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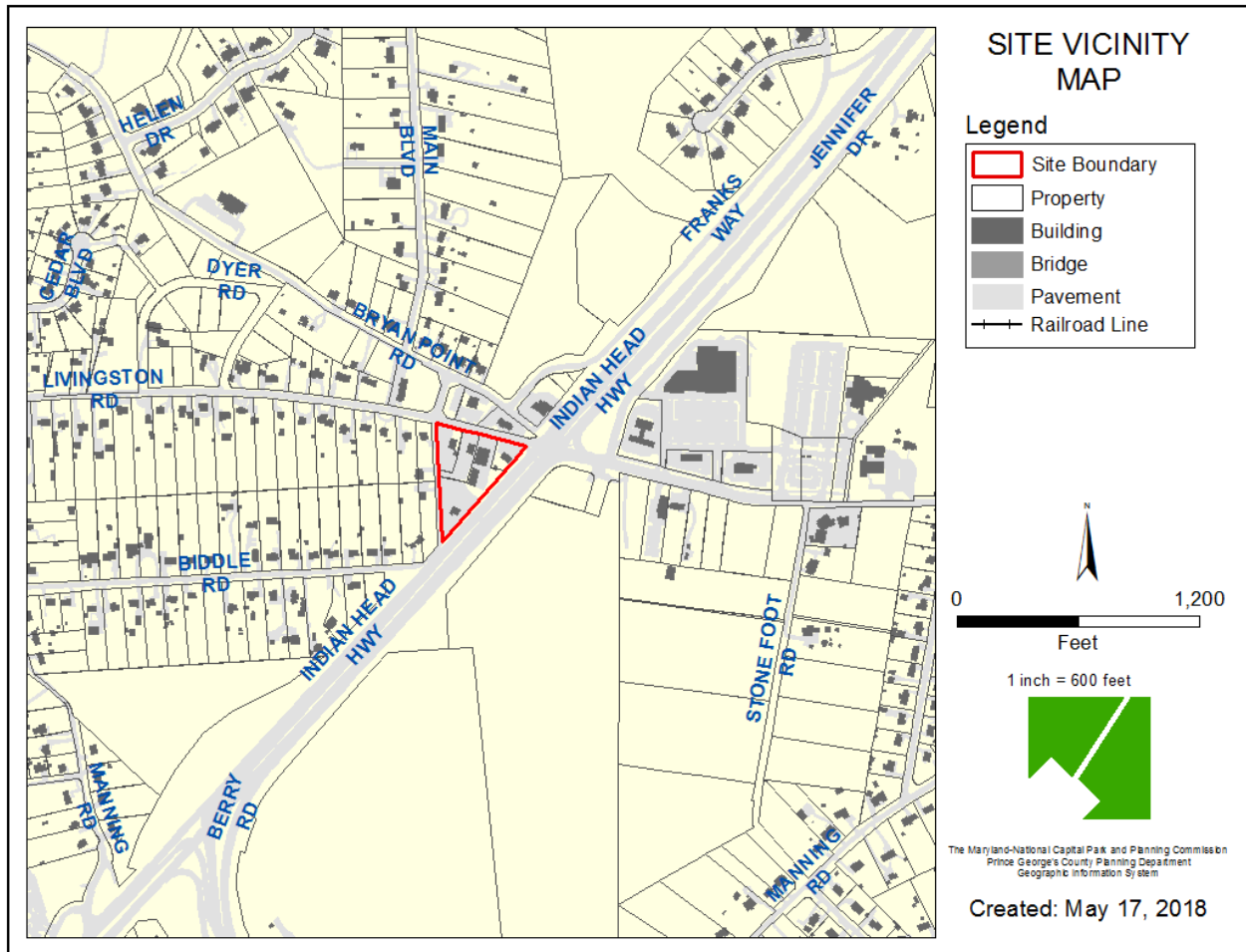
## Special Exception

