



# **AMENDED STAFF REPORT** **SPECIAL EXCEPTION APPLICATION NO. 4394** **ALTERNATIVE COMPLIANCE APPLICATION NO. 98029/1**

Application	General Data
<b>Project Name:</b> <b>Project Name</b> <b>BP Amoco Corporation</b>  <b>Location</b> <b>Northeast corner of Silver Hill Road and Suitland Road,</b> <b>known as 4801 Silver Hill Road.</b>  <b>Applicant/Address</b> <b>BP Amoco Corporation</b> <b>ONE West Pennsylvania Avenue</b> <b>Towson, Maryland 21204</b>  <b>Correspondent</b> Daniel F. Lynch Knight, Manzi, Nussbaum & LaPlaca 14440 Old Mill Road Upper Marlboro, MD 20772	Date Accepted 10/12/00 Date Amended 4/02/01
	Planning Board Action Limit N/A
	ZHE Hearing Date Not Scheduled
	Plan Acreage 0.672
	Zone C-S-C
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 75A
	Council District 6
	Municipality N/A
	200-Scale Base Map 204SE5

Purpose of Application	Notice Dates
<b>Gas Station and Fast-Food Restaurant</b>	Adjoining Property Owners 10/19/00 (CB-15-1998)
	Previous Parties of Record 11/7/00 (CB-13-1997)
	Sign(s) Posted on Site N/A
	Variance(s): Adjoining N/A Property Owners

Staff Recommendation			Staff Reviewer: Elsabett Tesfaye
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION

	X		
--	---	--	--

June 13, 2001

**AMENDED TECHNICAL STAFF REPORT:**

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

VIA: Arie Stouten, Zoning Supervisor

FROM: Elsabett Tesfaye, Senior Planner

SUBJECT: **Special Exception Application No. 4394, including Alternative Compliance Application No. 98029/01**

REQUEST: **Gas Station and Fast-Food Restaurant**

RECOMMENDATION: **APPROVAL with conditions**

---

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. 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:**

### **Background:**

This is an amended application for a case that was previously reviewed by the Planning Board on January 25, 2001. The Planning Board did not pass a motion to hear the original application for the redevelopment of a gas station with a convenience store. Subsequently, the case was transmitted to the Zoning Hearing Examiner. Before the case was set for a hearing, the applicant amended the application by adding a request for a fast-food restaurant. Consequently, the Examiner remanded the application to the Planning Board.

- A. Location and Field Inspection: The property is located on the northeast corner of the intersection of Silver Hill Road (MD 458) and Suitland Road (MD 218). The property is rectangularly shaped and comprises approximately .67 acre of land. It is currently improved with a gas station. The property has approximately 148 feet of frontage on Silver Hill Road and 180 feet of frontage on Suitland Road. The property is accessed from both roads. The Suitland Federal Center (US Government Census Bureau) is located diagonally across from the subject property, on the southwest corner of the intersection of Silver Hill Road and Suitland Road.
- B. History: The property was placed in the C-1 Zone by adoption of the 1949 Comprehensive Zoning Map. The approved 1986 Sectional Map Amendment (SMA) for Suitland, District Heights and Vicinity rezoned the property from the C-1 Zone to the C-S-C Zone. Special Exception 1182 was approved in May of 1965, permitting an automobile filling station. Special Exception 2339 was approved in July 1970, to permit the display of rental automobiles. Revision of Site Plan SE-1182/1 was approved in 1981 and Revision of Site Plan SE-1182/2 and AC-98029 were approved on April 12, 1999, to allow a complete renovation of the property and the addition of a convenience store.
- C. Master Plan Recommendation: The 1985 Approved Master Plan for Suitland, District Heights and Vicinity recommends the property for retail-commercial land use.
- D. Request: The applicant proposes to redevelop the subject site that is currently developed with a gasoline station. The proposed redevelopment involves replacement of the existing three-bay building with a one-story 2,880-square-foot food or beverage store, relocation of the gasoline pumps, construction of a canopy, and redesigning the parking area. The applicant also proposes to provide seating (six) in the food or beverage store. The provision of seating establishes a fast-food restaurant use on the premises. Therefore; in addition to the special exception for the gas station, the applicant is also requesting approval of special exception for the fast-food restaurant use. A proposed food or beverage store is permitted by right in the C-S-C Zone.
- E. Neighborhood and Surrounding Uses: The subject property is bounded by a dry cleaner (east) an automobile dealership and automobile dealership service center( north), Silver Hill Road (west) and Suitland Road (south). All the adjoining properties are zoned C-S-C Zone. The subject property is located in the Suitland Community Neighborhood Business Revitalization Area. The neighborhood is generally defined by the following boundaries:

North -Pennsylvania Avenue (MD 4).

