



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

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Special Exception Hyattsville Brightseat 7-Eleven

SE-4845

REQUEST	STAFF RECOMMENDATION
Construction of a food and beverage store and fueling canopy.	APPROVAL with conditions
Variance to Section 27-358(a)(1)	APPROVAL

Location: At the northeast quadrant of the intersection of Arena Drive and Brightseat Road.	
Gross Acreage:	5.30
Zone:	I-3
Dwelling Units:	N/A
Gross Floor Area:	4,050 sq. ft.
Parcels:	1
Outparcels:	0
Planning Area:	72
Council District:	05
Election District:	13
Municipality:	N/A
200-Scale Base Map:	202NE08
Applicant/Address: Hyattsville Brightseat Road, RE, LLC 5850 Waterloo Road Columbia, MD	
Staff Reviewer: Thomas Sievers Phone Number: 301-952-3994 Email: Thomas.Sievers@ppd.mncppc.org	



Planning Board Date:	12/09/2021
Planning Board Action Limit:	N/A
Staff Report Date:	11/23/2021
Date Accepted:	08/03/2021
Informational Mailing:	03/24/2021
Acceptance Mailing:	08/03/2021
Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/.
Please call 301-952-3530 for additional information.

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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

FROM: Thomas Sievers, Senior Planner, Zoning Section
Development Review Division

VIA: Jeremy Hurlbutt, Supervisor, Zoning Section
Development Review Division

SUBJECT: Special Exception SE-4845
Hyattsville Brightseat 7-Eleven

REQUEST: Construction of a food and beverage store and fueling canopy.

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of December 9, 2021.

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.

FINDINGS:

1. **Location and Site Description:** The subject property considered in this special exception (SE) is located on Tax Map 67 in Grids C1 and D1, and includes Parcel 1 of the Sandpiper Property Subdivision, recorded in Prince George's County Land Records in Plat Book SJH 245 page 22, on July 13, 2016. Parcel 1 is 5.30 acres and is located in the Planned Industrial/Employment Park (I-3) Zone. SE-4845 proposes to construct a 4,050-square-foot food and beverage store with a gas station on a 2.00-acre vacant portion of the 5.30-acre subject property. The subject property currently contains a four-story, 124-room hotel on the eastern portion of the property.
2. **History and Previous Approvals:** The property was the subject of Preliminary Plan of Subdivision 12-3266, approved by the Prince George's County Planning Board on December 17, 1969, for the construction of an elementary school, and Parcel A was subsequently recorded in Plat Book 76 page 16. It does not appear that the approved development was ever constructed. Subsequently, various conveyances of public road rights-of-way were made via deed from the original acreage of Parcel A, which were exempt from requirements of Subtitle 24, in accordance with Section 24-107(c)(4) of the Prince George's County Subdivision Regulations. Parcel A was resubdivided in 2016 (Final Plat No. 5-15059) to create Parcel 1, in accordance with the provisions of Section 24-111(c) of the Subdivision Regulations, as the subject property had a final plat of subdivision approved prior to October 27, 1970. At the time of resubdivision, the subject property was evaluated for adequate public facilities for commercial use under two development scenarios: the construction of two hotels, or the construction of one hotel and a convenience store with a fueling station. The resubdivision of the subject property was approved by the Planning Board on July 7, 2016 (PGCPB Resolution No. 16-26). Detailed Site Plan DSP-05021 was approved by the Prince George's County District Council on June 13, 2016, for the construction of two 124-room hotels. To date, only one hotel has been constructed and the applicant's statement of justification (SOJ) indicates that the market is no longer conducive to construct the second hotel.

PGCPB Resolution No. 16-26 contains three conditions of approval, and those relevant to the subject application are shown below in **bold** text. Staff analysis of the project's conformance to the conditions follows each one in plain text:

1. **Total development shall be limited to uses that generate no more than 233 AM and 279 PM peak-hour vehicle trips. Any new development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

At the time of the resubdivision of the subject property, adequate transportation facilities were evaluated for the subject property based on two separate development scenarios: the construction of two hotels, or the construction of one hotel and a convenience store with a fueling station. The trip cap established in Condition 1 is not exceeded with the development scenario proposed in this application, as the proposal falls within the second scenario evaluated at the time of resubdivision. A traffic impact study was included in the applicant's submission. The traffic impact study is not a requirement of this application, as a test of transportation adequacy is not required. Its purpose was to address the impact of

the proposed food and beverage store with a gas station with 16 fuel stations as well as an existing hotel. It identified a trip generation of 77 AM and 70 PM trips for the proposed food and beverage store with a gas station and 71 AM and 90 PM trips for the existing hotel. A previously approved Final Plat of Resubdivision, 5-15059, has a trip cap on-site of 233 AM and 279 PM peak hour trips. Both of these developments are within the identified trip cap.