## SE-4816

Application	General Data	
<b>Project Name:</b> Royal Farms #220 Accokeek  <b>Location:</b> On the west side of MD 210 (Indian Head Highway), in the southwest quadrant of its intersection with Livingston Road.  <b>Applicant/Address:</b> Two Farms, Inc. d/b/a Royal Farms 3611 Roland Avenue Baltimore, MD 21211  <b>Property Owner:</b> Claggett Properties, LLC 1100 Bryan Point Road Accokeek, MD 20607	Planning Board Hearing Date:	07/18/19
	Staff Report Date:	06/28/19
	Date Accepted:	04/29/19
	Planning Board Action Limit:	N/A
	Plan Acreage:	2.94
	Zone:	C-S-C
	Gross Floor Area:	4,649 sq. ft.
	Lots:	0
	Parcels:	4
	Planning Area:	83
	Council District:	09
	Election District:	05
	Municipality:	N/A
	200-Scale Base Map:	221SW01

Purpose of Application	Notice Dates	
Special exception for a food and beverage store in combination with a gas station in the C-S-C Zone.	Informational Mailing:	05/29/18
	Acceptance Mailing:	04/23/19
	Sign Posting Deadline:	N/A

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Ras Tafari Cannady II, AICP <b>Phone Number:</b> 301-952-3411 <b>Email:</b> Ras.Cannady@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT:**

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

VIA: Sherri Conner, Supervisor, Subdivision and Zoning Section  
Development Review Division

FROM: Ras Tafari Cannady II, AICP, Senior Planner, Subdivision and Zoning Section  
Development Review Division

SUBJECT: Special Exception SE-4816  
Royal Farms #220 Accokeek

REQUEST: Permit a food and beverage store in combination with a gas station in the C-S-C Zone.

RECOMMENDATION: **APPROVAL with conditions**

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NOTE:

The Planning Board has scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of July 18, 2019.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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## FINDINGS:

1. **Location:** The property is located on the west side of MD 210 (Indian Head Highway), in the southwest quadrant of its intersection with Livingston Road (C-525). The site abuts Biddle Road, a Prince George's County public right-of-way (ROW) to the west; Livingston Road, a master-planned collector public ROW to the north; and MD 210, a master-planned freeway to the east. Vehicular access to the site is provided via two entrances onto Livingston Road, and a singular vehicular access drive onto Biddle Road.
2. **History and Previous Approvals:** According to the Maryland Department of Assessment and Taxation database, the subject property is currently improved with several buildings with various dates of construction. More specifically, the site is comprised of 2.94 acres of land in the Commercial Shopping Center (C-S-C) Zone. The site includes a total of 11,266 square feet of gross floor area of structures, which include a contractor office, two sheds, a bank, a church, a storage building, a garage, and a realtor office. All of these existing structures are to be razed for the construction of a 4,649-square-foot food and beverage store with a gas station.

This special exception plan includes the following entire legal lots recorded in the Prince George's County Land Records: Parcel 52 in Liber 40520 folio 189, Parcel 53 in Liber 39170 folio 370, Parcel 54 in Liber 6948 folio 299, and Parcel 55 in Liber 5440 folio 837.

3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded to the north by Livingston Road; to the west by Biddle Road; and to the south and east by MD 210. The immediate area surrounding the subject property is developed with commercial and residential land uses, as follows:

<b>North—</b>	Commercial uses within the C-S-C and Commercial Office Zones. Further, single-family detached dwellings in the Residential-Estate Zone.
<b>South—</b>	Commercial uses in the C-S-C and Mixed Use-Transportation Oriented Zones. Additionally, single-family detached dwellings within the Rural Residential (R-R) Zone.
<b>East—</b>	Commercial uses in the C-S-C and Miscellaneous Commercial zones. Further, single-family detached dwellings in the R-R Zone.
<b>West—</b>	Single-family detached dwellings in the R-R Zone.

4. **Request:** The applicant requests approval of a special exception to permit a food and beverage store in combination with a gas station in the C-S-C Zone. The applicant proposes the construction of eight concrete fueling islands, or eight multiproduct dispensers (MPDs) housing 16 gas pumps, as well as a 28-foot-wide by 219-foot-long canopy. This gas station can serve up to 16 vehicles at a time. Both the food and beverage store, as well as the gas station, require approval of a special exception in the C-S-C Zone, subject to separate standards.

5. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Commercial Uses	Gas station, Food and Beverage Store
Acreage	2.94	2.94
Parcels	4	4
Gross Floor Area (sq. ft.)	11,266	4,649
Lots	0	0

6. **Required Findings:** This special exception is subject to the general findings for approval of all special exceptions contained in Section 27-317(a) of the Prince George's County Zoning Ordinance. Part 4 of the Zoning Ordinance also includes additional required findings for specific uses. A gas station is subject to the findings of Section 27-358 of the Zoning Ordinance, and the food and beverage store component is subject to the additional findings contained in Section 27-355 of the Zoning Ordinance. The analysis of all the required findings for approval are provided below.