East -Regency Parkway

South -Suitland Road

West -Silver Hill Road

- F. Specific Special Exception Requirements-Gasoline Station: A gasoline station is permitted in the C-S-C Zone as a special exception. Section 27-358 sets forth the specific special exception requirements.

**(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 has approximately 180 feet of frontage on and a direct vehicular access to Suitland Road through two driveways, with a right-of-way width of 120 feet. The property also has approximately 148 feet of frontage and a direct vehicular access to Silver Hill Road.

- (2) The subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, or hospital is located.

The property conforms to this requirement. The nearest school, Shady Side Elementary, is located approximately 2,000 feet north 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.

The applicant's proposal does not include these activities. The applicant's statement of justification indicates that there will be no display or rental of cargo trailers, trucks, or similar uses at this site, except as a Special Exception in accordance with the above requirement.

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

The proposed gas station will not include 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 Public Works and Transportation, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than 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 site plan shows two 35-foot-wide access driveways on Suitland Road and one 30-foot-wide access driveway on Silver Hill Road. The proposal meets all of the zoning requirements with regard to access driveways including the requirements for a 20-foot setback from the point of curvature and the 12-foot setback from the side or rear lot line of any adjoining lot. However, in response to a referral regarding this application, the State Highway Administration (SHA) has offered the following comments:

- The existing entrance along the property fronting eastbound MD 458 (Silver Hill Road) needs to be reconstructed for consistency with current State Highway Guidelines.
- An approved traffic signal modification is required for the MD 458 @ MD 218 (Suitland Road) intersection.

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

The site plan indicates that all access driveways will be defined by curbing.

**(7) A sidewalk at least five (5) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic.**

Sidewalks are provided along both Silver Hill and Suitland Roads and meet the requirement for a five-foot-wide sidewalk between the building line and the curb.

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

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

**(9) Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.**

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

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

In a supplemental submission, the applicant has provided drawings of elevations and colored renderings. James Jordan of the Urban Design Review Section reviewed the materials submitted by the applicant and has offered the following comments:

Details, architectural elements, exterior finishes and the proposed architectural character are well defined by the proposed plans. The proposed building design and character is modern and will compliment the recently renovated Suitland Shopping Center Commercial area which is located west of the subject property on the opposite side of Silver Hill Road. The description of architectural character of the proposed building not only demonstrates compatibility with the immediate area, but also indicates a level of sensitivity pertaining to the subject property being located within the Suitland Redevelopment Focus Area. The proposed development is compatible with the existing and proposed surrounding development.

- (2) In addition to what is required by Section 27-296(c), the site plan shall show the following:
  - (1) The topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet).
  - (2) The location and type of trash enclosures.
  - (3) The location of exterior vending machines or vending area.

The topography requirement is complied with and depicted on the applicant's site plan accordingly. The site plan shows a 100-square-foot (10' x 10') trash enclosure, six feet tall, on the northeast portion of the property. There are no vending machines proposed.

- (3) Upon the abandonment of a gas station, the Special Exception shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term "abandonment" shall mean non-operation as a gas station for a period of fourteen (14) months after the retail services cease.  
There is no indication in the record of a potential conflict with this requirement.

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

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

The subject gas station has served the public at this location for nearly 40 years. The proposed redevelopment of the site will modify and upgrade the existing use to keep up with current trends in the industry. Upon reviewing the proposal, Dr. Joseph Valenza of the Research Section has offered the following comments:

■The gas station has been operating on the site for a number of years. This is evidence that some need does exist for the current use and is itself a demonstration of need for the proposed use.●

The proposed redevelopment of the property will modernize the existing gas station and will improve its level of service to the public. The proposed use will not unduly restrict the availability of land or upset the balance of land use in the area for other trades and commercial uses.

