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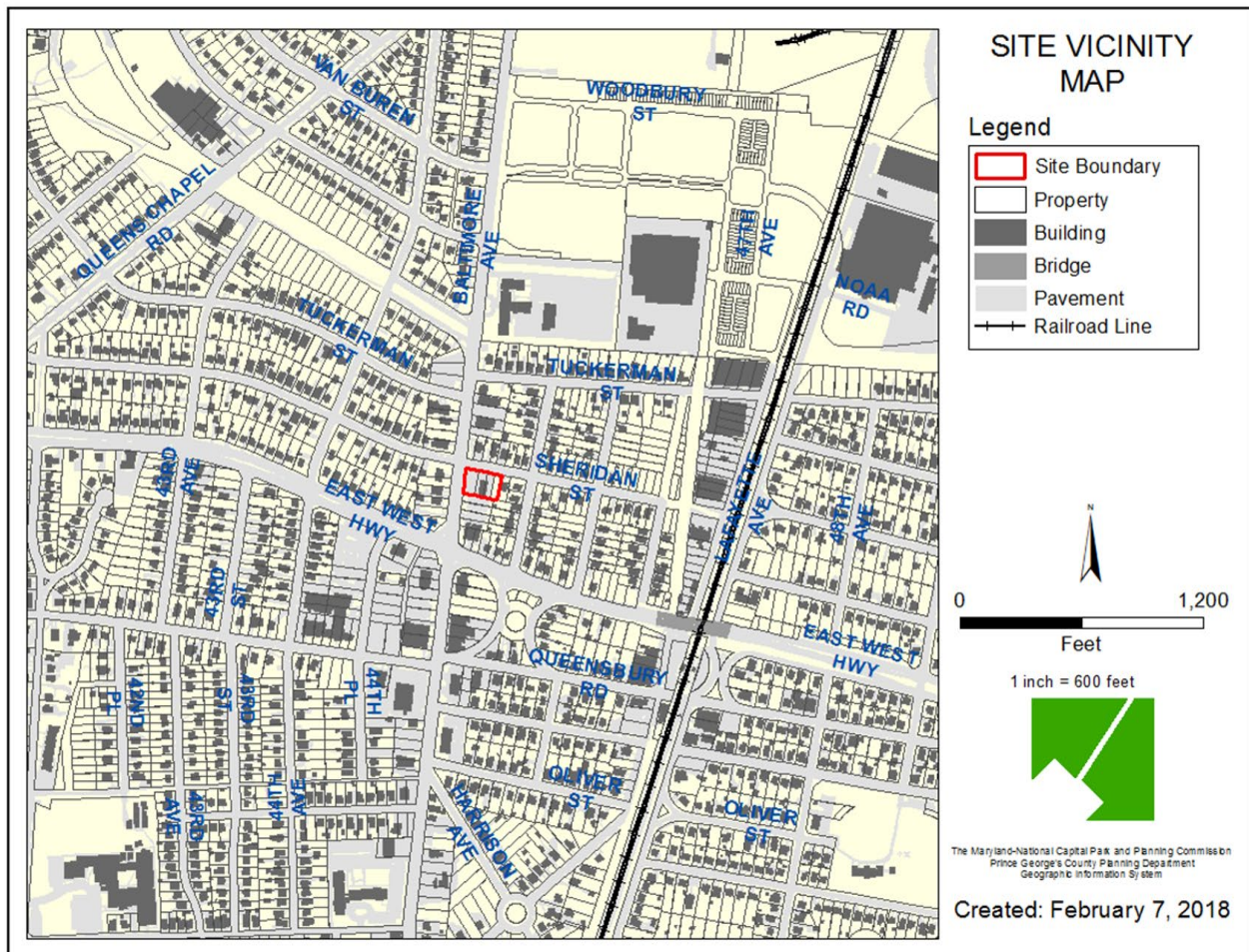
Special Permit

SP-150003-01

Application	General Data	
Project Name: 7-Eleven Riverdale Park Location: In the southeast quadrant of the intersection of US 1 (Baltimore Avenue) and Sheridan Street. Applicant/Address: 7-Eleven, Inc. P.O. Box 711 Dallas, TX 75221 Property Owner: Same as applicant	Planning Board Hearing Date:	03/07/19
	Staff Report Date:	02/15/19
	Date Accepted:	08/21/18
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.47
	Zone:	M-U-TC
	Gross Floor Area:	N/A
	Lots:	4
	Parcels:	0
	Planning Area:	68
	Council District:	03
	Election District	19
	Municipality:	Riverdale Park
	200-Scale Base Map:	207NE04

Purpose of Application	Notice Dates	
Departure from the development plan design standards to add a ground-mounted freestanding sign.	Informational Mailing	02/28/18
	Acceptance Mailing:	08/03/18
	Sign Posting Deadline:	02/05/19

