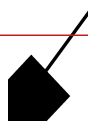


Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3530



Comment [COMMENT1]: WHEN INSERTING  
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LINE - NOT TAB. ALSO, IT WILL LOOK  
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Special Exception Application SE-4440  
Alternative Compliance Application AC-01043  
Revision of Site Plan SE-1642/3, Variance VSE-1642/1  
Departure From Parking & Loading Standards DPLS-276

Application	General Data
Project Name  Shell Gasoline Station (Beltsville)	Date Accepted: 9/27/01
	Planning Board Action Limit: N/A
Location  Southwest corner of US 1 and Sellman Road, known as 10920 Baltimore Avenue.	Tax Map & Grid: 019 A-2
	Plan Acreage: 0.49 Acres
Applicant  Motiva Enterprises, L.L.C. 3800 Pickett Road Fairfax, Virginia 22031	Zone: C-S-C
	Dwelling Units: None
	Square Footage: 3,033 sq. ft.
	Planning Area: 61
	Council District: 03
	Municipality: None
200-Scale Base Map: 214NE5	

Purpose of Application		Notice Dates	
SE-4440 - Car Wash - 27-317 & 27-461 AC-01043 - Bufferyard setbacks ROSP SE-1642/3-Food Mart Variance VSE-1642/1-Driveway width and location DPLS-276-Waiver of loading space requirement		Adjoining Property Owners: (CB-15-1998)	10-4-01
		Previous Parties of Record (CB-13-1997)	12-7-01
		Sign(s) Posted on Site	11-30-01
		Variance(s): Adjoining Property Owners	10-4-01
Staff Recommendation		Staff Reviewer: Jimi Jones	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

December 12, 2001

**TECHNICAL STAFF REPORT:**

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

VIA: Arie Stouten, Zoning Supervisor

FROM: Jimi Jones, Planning Coordinator

SUBJECT: **Special Exception Application No. 4440**  
**Alternative Compliance Application AC-01043**  
**Revision of Site Plan ROSP SE-1642/3**  
**Variance for Special Exception VSE-1642/1**  
**Departure from Parking and Loading Standards DPLS-276**

REQUEST: **Minor revision to special exception site plan for an existing gas station to allow the redesign of the parking compound, changes to the landscape plan, the razing of the existing service station building, the addition of a trash enclosure, and the erection of a food mart building; variances to permit driveway entrances to be less than 20' from the point of curvature and to permit a driveway entrance to be 3' less than the permitted width; a special exception to allow a car wash; a departure from design standards to waive the requirement for a loading space; Alternative Compliance for bufferyard and landscape strip requirements.**

RECOMMENDATION: **SE-4440: Approval**  
**ROSP SE-1642-3: Approval with Conditions**  
**VSE-1642/1: Approval**  
**DPLS-276: Approval with Conditions**  
**AC-01043: Approval with Conditions**

**NOTE:**

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. 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.

**FINDINGS:**

A. Location and Field Inspection: The site is located in the southwest quadrant of Baltimore Avenue (US 1) and Sellman Road in Beltsville. The site comprises approximately 21,514 square feet and is improved with a Shell gas station constructed in 1968. A one-story masonry building houses three service bays, an office, and a sales area. The site has approximately 155 feet of frontage on

Baltimore Avenue and approximately 140 feet of frontage on Sellman Road. It is accessed from both streets.