7. Specific Special Exception Requirements■ Fast-food restaurant: Pursuant to **Section 27-350(a)**, a drive-in or fast-food restaurant may be permitted, subject to the following:

- (1) **All proposed buildings, structures, and outdoor facilities (including vehicle parking) shall be located at least 200 feet from the nearest property line of any land in any Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan. The District Council may reduce this setback requirement when it determines that the landscaping, screening, and buffering requirements in the *Landscape Manual*, or other conditions, will adequately protect abutting residential property.**

The proposal conforms with this requirement. All proposed buildings, structures and outdoor facilities (including vehicle parking) are located at least 200 feet from the nearest property line of any land in any Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan.

- (2) **A bicycle rack for at least six (6) bicycles shall be provided on the premises, unless the applicant demonstrates to the satisfaction of the District Council that the requirement is inappropriate because of the location or nature of the establishment.**

The site plan provides for a bicycle rack for six (6) bicycles on the northwestern portion of the site adjacent to the proposed store/fast-food restaurant building.

- (3) **The use will not restrict the availability, or upset the balance, of land use in the neighborhood for other commercial uses.**



The proposed use will not restrict the availability of land or upset the balance of land use in the area for other permitted uses. The location and operation of the proposed use is compatible with the existing commercial development in the area. The proposed restaurant will provide services to patrons of the gas station, employees of the area and travelers along Central Avenue. The proposed fast-food restaurant use with its six seats, is incidental to the gas station and food or beverage store, which are the primary uses. The proposed modifications of the existing gas station and the establishment of the food or beverage store and the fast-food restaurant will modernize the site, bring the existing development on the property into compliance with current zoning and building codes, and it will improve the level of service at the gas station. The proposed modification will add to the vitality of the neighborhood.

- (4) **Special consideration shall be given to advertisement, outdoor display, outdoor activity, lighting, hours of operation and other aspects of the proposed operation to assure that the health, safety and general welfare of the community will be protected.**

The applicant has indicated that signage will be limited to that shown on the site plan and architectural elevations submitted with this application. The applicant further stated that outdoor lightning that will illuminate the property during the evening hours will be installed. The lightning will enhance the safe internal flow of cars and customers, but will not cause undue glare onto adjoining properties. The applicant has also indicated that most of the outdoor activities that will be generated by the fast-food restaurant will be a result of the gas station use. The fast food component on its own will generate a negligible amount of additional activities on-site.

- H. **Parking Regulations: Section 27-568 of the Zoning Ordinance requires a total of 20 parking spaces for the proposed three uses.**

#### PARKING SCHEDULE

USE	Parking Requirements	Space Required
Food and Beverage	2,400 SF @ 1 SP/150 S.F	16.0
Fast-food restaurant	6 SEATS @ 1 SP/3 SEATS 202 SF @ 1 SP/50 SF	4.04
Gas Station	2 EMPLOYEES @ 1SP/EMP.	2.0
TOTAL		24.04 = 25
20% REDUCTION FOR MIXED USE		5
TOTAL REQUIRED		20

The applicant's site plan provides for 22 spaces, including one van-accessible space. The Permit Review Section has offered the following comments, relative to the parking requirements:

- The parking schedule needs to be corrected, 4.04 parking spaces are required for the fast-food restaurant, not 4 as shown. Therefore the parking is 24.04 rounded to 25 parking spaces required. Given the 20 percent reduction, 20 parking spaces will be required.
- The method of identifying parking spaces in the field must be provided on the site plan .
- An accessible route to the building from the handicap parking space must be demonstrated on the site plan by the addition of a ramp or depressed curb cut.

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

The proposal conforms to this requirement. One loading space is required and the site plan provides for one loading space, dimensioned at 12 feet wide by 33 feet long, for the food or beverage store/fast-food restaurant which comprises 2,880 square feet of gross floor area. The loading space is located on the northeast side of the property.

J. **Landscape Manual Requirements:** The applicant's proposal is subject to the requirements of Sections 4.2, 4.3, 4.4 and 4.7 of the *Landscape Manual*.

Alternative Compliance was recommended per memorandum dated November 19, 2000 from the Urban Design Review Section. In response to the Urban Design Review Section comments, the applicant had applied for Alternative Compliance. On December 29, 2000, the Planning Director recommended APPROVAL for AC-98029/01(refer to attachment).