In support of the application, the applicant filed a statement of justification (SOJ) dated April 4, 2019, which was superseded by a revised SOJ submitted on April 29, 2019, adopted herein by reference and referenced throughout this technical staff report. Additionally, the applicant submitted a point-by-point response to comments given at the Subdivision and Development Review Committee meeting on June 11, 2019. The applicant also included a market analysis (dated March 5, 2019), as well as site and landscape plans.

**General Special Exception Findings**—Section 27-317(a) provides the following:

**(a) A Special Exception may be approved if:**

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

The purposes of Subtitle 27 of the Prince George's County Code, as set forth in Sections 27-102(a)(1)–(15), are generally to protect the health, safety, and welfare of the public; to promote compatible relationships between various land uses; to guide orderly development; and to ensure adequate public facilities and services. Specific to the C-S-C Zone, as set forth in Section 27-454(a) of the Zoning Ordinance, the purposes relate to providing locations for predominately retail commercial shopping facilities; compatible institutional, recreational, and service uses; and to exclude uses incompatible with general retail shopping centers and institutions. As outlined in the applicant's SOJ, staff finds that the uses and the site plan, as proposed, will be in harmony with the purposes of this Subtitle, if approved with the recommended conditions contained herein.

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

As outlined within this technical staff report, this application has not demonstrated conformance with all of the requirements and regulations of the

Zoning Ordinance. The proposed signage does not meet the area, height, and setback requirements of the applicable sign regulations contained in Part 12 of the Zoning Ordinance. The square footage proposed is over the allowable square footage. The applicant will need to reduce the square-footage of the signs to comply with the regulations set forth in Part 12. A condition of approval rectifying this issue has been included in this report.

The submitted site plan for the development proposes construction within the proposed ROW along MD 210 and Livingston Road. The ROW encompasses approximately 47,668 square feet, or 37.2 percent, of the subject property. The applicant filed a request with the Zoning Hearing Examiner (ZHE) for Prince George's County District Council authorization to issue a building permit for structures within a proposed ROW, pursuant to Section 27-259 of the Zoning Ordinance. The ZHE recommended approval on April 10, 2019. An appeal of the ZHE decision was filed and, subsequently, an oral argument before the District Council for that case is scheduled for July 8, 2019. The proposed layout of this development is dependent upon the approval of authorization to issue a building permit for structures within a proposed ROW. Should the request not be approved, the layout of the development will require substantial changes, including changes that may impact recommended pedestrian and bicycle facilities.

**(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 gas station with associated food and beverage store will not impair the integrity of any master plan, functional plan, or the *Plan Prince George's 2035 Approved General Plan* (Plan 2035). This application is in the Established Communities area of Plan 2035, which is most appropriate for context-sensitive infill and low- to medium-density development, and recommends maintaining and enhancing existing public services, facilities, and infrastructures to ensure that the needs of residents are met. This application is consistent with that vision.

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) retained the subject property in the C-S-C Zone and recommends commercial land uses for the subject property. The development of a gas station with food and beverage store is consistent with the zoning category.

In addition, the Subregion 5 Master Plan and SMA recommends commercial development that is community-oriented, village-scale on that section of Livingston Road, in keeping with the plan's goal (page 35) to "provide for compatible new development in older, established communities of Accokeek, Brandywine, and Clinton." The plan recommends the following guidelines for development of the commercial segment of Livingston Road, to maintain and enhance the traditional character as development occurs:

- Site buildings to orient the fronts or sides toward Livingston Road.
- Achieve consistent setbacks for public and private improvements.

- Locate parking to the side or rear of buildings. Screen parking along street edges. Encourage shared parking where possible.
- Use muted lighting.
- Plant shade trees.

Staff notes that Livingston Road is a scenic roadway at the subject site. Additionally, the Livingston Road /MD 210 intersection is one of the gateways into Accokeek. At that location, the plan recommends: “Highlight gateways into Accokeek from MD 210, such as enhancing the MD 210/ Livingston Road intersection with additional landscape features and identifying signage.”

Additionally, there are two master plan trails that impact the subject property; a dual-route facility along the subject site frontage on MD 210 and a shared-use roadway along the subject site frontage on Livingston Road.