2. Direct vehicular access to Arena Drive and the Capital Beltway (I-95/495) is denied.

Access is denied along both I-495/Capital Beltway, a freeway and Medical Center Drive, an arterial road. One existing point of site access is provided to the proposed site in the northeastern portion of the property along Brightseat Road, a collector. It also serves as a shared access with the existing hotel.

SE-4845 reflects that direct vehicular access to Arena Drive is denied. However, since the area of the subject property adjacent to I-95/I-495 (Capital Beltway) is not reflected on the submitted plans, the denial of direct vehicular access to the Capital Beltway is partially depicted. The entire boundary of Parcel 1 should be shown on the special exception site plan, and all property boundaries should be shown from which direct access to the Capital Beltway is denied.

3. The 2008 *Water and Sewer Plan* designates this property in water and sewer Category 3, Community System, within Tier I under the Sustainable Growth Act and will therefore be served by public systems.

General notes 15 and 16 on sheet 4 of SE-4845 indicate that the development is to be served by public water and sewer systems and that these systems are available to the development.

3. Neighborhood and Surrounding Uses: The general neighborhood is bounded on the north by Sheriff Road/Brightseat Road/MD 202 (Landover Road), on the west by Hill Road, on the south by MD 214 (Central Avenue), and on the east by the Capital Beltway. The neighborhood contains a variety of uses. The northern and eastern portions of the neighborhood contain a multifamily development, as well as commercial, industrial, and institutional uses including hotels, office park, and a church. The southern and western portions of the neighborhood contain a mix of residential uses, a sports stadium, and further commercial, industrial, and institutional uses. The immediate uses surrounding the subject property are as follows:

- | | |
|---------------|--|
| North— | Vacant property in the I-3 Zone. |
| East— | Capital Beltway (I-495), with hotels in the Commercial Office Zone beyond. |
| South— | Medical Center Drive, with a stormwater pond in the I-3 Zone beyond. |
| West— | Wooded land containing a church in the I-3 Zone. |

4. **Request:** The applicant requests approval of a special exception to construct a food and beverage store and fueling canopy in the I-3 Zone. The applicant proposes to develop the subject site with a 4,050-square-foot food and beverage store and a gas station canopy with eight multi-product gas dispensers. The special exception has been filed for a 2-acre leased site of the overall 5.30-acre property and will be subdivided under a subsequent application.

5. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-3	I-3
Use(s)	Hotel	Food and Beverage Store Gas Station
Acreage	5.30	2.00
Parcels	1	1
Outparcels	0	0
Gross Floor Area	47,624 sq. ft.	4,050 sq. ft.

6. **Required Findings:** A 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, Division 3, of the Zoning Ordinance also includes additional required findings for specific uses. A gas station is subject to the additional findings of Section 27-358 of the Zoning Ordinance. A food and beverage store is subject to the additional findings of Section 27-355 of the Zoning Ordinance. The analysis of all the required findings for approval is provided below.

In support of the application, the applicant filed a Needs Analysis dated February 23, 2021 and a SOJ dated April 8, 2021. This case was heard at the Subdivision and Development Review Committee (SDRC) meeting on August 20, 2021. Following this meeting, the applicant submitted a revised SOJ dated October 28, 2021 as requested by staff at the SDRC meeting. This technical staff report is based on a review of these materials and site plans dated January 26, 2021.

The proposed development is in the I-3 Zone and in accordance with Section 27-471(d) of the Zoning Ordinance, all uses, and improvements are subject to both conceptual site plan (CSP) and DSP approvals. The approval of this special exception does not exempt the proposed development from the site plan requirements otherwise applicable in the I-3 Zone. Both CSP and DSP will be required for the proposed development prior to issuance of any permits, after the approval of this SE. The purposes of the zone and regulations are provided here since they give context and raise issues that will be address at time of CSP and DSP, but are not requirements to approve the use.

Section 27-471 – I-3 Zone (Planned Industrial/Employment Park)

(a) Purposes.

