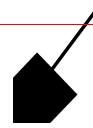


Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530



Comment [COMMENT1]: WHEN INSERTING INFORMATION AT THE @ SIGN REMEMBER TO USE INDENT FOR SECOND LINE - NOT TAB. ALSO, IT WILL LOOK LIKE THE TEXT IS GOING WACKO, BUT DON'T WORRY - IT IS FINE.

## Revision of Site Plan SE 394/02 (Minor Change), VSE 394/01, DPLS 274, DDS 531, & DSDS 580)

Application	General Data
<b>Project Name</b>  Shell (Wheeler Road)	Date Accepted 9/21/01
	Planning Board Action Limit N/A
<b>Location</b>  Northeast corner of Wheeler Road and Southern Avenue, known as 4420 Wheeler Road.	Tax Map & Grid 087 B-3
	Plan Acreage 0.35
<b>Applicant</b>  Motiva Enterprises, L.L.C. 3800 Pickett Road Fairfax, Virginia 22031	Zone C-S-C
	Dwelling Units N/A
<b>Correspondent:</b> Edward Gibbs Gibbs and Haller 4640 Forbes Blvd 1 <sup>st</sup> Floor	Square Footage N/A
	Planning Area 76A
	Council District 07
	Municipality None
	200-Scale Base Map 206SE2

Purpose of Application		Notice Dates	
<u>ROSP S.E. 394/02</u> : Building addition, trash enclosure, landscape and parking space alteration.  <u>VSE 394/01</u> : Variance from driveway width and location requirements.  <u>DPLS 274</u> : Departure of four off-street parking spaces.  <u>DDS-531</u> : Departure from <i>Landscape Manual</i> Requirements  <u>DSDS 580</u> : Departure from location requirements for the freestanding sign.		Adjoining Property Owners (CB-15-1998)	04-10-01
		Previous Parties of Record (CB-13-1997)	N/A
		Sign(s) Posted on Site	04-19-02
		Variance(s): Adjoining Property Owners	04-10-01
Staff Recommendation		Staff Reviewer: Elsabet Tsfaye	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

May 1, 2002

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Elsabett Tesfaye, Senior Planner

SUBJECT: **Revision of Site Plan (Minor Change) Special Exception Application No. 394/2, Varince SE No. 394/1, Departure From Design Standards No. 531, Departure From Parking and Loading Standards No. 274, Departure from Sign Design Standards Application No. 580**

REQUEST: **Modification of an existing gas station.**

RECOMMENDATION: <b><u>ROSP SE-394/2:</u></b>	<b>APPROVAL</b> with conditions
<b><u>VSE-394/1:</u></b>	<b>APPROVAL</b> with conditions
<b><u>DDS-531:</u></b>	<b>APPROVAL</b> with conditions
<b><u>DPLS-274:</u></b>	<b>APPROVAL</b> with conditions
<b><u>DSDS-580:</u></b>	<b>APPROVAL</b> with conditions

---

NOTE:

The Planning Board has scheduled these applications for a public hearing on the agenda date indicated above. The Planning Board also encourages all interested persons to request to become a person of record in this application. Requests to become a person of record should be made in writing and addressed to the Development Review Division at the address indicated above. Please call 301-952-3280 for additional information.