- B. History: The District Council approved a special exception for a gas station for this site in 1968 pursuant to S.E. 1642. In 1989 the Planning Board, per Resolution PGCPB No. 89-58, approved a minor site plan revision (SE-1642/1) to allow for the relocation of the pump islands and the addition of a new canopy. Also in 1989, the Board of Appeals, per Appeal No. 9884, granted a number of variances: from Section 27-462 to allow the canopy to be set back eight feet from the street line in lieu of the required 10 feet; from Section 27-358(a)(8) to allow gasoline pumps to be set back 18 feet from the street line in lieu of the required 25 feet; from Section 27-358(a)(5) to allow driveway entrances less than the required 30 feet in width; and from Section 27-358(a)(5) to allow the southernmost driveway on Baltimore Avenue to end at a point six feet from the south property line and the westernmost driveway on Sellman Road to end at a point eight feet from the western property line in lieu of the required 12 feet. In 1997, the District Council approved a special exception for a car wash on the site per S.E. 4192. The car wash was not constructed, however. In conjunction with SE-4192, a second minor revision (ROSP SE-1642/2) to SE-1642 was approved by the Planning Board, per PGCPB No. 96-297, in order to add a storage room for the gas station operation. This storage room, however, was never constructed. Alternative Compliance AC-95062, for the Commercial Landscape Strip and Parking Lot Landscape Strip requirements of the *Landscape Manual*, was also granted in conjunction with SE-4192.
- C. Master Plan Recommendation: The 1990 *Subregion I Master Plan* recommends retail commercial use for the property. The subsequent Sectional Map Amendment retained the property in the C-S-C Zone.
- D. Request:
- SE-4440: The applicant, Motiva Enterprises, wishes to relocate a proposed a car wash that was approved under an earlier Special Exception but was not constructed.
- ROSP SE-1642/3: The applicant wishes to further renovate the existing gas station by razing the existing three-bay service station building and erecting a 2,133 square foot food mart (a use permitted by right in the C-S-C Zone). A redesign of the parking layout and changes in landscaping are necessary. A new trash enclosure measuring 8 feet x 12 feet will also be added along the southern property boundary.
- VSE-1642/1: In 1989, the Board of Appeals approved a variance from Section 27-358(a)(5) to allow the westernmost driveway entrance on Sellman Road to be 23 feet in width in lieu of the required 30 feet. Currently, this driveway is 20 feet in width, thus an additional variance of three feet is requested. Finally, a variance is needed from Section 27-358(a)(5) to allow driveways to be located less than 20 feet from the point of curvature.
- DPLS-276: A loading space is required because the proposed 2,133 square foot food mart building exceeds 2,000 square feet; a departure is requested in order to waive this requirement.
- E. Neighborhood and Surrounding Uses: The site is surrounded by commercially zoned (C-S-C) properties improved with commercial uses. The site is bounded by the Beltsville Plaza retail center on the north across Selman Road, on the east by the Cosco Wholesale Club facility across Baltimore Avenue, on the south by a Kentucky Fried Chicken restaurant, and on the west by office buildings.

The neighborhood is defined by a triangle formed by the following roads:

Northeast - Powder Mill Road

Southeast - Baltimore Avenue

Northwest - Rhode Island Avenue

The neighborhood is a mix of residential and commercial uses, with single-family detached homes generally occupying land interior to the neighborhood and to the west along Rhode Island Avenue. Commercial uses and some multifamily dwellings are prevalent along Powder Mill Road and Baltimore Avenue.

F. Specific Special Exception Requirements:

SE-4440: There are no specific Special Exception requirements for a car wash.

G. Parking Regulations: The subject property will contain three uses: a car wash, a gas station, and a food and beverage store. The site plan indicates that parking will be provided as follows:

Gas Station: 1 parking space per employee required.

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

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

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

The site plan shows that 14 spaces will be provided.

H. Landscape Manual Requirements: The Urban Design Section, in a memo dated November 16, 2001, provides the following comments:

■The application is subject to the requirements of Section 4.2, Commercial and Industrial Landscaped Strip requirements, and Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual*.

■. Section 4.2, Commercial and Industrial Landscaped Strip Requirements:

Section 4.2(a) requires that in all commercial zones, a minimum 10-foot-wide landscaped strip shall be provided on the property adjacent to all public rights-of-way. The application does not meet this requirement along Sellman Road or Baltimore Avenue. The Special Exception plan provides a four-foot-wide landscaped strip along Sellman Road. For the middle portion

of the required landscaped strip along Baltimore Avenue, the Special Exception plan provides only a one to two-foot-wide strip.