The Subregion 5 Master Plan and SMA identifies a dual route along MD 210, including along the frontage of the subject site. This recommendation extends beyond the boundaries of the subject site and continues along the length of MD 210 for the full extent of Subregion 5. This recommended improvement directly supports three of the approved sidewalk, bikeways, and trails policies from the area master plan (page 120):

- **Promote pedestrian and bicycle opportunities as part of a multi-modal transportation network.**
- **Promote dual-route facilities along all of the major road transportation corridors.**
- **Promote and encourage cycling and walking for commuting purposes as an alternative to driving a car.**

The area master plan describes a “dual-route” facility as roads that contain an off-road bicycle and pedestrian facility, such as a side path or wide sidewalks, and an additional on-road bicycle facility. The dual-route facility along the subject site frontage would facilitate longer distance multi-modal traffic in the region and local multi-modal traffic near the subject site. The proposed development does not include a dual-route facility along the frontage on MD 210.

While the on-road bicycle facility component of the dual-route facility can be built by the Maryland State Highway Administration (SHA) as part of a future roadway or capital improvement project, the off-street component should be provided. There is enough space to build the off-road facility along the existing MD 210 ROW. Implementing the recommended facility is important for the ultimate implementation of the area master plan and is recommended. Since the recommended facility is within a state ROW, additional coordination is required with SHA and any facility could be modified by SHA.

The area master plan identifies a shared-use road along Livingston Road. Specifically, on page 116, the area master plan indicates that all roads not listed in Table VI-6, Recommended Major On-Road Pedestrian and Bicycle Improvements, on page 119 should be considered “shared use roads,” which do not require further paving or striping improvements to accommodate bicyclists, until such time that roads are planned for improvements. A strategy for implementation of shared-use roads is included on page 121 of the area master plan:

**Install bicycle signage and safety improvements along designated shared-use roadways when development occurs or roadways are upgraded...**

Staff has addressed the applicability of the master plan through a condition of approval.

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

The proposal is designed to provide safe internal circulation flow for pedestrians and vehicles on-site, as well as a safe ingress and egress of vehicles. None of the responses from any referring agency (listed in Finding 11 and incorporated herein by reference) received for this application indicate that the proposed addition of a gas station to the existing food and beverage store will 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 subject application proposes to add a gas station use, in combination with a food and beverage store. The proposed development will not detrimentally impact the use or development of adjacent properties, as the proposed gas station and food and beverage store, pursuant to the conditions recommended, will be in architectural harmony with the existing surrounding developments and will provide goods and services, which will supplement those on abutting properties.

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

The site has been issued a Natural Resources Inventory Equivalency Letter (NRI-105-2018) and a standard letter of exemption from the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (S-095-2018) dated July 6, 2018, with an expiration of July 6, 2020, and therefore conforms to this requirement.

**(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

This special exception site plan does not contain any regulated environmental features and, therefore, conforms to this requirement.



## **Specific Special Exception Requirements—**

### **Section 27-355. Food or beverage store.**

**(a) A food or beverage store may be permitted, subject to the following:**

**(1) The applicant shall show a reasonable need for the use in the neighborhood;**

A gas station with associated food or beverage store may be permitted within the C-S-C Zone by special exception, if the applicant can show a reasonable need for the use in the neighborhood. In support of this finding, the applicant has referred to the needs analysis prepared by Valbridge Property Advisors (Mr. Edward Steere) dated March 5, 2019.

The needs analysis states:

“The site location provides an opportunity for commuters coming out of the Accokeek Park & Ride as well as those travelling on MD 210 to have convenient access to fresh food and competitive fuel prices before continuing their journeys to and from home. Development of nearby neighborhoods such as the Signature Club at Manning Village will only further contribute to the demand for convenience services.”

Through the needs analysis, the applicant’s consultant has identified supply/demand issues in the area by identifying the trade area, trade area residents, trade area demand, and competitive supply (Accokeek Trade Area Supply Unmet Demand and Current Performance).

More specifically, the Accokeek trade area is defined as the area centered on the MD 210 commercial corridor, drawing commuters from the residential communities on the western side of US 301 (Robert Crain Highway) in La Plata and Waldorf, as well as employees at Naval Support Facility Indian Head. The needs analysis has noted that the trade area is shaped and limited at its extremes by significant features such as the CSX Freight Railroad and US 301 to the east, the Potomac River to the west and south, and Forth Washington to the north.

