

RECOMMENDATION: **ROSP-737/3: APPROVAL, subject to conditions**

**VSE-737A: APPROVAL**

**DPLS-272: APPROVAL**

**DDS-524: APPROVAL**

**DSDS-581: APPROVAL**

**AC-01042: APPROVAL, subject to a condition**



## FINDINGS:

- A. Location and Field Inspection: The site is located in the northwest corner of Baltimore Avenue (US 1) and Montgomery Road in Beltsville. The site comprises approximately 14,950 square feet and is improved with a Shell gas station constructed in 1962. A one-story building houses two service bays, an office, and sales area. The site has approximately 110 feet of frontage on Baltimore Avenue and approximately 163 feet of frontage on Montgomery Road. It is accessed from both streets.
- B. History: The District Council approved a special exception for a gas station for this site in 1962 pursuant to SE-737. On July 9, 1987, per Appeal No. 8684, the Board of Appeals granted variances from Sections 27-358(a)(5) and (8) to permit access driveways along Montgomery Road to be 25 feet wide, driveways along US 1 to be 20 feet wide, and to permit a 9-foot pump island setback. In 1995, Shell Oil Company sought a revision to SE-737 (ROSP-SE- 737/1) to make minor changes to the site. This request was approved by the Planning Board on November 2, 1995.
- C. Master Plan Recommendation: The 1990 *Subregion I Master Plan* recommends retail-commercial use for the property.
- D. Request: Motiva wishes to further renovate this gas station by razing the existing two-bay service station building and erecting a 2,010-square-foot food mart (a use permitted by right in the C-S-C Zone). As a result of the older, developed nature of the site, numerous variances and departures are required.
- E. Surrounding Uses: The site is surrounded on all sides by strip-commercial uses in the C-S-C Zone.
- F. Minor Change Provisions: Section 27-325(b) - Minor Changes to Special Exception Site Plans:
- (1) **Changes of site plans for property of less than five (5) acres may be permitted by the Planning Board, provided that either of the following two (2) situations exist:**
    - (A) **Situation No. 1**
      - (i) **There is a proposed increase in gross floor area of a building (over that approved on the original site plan) which is not greater than ten percent (10%) of the gross floor area or covered land area or five hundred (500) square feet, whichever is less; or**
      - (ii) **There is a proposed relocation (in any direction) of any improvement (approved on the original site plan) which is not greater than ten percent (10%) of the distance to the boundary line of the Special Exception property or twenty (20) feet, whichever is less.**
    - (B) **Situation No. 2**
      - (i) **There is a proposed change in the design of a parking lot or loading area; or**

(ii) **There is a proposed change in a landscaped plan.**

Finding: Situation No. 2 applies in this case because the site comprises less than five acres and the applicant is proposing a change in the design of the parking layout, the addition of a loading space, and changes to the landscape plan. The proposed food mart is less than 3,000 square feet, a permitted use in the C-S-C Zone.

G. Specific Special Exception Requirements: 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;

Finding: The subject property has 163 feet of frontage on Montgomery Road, which has a 70-foot-wide ultimate right-of-way.

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

Finding: The site is not within 300 feet of any of these uses.

- (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;

Finding: The site plan does not show these uses.

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

Finding: The applicant does not propose auto repair, storage or junking at this site.

- (5) Access driveways shall be not less than thirty (30) feet wide, 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;

Finding: On July 9, 1987, per Appeal No. 8684, the Board of Appeals granted variances from this section to allow narrower driveways along Montgomery Road and US 1.

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

Finding: Curbing is shown.

**(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;**

Finding: Five-foot-wide sidewalks exist along both road frontages.

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

Finding: On July 9, 1987, per Appeal No. 8684, the Board of Appeals granted a variance from this section to permit a nine-foot pump island setback. Because of a discrepancy in the location of the ultimate right-of-way line, the applicant now seeks an additional one-foot variance to this requirement, as discussed in Section J of this report.

**(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.**

Finding: The applicant does not propose auto repair on the site.

**(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.**

Finding: The site plan shows this information.

- (3) 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.

Finding: The applicant is aware of this provision.