2. 4.7 Buffering Incompatible Uses:

The proposed uses on-site are in the high-impact use category. To the northwest of the site is a commercial office complex, which is a medium impact use. A type ■B• bufferyard with a 20-foot-wide landscaped strip and a 30-foot building setback is required to buffer the subject application from the adjacent office. The site plan does not meet the requirements. There is a driveway and a car wash building within the required bufferyard. The proposed food mart building encroaches into the 30-foot building setback area by three feet.

To the southeast of the site is a fast food restaurant, which is also a high impact use. There is no bufferyard required between these two high impact uses.

*■In light of so many encroachments, it is the staff's opinion that the site is proposed to be over developed. The staff recommends that the car wash and drive aisle which are located within the required 20-foot-wide landscape strip be removed and the full 20-foot-wide bufferyard be provided. Alternative Compliance is required for the proposed food mart building for its three-foot encroachment into the building restriction line and for reduction of the ten-foot landscape strip along Baltimore Avenue and Sellman Road as well. The departure from one loading space is justified based on the fact that the site is being redeveloped, if the car wash and drive aisle are removed.*

■Other Design Issues

- 1. Along the northeast side of the property line front onto Sellman Road, six feet of the landscaped strip is within the ultimate right-of-way (ROW) of Sellman Road. A permission letter to plant within the ROW shall be obtained from the Department of Public Works & Transportation, Prince George's County, prior to approval of an Alternative Compliance.
- 2. Plant measurements: Minimum size for planting evergreen trees shall be six-eight feet in height. Minimum size for planting shrubs shall be 18-24" in height or spread.
- 3. The minimum driveway between the existing three-bay facility and proposed food mart shall be at least 22 feet wide if a two-way circulation will be maintained.
- 4. There is no specific density requirement for C-S-C Zone per *Zoning Ordinance*. General Note 8 shall be deleted.●

Staff notes that the site plan for SE-4192, AC-95062 and ROSP SE-1642, which was approved by the District Council in 1997, indicates similar car wash and gas station buildings as shown on the proposed site plan. Under this application, the 2,000 square-foot building that housed the gas station would be razed and replaced with a 2,133 food mart/gas station. The car wash, which was never constructed, would be moved to a different location on-site. Therefore, in reality, there is very little difference between what is being proposed in this application and was approved (but never completely developed) on the 1997 site plan. The issue of development intensity has therefore, already been decided. We further note that an Alternative Compliance request for landscaped strip and bufferyard requirements has been reviewed. The findings of the Alternative Compliance Committee and discussion are Part O of this report.

- I. Zone Standards: In 1989 the Board of Appeals, per Appeal No. 9884, granted a number of variances: from Section 27-462 to allow the canopy to be set back eight feet from the street line in lieu of the required ten feet; from Section 27-358(a)(8) to allow gasoline pumps to be set back 18 feet from the street line in lieu of the required 25 feet; from Section 27-358(a)(5) to allow driveway entrances less than the required 30 feet in width; and from Section 27-358(a)(5) to allow the southernmost driveway on Baltimore Avenue to end at a point six feet from the south property line and the westernmost driveway on Selman Road to end at a point eight feet from the western property line in lieu of the required 12 feet. The 1989 variance to the driveway width requirement approved by the Board of Appeals allowed the westernmost driveway entrance on Sellman Road to be 23 feet in width in lieu of the required 30 feet. Currently, this driveway is 20 feet in width, thus an additional variance of three feet is requested pursuant to this application. Also, the applicant is requesting a variance from Section 27-358(a)(5) to allow driveways to be located less than 20 feet from the point of curvature. Otherwise, the site complies with all development requirements in the C-S-C Zone.
- J. Sign Regulations: An existing 25-foot high freestanding sign is located along Baltimore Avenue in the southwestern corner of the property. The applicant proposes merely to reface this sign to identify the food mart as well as the pricing information. The area of the sign will be 68.03 square feet. 70.50 square feet is permitted. The sign conforms to the location requirements of the Zoning Ordinance.
- K. Required Findings:

SE-4440:

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

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

The District Council, in their August 1968 special exception review of the existing gas station (SE 1642), and the Planning Board in its 1989 and 1995 reviews of the revision to special exception site plan, found the use and site plan met and satisfied all of the provisions of Section 27-317. The applicant's proposed revisions, namely, a redesign of the parking layout, the addition of a trash enclosure, landscaping, the razing of the service station building, and erection of a food mart (which is permitted by right), do not, in the staff's opinion, increase the intensity of the use. As discussed earlier in this report, there is very little difference between what is being proposed in this application and what was approved

(but never completely developed) on the 1997 Special Exception site plan. It is therefore reasonable to conclude that the proposed use will continue to be in harmony with the purposes of the Zoning Ordinance.