---

## FINDINGS:

- A. Location and Field Inspection: The subject property is located at the northeast corner of the intersection of Wheeler Road and Southern Avenue, known as 4420 Wheeler Road. The site is polygonally shaped and consists of approximately 0.36 acre of land. It is improved with a 160-square-foot kiosk and three pump islands with a canopy cover. The property is zoned C-S-C, and it has street frontage on Southern Avenue (west) and Wheeler Road (south). It has four driveway entrances, two on each street.
- B. History: The property was placed in the C-1 Zone upon District Council Approval of Zoning Map Amendment No. 2095, on July 15, 1953. On April 16, 1958, the District Council granted Special Exception No. 394 for a gasoline station on the property. A Revision of Site Plan, SE-394/1, was approved in 1983 to permit a self-service gas station. The 1984 Sectional Map Amendment for Subregion VII classified the subject property in the C-S-C Zone. The 2000 *Sectional Map Amendment for the Heights and Vicinity* retained the property in the C-S-C Zone.
- C. Master Plan Recommendation: The 2000 *Approved Master Plan for the Heights and Vicinity* recommends retail-commercial use for the subject property.
- D. Request: The applicant proposes to renovate the existing gas station and add a food or beverage store use to the site. The proposed modification involves replacement of the existing sales kiosk with a one-story, 1,320-square-foot food and beverage store, replacement of the existing canopy, and redesign of the parking and landscape areas. The applicant also proposes to validate the existing freestanding sign that does not meet current setback requirements and add a 100-square-foot trash enclosure. The request also includes several departures and variances that are discussed in detail in later sections of this report.
- E. Neighborhood and Surrounding Uses: The immediate area surrounding the site is characterized by a mixture of uses. Residential uses are located to the northeast, east and south of the site in the R-10, R-18 and R-55 Zones. A vast area of C-S-C and C-O zoned land is located immediately northeast and east of the site. The property abuts a liquor store, dry cleaner and a carry-out to the east in the C-S-C Zone. There is an undeveloped wooded parcel of land to the north that is also in the C-S-C Zone. Further southeast are a vacant building and a vacant property in the C-S-C Zone. To the south across Wheeler Road is located a country store, liquor store and a gas station. Across Southern Avenue, to the west and northwest within the District of Columbia, are located apartments, townhouses and the Greater Southern Community Hospital.
- F. Minor Change Provision:

**Section 27-325(f)(1) (C) permits changes to an approved special exception site plan for a gas station for the following modifications:**

**The addition, relocation or modification of a fence, kiosk, island shelter, island canopy, storage area, trash enclosure, vending area, or lavatory facility.**

The applicant proposes to remove the existing canopy and install a new and modern canopy over the existing three pump islands. The proposed site plan also indicates that the existing sales kiosk will be removed and a new trash enclosure will be added at the northwest corner of the property, next to

the proposed food or beverage store.

**Section 27-325(b)(1)(B)** permits changes of site plans for property of less than five(5) acres, provided that:

- (i) **There is a proposed change in the design of a parking lot or loading area.**
- (ii) **There is a proposed change in a landscape plan.**

There are no parking spaces delineated on the approved site plan or the property. The proposed site plan provides for a new parking layout with five parking spaces. The proposed use requires nine parking spaces, but only five can be provided. Therefore, a departure is needed to waive four required spaces.

The proposal provides for new landscaping; however, the proposed landscape plan does not fully comply with the requirements of the *Landscape Manual*. A proposal for Alternative Compliance was denied and consequently, the applicant has filed a departure from some elements of the *Landscape Manual* requirements.

- G. **Specific Requirements:** A food or beverage store is permitted by right in the C-S-C Zone. A gasoline station is permitted in the C-S-C Zone as a special exception. **Section 27-358** sets forth the specific special exception requirements for a gas station in the C-S-C Zone.

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

1. **The subject property shall have at least 150 feet of frontage on and direct vehicular access to a street with a right-of-way of at least 70 feet.**  
  
The subject property has 150+ feet of frontage on Southern Avenue. The property also has 150 feet of frontage on Wheeler Road with a right-of-way width of 80 feet. The 2000 *Heights and Vicinity Master Plan* recommends that Wheeler Road be improved to a four-lane (80-foot right-of-way) collector roadway between Iverson Road and Southern Avenue. The proposed site plan shows only 70 feet of right-of-way for Wheeler Road. The plan must be revised to show the 80-foot right-of-way.
2. **The subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, or hospital is located.**  
  
The property conforms to this requirement.
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.**
4. **The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited.**

The applicant's proposal does not include either of these two activities and notes are placed on the site plan indicating compliance with these requirements.

5. **Access driveways shall be not less than 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 Public Works and Transportation, 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 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 12 feet from the side or rear lot line of any adjoining lot.**

The site plan shows four access driveways, two each on Southern Avenue and Wheeler Road. The two driveways on Wheeler Road are 30 feet wide. However, both driveways on Southern Avenue have a width of 25 feet and are located within the boundaries of the District of Columbia. The applicant has requested a variance of five feet for each of these driveways.

The applicant is also requesting a variance of 3.5 feet (from the 12-foot setback requirement) for the southernmost driveway entrance on Wheeler Road that is located 8.5 feet from the side lot line. The driveways on Southern Avenue and Wheeler Road (closest to the intersection) are less than 20 feet from the point of curvature. Variances (from the 20-foot setback requirement) for the two driveways were approved by the Planning Board when ROSP SE- 394/01 was approved in 1983.