The needs analysis compiled data obtained from the U.S. Census and Environmental Systems Research Institute, Inc. to identify the aggregate income as \$4.23 billion (Number of Households x Average Income).

Next, the residential gasoline demand was identified within the trade area. This number was extrapolated through census data to identify a market area buying estimate of 1,485 gallons of gasoline per year. This translates into a residential gasoline demand within the trade area of 57,983,310 gallons (Number of Households x 1,485 Gallons Per Year).

Through an analysis of SHA data, the needs analysis has identified that approximately 3.1 percent of the average daily traffic on MD 210 at the subject location is trucks. The applicant estimates that truck demand adds at least 3 percent to total gasoline sales in the trade area.

The needs analysis estimates the total demand available to gas stations within the Accokeek trade area to be in the range of 77.6 million gallons per year. Although the residents of the Accokeek trade area account for a significant majority of demand of 57.98 million gallons, the demand is greater due to the local employment centers of Naval Support Facility Indian Head, commercial traffic, and commuters travelling through.

The needs analysis on pages 23 through 25 identified the following filling stations within the trade area:

- Dash-In: 5105 Indian Head Highway
- Sunoco: 6945 Indian Head Highway
- Shell/Dash-In: 6985 Indian Head Highway
- US Fuel: 3155 Marshall Hall Road
- Dash-In: 7100 Indian Head Highway
- 7-11: 401 East Manning Road
- Shell: 10195 Berry Road
- Keller's Market Gas: 15624 Livingston Road
- Exxon: 16797 Livingston Road
- Gas N Go: 201 Bryan Point Road
- 7-11: 12800 Old Fort Road
- Mobil: 11800 Livingston Road
- Exxon: 10815 Indian Head Highway

Through the identification of the filling stations within the trade area, the needs analysis was able to find that there is a notable lack of competition within the defined trade area. An excerpt addressing the lack of competition is provided below:

**“Accokeek Trade Area Supply** – The thirteen other gas stations identified along the MD-210 corridor between Indian Head and Old Fort Road represent the most direct competition for the subject due to their central location within the trade area's highway network proximate to residential communities and commuter routes towards Washington, D.C and Northern Virginia. These stations serve the residents of the trade area, but also the heavy volumes of commuters passing through the area. None of the nearby stations offer more than a limited convenience store and appear to be chosen primarily based on convenience rather than for a preference of service. Three of the trade area stations are older service garages and only offer a mini convenience store. One station only offers 1 MPD and is not centrally located.

**“Current Performance** - Estimating that the total existing competitive supply is now pumping approximately 25.2 million gallons of gasoline per year, we judge that local consumer demand for gasoline within the trade area is shaped by other factors, including the arterial road network, commuters and travelers along the MD 210. Performance data and traffic generation models prove that the modern convenience store will generate more than double the customer traffic of the traditional and smaller gas stations.

**“Unmet Demand** - We quantify unmet trade area demand (need) in the range of approximately 52.4 million gallons per year, based on a comparison of trade area consumption with the estimated gallonage pumped for the area by the existing service stations. We believe this is a conservative estimation, based on the estimated 2.1 million gallons of annual supply per station.”

Staff agrees with the applicant’s assertion that the proposed food and beverage store is reasonably convenient and will serve the needs of the community based on the Proposed Automobile Filling Station and Convenience Store Accokeek, Prince George’s County, MD - Needs Analysis, dated March 5, 2019 (Steere to Bainbridge).

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

Vehicular access to the site is provided via two entrances on Livingston Road located on the east side of the site, and a singular access drive along Biddle Road.

The 4,649-square-foot building will be an appropriate size for the site and conforms to the regulations applicable in the C-S-C Zone. The size and location of the building, as well as access points to the food and beverage store, are oriented toward meeting the needs of the neighborhood.

- (3) **The proposed use shall not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses;**

Staff notes that there are 13 similar uses located within the subject site’s trade area. As shown within the analysis of this report, staff believes that development of the site will not unduly restrict the availability of land or upset the balance of land use in the area, based upon the market analysis.

- (4) **In the I-1 and I-2 Zones, the proposed use shall be located in an area which is (or will be) developed with a concentration of industrial or office uses;**

The proposed use is located within the C-S-C Zone. This criterion does not apply to the subject application.

