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## Revision of Site Plan (Limited Minor Change) SE-4431/01

Application	General Data
<b>Project Name:</b> Silver Hill Park (7-11)  <b>Location:</b> Northeast side of Branch Avenue, southeast of its intersection with Cedar Drive, known as 3714 Branch Avenue.  <b>Applicant/Address:</b> 7-Eleven, Inc. 5300 Shawnee Road Alexandria, Virginia 22312	Date Accepted: 10/30/03
	Planning Board Action Limit: N/A
	Plan Acreage: 1.68
	Zone: C-S-C
	Dwelling Units: None
	Square Footage: 3,106 sq. ft.
	Planning Area: 76A
	Tier: Developed
	Council District: 07
	Municipality: N/A
	200-Scale Base Map: 205SE03

Purpose of Application	Notice Dates
1. Reduction in building size and pump islands for gas station with food and beverage store  2. Deletion of fast-food restaurant	Adjoining Property Owners Previous Parties of Record Registered Associations: N/A (CB-12-2003)
	Sign(s) Posted on Site: N/A

Staff Recommendation		Staff Reviewer: Jimi Jones	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

## **PLANNING DIRECTOR DECISION**

### **Limited Departures and Revisions to Approved Plans**

**Application No:**            **ROSP SE-4431/01**

**Project Name:**            **Silver Hill Park 7-11**

**Reviewer's Name:**       **Jimi Jones, Planning Coordinator**

A.     **Nature of the Applicant's Request:** A minor revision to the approved Special Exception site plan is requested to reduce the size of the approved food and beverage store from 4,224 to 3,106 square feet and provide six multiproduct gasoline dispensers instead of eight that were originally approved. This application also eliminates the previously approved fast-food restaurant.

B.     **Required Findings:** Section 27-325(a) generally authorizes the Planning Board and Planning Director to approve certain minor changes to approved special exception site plans. Section 27-325(b) and(c) provide the following specific criteria for approval:

- (b)     (1)     **The Planning Board is authorized to approve the following minor changes:**
  - (A)     **An increase of no more than fifteen percent (15%) in the gross floor area of a building;**
  - (B)     **An increase of no more than fifteen percent (15%) in the land area covered by a structure other than a building;**
  - (C)     **The redesign of parking or loading areas; or**
  - (D)     **The redesign of a landscape plan.**
- (2)     **The Planning Board is further authorized to approve the minor changes described in (d) and later subsections below.**
- (3)     **In reviewing proposed minor changes, the Board shall follow the procedures in (a) above.**

**(c) Limited minor changes, Planning Director.**

- (1) The Planning Director is authorized to approve minor changes administratively, without public hearing, in cases listed in (b), but only if the proposed minor changes are limited in scope and nature, including an increase in gross floor area or land covered by a structure other than a building up to ten percent (10%). The Director shall deny any administrative approval request proposing site plan changes which will have a significant impact on adjacent property.**
- (2) Before approving a minor change, the Director shall make all findings the Planning Board would be required to make, if it reviewed the application.**
- (3) The Director is not authorized to waive requirements in this Subtitle, grant variances, or modify conditions, considerations, or other requirements imposed by the Planning Board or District Council in any case.**
- (4) The applicant's property shall be posted within ten (10) days of the Director's acceptance of filing of the application. Posting shall be in accordance with Part 3, Division 1. On and after the first day of posting, the application may not be amended.**
- (5) The Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.**
- (6) If posting is waived or a written request for public hearing is not submitted within the posted time period, then the Director may act on the application. The Director's approval concludes all proceedings.**
- (7) If the Director denies the application or a timely hearing request is submitted, then the application shall be treated as re-filed on the date of that event. The applicant, Director, and Technical Staff shall then follow the procedures for Planning Board review in (a) above.**

The applicant is reducing the size of its building and the number of multiproduct dispensers (and an associated reduction in the size of the canopy) currently approved for the subject property. This request falls within the parameters of Section 27-325(b). Nothing in the record suggests that the proposed revisions will have a significant impact on adjacent property. In addition, given the limited scope of this request, the Planning Director is authorized to approve this request administratively in accordance with Section 27-325 (c).