6. **Access driveways shall be defined by curbing.**

The site plan indicates that all access driveways will 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.

Sidewalks are provided along both Southern Avenue and Wheeler Road and meet the requirement for a five-foot-wide sidewalk between the building line and the curb.

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

The site plan indicates that all gasoline pumps and service appliances are located more than 25 feet behind the street line.

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 stated that no repair service is proposed for the site. The site plan does not provide for an accessory storage building and there is no reference to the provision of accessory storage in the applicant's statement of justification.

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.

Drawings of conceptual elevations and a sign detail were submitted with the site and landscape plans. However, the applicant must provide colored renderings along with descriptions of architectural elements, materials and colors to ensure architectural quality and compatibility with existing and proposed developments on the site as well as the surrounding area.

- (2) 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.
- (3) The location of exterior vending machines or vending area.

The topography requirement is complied with and depicted on the applicant's landscape plan accordingly. The site plan shows a 100-square-foot (10' x 10'), six-foot-high trash enclosure on the northwest corner of the property and drawings showing details of a trash enclosure gate and fencing are provided. There are no vending machines proposed.

- (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 non-operation as a gas station for a period

of fourteen (14) months after the retail services cease.

There is no indication in the record of a potential conflict with this requirement.

- (4) 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.
- (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.

The subject gas station has served the public at this location for over 40 years. The fact that the subject gas station provided service for the area for such an extended period of time without interruption is evidence that there is a need for the proposed use.

The proposed redevelopment of the property will modernize and upgrade the existing gas station and will improve its level of service to the public. Moreover, the area surrounding the subject property consists of various other commercial uses and a large expanse of undeveloped commercially zoned land. Therefore, the proposed use will not unduly restrict the availability of land or upset the balance of land use in the area for other trades and commercial uses.

- H. **Parking Regulations: Section 27-568 of the Zoning Ordinance requires one parking space for each employee of the gas station and one parking space for every 150 square feet of gross floor area for the food or beverage store.**

The food or beverage store consists of 1,320 square feet of gross floor area. A total of nine parking spaces are required. The applicant has provided five parking spaces and initially requested a departure for five spaces. The applicant's parking schedule allocates one parking space for the gasoline sales employee. The Permit Review Section has indicated that parking is not required for the gasoline sales employee since there is no kiosk, and gasoline is paid for inside the food or beverage store. Therefore, a departure is needed to waive four spaces and the parking schedule must be revised accordingly. In addition, the parking schedule must include the types (dimensions) of parking spaces provided. Refer to Section L of this report for details on the requested departure.

- I. **Loading Requirements: Section 27-582 of the Zoning Ordinance requires one loading space for retail sales and service (per store) comprising over 2,000 square feet of gross floor area (GFA).**

No loading space is required for the subject 1,320-square-foot building.

- J. **Landscape Manual Requirements:** The applicant's proposal is subject to the requirements of Sections 4.2, 4.3, 4.4 and 4.7 of the *Landscape Manual*. The proposed landscape plan does not meet the *Landscape Manual* requirements. The Planning Director recommended denial of the applicant's proposal for alternative compliance and consequently, the applicant has requested a departure (DDS-531) from the requirements of the *Landscape Manual*. Refer to Section M of this report for details.

K. Sign Regulations: The applicant proposes to retain the existing freestanding sign and is requesting a departure from the ten-foot setback from the requirement. The applicant also requested a departure from the 40-foot building set-back requirement; however, the Permit Review Section (Sign Review), determined that this departure is not necessary (see John Linkins' memo of October 23, 2001). Refer to Section N of this report for details.

L. Departure from the Number of Parking and Loading Spaces Required (DPLS-274):

(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.**

**The purposes of this part are:**

- (i) **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.**
- (ii) **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.**
- (iii) **To protect the residential character of residential areas.**
- (iv) **To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

This departure is needed to waive four of the nine required parking spaces. The applicant has indicated that patrons who pump gas often leave their cars next to the pump while making a quick purchase in the food mart and also pay for their gas. Moreover, since the gasoline station will have pay-at-the-pump capability, some customers may make a brief stop in the food mart while fueling and thus not utilize the designated parking space. Staff agrees with the applicant's reasoning and also recognizes the fact that some of the gas station patrons do not even venture to the food mart, limiting their activity only to fueling their car, using the pay-at-the pump feature of the service.