**(d) The District Council shall find that the proposed use:**

**(1) Is necessary to the public in the surrounding area; and**

- (1) Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.

Finding: There has been a gas station on this site for more than 35 years. In that time, the use has provided a necessary, convenient service to the surrounding neighborhood. The continuation of this long-existing use, along with the addition of a food mart, will not restrict the availability of land or upset the balance of commercial land use in the area.

**H. Parking and Loading Regulations:**

1. Number of Required Parking Spaces - Departure from Parking and Loading Standards Application No. 272: A total of 12 parking spaces are required and 10 are provided. The applicant is seeking a departure of 2 spaces.
  - (A) **Section 27-588(b)(8) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:**
    1. **The purposes of Section 27-550 will be served by the applicant's request.**
    2. **The departure is the minimum necessary, given the specific circumstances of the request.**
    3. **The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949.**

4. **All methods for calculating the number of spaces required have either been used or found to be impractical.**
5. **Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

Finding: The purposes of required off-street parking and loading spaces are set forth in Section 27-550 of the Zoning Ordinance. These purposes generally are to require off-street parking and loading spaces in numbers sufficient to serve the parking and loading needs associated with the use and to aid in relieving traffic congestion on streets by reducing the use of streets for parking and loading. Other purposes are to protect the residential character of residential areas and to provide parking and loading areas which are convenient and increase the amenities in the Regional District.

The grant of the requested departure will not cause disharmony with the above-stated purposes. The proposed on-site parking will be adequate to serve the use. Most of the vehicle trips to this site will be for fueling purposes. Some customers will make a brief stop in the food mart while their vehicle remains parked at the pump and therefore will not utilize a designated parking space. The required number of parking spaces is based on the full size of the food mart building, but some of the building will be allocated to gasoline sales and storage related solely to the gas station use. Ten parking spaces will be adequate given the above factors and the nature of the interaction of the gasoline and food mart operations.

The requested departure is the minimum necessary. Given the site design, it is not feasible to locate the required 12 spaces on site. Ten spaces are the maximum number which can be provided given the size of the property and the design constraints. All methods for calculating the number of parking spaces (including the 20 percent reduction for joint uses authorized by Section 27-571) have been applied in this case.

Finally, the granting of the requested departure will not infringe upon the parking and loading needs of adjacent residential areas. The off-street parking compound and off-street loading space proposed by the applicant are adequate to serve the parking and loading needs of this use.

**(B) In making its findings, the Planning Board shall give consideration to the following:**

1. **The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of**



available on- and off-street spaces within 500 \* of the subject property.

2. **The recommendations of an area master plan, or County or local revitalization plan, regarding the subject property and its general vicinity.**
3. **The recommendations of a municipality (within which the property lies) regarding the departure.**
4. **Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.**

Finding: There is no apparent shortage of parking spaces within the general vicinity of this use. It appears that all adjoining properties (developed with commercial uses) have their own parking compounds. The 1990 *Subregion I Master Plan* recommends commercial use for this site and, therefore, the gas station and proposed food mart are in compliance with the Master Plan recommendation. The site does not lie within the boundaries of any municipality. There are no public parking facilities within the general vicinity of this site.

2. Loading Space Requirements - Departure from Design Standards Application No.524: This use requires one loading space. Because the applicant is proposing a loading space measuring 20 feet by 10 feet, a departure from Section 27-578(a) is necessary.

(A) Section 27-239.01(b)(9) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:

1. **The purposes of this Subtitle will be equally well or better served by the applicant's proposal.**

The purposes of the Zoning Ordinance relative to off-street parking and loading are set forth in Section 27-550 as follows:

1. **To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**

2. **To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
3. **To protect the residential character of residential areas; and**
4. **To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

Finding: The applicant is proposing a loading space measuring 20 feet by 10 feet in lieu of the required 33 feet by 12 feet. The purposes of the Zoning Ordinance will be equally well satisfied if the requested departure is granted. The loading space will be located on the northwest side of the food mart building adjacent to commercially zoned property and, as such, will not endanger the character of residential areas. This location is also convenient and accessible to delivery vehicles. The applicant anticipates that given the size of the food mart building, all deliveries will be made by panel trucks and, therefore, a smaller loading space shall be adequate to serve the loading needs of this use.