The proposed use is a certified nonconforming use, which may be altered pursuant to Section 27-384(a)(4):

- (4) When not otherwise allowed, a certified nonconforming use may be otherwise altered by the addition or relocation of improvements, such as fencing, landscaping, off-street parking and loading areas, and outdoor trash enclosures, or the relocation of buildings or other improvements within the boundary lines of the lot as it existed as a single lot under single ownership at the time the use became nonconforming.**

A comparison of the approved special exception site plan and proposed plan reveals that the proposed building is within the boundary lines of the lot as it existed as a single lot at the time the use became nonconforming.

**C. Determinations:**

1. The current applicant (7-Eleven, Inc.) is proposing to reduce the size of the food and beverage store from 4,224 to 3,106 gross square feet, reduce the number of multiproduct dispensers from eight to six, and eliminate the fast-food restaurant. The site plan also indicates the redesign of a fence around the loading area and the addition of service appliances (air/vacuum machines).
2. Pursuant to Section 27-325(c)(5), posting of the property has been waived by the director. The application involves a decrease in size and intensity of the proposed use and will not therefore adversely affect adjacent properties.
3. The Subregion VII Sectional Map Amendment (SMA) (1984) rezoned the property from the C-2 to the C-M Zone. The SMA for The Heights (2000) rezoned the property from the C-M to the C-S-C Zone. The property was previously developed with the Prince George's Motel. Detailed Site Plan SP-00015 was approved in July 2000 for a gas station. A building permit (8414725-2000-CGU/01) was issued on November 8, 2000. Construction commenced immediately. The property was rezoned on November 21, 2000. With adoption of the SMA for The Heights, this gas station became a nonconforming use. This use was certified as a nonconforming use in June 2001 pursuant to NCU-11720. The District Council approved a special exception for the alteration, enlargement, extension or reconstruction of a certified nonconforming use to add a fast-food restaurant on April 5, 2002.
4. Access to the subject property will be via access easements entered into as part of the preliminary plan process (see 4-01007). Ultimately access from Branch Avenue and Old Silver Hill Road will be shared with the adjoining property. Specifically, the adjoining property (the CVS site) has two 25-foot-wide, one-way entrance/exit drives along its frontage on Branch Avenue and one 30-foot-wide access drive along the frontage of Old Silver Hill Road. The applicant is also proposing to construct a freestanding sign along Branch Avenue. The site plan submitted in conjunction with this request indicates the location and type of freestanding sign. A sign permit is, however, required. The sign details will be reviewed during the permit process.
5. The Permit Review Section, in a memo dated November 7, 2003, notes the following deficiencies:
  - “A. Three parking spaces for the physically handicapped are required and must be provided on the site plan. The parking schedule must be revised accordingly.
  - “B. The proposed vacuum and air station must be set back 25 feet from Cedar Drive in accordance with Section 27-358(a)(8) of the Zoning Ordinance.
  - “C. Per record Plat 192@39, the property has been resubdivided into Parcels E and F. The site plan and application should be corrected accordingly.

- “D. Landscape schedules were not submitted as a part of this referral; therefore, the adequacy of the proposed landscaping could not be determined at this time.
- “E. A ramp or depressed curb for the parking spaces for the physically handicapped must be clearly labeled on the site plan.
- “F. Is this proposal in compliance with all conditions of the original special exception?”

Staff notes that the applicant has revised the site plan and parking schedule in accordance with the comments from the Permit Review Section (site plan dated January 29, 2004). Minor changes are proposed to the landscape plan. These changes meet the requirements of the *Landscape Manual*.

The original special exception was approved subject to a condition that the site plan shows the entire driveway located within the special exception boundaries. The entire driveway is shown on the plan within the special exception boundaries as required.

D. **Recommendation:** Staff recommends APPROVAL of ROSP SE-4431/01.

APPROVED BY AUTHORITY OF:

Fern V. Piret, Planning Director

By: \_\_\_\_\_ Date: \_\_\_\_\_

**Arie Stouten, AICP, Zoning Supervisor**