The applicant also has indicated that due to the nature of the uses and absence of vehicle repair services on-site, the length of customer time spent at the property will be relatively short, thereby generating a quick turnover in parking spaces. This also is a valid argument in support of the adequacy of the proposed parking spaces to serve the subject use. Since the primary use is the gas station and that is the main reason for patrons' presence on



the site, the need for more than five spaces, in addition to the six fueling stations, is not likely. Therefore, the departure will not infringe upon the parking needs of the nearby residential area.

With regard to off-site traffic circulation, the proposed renovation of the gas station will not generate new peak-hours trips (see attached Transportation Section's memorandum). Therefore, it is not likely to adversely impact the area's transportation system.

The requested waiver of four spaces is not likely to adversely impact the nearby residential uses or the area's transportation system. The proposed five on-site parking spaces will still provide safe and adequate parking accommodation to serve the subject gasoline station and food mart. The purposes of this Subsection will be served by the requested departure.

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

The departure of four spaces is the minimum necessary. Five parking spaces are the maximum that can be provided on the site. The proposed five spaces will provide adequate parking accommodation for the proposed gas station and food mart.

**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.**

The requested departure of four spaces is the minimum necessary given the circumstances of the request and to alleviate circumstances special to the subject property and the proposed uses. The property is substandard in terms of size (.36 acres) and irregularly shaped (it narrows from a width of 150 feet on the southern property line to a width of 76 feet on the northern property line), making it difficult to conform to many of the current zoning requirements. An attempt to increase the number of parking spaces would require additional relief from other current zoning requirements. The parking needs of the uses will be adequately satisfied with the proposed five parking spaces.

**4. All methods for calculating the number of spaces required have either been used or found to be impractical.**

All methods for calculation have been used and found impractical to further reduce the parking requirement.

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

Parking needs of adjacent residential areas will not be infringed upon because the

proposed five parking spaces adequately satisfy parking and loading needs associated with the subject 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 feet of the subject property.**  
Adjoining and nearby uses have their own off-street parking facilities. There is no indication of a shortage in public parking facilities in the area.
- 2. The recommendations of an area master plan, or county or local revitalization plan, regarding the subject property and its general vicinity.**

Upon reviewing the applicant's proposal, the Community Planning Section offered the following comments:

The proposed use of the site is consistent with the master plan's land use recommendation. However, the proposal does not address the design guidelines for the Wheeler Road gateway recommended in the master plan. Further, the number of departures, etc., suggests the proposal is an over-development of the site.

The master plan states that commercial development within the gateway can be described as older commercial buildings; in general, this development presents one of the least attractive appearances of the planning area. This area suffers from many urban design-related problems.

The master plan designated Wheeler Road as a gateway (minor), not only to the community but to the county as well. With this designation, the master plan recommended certain design guidelines to enhance property appearance and the streetscape. The recommendations pertinent to building materials, landscaping and signs are applicable to the subject site. The following includes all the standards recommended for Wheeler Road:

1. Ensure that future development is architecturally compatible with new, renovated or redeveloped buildings.
  - Architectural design/treatment of individual buildings and sites should take into consideration the context of the planned community so as to provide visual continuity between sites and buildings.
  - High quality, durable and attractive building materials should be used on all proposed structures. Exterior building materials such as brick, stone and finished masonry are appropriate.
  - Artificial exterior building materials that simulate the

appearance of other natural construction materials should be discouraged.

- Proposed buildings located at very visible intersections such as Wheeler Road and Southern Avenue should address the prominent location with the front facade and main entrance articulation. The other sides of the buildings should not be plain walls.
2. Accomplish buffering and screening through attractive landscaping or other means.
- Appropriate buffering/screening elements should include continuous sight-tight fences, solid or masonry walls and landscaping. Also, evergreen trees may be used in combination with wrought iron picket-type fences as a buffering/screening element.
  - Walls or fences used as screens should be made of appropriate materials compatible with adjacent buildings.
  - The use of barbed-wire or chain-link fencing in gateway storage areas should be discouraged.
3. Develop a comprehensive and coordinated streetscape approach throughout the gateway that will provide sidewalks and pedestrian lighting treatments.
- A continuous network of concrete sidewalks should be provided on both sides of the streets where possible.
4. Enhance the visual appearance of Wheeler Road from Southern Avenue to Wheeler Hills Road with landscaping.
- Major street trees should be provided (30 feet on center) along both sides of all public rights-of-way, where possible.
  - Street tree type should always be consistent along a corridor's edge.
  - Existing parking lots along the rights-of-way should be screened with a continuous line of low shrubbery.
  - Provide a landscaped entrance feature at Wheeler Road and Southern Avenue
  - Proposed ground-mounted entrance feature should be compatible in design, color, and material with the overall character of the surrounding new, renovated and

redeveloped development.