K. **Zone Standards:** The site plan conforms to all other development standards of the C-S-C Zone.

L. **Sign Regulations:** The site plan shows a freestanding sign located on the southwestern corner of the property. The site plan also provides a Sign Table for the various types of signs (freestanding, building and canopy). The applicant has provided the design, types and colors of the various signs. The proposed signs meet all area, height and setback standards of the sign regulations. As an integral part of the overall development, the signs were also found by the Urban Design Review Section to be compatible with the existing and proposed development in the surrounding area in terms of design.

M. **Required Findings:**

**Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

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

The fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety and welfare of the public and promote compatible relationships between the various types of land uses. Review of the applicant's site plan for conformance with the requirements of the Ordinance indicates no potential for adversely affecting these fundamental purposes, provided that the recommended conditions are met. The redevelopment of the subject property and the upgrading and modernization of the existing gas station can project a positive image which is compatible with development guidelines for the immediate neighborhood.

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

The subject property is located in the C-S-C Zone which permits the existing and the proposed gas station use as well as the proposed fast-food restaurant use as special exceptions. The proposed addition of a food or beverage use to the property is permitted by right in the C-S-C Zone. The applicant has sought approval for an Alternative Compliance application to address deficiencies in meeting the requirements of the *Landscape Manual*. As noted, the Planning Director has recommended approval of the applicant's Alternative Compliance application. With that deficiency addressed and with the recommended conditions, the uses will conform to all applicable requirements and regulations of this Subtitle.

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

The 1985 Approved Master Plan for Suitland, District Heights and Vicinity recommends the property for retail-commercial land use. The proposed redevelopment of the subject property raises no master plan issues. Upon reviewing the applicant's proposal, Christine Osie of the Community Planning Division has offered the following comments:

The subject property is within the Suitland Redevelopment Focus Area and along the commercial corridor within the Suitland Business District. It is highly visible from the Suitland Federal Center and several major development projects like the Suitland Metro Station, opening in the spring of 2001 and the State Highway Administration (SHA) streetscape improvement plan for Silver Hill Road.

Though the request is in conformance with the master plan, there is a need to seek and encourage high quality design for all new and expanding retail businesses adjacent to the Suitland Federal Center and throughout the entire Suitland Business District.

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

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

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area, and there is no indication that it would be detrimental to the use or development of adjacent properties or the general neighborhood. In fact, redevelopment of this site will be an improvement to the vitality and character of development in this area. As indicated, the subject property is within the Suitland Revitalization Focus Area. The Redevelopment Authority of Prince George's County has offered the following comments:

The Suitland Revitalization program includes improving the physical appearance of the business district, reducing vacancies by attracting quality businesses, and creating redevelopment opportunities. The property is in a highly visible area, since it is located on the northeast quadrant of the intersection of Silver Hill Road and Suitland Road.

In general, the development of the existing gas station will result in a more attractive property. The amount of existing asphalt paving will be reduced significantly, and the owner for the most part has complied with the county's regulations. We strongly recommend that the property owner be encouraged to develop a landscape maintenance plan to protect his investment and ensure that the landscaping will continue to be an aesthetic asset for the community. At this time the Redevelopment Authority does not have any additional concerns or comments regarding the above referenced special exception.

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

A Tree Conservation Plan is not required because the property is less than 40,000 square feet in area, and it does not have a previously approved Tree Conservation Plan (per Letter of Exemption from Environmental Planning Section issued on July 31, 2000).

## **CONCLUSION**

Based on the preceding analysis and findings, it is recommended that SE-4394 and AC-98029/01 be APPROVED, subject to the condition that the site and landscape plans shall be revised prior to the issuance of permits to include the following:

1. The parking schedule and the tabulation therein shall be corrected in accordance with Section H of the Staff Report to show that a total number of 20 parking spaces are required.
2. The method of identifying parking spaces in the field shall be provided on the site plan .
3. An accessible route to the building from the handicap parking space shall be demonstrated on the site plan by the addition of a ramp or depressed curb cut.
4. The site plan shall be amended in accordance with the regulations of the State Highway Administration for access improvements and traffic signal modification.