2. **The departure is the minimum necessary, given the specific circumstances of the request.**
3. **The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949.**
4. **The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.**

Finding: The proposed renovations require a redesign of the parking layout and additional parking spaces. The applicant is also adding a 10-foot by 10-foot trash enclosure. The proposed loading space will measure 20 feet by 10 feet in lieu of the required 33 feet by 12 feet. The requested departure is the minimum necessary given the site design and layout. Additionally, given the operating conditions of this site, a standard size loading space is not necessary. The proposed loading space will be situated along the side of the building and near the northwest corner of the site. It will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

- I. Landscape Manual Requirements: The proposed layout and site plan comply with the requirements of the *Landscape Manual* with the exception of Section 4.2 (Commercial &

Industrial Landscape Strip Requirements), for which alternative compliance has been requested and recommended for approval (AC-01042).

- J. Zone Standards - Variance in Conjunction with a Revision to Special Exception Site Plan Application No. 737/2: The applicant seeks variances to permit an 8.3-foot pump island setback and a 0-foot and 3.6-foot canopy setback.

**(a) Section 27-230(a) provides that a variance may only be granted when the Planning Board finds:**

- 1. A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**
- 2. The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**
- 3. The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

Finding: The Board of Appeals in 1987 granted a variance from Section 27-358(a)(8) to permit a 9-foot pump island to street setback in lieu of the required 25 feet. The applicant is now seeking an additional variance of 1 foot to allow a setback of 8.3 feet from the pump island to Baltimore Avenue. The applicant is also seeking a variance from Section 27-462 to permit a setback of 0 feet from the pump island canopy to Baltimore Avenue and a setback of 3.6 feet from the pump island canopy to Montgomery Road. The revised site plan approved in 1996 (ROSP SE 737/1) shows that the pump island to street setback was met when taking into account the 1987 variance granted by the Board of Appeals. That approved site plan also shows the canopies to be set back the requisite 10 feet from the street line.

Although the current proposed renovations do not alter the location of either the pump islands or the canopies, there is a discrepancy between the proposed site plan and the 1996 approved site plan with respect to the location of the ultimate rights-of-way for Baltimore Avenue and Montgomery Road. This discrepancy, and not any proposed physical alterations, has generated the need for the requested variances and created an extraordinary situation or condition justifying the granting of the variances. Compliance with the strict application of the Zoning Ordinance will result in unusual practical difficulties and undue hardship upon the property owner by requiring the removal of the existing pump island and canopies which have been approved at this specific location for a number of years. Finally, the granting of the requested variances will not substantially impair the intent, purpose,

or integrity of the Master Plan which recommends commercial use for the property.

- K. Sign Regulations - Departure from Sign Design Standards Application No. 581: The applicant is proposing to replace the existing freestanding sign with a comparably sized sign to be located in the same general area as the existing freestanding sign. The new sign will be located partially within the ultimate right-of-way for Baltimore Avenue. Pursuant to Section 27-614(a)(4), the applicant has obtained permission from the State Highway Administration to locate the sign in the ultimate right-of-way area and the applicant has agreed to remove the sign at its own expense upon the SHA's taking of this property for roadway improvements. The applicant has filed a separate application (DSDS-581) seeking a departure from Section 27-614(a)(1) to allow a freestanding sign where the main building associated with the sign is set back less than the required 40 feet from the front street line. That application also requests a departure from Section 27-613(a)(1) to allow signs on the pump island canopies which are set back less than the requisite 10 feet from the street.

- (A) **Section 27-239.01(b)(9) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:**

1. **The purposes of this Subtitle will be equally well or better served by the applicant's proposal.**

Finding: In general, the purposes of Part 12 (Signs) of the Zoning Ordinance are to regulate unsightly and hazardous signs, to provide adequate identification and advertisement, to promote the general welfare of the residents of the county, and to foster the appropriate use of land, buildings and structures. The proposed sign is within the required height and area restrictions, and is located in the same general location as the sign approved in 1996 in ROSE-SE-737/1. The canopy signs will be located on existing canopies, which are not to be moved. Because the applicant is simply validating the long-existing conditions on the site, there will be no detrimental impacts; nor will it result in a proliferation of signs. While the building to be served will be less than 40 feet from the streetline, it will not be easily viewed because it is oriented toward Montgomery Road rather than US 1, making building-mounted signs impractical.