- Landscaping, such as a combination of clustered groundcover evergreens, ornamentals and annuals, should be used around the base and perimeter of the entrance feature.
- Since the site is proposed for redevelopment, it has the opportunity to establish some standard for redevelopment or development in this minor gateway corridor. For example, the plan states that high quality, durable and attractive building materials should be used on all proposed structures. Exterior building materials such as brick, stone and finished masonry are appropriate. The elevation sketches submitted with the proposal depict a relatively standard building product that does not suggest any kind of quality envisioned for the gateway corridor. However, the architectural features and building materials for a gas station and food mart probably will not necessarily serve as a model for future development in the area.
- Landscaping and buffering are probably features that could set a foundation for other properties in the gateway. Since street tree type should always be consistent along a corridor's edge, whatever choices are made here will set the stage for further development.
- As the corner of Southern Avenue and Wheeler Road acts as an entry, not only to the site but to the county and the neighborhood, proposed sign should take on the character of a landscaped entrance feature as recommended in the plan. For example, the existing sign could be replaced with a ground-mounted sign compatible in design, color and material with the redeveloped site.
- The location of the trash dumpster is fairly prominent on the site and does not enhance the overall appearance of the development. It would be more appropriate in a less visible but accessible location.
- The departure to retain the existing location for the sign and to not relocate it suggests over-development of the site. The need for the parking space departure further suggests over-development of the site.

The 2000 *Approved Master Plan for the Heights and Vicinity* recommends retail-commercial use for the subject property. The proposed gas station use is permitted by special exception in the C-S-C Zone. The site has been developed with a gas station and used as such for over 40 years. In the instant application, the applicant is proposing to upgrade and modify the existing gas station. New construction is limited to the 1,320-square-foot food or beverage store that is permitted by right. The addition of the trash enclosure, the proposed landscaping and replacement of the canopy are positive improvements to the otherwise visually unattractive site.

The fact that the property and the surrounding area has been developed several years back, coupled with the nature of the proposed use, puts a substantial limitation on any effort to fully apply the design guidelines outlined in the 2000 *Approved Master*

*Plan for the Heights and Vicinity.* To the extent possible, some elements of the guidelines will be employed through the applicant's own initiatives and recommended conditions. Given the current deteriorated condition of the subject property and other developments in the area, the proposed renovation of the gas station will create an environment and related amenities that will enhance and revitalize the property and the neighborhood.

**3. The recommendations of a municipality (within which the property lies) regarding the departure.**

This subject property is not within a municipality.

**4. 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 for this area.

M. Departure from Design Standards for Landscaping and Buffering Requirements (DDS-531):

Required Findings:

(A) Section 27-239.01(b)(9)(A) 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 are set forth in Section 27-102. They are varied in nature, but in general, are to protect the health, safety and welfare of the residents and workers in Prince George's County. In this instance, the facts establish that granting the requested departures will in no way jeopardize these purposes. The proposed modification of the existing gas station and the addition of a convenience store as part of the modification has rendered the property subject to the *Landscape Manual*. The applicant requested Alternative Compliance from the requirements of Section 4.2, Commercial Landscape Strip and Section 4.7, Buffering Incompatible Uses.

The Alternative Compliance (AC) Committee found that the applicant's alternative plan with regard to Section 4.2 to be equal or better than normal. Although in one area along Southern Avenue, a trash enclosure encroaches seven feet into the landscape strip; the deficiency was compensated with 22 additional plant units and screening of the enclosure with evergreen plant materials. However, the AC Committee found that the alternative proposal for Section 4.7 (Bufferyard) requirements to be unacceptable.

The 2000 *Heights and Vicinity Master Plan* recommends that Wheeler Road be improved to a four-lane (80-foot right-of-way) collector roadway between Iverson Road and Southern Avenue. The proposed site and landscape plans show only a 70-foot right-of-way for Wheeler Road. As a result, the ten-foot landscape and

building setback along Wheeler Road is placed five feet within the ultimate right-of-way of Wheeler Road. A departure is required.