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

If the requested variances, departure, and Alternative Compliance are granted, the proposed use will continue to be in conformance with all the applicable requirements and regulations of the Zoning Ordinance.

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

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

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

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

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

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

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

12. ROSP SE 1642/3: Minor Site Plan Revision

Section 27-325(f)(1)(D) which authorizes the Planning Board to grant certain revisions to gas station site plans, including the addition of a trash enclosure. Moreover, the proposed food mart is less than 3,000 square feet and as such is a use permitted of right in the C-S-C zone pursuant to Section 27-461(b)(E).

(a) Section 27-325(b) of the Zoning Ordinance permits changes to an approved special exception site plan for a property of less than five acres, provided that either of the following two situations exists:

**Situation No. 1**

- (i) **There is a proposed increase in gross floor area of a building or in land area**

covered by a structure other than a building (over that approved on the original site plan) which is not greater than 10 percent of the gross floor area or covered land area or 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 10 percent of the distance to the boundary line of the Special Exception property or 20 feet, whichever is less.

#### **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 landscape plan.

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 and changes to the landscape plan.

Section 27-325(a)(3) provides that :

- (3) **The revised site plan shall comply with all applicable requirements of this Subtitle, and with any conditions, relating to the use, imposed in the approval of the Special Exception or of any applicable Zoning Map Amendment, subdivision plat, or variance.**

The specific Special Exception requirements for gas stations, which are provided in Section 27-358, are as follows:

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

- (1) **The subject property shall have at least one hundred 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 complies with this requirement. It has in excess of 150 feet of frontage along Baltimore Avenue, which has a right-of-way of 100 feet.

- (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;**

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

- (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 proposed Shell gas station will not include the display or rental of cargo trailers, trucks, or similar uses.

- (4) **The storage or junking of wrecked motor vehicles (whether capable of**



**moving or not) is prohibited;**

The proposed Shell gas station will not include the storage or junking of wrecked motor vehicles.

- (5) **Access driveways shall not be 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;**

The subject property has four driveways, two on Baltimore Avenue and two on Sellman Road. Not all of the driveways are 30 or more feet wide. Further, not all of the driveways meet the requirements relative to their location from side lot lines and the point of curvature. However, as will be discussed in the section hereinafter dealing with variances, variances either have been obtained or are being requested.

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

All of the access driveways proposed by Shell shall 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 to those areas serving pedestrian traffic;**

A five-foot wide sidewalk currently exists as required.

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

The pump islands are located 18 feet behind the street line. However, the Board of Appeals has previously granted a variance of seven feet of the required 25-foot setback. Therefore, the gasoline pumps, pursuant to the grant of a variance, comply with Code requirements.

- (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 site plan;**

There will be no repair service at this facility.

- (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.**

A set of proposed architectural elevations has been filed with this application. The proposed new building will be constructed of pre-finished galvanized panels, glass windows and doors, and galvanized fascia panels.

- (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);**

The site plan shows the topography as required.

- (2) The location and type of trash enclosures; and**

The trash enclosure is proposed to be located along the southern property boundary. It is proposed to measure 8 feet. x 12 feet. Details concerning the height and construction of the trash enclosure are submitted on the site plan drawings. The Permit Review Section, in a memo dated October 26, 2001, points out that the proposed dumpster must be screened in accordance with Section 4.4 of the *Landscape Manual*.

- (3) The location of exterior vending machines or vending area.**

There will be no exterior vending machines or vending area on this site after the renovation.