2. **The departure is the minimum necessary, given the specific circumstances of the request.**

Finding: The canopies upon which signs are to be placed are not being moved as a result of this proposal. Because of the size of the site, it is unlikely that a redesign could be done which would result in a greater setback. In addition, in order for the food mart to meet the prescribed 40-

foot setback to be served by a freestanding sign, it would have to be reduced to such a degree that it would no longer be able to serve the purpose for which it is intended. In light of these circumstances, the departure is the minimum necessary.

**3. The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949.**

Finding: The only distinction between the existing situation and what the applicant is proposing is the relative location and orientation of the main building. The placement of the signs will not change to any noticeable degree, they will remain in the same general location they have been in for the past three decades or more. The fact that this site has been developed with this use and similar signs for more than 35 years results in unique circumstances which this departure can validate.

**4. The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.**

Finding: The departure will allow for a continuation of the long-existing sign placement on the site. In over 35 years it has not impaired the quality or integrity of the site or the surrounding area. There is no reason to believe that it will do so in the future.

**(B) Not applicable to this application**

L. Other Issues - Required Site Plan Changes: The following changes should be made to the site plan:

1. The site plan measures setbacks for the building from Montgomery Road. In reality, Baltimore Road is considered the front of the property. General Note 16 should be revised accordingly.
2. General Note 9 states a maximum floor area ratio for the C-S-C Zone of 4.0. This is in error and should be removed.
3. If approved, notes should be added documenting the associated departures, variances and alternative compliance approvals.

M. Required Findings:

**Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

- (1) **The proposed use and site plan are in harmony with the purposes of this Subtitle.**
- (2) **The proposed use is 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.**
- (4) **The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**
- (5) **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**
- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

Finding: The District Council, in its February 1962 special exception review of the existing gas station (SE 737), and the Planning Board, in its November 1995 review of the revision to special exception site plan (ROSP SE 737/1), found the use and site plan satisfied all of the provisions of Section 27-317. The proposed revisions, namely, a redesign of the parking layout, the addition of a trash enclosure and loading space, an enhancement in the landscaping, the razing of the service station building and erection of a food mart (which is permitted by right), do not increase the intensity of the use. It is therefore reasonable to conclude that the proposed use will continue to be in harmony with the purposes of the Zoning Ordinance and that all of the criteria set forth in Section 27-317 are satisfied.

If the requested variances and departures are granted, the proposed use will be deemed in conformance with all the applicable requirements and regulations of the Zoning Ordinance. The use and the proposed renovations will not impair the integrity of the *Subregion I Master Plan* which recommends retail-commercial development for this site. The gas station use has existed at this site for nearly 40 years without causing any apparent adverse impact on the health, safety or welfare of residents or workers in the area. The proposed renovations will enhance the operation of the gas station and make the use more visually attractive. The proposed changes will not be detrimental to the use or development of adjacent properties which are currently improved with retail and service-commercial uses. Finally, the site is exempt from the requirement to file a tree conservation plan.

## CONCLUSION:

Based on the preceding analysis and findings, staff recommends:

**ROSP-737/2:** APPROVAL, subject to the site plan being revised prior to the issuance of permits to show:

1. The site plan measures setbacks for the building from Montgomery Road. In reality, Baltimore Road is considered the front of the property. General Note 16 should be revised accordingly.
2. General Note 9 states a maximum floor area ratio for the C-S-C Zone of 4.0. This is in error and should be removed.
3. If approved, notes should be added documenting the associated departures, variances and alternative compliance approvals.

**VSE-737A:** APPROVAL

**DPLS-272:** APPROVAL

**DDS-524:** APPROVAL

**DSDS-581:** APPROVAL

**AC-01042:** APPROVAL, subject to the condition that prior to issuance of building permits, the applicant shall obtain permission from the Department of Public Works and Transportation and the State Highway Administration for landscaping in the Montgomery Road and Baltimore Avenue (US 1) rights-of-way.