(1) The purposes of the I-3 Zone are:

- (A) To provide increased and enhanced employment opportunities for the residents of the County and areas for industries, research facilities, and offices which have common characteristics with respect to site requirements, desired amenities, compatibility of operations, general functional classifications, and access;**
- (B) To provide for a mixture of industrial, research, office, and in certain instances specific retail commercial uses (along with compatible institutional, recreational, and service uses) in a manner which will retain the dominant industrial/employment character of the area, while also providing for the enhanced viability of the zone by providing for the location of certain retail commercial uses on the periphery of the area, specifically when the periphery fronts on, and is adjacent to, arterial roadways;**
- (C) To permit uses which, when compared to the uses permitted in other Industrial Zones, will minimize detrimental effects on uses of adjacent land, especially where adjacent land is being used commercially; and**
- (D) To provide development standards which assure the compatibility of proposed land uses with surrounding land uses, maximize open space so as to create a park-like setting, and improve the overall quality of industrial/employment areas in Prince George's County.**

The proposed use is consistent with the purposes of the zone and will not take away but help support the industrial and commercial uses in the zone. This section is not required at the time of special exception review, but will be required to be met at the time of DSP.

(f) Regulations.

- (1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the I-3 Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

These additional regulations will be addressed at the time of DSP.

- (2) **Not more than 25 percent (25%) of any parking lot and no loading space shall be located in the yard to which the building's main entrance is oriented, except that the Planning Board may approve up to an additional 15 percent (15%) in its discretion if increased parking better serves the efficiency of the particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building. This section is not required at the time of special exception review but will be required to be met at the time of DSP.**

The site plan reflects that 32 parking spaces are provided on the subject property to serve the proposed use. A total of 10 parking spaces are located in the yard to which the building's main entrance is located, or 31 percent. It should be noted that in DSP-05021 the Planning Board approved an additional 15 percent of the parking to be located within the yard to which the proposed building's main entrances were located. The applicant is requesting that an additional six percent be permitted as proposed in this instance.

- (3) **No loading docks shall be permitted on any side of a building facing a street except where the lot is bounded by three (3) or more streets.**

There is one loading space on the south side of the property. This location is adjacent to Arena Drive, but is set back a great distance from the right-of-way and should be screened. This will be addressed at time of DSP.

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 Section 27-102(a)(1) through (15) of the Zoning Ordinance, 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 I-3 Zone, as set forth in Section 27-471(a) of the Zoning Ordinance, the purposes relate to providing locations for predominately industrial, research, office, and specific retail/commercial uses (along with compatible institutional, recreational, and service uses). Staff finds that the use and the site plan, as proposed, will be in harmony with the purposes of this Subtitle, given the analysis and 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 (pages 8–15), this application has demonstrated conformance with the requirements and regulations of the Zoning Ordinance.

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

This application is designated in the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan and SMA) as being located in the Established Communities. “Established Communities is most appropriate for context-sensitive infill and low-to medium-density development...” (page 20). The Subregion 4 Master Plan recommends industrial land uses on the subject property.

Staff finds that the proposed use does not substantially impair the integrity of any master plan, functional plan, or the 2014 *Plan Prince George's 2035 Approved General Plan*.

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

The site provides for acceptable internal circulation of vehicles and pedestrians, as well as safe ingress and egress of vehicles from Brightseat Road. The use will serve the needs of the community by providing convenient food, beverage, and gas for the area. The use meets the required finding for a special exception.

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

Staff finds that the proposed development will not detrimentally impact the use or development of adjacent properties. The proposed uses will complement the other uses in the immediate area, by providing a convenient service to patrons of nearby properties.

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

This property is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has a previously approved tree conservation plan. A Type 2 Tree Conservation Plan (TCP2-026-2015-01) was submitted with the special exception application.

This overall 5.30-acre property previously contained a total of 5.20 acres of woodland outside the floodplain according to the natural resources inventory (NRI). The woodland conservation threshold is 0.80 acre. The subject site has cleared 4.60 acres of the existing 5.20 acres subsequent to the approval of DSP-15021. The cumulative woodland conservation requirement is 2.09 acres. The TCP2 proposes to meet the subject site's portion of the overall requirement with 2.09 acres of off-site woodland conservation. Through other permitting activities at the subject site, the overall site has complied with purchasing off-site woodland credits. No additional clearing is proposed as part of this submission.