- (5) **The retail sale of alcoholic beverages from a food or beverage store approved in accordance with this Section is prohibited; except that the District Council may permit an existing use to be relocated from one C-M zoned lot to another within an urban renewal area established pursuant to the Federal Housing Act of 1949, where such use legally existed on the lot prior to its classification in the C-M Zone and is not inconsistent with the established urban renewal plan for the area in which it is located.**

The applicant stated in the SOJ that alcoholic beverages will not be sold within the proposed food and beverage store.

## Section 27-358. Gas Station.

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

- (1) **The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;**

The subject property is completely surrounded by dedicated public streets and has approximately 585 feet of frontage along MD 210, a master-planned freeway. Access to the development is proposed from Livingston Road and Biddle Road. Livingston Road is designated as a collector in the 2009 *Countywide Master Plan of Transportation* with an 80-foot-wide public ROW.

- (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 subject property is not located within 300 feet of a school, playground, hospital, or library.

- (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 subject application does not include the display and rental of cargo trailers, trucks, or similar uses.

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

The subject property will not be used for the storage or junking of wrecked motor vehicles (whether capable of movement or not).

- (5) **Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Permitting, Inspections, and Enforcement, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter.**

The proposal provides for three access driveways: two 35-foot-wide access driveways onto Livingston Road and Biddle Road, and one 45-foot-wide right-in and right-out access driveway onto Livingston Road. All proposed driveways are more than 20 feet from the point of curvature.

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

The proposed driveway, defined by curbing, is shown on the site plan.

**(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;**

A 6-foot-wide sidewalk is provided along the northern, western, and southern sides of the proposed building. In addition, an 11.5-foot-wide sidewalk is proposed along the eastern side of the building that serves pedestrian traffic, allowing pedestrians to move safely between the store and designated parking areas. Staff recommends additional sidewalks along the abutting rights-of-way, in accordance with the Subregion 5 Master Plan and SMA, as detailed previously in this finding, which will serve pedestrian traffic in the area.

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

As previously stated, the applicant has filed a request for permission to build within the master-planned ROW of MD 210 and Livingston Road. All gasoline pumps and service appliances are located more than 25 feet behind the street lines of Biddle Road. More specifically, the gasoline pumps are located 78.1 feet from the existing ROW of MD 210, 109.5 feet from the existing ROW of Livingston Road, and 117 feet from Biddle Road. The two vacuum locations and the air stations are more than 25 feet from the proposed dedication line for Biddle Road.

**(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.**

Vehicle repair services are not proposed with the subject application.

**(10) Details on architectural elements such as elevation depictions of each facade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.**

Architectural elevations were submitted for the proposed gas station canopy and food and beverage store, in conjunction with the special exception site plan. The applicant proposes the use of composite siding at the top portion of the building, brick veneer in the middle, and stone veneer at the base. The main entrance includes a pitched roof, and the front elevation is accented with a cupola.

Oversized windows help break up the horizontal mass of the building. The side and rear elevations propose bands of composite siding, in combination with red brick and stone veneer, as well as some fenestration. The architectural treatments are high quality and will be an attractive addition to the surrounding development.

**(b) In addition to what is required by Section 27-296(c), the site plan shall show the following:**

- (1) The topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet);**
- (2) The location and type of trash enclosures; and**
- (3) The location of exterior vending machines or vending area.**

Section 27-296(c) of the Zoning Ordinance lists the plan submission requirements for special exception applications. The subject application complies with the criteria listed within this section. Regarding the plan requirements listed above, the site plan submitted, in conjunction with the subject application, shows the topography of the subject property, as well as the topography of the abutting properties, for a depth of more than 50 feet. The location of the trash enclosure is shown along the northern portion of the food and beverage store, and a detail sheet has been provided showing the materials used and type of trash enclosure. A vacuum and air stations within the parking area are identified on the plans and meet the required setbacks. There are no other vending areas proposed.

**(c) Upon the abandonment of a gas station, the Special Exception shall terminate, and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term “abandonment” shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease.**

The application is subject to this provision, which is acknowledged by the applicant, as stated in the revised SOJ, and which should also be noted on the plans.

**(d) When approving a Special Exception for a gas station, the District Council shall find that the proposed use:**

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

As described above within the findings for Section 27-355(a)(1), the applicant’s needs analysis has shown that the gasoline filling station with food and beverage store is necessary to the public in the surrounding area and will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.