Staff Recommendation		Staff Reviewer: Taslima Alam Phone Number: 301-952-4976 Email: Taslima.Alam@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

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

FROM: Taslima Alam, Senior Planner, Subdivision and Zoning Section
Development Review Division

SUBJECT: **Special Permit SP-150003-01**
7-Eleven Riverdale Park

REQUEST: **Departure from the development plan design standards to add a ground-mounted freestanding sign.**

RECOMMENDATION: APPROVAL

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of March 7, 2019. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

FINDINGS

1. **Location and site description:** The 0.473-acre property is known as Lots 1-3 and part of Lot 4, Block 66, as shown on a plat recorded in Plat Book A-40. It is located in the Riverdale Park Mixed Use Town Center (M-U-TC) Zone, at 6315 Baltimore Avenue, in the southeast quadrant of the intersection of US 1 (Baltimore Avenue) and Sheridan Street. The site is currently improved with a 1,952-square-foot food and beverage store, set back approximately 83 feet from US 1, with 3 existing externally lit, building-mounted, business identification signs. One sign is located on the northern elevation of the existing building, fronting Sheridan Street; the second sign is located on the western elevation of the existing building, fronting US 1; and the third sign is located on the southern elevation of the building. The site also includes an existing parking lot with ten parking spaces and one loading space. The property is screened and buffered from the adjacent commercial use to the south by an existing natural wooded area, located along the southern property line. The site slopes down approximately six feet along the southeastern and eastern sides. The site is well maintained and has all existing landscaping planted according to the previously approved landscape plan, Special Permit SP-150003. The site has two existing driveway entrances; one is located on US 1 and the second entrance is located on Sheridan Street.

During the field inspection, it was noted that the existing four-foot by four-foot building sign on the southern elevation was not part of the original SP-150003 approval. However, verification with the Maryland-National Capital Park and Planning Commission (M-NCPPC), Permit Review Section, confirmed that the additional building sign was approved by both the Riverdale Park M-U-TC Committee and M-NCPPC (Permit 48894-2015-U). There are several other existing signs, such as a Washington Metropolitan Area Transit Authority Metro bus stop sign, a University of Maryland shuttle bus sign, and enter and exit directional signs, all located along the site's frontage on US 1. It appears that there were no other recently erected freestanding signs within one-half mile south of the subject property along US 1, since the approval of the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Riverdale Park M-U-TC Development Plan). However, there are two multipanel freestanding signs located in the Riverdale Park Station (Cafritz Property) site, located approximately 0.23 mile north of the subject property at the intersection of US 1 and Underwood Street. It should be noted that Cafritz Property at Riverdale Park had its own sign standards set forth in Prince George's County District Council Zoning Ordinance No. 11-2012, adopted on July 12, 2012, and revised on October 3, 2012, per Special Amendment SA-13001, and is not subject to the Riverdale Park M-U-TC Development Plan.

2. **History and Previous Approvals:**

1966–1983—	The property was developed and used as gas station from 1966 until 1983. At that time, the property was zoned Local Commercial, Existing (C-1).
January 1984—	Building Permit 2641-83-CU was issued by the Prince George's County Department of Environmental Resources for internal modification and a change in use from a gas station to a medical office (dentist).
April 19, 1984—	An eight-foot-high, twenty-four-square-foot, freestanding sign was approved for the emergency dental care facility, the use prior to construction of the current food and beverage use.

- 1994—** The 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* (Planning Area 68 Master Plan and SMA) placed the subject property in the Commercial Office (C-O) Zone.
- January 2004—** The Riverdale Park M-U-TC Development Plan classified this property in the M-U-TC Zone.
- September 10, 2015—** A special permit was approved by the Prince George’s County Planning Board (PGCPB Resolution No. 15-94) for a food and beverage store. The approval was to renovate and convert the existing 1,716-square-foot medical office building into a food and beverage store and increase the gross floor area of the existing building, by enclosing the existing 236-square-foot open alcove area into the building, for a total of 1,952 square feet. The approval also included closure of one curb cut along US 1, repair and re-striping of the existing parking lot, renovation of the exterior elevations including roof and walls, and the addition of landscaping and a grass inlet to the site to significantly decrease the impervious area on the property.
- July 13, 2016—** On June 10, 2016, the case was brought before the Circuit Court for Prince George’s County, Maryland (Case No. Cal15-32787) by the Town of Riverdale Park, the Town of University Park, Sonia O’Connell, and Stephan Rodusakis (hereinafter “Petitioners”) for judicial review of the decision of the Planning Board. The Petitioners argued that the Planning Board erred, as a matter of law, when it granted a special permit to 7-Eleven when the special permit application did not comply with Design Standards 1 and 10 of the Riverdale Park M-U-TC Development Plan. After analyzing all the evidence on the record, the Circuit Court affirmed the Planning Board’s decision of approval on July 13, 2016.