- (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.

- (b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:**

- (1) Where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or**
- (2) Where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.**

The subject site is not located within the Chesapeake Bay Critical Area Overlay Zone. Therefore, the required findings outlined in subsection (b) above do not apply.

Specific Special Exception Requirements—In addition to the requirements of Section 27-317(a), Part 4, Division 3, of the Zoning Ordinance provides the following requirements for the specific uses proposed:

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 site provides approximately 295 feet of frontage on Brightseat Road, which is an 80-foot-wide collector roadway. The proposed use will access Brightseat Road via shared use of the driveway that serves the existing hotel. Therefore, while the site meets the frontage requirement, it does not meet the direct access requirement. A variance request was

submitted with the revised SOJ and is detailed in Part 7 of this technical staff report.

The existing site access shows an approximate 30-foot right-of-way on an existing private driveway. While this proposed development does not show this requirement, the property lines on PGAtlas indicate the availability of the needed right-of-way.

A preliminary truck-turning template was included in the traffic impact analysis and a more refined one was submitted in the application package. Review of the documentation indicate that the front wheels of the truck will extend beyond the curb of the driveway. The extent of the wheels protruding beyond the curb appears to be marginal and will not have a significant effect on the movement of those trucks.

- (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;**

This criterion is met. There are no schools, outdoor playgrounds, libraries, or hospitals within 300 feet of the subject property.

- (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;**

This criterion is met. The application does not propose the display or rental of cargo trailers, trucks, or similar uses, which is also noted on the plans.

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

This criterion is met. The applicant will not store motor vehicles at the subject property, which is also noted on the plans.

- (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. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot;**

The proposal provides for one access driveway that meets this criterion. The private driveway serving the hotel is 30-feet-wide and has access onto Brightseat Road. The subject site provides two access points onto the private driveway to allow for sufficient vehicle circulation. A variance has been submitted with this application requesting direct access to the private driveway.

(6) Access driveways shall be defined by curbing;

This criterion is met. As shown on the special exception site plan, the access driveways are to 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;

This criterion is met. The site plans include a five-foot-wide sidewalk along the existing vehicular driveway to the subject site, and continental style crosswalks and Americans with Disabilities Act curb ramps at all vehicular access points. In addition, a direct pedestrian connection from the access driveway to the building entrance is provided at the eastern portion of the proposed development. The sidewalks are adequately positioned to serve pedestrian traffic.

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

This criterion is met. The proposed gasoline pumps are approximately 60 feet from the street line of Brightseat Road and 126 feet from the street line of Arena Drive.

(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 application does not propose vehicle repair service.

- (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 for the new food and beverage store and gas station show a coordinated design theme. Tower elements have been used to anchor corners of the building and accent the main elevations facing Brightseat Road. Panelized exterior wall systems simulating red brick and gray stone are provided on store façades and on fueling island vertical columns. The trash enclosure is proposed to be of the same material and color schemes. Appropriate fenestration is provided strategically on the main elevations. The building design and finish demonstrate compatibility with 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.**

The site plan accurately shows items (1) and (2) above; the design of the trash enclosure is acceptable. No exterior vending machines or areas are 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 applicant will comply with this provision, as stated in the applicant's SOJ. A corresponding note should be included in the general notes on the site plan.

- (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**

The applicant submitted a market study dated March 25, 2021, in order to support a finding that the food and beverage store (convenience store) was needed in the neighborhood. The submitted needs analysis considers "an automobile filling station and convenience store complex to be accommodating to the public need when it meets the demand of the public living and working within a reasonably defined trade area for retail

convenience and fuel service, as analyzed according to standard market research methodologies” (page 4). In addition, the needs analysis states “the proposed convenience store with gas will be convenient and therefore necessary to the residential households and employees of the trade area” by providing, in a single location, fuel and a wide variety of fresh food and convenience options for purchase (page 3). Based on the needs analysis, this site would fulfill the currently unmet demand of 2.3 million gallons of fuel per year within the trade area.

The proposed convenience store with gas will be located in close proximity to several residential communities and commercial development, such as the mixed-use Largo Town Center. The proposed project will serve commuters on Medical Center Drive (Arena Drive) and Brightseat Road as well as the users of the neighboring Woodspring Suites hotel. The site is also located adjacent to the Capital Beltway off-ramp at exit 16 and roughly half a mile from FedEx Field, a major events destination. The University Maryland Capital Regional Medical Center and the Prince George’s Sports and Learning Complex also represent nearby destinations. Staff agrees with the applicant’s finding that the proposed convenience store with gas is reasonably convenient, useful to the public, and will serve the needs of the community.