Section 27-358(d) also provides that 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.**

The applicant submits that the proposed gas station continues to be necessary to the public and the surrounding area. The existing Shell gas station has operated on the subject property continuously since 1968. Therefore, a Shell station has operated for more than 33 consecutive years at this location. During this time, it has provided needed gasoline services for the business and residential community. As noted in the description of the neighborhood, there are a number of varied commercial uses in proximity to the subject property, both

north and south, and fronting on both sides of Baltimore Avenue. Also, there are a number of residential uses located to the west of the property. Baltimore Avenue carries a substantial volume of traffic in a north/south direction during the a.m. and p.m. peak hours. Therefore, this station has provided and will continue to provide needed service for residents and workers in the area and for the traveling public traversing the Baltimore Avenue corridor. Since the subject property has, for over 33 years, been used as an automobile filling station, continuing that use will not restrict the availability of land or upset the balance of land uses in the area.

The latest minor revision to site plan ( SE-1642/2 ) was approved by the Planning Board in September, 1997 with no conditions.

M. Variance: VSE 1642/1

(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.

In 1989, the Board of Appeals approved a variance from Section 27-358(a)(5) to allow the westernmost driveway entrance on Sellman Road to be 23 feet in width in lieu of the required 30 feet. Currently, this driveway is 20 feet in width, thus an additional variance of three feet is requested. Also, a variance is needed from Section 27-358(a)(5) to allow driveways to be located less than 20 feet from the point of curvature. Staff believes that extraordinary situations and conditions exist in this case. First, with regard to the 20-foot setback from the point of curvature requirement, it is must be noted that the Zoning Hearing Examiner reviewed this site in 1997 pursuant to the request for a car wash (SE-4192). During his review, the Hearing Examiner noted that the 20 feet setback requirement of Section 27-358(a) was not an issue in 1989 because the State Highway Administration, at that time, had not modified the curb on US 1. The Hearing Examiner in his decision (issued on February 27, 1997), found that the curb was modified by the State Highway Administration after 1985, which brought about the nonconformity to the 20-foot setback requirement from the point of curvature. Staff concurs with the Hearing Examiner's opinion that the government intervention was beyond the owner's control and constitutes a unique condition.

Staff believes that an additional unique situation exists with regard to the westernmost driveway on Sellman Road. Currently this driveway is used for ingress and egress to the site. However, the applicant is proposing that this driveway be used as an egress-only driveway for the car wash. Therefore, staff believes that a 20-foot-wide driveway is sufficient. Finally, the staff believes that 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.

N. DPLS-276

The site plan indicates that the proposed food and beverage store will occupy a 2,133-square-foot building. Section 27-582 requires that a loading space be provided any time the floor area of a building for a commercial use exceeds 2,000 square feet. The applicant is requesting a waiver of this requirement.

Section 27-588 provides that departures from the minimum number of parking and loading spaces may be granted by the Planning Board when the following findings are made:

(A) **In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) **The purposes of this Part (Section 27-550) will be served by the applicant's request;**

The purposes of the Zoning Ordinance relating to off-street parking and loading are set forth in Section 27-550 of the Zoning Ordinance. Those purposes are 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.**

Each of the above purposes will be equally well or better satisfied if this departure is granted. It should be noted that the building is only slightly in excess of 2,000 square feet in size. Were it not for the fact that the applicant is proposing to construct a prefabricated building, the size of the building could be reduced by 133 square feet and the departure would not be needed.

Further, given the size of the convenience store and based upon experience as an operator of such stores, the applicant anticipates that all deliveries will occur in panel trucks as opposed to large tractor trailers. The applicant will arrange for all deliveries to occur during off-peak hours. Therefore, there will be more than ample room on site for panel trucks to make deliveries. Given this fact, approving this departure will not result in traffic congestion on streets or the utilization of public streets for loading purposes. Also, approving this departure will not endanger the residential character of residential areas. Delivery vehicles

can be accommodated on the site, and there are no residential areas immediately adjacent. Therefore, the purposes for requiring off street loading spaces will be satisfied in this instance.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request;**

The departure is the minimum necessary, given the specific circumstances of the request. The proposed building is 2,133 square feet, which is only 133 square feet above the minimum requirement for a loading space. The building is a prefab structure that cannot be reduced by 133 square feet.