3. **Neighborhood and Surrounding Uses:** The general neighborhood is comprised of a mix of commercial and residential development. The site is surrounded by the following uses:

- North— Sheridan Street and single-family detached dwelling units in the M-U-TC Zone and One-Family Detached Residential (R-55) Zone beyond.
- East— Single-family dwelling units in the R-55 Zone.
- South— A commercial office building and its parking lot in the M-U-TC Zone.
- West— US 1 and single-family dwelling units in the R-55 Zone beyond.

4. **Request:** This application is for a revision of a special permit site plan to add a six-foot tall, five-foot by five-foot sign, on a three-foot, four-inch-high brick base. The ground-mounted freestanding sign is proposed in the northwest corner of the property, along US 1. The site is located within the Town of Riverdale Park and is subject to the Riverdale Park M-U-TC Development Plan. The proposed sign does not meet Sign Design Standard 2 on page 42 of the development plan, which requires that commercial signs shall be building-mounted only. Therefore, the applicant is requesting a departure from the development plan design standard.

In order for the Planning Board to grant departures from the strict application of any standard or guideline approved in the development plan, the Board must make the findings listed in Section 27-548.00.01(a)(2) of the Prince George's County Zoning Ordinance. The applicant submitted a statement of justification dated August 13, 2018, which is superseded by an amended statement of justification submitted on January 9, 2019, incorporated by reference herein, and addresses the required findings.

5. **Master Plan Recommendation:** The Planning Area 68 Master Plan and SMA retained the subject property in the C-O Zone. The Riverdale Park M-U-TC Development Plan and associated zoning map amendment were approved by the Prince George's County Council in January 2004 via Council Resolution CR-5-2004. The site is located within the boundary of the Riverdale Park M-U-TC Development Plan, which reclassified the subject property to the M-U-TC Zone.

The development plan anticipated and recommended development projects that would reshape the character of the US 1 corridor within the zone, bringing new buildings close to the street, eliminating a need for freestanding signage, and being scaled for pedestrians. The building recommendations for the subject property are "infill/signature, neighborhood compatible" and the uses recommended are "office, residential, or flexible work space" (page 21). However, the existing auto-oriented building (constructed in the 1960s as a service station with an approximately 83-foot setback) has been repurposed for a food and beverage (convenience) store. The existing use was approved by the Planning Board and the Circuit Court, and found to be in conformance with the Riverdale Park Development Plan, at the time of its original approval.

Section 27-239.02(a)(6)(B) of the Zoning Ordinance authorizes the Planning Board to grant a special permit in the M-U-TC Zone. The special permit site plan revision proposed with this application is not in conformance with the Riverdale Park Development Plan Signage Design Standards; therefore, the applicant is seeking a departure from the development plan design standards.

6. **Special Permit Findings:**

Section 27-239.02(a)(B) states:

The Planning Board may grant a Special Permit in the M-U-TC Zone if it finds that the site plan is in conformance with the approved Town Center Development Plan and its guidelines and specific criteria for the particular use. In the event a Special Permit is approved by the Planning Board, the approval is conditional upon the issuance of a building or use and occupancy permit by the Department of Environmental Resources, Permits and Review Division.

Section 27-548.00.01(a)(2) states:

The Planning Board is authorized to allow departures from the strict application of any standard or guideline approved in a Town Center Development Plan in accordance with the procedures set forth in Section 27-239.01 and subject to the following findings:

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

The proposed site is a corner lot with exceptional topographic and other extraordinary conditions that other commercial development in the area do not have. The existing

building was originally constructed circa 1966 as a gas station. In 1984, it was modified to be used as a medical office building. The existing building has been renovated for re-use as a food and beverage store, pursuant to recent approvals.

Through the review and approval of the original Special Permit, SP-150003, the food and beverage store was approved to be established within the existing footprint of the previous building, which maintained the original setback of approximately 83 feet from the US 1 right-of-way. According to the Riverdale Park M-U-TC Development Plan, all new buildings are subject to a “Build-To Line (Distance from Face-of-Curb)” of 15 to 20 feet (page 32). As discussed, the design standards bring new buildings close to the street, eliminating a need for freestanding signage. However, existing buildings are not subject to the building design standards, whereas new signage must be reviewed for conformance to the sign design standards.

Reutilization of the existing building, in its original footprint and its large setback, make visibility for motorists traveling north and south of US 1 difficult. Additionally, three sides of the property (east, northeast, and southeast) have slopes that range from 15 percent to 25 percent, which other properties in the area do not have. Redevelopment of the building on the original footprint, combined with the 83-foot setback and the topography of the site, create the extraordinary conditions of the subject site.