The deficiency in meeting the Section 4.7 bufferyard requirement along the northern and eastern property line is triggered due to the designation, by the *Landscape Manual*, of a gas station use as a high-intensity use and the adjacent retail use (liquor store and other retail uses) as a medium intensity.

A 20-foot landscape bufferyard and a 30-foot-wide building setback is required. The applicant has provided a four-foot-wide bufferyard and building setback along the northern property line and a five-foot-wide landscape bufferyard and building setback along the eastern property line. The plan also provides a six-foot-high, board-on-board fence along both the eastern and northern property lines. The proposed plan was short by 76 plant units in the bufferyard. The AC Committee findings indicate that due to the minimum width of the bufferyard, it may not be possible that the required number of plant materials could be provided.

Given the existing condition of the subject property as well as the adjacent property that has very little or no landscaping, the proposed landscape plan represents a substantial improvement to the property in terms of design and environmental quality. As such, it enhances the visual quality of the site and projects an aesthetically pleasing appearance. Moreover, the proposed landscape plan will have minimal, if any, impact on the adjoining properties to the north and east. The property to the north is currently undeveloped and wooded with topographical features not suitable for potential development. The retail building to the east is built on the property line with a zero lot line setback with no windows on the wall facing the subject property. An attempt to achieve full compliance with the *Landscape Manual* will seriously limit the provision of adequate on-site parking spaces and circulation pattern, and it would be virtually impractical.

Given all of the above, the applicant's proposal will serve the purposes of the Subtitle equally well or better.

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

The requested departure is the minimum necessary without requiring the reconstruction of all of the existing improvements, altering the established pattern of development and creating new inconsistencies with current zoning regulations.

**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.**

The proposed use will not intensify or exacerbate existing traffic, parking, noise, or aesthetic conditions in the area. The departure is necessary in order to alleviate circumstances such as irregular shape and substandard size, which are special to the

subject use, given its nature at this location.

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

The departure, with the proposed landscape plan, will in fact add to the visual, functional, and environmental quality or integrity of the site and the surrounding neighborhood. Granting the departure will have no discernible negative impact upon the site or the surrounding neighborhood.

**B) For a departure from a standard contained in the *Landscape Manual*, the Planning Board shall find, in addition to the requirements in paragraph (A) above, that there is no feasible proposal for alternative compliance, as defined in the *Landscape Manual*, which would exhibit equal or better design characteristics.**

Full compliance with the *Landscape Manual* is not a practical option and would result in a loss of needed parking spaces, necessitating an even greater departure from parking and loading standards as well as other reliefs. There is no feasible proposal for alternative compliance, as defined in the *Landscape Manual*, which would exhibit equal or better design characteristics. As noted, with the requested departure the applicant is proposing substantial landscaping compared to what is currently on the property. The proposed landscaping will enhance the aesthetic appearance of the property and the immediate neighborhood.

**N. Departure from Sign Design Standards (DSDS-580):**

**Section 27-614(a)(4) requires that freestanding signs shall be located at least 10 feet behind the ultimate right-of-way line.**

Review of the site plan indicates that the proposed sign is located 19 feet from the edge of paving along Wheeler Road, and it is located 24 feet from the edge of paving along Southern Avenue. However, it is within one foot of the ultimate right-of-way of Wheeler Road, and it is within 2.7 feet of the right-of-way shown for Southern Avenue. A departure of nine feet is needed along Wheeler Road and a departure of 7.3 feet is needed along Southern Avenue.

**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.**

Section 27-589 contains the following purposes for regulating signs:

- (1) To promote the health, safety, and welfare of the present and future inhabitants of the Regional District.**
- (2) To encourage and protect the appropriate use of land, buildings, and structures.**

- (3) **To regulate unsightly and detrimental signs which could depreciate the value of property and discourage quality development in the Regional District.**
- (4) **To regulate signs that are a hazard to safe motor-vehicle operation.**
- (5) **To eliminate structurally unsafe signs that endanger a building, structure, or the public.**
- (6) **To prevent the proliferation of signs that could detract from the scenic qualities of the landscape or the attractiveness of development.**
- (7) **To control the location and size of signs so as to provide for adequate identification and advertisement in a manner that is compatible with land uses in the Regional District.**

In general, the purposes of the Sign 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 applicant is requesting a departure from the ten-foot setback from the right-of-way requirement for a freestanding sign that is replacing the existing freestanding sign at the same location. The sign detail shows that the proposed sign will have a height of 24.33 feet and an area of 68.03 square feet. However, the applicant's calculation left off the bottom portion of the sign from the total area. The proposed sign has an area of 123.11 square feet, not 68.03 as shown on the drawing. The property is allowed only a maximum area of 75 square feet for a freestanding sign. The proposed replacement of the freestanding sign is a part of an overall renovation of the existing gas station. The height of the sign should be added to Sheet No. 2 of the site plans.