**(iii) 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;**

The departure is necessary in order to alleviate circumstances which are unique to the site. This is an older site which is being redeveloped. Due to the proposed operating characteristics of the site, the applicant submits that a traditional loading space simply is not necessary, especially given the fact that all deliveries will occur during non-peak hours.

**(iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

Based on the loading space requirements of Section 27-582(a), one loading is required for retail uses with 2,000 to 10,000 square feet. The proposed use will operate out of a 2,133 square foot building. The applicant has correctly calculated the standard and requests a waiver of this requirement

**(v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

There are no residential areas immediately adjacent to the subject property that would be affected by a waiver of one loading space.

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

**(i) 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 five hundred (500) feet of the subject property;**

The property is surrounded by office and retail uses. These uses have adequate on-site parking and loading. The subject a request for a waiver of one loading space will not impact adjacent uses.

**(ii) The recommendations of an Area Master Plan, or county or local revitalization plan, regarding the subject property and its general vicinity;**

The *Subregion I Master Plan* recommends retail development for the subject property and retail and office development for properties in the general vicinity along Baltimore Ave. The proposed departure does not impair the recommendations of the Master Plan.

- (iii) **The recommendations of a municipality (within which the property lies) regarding the departure; and**

The subject property does not lie within a municipality.

- (iv) **Public parking facilities which are proposed in the county's Capital Improvement Program within the general vicinity of the property.**

There are no public parking facilities proposed in the County's CIP for the general vicinity.

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

- (i) **Public transportation available in the area;**

The subject property is served by Metro busses which run on Baltimore Ave.

- (ii) **Any alternative design solutions to off-street facilities which might yield additional spaces;**

There are no practical design solutions that would adequately address the need for a loading space.

- (iii) **The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;**

The subject food mart will be a 24-hour business. Other nearby uses such as the Costco Wholesale Warehouse to the east across Baltimore Ave., the retail center to the north across Sellman Rd., and the office building to the west basically operate between 9:00 a.m. to 9:00 p.m. The fast-food restaurant which abuts the property to the south generally operates between 10:00 a.m. and 11:00 p.m. Deliveries on the subject site will be restricted to prohibit loading of products and supplies between 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.

- (iv) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The subject property is in the C-S-C Zone and does not involve the development of multifamily dwellings.

O. Alternative Compliance Application AC-01043:

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

Pursuant to the *Landscape Manual*, Alternative Compliance may be granted, given specific site concerns which may justify alternative solutions to encourage economically viable and environmentally satisfying solutions. Section 1.3A(1.5) of the *Landscape Manual* states several conditions, which if only one is demonstrated Alternative Compliance may be justified. This site satisfies several of these conditions including redevelopment in an older community, which will improve environmental quality over the predevelopment conditions.

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

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

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

yard on average is proposed. One hundred eleven (111) plant units are provided along the western property line in lieu of the fifty-eight (58) units required.

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

#### JUSTIFICATION FOR RECOMMENDATION:

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

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

#### RECOMMENDATION:

The Alternative Compliance Committee recommends **APPROVAL** of alternative compliance from Section 4.7, Buffering Incompatible Uses.

#### CONCLUSION:

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

1. APPROVAL of SE-4440 and APPROVAL of ROSP SE 1642/3, subject to the following conditions:
  - A. The method of identifying compact parking spaces in the field shall be



shown on the site plan.

- B. This site plan shall be revised to provide 15 parking spaces or a DPLS shall be required.
- C. Proposed dumpster shall be screened in accordance with Sections 4.4 of the *Landscape Manual*

2. APPROVAL of VSE-1642/1

- 3. APPROVAL of DPLS-276, subject to the condition that a note shall be added to the plan indicating that loading shall occur during nonpeak hours.
- 4. APPROVAL of AC-01043, subject to the condition that a six-foot-high masonry wall shall be constructed along the read (northwestern) property line.