Staff finds that the proposed gas station will be convenient and useful to the public.

There is no indication that the approval of the proposed gas station would upset the balance of land use in the area, nor would the use unduly restrict the availability of land in the area for other commercial uses.

7. **Parking Regulations:** In accordance with the parking and loading regulations contained in Part 11 of the Zoning Ordinance, 44 parking spaces, including 3 handicap-accessible parking spaces, are required. The subject site plan shows 69 parking spaces being provided, including 3 handicap-accessible parking spaces, exceeding the parking requirements for this site. The subject site plan also correctly shows one loading space required and provided. In addition, six bicycle spaces are provided on-site, proximate to the building entrance. The location and sizes for the proposed parking and loading areas are in accordance with the requirements of Subtitle 27.
8. **Prince George's County Landscape Manual Requirements:** In accordance with Section 27-450 of the Zoning Ordinance, the proposed development is subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual), specifically Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6(c)(1)(C)(2), Buffering Development from Special Roadways; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements.

At the time of acceptance, alternative compliance was requested for Section 4.2(c)(3)(A)(i) along the site's frontage of MD 210, and for Section 4.6(c)(1)(C)(2) along the site's frontage of Livingston Road.

Per a letter dated June 14, 2019 (Nickle to Bush/Kosack), the applicant withdrew the request for Alternative Compliance, AC-18016 Royal Farms Accokeek, and revised the landscape plan to provide the necessary schedules, demonstrating conformance with all applicable sections of the Landscape Manual.

9. **Prince George's County Tree Canopy Coverage:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose 5,000 square feet or greater of gross floor area or disturbance and require a grading permit. The subject site is zoned C-S-C and is required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The revised landscape plan provides the required schedule showing the requirement being met through landscape trees that also are planted to meet the requirements of the Landscape Manual, which is allowed in the tree canopy coverage provisions of the code.
10. **Sign Regulations:** This application includes the review of one 439-square-foot fuel canopy sign; one 212-square-foot building-mounted sign; two 25-foot-high pylon signs; and one 3-square-foot directional arrow sign.

The applicant would normally be required to apply for a departure from sign design standards, as the pylon and canopy signs do not meet the required setback from the street line, per Section 27-613(a)(1) of the Zoning Ordinance. The street line, as defined in Section 27-107.04(a)(227) of the Zoning Ordinance, is the edge of the ultimate ROW line and the canopy lies within the ultimate ROW of MD 210 and Livingston Road. However, the applicant filed a request with the ZHE for District Council authorization to issue a building permit for structures within a proposed ROW, pursuant to Section 27-259. The ZHE recommended approval on April 10, 2019. An appeal of the ZHE decision was filed and an oral argument before the District Council for this case is scheduled for July 8, 2019. Final determination as to construction in the

ROW will be determined by the District Council. This would hold true for the fuel pumps, fuel tanks, signs, bufferyards, roadway entrances, and any other construction that is being proposed within the road ROWs. The setbacks proposed by the applicant meet the setbacks from the existing ROW. Minor corrections to the sign table on Sheet 11 of the plans for the building mounted and canopy signage calculations are needed to demonstrate the signage conforms to the area requirements of Section 27-613(c)(3)(G).

11. **Referral Comments:** The following referrals were received and are incorporated herein by reference; all of the comments are addressed on the site plan, or as part of this technical staff report:
- a. Historic Preservation Section, dated May 7, 2019 (Stabler to Cannady II)
  - b. Maryland State Highway Administration (SHA) email, dated June 11, 2019 (Woodroffe to Cannady II)
  - c. Special Projects Section, dated June 18, 2019 (Kowaluk to Cannady II)
  - d. Environmental Planning Section, dated May 17, 2019 (Schneider to Cannady II)
  - e. Community Planning Division, dated May 28, 2019 (Zamore to Cannady II)
  - f. Transportation Planning Section, dated June 17, 2019 (Thompson to Cannady II)
  - g. Permit Review Section, dated June 18, 2019 (Bartlett to Cannady II)
  - h. Urban Design Section, dated June 20, 2019 (Bishop to Cannady II)
  - i. Transportation Planning Section (Trails), dated June 17, 2019 (Shaffer to Cannady II)