As indicated by the applicant, the existing sign has been at its present location for at least 20 years (the sign existed during the last revision of the site plan in 1983) with no apparent adverse impact. In the current application, no change is proposed with regard to the location of the freestanding sign. The height of the proposed sign will meet current requirements; however, the proposed area does not and should be revised to meet the requirement.

The departures relative to this sign will merely validate the situation which existed on the property for the past several years (provided that the height and area requirements are met) and would not conflict with the purposes of this Subtitle. However, because the 2000 *Master Plan for the Heights and Vicinity* designates Wheeler Road as a minor gateway to the community and the county, it is recommended that the new sign shall be designed as a ground mounted, landscaped entrance feature. It shall be compatible in design, color and material with overall character of the renovated site. Furthermore, it shall incorporate landscape materials comprised of clustered groundcover evergreens, ornamentals and annuals, planted at the base and perimeter. In addition, it is recommended that the height of the proposed sign be lowered to 12 feet to compensate for its location so close to the right-of-way. The specifics of the entrance feature must be approved prior to the issuance of permits and incorporated as part of the site plan.



revisions.

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

The departure is necessary given the specific circumstances of the property, which is relatively small in size and fully developed, with limited alternative locations for a freestanding sign that would provide adequate identification in accordance with the recommended design.

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.**

The property was initially developed as a gas station in the late 1950s and is located, though sparsely developed, in an older, developed area of the county. In addition, the small size and irregular shape of the property, coupled with the ever-expanding right-of-way, constitute unique circumstances which are alleviated by the requested departure.

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

The departure will not impair the visual integrity of the site or surrounding area. The use has operated on the subject property for over 40 years serving the surrounding neighborhood. With the recommended conditions pertaining to the design of the sign, the visual and environmental quality of the site will be greatly enhanced in a manner that complements the location at a minor gateway into the State of Maryland, Prince George's County, and the local community.

O. Variance Requests:

The proposed site plan requires the following variances (VSE-394/02):

1. Section 27-358(a)(5): To reduce the requirement that a driveway may begin or end at a point not less than 12 feet from the side or a rear lot line of any adjoining lot. A variance of 3.5 feet from the 12-foot setback requirement is needed.
2. Section 27-358(a)(5): To reduce the requirement that access driveways shall be not less than 30 feet wide.

The applicant also requested a variance from the requirements of Section 27-462 (b); however, this variance is not necessary since the height of the trash enclosure does not exceed six feet. The site plan, however, must be revised to show the height of the trash enclosure not to exceed six feet.

Section 27-230 requires the Planning Board to make the following findings in order to grant a variance.

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 undue hardship upon, the owner of the property;**

**3. The variance will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan.**

The applicant indicated that when the Planning Board approved the last revision of the approved special exception site plan, it also granted a variance from another provision of Section 27-358(a)(5), which requires that driveways begin or end at a point not less than 20 feet from the point of curvature. However, the issue of the 12-foot setback and the 30-foot driveway-width requirements were not addressed, although variances from both requirements should have been sought at that time. The applicant submits that this is an extraordinary condition. With regard to the driveway width requirement, the applicant believes the fact that the District of Columbia Code dictates that width of driveways for nonresidential uses not exceed 25 feet may have been the reason why variances were not sought at the 1983 revision of the site plan. Although a 1982 site plan shows each of the two driveways on Southern Avenue with a width of 30 feet, the driveways were never modified to increase their width since their construction over 40 years ago.

The proposed modification measure is taken to modernize the facility and improve the level of service at the gas station. The four driveways, including the two 25-foot-wide driveways, were constructed in accordance with previous requirements of the Zoning Ordinance. The strict application of this Subtitle will result in undue hardship upon the applicant. Due to the small size of this site, very few, if any, improvements could ever be made without variances or other reliefs from current requirements.