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

The new gas station is being developed on a leased site associated with the hotel on Parcel 1. The applicant’s needs analysis shows there is demand for the gas station and paired services, which will be useful to the public. The proposal to develop the site with a gas station and food and beverage store will complement the surrounding area. Therefore, the use does not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.

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;

The applicant submitted a market study dated March 25, 2021, in order to support a finding that the food and beverage store was needed in the neighborhood. According to the study, there is a reasonable need in the area for convenience stores, which are specifically combined with gas stations. The combined services offered by this pairing are not found at most of the gas stations in the area. Since the proposed food and beverage store will help meet unmet demand for this pairing of services, it will be found convenient and useful by the public. Under Maryland law, in this context, a service is needed if it can be determined to be convenient and useful to the

public. Staff finds that the convenience store meets this criterion and therefore, can be considered needed.

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

The food and beverage store's location, access points, and size orient it to meeting the needs of the neighborhood. The site is in between a hotel and a place of worship, where it is well placed to serve both. Its access point onto Brightseat Road will provide easy access to patrons coming from these areas. The size of the establishment is appropriate to the size of the land area available on the site.

(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;

The proposed uses will not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses. The new food and beverage store is being developed on a leased site associated with the hotel. The site's development should not pose an obstacle for other potential uses which might want to move into the area.

(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 subject property is located within the I-3 Zone. Therefore, this criterion does not apply.

(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.

According to the applicant's SOJ, alcoholic beverages will not be sold within the proposed food and beverage store. A corresponding note should be included in the general notes on the site plan.

Based on the project meeting, and the approval criteria contained in Sections 27-317(a), 27-358, and 27-355, staff finds that a special exception may be approved for use of a food and beverage store in combination with a gas station on the property.

7. **Variance Request – Section 27-358(a)(1):** The applicant submitted a revised SOJ dated October 28, 2021, which included a variance request to allow access to a private driveway. The proposed use will access to Brightseat Road via shared use of the driveway that serves the existing hotel. Therefore, the site does not provide direct access to Brightseat Road and requires a variance for access via a private driveway.

Section 27-230 of the Zoning Ordinance contains required findings (text in **BOLD**) to be made before a variance can be granted. The plain text is staff's analysis of the applicant's revised variance request.

(a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:

(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

This criterion is met. The subject site has frontage on three sides, two of which are arterial or higher classification, and access has been denied to those roadways through previous approvals of DSP-15021 and Final Plat of Resubdivision 5-15059, pursuant to Section 24-111(c)(4) of the Subdivision Regulations. Therefore, access for Parcel 1 has been restricted to Brightseat Road for the existing hotel access driveway. Furthermore, the topography of Brightseat Road and the limited distance to the intersection of Arena Drive from the existing driveway was found to be the only appropriate access for Parcel 1. The variance, if granted, would allow the food and beverage store/gas station use to access the private driveway serving the hotel.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

According to the applicant's SOJ, an area variance is being pursued to access the existing driveway serving the hotel on part of Parcel 1. The SOJ states that "...when requesting an area variance pursuant to an ordinance such as that contained in the Prince George's County Zoning Ordinance, in Section 27-358(a)(1), an applicant is only required to show the existence of practical difficulty" (page 29). The most appropriate access was previously determined during the DSP phase and was restricted to Brightseat Road. Due to the proximity to the intersection of Arena Drive and the topography of Brightseat Road, safe access is not possible and presents a practical difficulty to further development of the site.

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

The subject site is within the boundaries of the Subregion 4 Master Plan and the proposed use conforms to the recommendations of the master plan. Therefore, the variance request will not impair the intent, purpose, or integrity of the master plan.

Staff recommends approval of the requested variance to allow vehicular access via a private driveway serving the existing hotel use, with approval from the Prince George's County Department of Permitting, Inspections and Enforcement.