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

The strict application of the development plan will result in several peculiar and unusual practical difficulties upon the owner of the property. Due to the large setback of the building and lack visibility of the existing commercial use from the road network, the subject property may experience devaluation, according to the applicant, of the commercial use within the town center. Another unusual difficulty is the existing off-site landscaping and improvements on the south side of the property (property of JD Williams Office Building), which impede visibility of the food and beverage store and entrances from patrons traveling north on US 1. This creates a safety issue because motorists may make sudden stops in front of the 7-Eleven site to make a turn into the site or make U-turns if they miss the entrance to the site from US 1.

In order to address the peculiar and unusual practical difficulties, which in this case are the large setback and lack of visibility, the applicant would have to demolish the existing building and reconstruct it at the site frontage along US 1, in accordance with the requirements of the site design standards of the Riverdale Park M-U-TC Development Plan. Only then would the new building eliminate the need for freestanding signage and be scaled for pedestrians. Razing a newly renovated building to meet the current development plan standard is not practical, feasible, or even an option for the owner of the property. Therefore, staff finds that freestanding signage is the only workable solution to this very practical problem to effectively and safely advertise the commercial business in the area.

(C) The departure will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the Town Center Development Plan.

The proposed departure will not substantially impair the intent, purpose, or integrity of the development plan. The proposed sign will neither substantially interfere with the integrity of the neighborhood or implementation of the development plan, nor will it contribute to any clutter or overwhelm the streetscape. The proposed sign does not extend beyond the street or ultimate right-of-way and does not impede any pedestrian or vehicular circulation. The sign will promote economic development in the area by visibly advertising the commercial use. The proposed freestanding sign is attractive, appropriately scaled, energy efficient, and externally illuminated.

It should be noted that a freestanding sign previously existed on the subject property for many decades. The prior sign was located in the same area of the site, with the same height and area as the proposed new sign. However, the new freestanding sign is more aesthetically pleasing and of higher quality than the previous sign. This sign will help identify the location of the business and allow motorists sufficient time to ensure safe ingress and egress for patrons and pedestrians. Furthermore, allowing a freestanding sign along the right-of-way of US 1 and Sheridan Street will not only advertise the new commercial business in the area, but will effectively balance the need for visibility and promote a successful business, while not negatively impacting motorists' views.

7. **Recommendation of the Municipality:**

Town of Riverdale Park—On December 28, 2018, the Town Council of the Town of Riverdale Park reviewed the recommendation made by the Riverdale Park M-U-TC Local Design Review Committee (LDRC), with regards to the special permit request for a departure from the development plan design standards to add a ground-mounted freestanding sign. After careful consideration, the Town Council concurred with the recommendation of the M-U-TC LDRC, and through a formal vote, adopted the position that SP-150003-01 should be denied.

In a memorandum dated December 28, 2018, from the Town of Riverdale Park (Lestitian to Alam), the Riverdale Park M-U-TC LDRC and the Town Council disagree with the applicant's assertion of undue hardship. More specifically, that the lack of a prohibited sign is the proximate cause for the business not doing well. The Town argues that the applicant declined to provide more detailed evidence to the M-U-TC LDRC or the Town Council to support the applicant's assertion that a prohibited sign will further improve business. The Town believes that market saturation, competition, and other factors (beyond the proposed sign) that directly contradicts zoning guidelines are at play in determining the success of the owner's historical site selection decision. The Town concluded that Special Permit SP-150003-01 does not support any of the required findings of Section 27-548.001(a)(2).

The applicant, however, contends that the Riverdale Park M-U-TC LDRC and the Town Council desperately seek to hold this applicant to the highest of standards related to this finding. Its determination and recommendation of denial, based on no undue hardship to the existing owner, is an arbitrary and capricious conclusion, as is provided in the applicant's amended statement of justification dated January 9, 2019.

The memorandum from the Town Manager of the Town of Riverdale Park, dated December 28, 2018 (Lestitian to Alam), incorporated by reference herein, further outlines their reasons for denial of this request.

Town of University Park—The Town Council of the Town of University Park voted on January 7, 2019, and recommended denial of this application.

8. **Referral Comments:** The following referrals were received and are incorporated herein by the reference.
- a. Urban Design Section email dated September 10, 2018 (Kosack to Alam)
 - b. Prince George's County Department of Permitting, Inspections and Enforcement dated October 5, 2018 (Giles to Alam)
 - c. Town of Riverdale Park dated December 28, 2018 (Lestitian to Alam)
 - d. Town of University Park dated January 10, 2019 (Carey to Alam)
 - e. Community Planning Division dated January 29, 2019 (Sams to Alam)

Recommendation

In summary, the Planning Board may grant departures from the strict application of standards or guidelines approved in a town center development plan, subject to the findings of Section 27-548.00.01. Based on the preceding analysis and findings, staff recommends APPROVAL of Special Permit SP-150003-01.