12. **Recommendation of Civic Groups:**

**Accokeek Development Review District Commission Referral**—On June 26, 2019, the Accokeek Development Review District Commission (ADRDC) met with the applicant in a cooperative meeting with the Greater Accokeek Civic Association. In an email forwarded to the staff reviewer dated Sunday, June 30, 2019 (Zamore to Cannady II) [McIlvaine to Zamore], the ADRDC highlighted a few concerns with the subject application. More specifically, the ADRDC recommended the following conditions to account for their concerns regarding the addition of more traffic in the area:

- 1. Provide an extra right-turn lane along southbound Livingston Road.
- 2. Provide a crosswalk along Livingston Road.
- 3. Reconfigure the traffic lights to include left- and right-turn signals at the corner of MD 210 and Livingston Road.

Staff notes that transportation adequacy is not a required test at the time of special exception, but is tested at the time of Preliminary Plan of Subdivision (PPS). The subject application is exempt from the requirements of a PPS, as less than 5,000 square feet of gross floor area of development is proposed. However, in accordance with the 2012 *Prince George's County Transportation*



*Review Guidelines, Part 1* (Transportation Review Guidelines, Part 1), staff compared AM and PM peak-hour trips for the existing uses to the proposed use of the site utilizing data from the *Institute of Transportation Engineers Manual* 10th Edition. The Transportation Review Guidelines, Part 1 (page 30) states:

**In cases where the new traffic impact would exceed 100 peak-hour trips, applications are encouraged and may be requested to prepare a TIS as described in Section 3. This is done to ensure that applicants, the reviewing agencies, and the general public are aware of the traffic impacts of larger special exception applications and also to consider conditions that are necessary to protect surrounding properties or the general neighborhood.**

Through staff's analysis of the subject application, in accordance with the Transportation Review Guidelines, Part 1, staff has concluded that the subject application will generate 54 additional trips in the AM peak and 3 additional trips in the PM peak, posing no major transportation impacts, as outlined in the Transportation Planning memorandum dated June 17, 2019 (Thompson to Cannady II).

## RECOMMENDATION

A special exception use is considered compatible with uses permitted by-right within the C-S-C Zone, as long as specific special exception criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, at this particular location, would not have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the zone.

Based on the applicant's SOJ dated April 4, 2019, a point-by-point response submitted June 11, 2019, the analysis contained in this technical staff report and associated referrals, and materials in the record, the applicant has demonstrated conformance to the required special exception findings, as set forth in Section 27-317 (in general); Section 27-355, Food or beverage store; and Section 27-358, Gas station, and conformance to the 2010 *Prince George's County Landscape Manual*, in this instance. Therefore, staff recommends APPROVAL of Special Exception SE-4816, Royal Farms #220 Accokeek, subject to the following conditions:

1. Prior to certification of the special exception, the site plan shall be revised as follows:
  - a. Delineate an 8-foot-wide sidewalk (or shared-use path) along the site's entire frontage of MD 210 (Indian Head Highway) and a 5-foot-wide sidewalk along the site's entire frontage along Biddle Road.
  - b. Revise the building and canopy sign table so that the allowable square footage for the canopy sign is applied at a ratio of 1-square-foot for each lineal foot of the canopy width, and show the percentage of signage to be divided between the building and canopy is applied to the allowable square footage shown in the table, consistent with Section 27-613(c)(3)(G) of the Prince George's County Zoning Ordinance.
  - c. Label the underground gas tanks.

2. In accordance with the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide:
  - a. An 8-foot wide sidewalk (or shared-use path) along the site's entire frontage of MD 210 (Indian Head Highway), unless modified by the Maryland State Highway Administration.
  - b. Provide a 5-foot-wide sidewalk along the site's entire frontage along Biddle Road, unless modified by the Prince George's County Department of Public Works and Transportation.
3. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall:
  - a. Demonstrate Prince George's County District Council authorization to construct within the proposed master plan rights-of-way of MD 210 (Indian Head Highway) and Livingston Road (C-525), pursuant to Section 27-259 of the Prince George's County Zoning Ordinance, has been obtained.
  - b. Provide a financial contribution of \$420 to the Prince George's County Department of Public Works and Transportation for placement of a "Share the Road with a Bike" sign on Livingston Road.
  - c. Provide detailed access permit plans and all supporting documentation to the Maryland State Highway Administration for detailed review.