8. **Parking Regulations:** The proposed development is required to provide parking, in conformance with Part 11, Off Street Parking and Loading, of the Zoning Ordinance. In accordance with the parking schedule, a total of 25 spaces are required for general retail. According to the special exception site plan, 32 spaces have been provided. The application is found to be in conformance with the parking requirements of the Zoning Ordinance.
9. **2010 Prince George's County Landscape Manual Requirements:** The proposed development will be subject to the requirements of the 2010 *Prince George's County Landscape Manual*, including Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4 Screening Requirements, and Section 4.9, Sustainable Landscaping Requirements. Conformance with the applicable landscaping requirements will be reviewed at time of DSP.
10. **Tree Canopy Coverage:** This property is subject to the provisions of the WCO because it has a previously approved tree conservation plan. Type 2 Tree Conservation Plan TCP2-026-2015-01 was submitted with the special exception application. The cumulative woodland conservation requirement is 2.09 acres. The TCP2 proposes to meet the subject site's portion of the overall requirement with 2.09 acres of off-site woodland conservation. Through other permitting activities at the subject site, the overall site has complied with purchasing off-site woodland credits. No additional clearing is proposed as part of this submission.
11. **Signage:** The development includes a 36-foot-tall pylon sign adjacent to the corner of Arena Drive and Brightseat Road, an 8-foot-tall monument sign located at the entryway to the site on Brightseat Road, one fuel island canopy-mounted identity sign and decorative striping, and two building-mounted identity signs are provided for the 7-Eleven logo and 'Raise the Roost' food service, as well as decorative striping. The signage package conforms to the sign face area requirements of Part 12 of the Zoning Ordinance for signs in the I-3 Zone, with the exception of the pylon sign, which should be reduced to not be above the lowest point of the building. Full cut-off light emitting diode lighting fixtures are proposed and are acceptable.
12. **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. Subdivision Review Section, dated November 3, 2021 (DiCristina to Sievers)
 - b. Community Planning Division, dated November 10, 2020 (Byrd to Sievers)
 - c. Transportation Planning Section (traffic), dated November 10, 2020 (Hancock to Sievers)
 - d. Transportation Planning Section (ped/bike), dated November 9, 2021 (Smith to Sievers)

- e. Environmental Planning Section, dated November 4, 2021 (Rea to Sievers)
- f. Special Projects Section, dated August 9, 2021 (Perry to Sievers)
- g. Urban Design Section, dated November 12, 2020 (Guinn to Sievers)
- h. Historic Preservation Section, dated September 27, 2021 (Stabler to Sievers)
- i. Permit Review Section, dated October 4, 2021 (Jacobs to Sievers)
- j. Prince George's County Department of Permitting, Inspections and Enforcement, dated August 4, 2021 (Branch to Sievers)
- k. Prince George's County Fire Department, dated November 2, 2021 (Reilly to Sievers)

RECOMMENDATION

A special exception use is considered compatible with uses permitted by-right within the Planned Industrial/Employment Park (I-3) 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 I-3 Zone.

Based on the applicant's revised statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in the Prince George's County Zoning Ordinance. These findings include those in Section 27-317 (in general), Section 27-355 for a food or beverage store, and Section 27-358 for a gas station. It should be noted that the findings for Section 27-471 for I-3 Zone purposes and regulations will be addressed at the time of future conceptual site plan and detailed site plan applications. Therefore, staff recommends approval of Special Exception SE-4845, Hyattsville Brightseat 7-Eleven, subject to the following conditions:

1. Prior to signature approval of the special exception, the site plan shall be revised, as follows:
 - a. Depict the entire Parcel 1 with property boundary bearings and distances and 10-foot-wide public utility easements, in accordance with Plat Book 245 page 22.
 - b. No proposed or existing fire hydrants are shown on the site plan. Please provide information showing a fire hydrant will be provided within 500-feet of the most remote portion of the building as hose is laid by the fire department (around obstacles, corners, etc.).
 - c. Show all property boundaries from which direct access to I-95/I-495 (Capital Beltway) is denied.

- d. Add the following notes to the General Notes on page 3 of the site plan:
 - i. "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."
 - ii. "The retail sale of alcoholic beverages from a food or beverage store approved in accordance with this Section is prohibited."
 - e. Reduce the height of the pylon sign so that it is not taller than the lowest point of the roof of the building.
2. Prior to certification of the special exception, the Type 2 tree conservation plan (TCP2) shall be revised as follows:
- a. Add the TCP2 number to the worksheet.
 - b. Complete the note on the plan stating that the off-site woodland conservation mitigation credits have been obtained; list the Liber/Folio that the certificate was recorded under.