The requested variances are needed, for the most part, to validate conditions which existed on the property for over 40 years. These variances will not impair the intent, purpose or integrity of the approved 2000 *Master Plan for Heights and Vicinity*, which recommends retail-commercial use for the site.

**P. 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.**

The fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety and welfare of the public and promote compatible relationships between the various types of land uses. Review of the applicant's site plan for conformance with the requirements of the Ordinance indicates no potential for adversely affecting these fundamental purposes, provided that the recommended conditions are met.

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

The subject property is located in the C-S-C Zone, which permits the subject gas station as a special exception provided that certain specific requirements are met. The proposal fails to meet a number of current zoning requirements. The applicant has requested applicable reliefs (Variance, DDS, DPLS, and DSDS) to bring the property into compliance with current requirements of the Zoning Ordinance. With the recommended conditions, the proposed use conforms to all 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 Master Plan, the General Plan.**

The proposed use will not result in the substantial impairment of the approved 2000 *Master Plan for the Heights and Vicinity* that recommends the property for retail-commercial land use. Upon reviewing the applicant's proposal, the Community Planning Division offers the following comments:

The proposed use of the site is consistent with the master plan's land use recommendation. However, the proposal does not address the design guidelines for the Wheeler Road gateway recommended in the master plan. Further, the number of departures, etc., suggests the proposal is an over-development of the site.

These concerns are addressed in this report and resolved to the extent possible with recommended conditions.

- (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 continued use of the site as a gas station and the proposed modifications will not adversely impact the health, safety and welfare of residents and workers in the area, nor would it be detrimental to the use or development of adjacent properties or the general neighborhood. The subject property is a highly visible site as a minor gateway to Maryland.

To the extent it is possible, redevelopment of this site in a manner that accommodates design elements and features that are recommended by the approved 2000 *Master Plan for Heights and Vicinity* will greatly contribute to the vitality and character of development in this area. Moreover, with the recommended conditions, the proposed modifications would not substantially change the scope and intensity of the activities and services currently provided by the gas station; and therefore, it would not generate a notable increase in the area's traffic and noise levels.

The Transportation Planning Section has offered the following comments.

...In terms of transportation impact to the community, the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual* indicates that the AM and PM peak hours vehicle trip generation rates for gas stations without food mart are approximately equal to generation rates for gasoline stations with convenience market. The ITE-recommended trip generation rates per vehicle fueling position on average are 13 and 16 vehicle trips during the AM and PM peak hours, respectively, of which approximately 61 percent are pass-by trips. Pass-by trips mean that they are already on the road. Therefore, almost all of the generated peak-hour trips are replacement of the existing peak-hour trips oriented to the site.

The Transportation Planning Section has also indicated that the proposed uses will not substantially impair the integrity of any existing or planned transportation facilities, provided that the site plan is revised to show a total of 80 feet of right-of-way for Wheeler Road, and to ensure that no structure is or will be constructed within this area.

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

A Tree Conservation Plan is not required because the property contains less than 10,000 square feet of woodland, and it does not have a previously approved Tree Conservation Plan. However, a Letter of Exemption needs to be provided by the applicant prior to the approval of this application.

## **CONCLUSION**

Based on the preceding analysis and findings, it is recommended that **SE 394/02 (Minor Change), VSE 394/01, DPLS 274, DDS 531, & DSDS 580** be **APPROVED**, subject to the following conditions:

1. Prior to the issuance of permits, the site and landscape plans shall be revised to include the following:
  - a. Delineate a total of 80 feet of right-of-way for Wheeler Road, and no structure shall be constructed within this area.
  - b. The parking schedule shall be revised to indicate the correct number and dimensions of parking spaces required and provided.
  - c. The height of the trash enclosure not to exceed six feet.
  - d. Notes detailing the specific departures and variances approved for each application.
2. Colored renderings along with descriptions of architectural elements, materials and colors shall be provided by the applicant prior to the approval of this application.
3. The freestanding sign shall be designed as a ground-mounted, landscaped feature and it shall meet the following criteria:
  - It shall be compatible in design, color and material with the overall character of the renovated site.
  - It shall incorporate landscape materials comprised of clustered groundcover evergreens, ornamentals and annuals, planted at the base and perimeter.
  - The height of the sign shall not exceed to 12 feet.
  - The specifics of the entrance features shall be approved prior to the issuance of permits and incorporated as part of the site plan revisions.
4. A letter of exemption from the tree conservation plan requirement shall be provided by the applicant prior to the approval of this application.