



**SPECIAL EXCEPTION APPLICATION 4436 (DDS 526); (VSE-4436/01); (AC-01037)**

Application	General Data
<b>Project Name</b> WAWA, Branch-Allentown Plaza  <b>Location</b> Southeast quadrant of Allentown Road and Branch Avenue, known as 6022 Branch Avenue  <b>Applicant</b> WAWA, Inc. 1401 Taft Street, Suite 806 Arlington, Virginia 22201 ATTN: Terri Levine	Date Accepted 9/6/01
	Planning Board Action Limit N/A
	Tax Map & Grid 098 B-4
	Plan Acreage 2.71 Acres
	Zone C-S-C
	Dwelling Units N/A
	Square Footage 5,740 sf
	Planning Area 76B
	Council District 09
	Municipality None
	200-Scale Base Map 208SE5

Purpose of Application	Notice Dates
S.E. 4436 - Gas Station - 27-317 & 27-358  DDS 526 - Departure of 38 feet of the required 50-foot setback of access driveway to loading space from adjacent residential zone - 27-579  VSE 4436/01 - Variance for gas station within 300 feet of a school.  AC-01037 - Alternative Compliance from the requirements of the <i>Landscape Manual</i> .	Adjoining Property Owners (CB-15-1998)
	Previous Parties of Record (CB-13-1997)
	Sign(s) Posted on Site
	Variance(s): Adjoining Property Owners
Staff Recommendation	Staff Reviewer
APPROVAL	Gary Wagner
APPROVAL WITH CONDITIONS	
DISAPPROVAL	
	X
DISCUSSION	

December 21, 2001

**TECHNICAL STAFF REPORT:**

TO: The Prince Georges County Planning Board  
The Prince Georges County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Gary Wagner, Planner Coordinator

SUBJECT: **Special Exception Application No. 4436, including Alternative Compliance Application No. 01037, Departure from Design Standards No. 526 and Special Exception Variance No. 4436/01.**

REQUEST: **SE-4436: Gas Station in the C-S-C Zone, in accordance with Section 27-358.  
AC-01037: Alternative Compliance from Sec. 4.7 (Buffering Incompatible Uses).  
DDS 526: Departure from Sec. 27-259, in accordance with Sec. 27-239.01.  
VSE 4436/01: Variance from Section 27-358(a)(2), in accordance with Sec. 27-230.**

RECOMMENDATION: **DENIAL of SE-4436, VSE-4436/01 and AC-01037  
APPROVAL of DDS-526**

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.

**APPLICATION DATA:**

- A. Premise Address: Southeast quadrant of Allentown Road and Branch Avenue, known as 6022 Branch Avenue
- B. Municipality: None
- C. Area: 2.71 acres

- D. Zone: C-S-C
- E. Zoning Map: 208 SE 5
- F. History: The subject property was placed in the R-R Zone, as part of a larger 14.7-acre property, through the adoption of the 1949 Comprehensive Zoning Map. Four zoning applications during the 1950s and 1960s rezoned the property from R-R to C-1 and C-2. The Adopted and Approved 1983 Sectional Map Amendment (SMA) for Subregion VII, Henson Creek-South Potomac, rezoned the property from the C-1 and C-2 Zones to the C-S-C Zone.
- G. Planning Area/Community: PA 76B/Camp Springs
- H. SMA/Zoning: The 1984 *Subregion VII SMA* classified the property in the C-S-C Zone.
- I. Historic Resources: A historic site, Bells Methodist Church, is adjacent to the site along the eastern boundary.
- J. Parks and Trails: A hiker/biker trail system is proposed along Allentown Road.
- K. Council District: 09
- L. Applicant: WAWA, Inc.
- M. Correspondents: Norman Rivera/Michael Nagy

#### **FINDINGS:**

- A. Location and Field Inspection: The property is located in the southeast quadrant of the intersection of Branch Avenue (MD 5) and Allentown Road (MD 337). The property is generally rectangular in shape and comprises approximately 2.718 acres of land. It is currently ~~improved~~ with deteriorating asphalt paving which once served as a parking lot for the now defunct Allentown Plaza shopping center. The property has approximately 284 feet of frontage on the south side of Allentown Road. Access is provided from Allentown Road via a 44-foot-wide, divided entrance located at the northeastern most corner of the site. The subject property is also accessible from a 24-foot-wide utility and ingress-egress easement, which runs between the proposed gas station and the existing Dunkin' Donuts to the west.
- B. Request: The applicant proposes to redevelop the subject site with a gas station and a food and beverage store. Redevelopment involves demolition and removal of the existing deteriorating asphalt paving from nearly 100 percent of the lot and construction of a new eight-island multipump dispenser (MPD) gasoline facility and canopy, a one-story, 5,740-square-foot food and beverage store, parking area and landscaping.

- C. Neighborhood and Surrounding Uses: The subject property is bounded by the Bells United Methodist Church (east); the former Allentown Plaza buildings, recently converted to mini-warehouses (■consolidated storage●) (south); Dunkin Donuts and the Royal Beijing Chinese Restaurant and additional deteriorating asphalt paving (west); and Allentown Road (north). The adjoining properties to the east is zoned R-R; to the south and west are zoned C-S-C; and to the north across Allentown Road the property is zoned C-O. The subject property is located in the Camp Springs Community, Neighborhood C3, as identified in the Master Plan. Beyond Bells Methodist Church to the east and R-R-zoned property to the south of the defunct mall site is Andrews Air force Base.
- D. Specific Special Exception Requirements: A food or beverage store is permitted by right in the C-S-C Zone. 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 284 feet of frontage on and a direct vehicular access to Allentown Road, (right-of-way 120 feet), via a two-way, divided 44-foot-wide drive located at the northeast corner of the site.

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 applicant has filed a variance requesting relief from this requirement. The adjacent property to the east, occupied by Bells United Methodist Church, received a Use and Occupancy permit (permit no. 8313800-2000) for a private school in 2000. The church does not have its own school on-site, rather it is renting classroom space to the Progressive Christian Academy for the 2001-2002 school year. The Progressive Christian Academy's main campus is located on Brinkley Road, approximately one mile west of the site. The nearest public school, Princeton Elementary School, is located approximately 2,600 feet north-northeast 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 applicant's proposal does 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 a single, 44-foot-wide ingress-egress driveway from Allentown Road into the subject property. Allentown Road is identified in the State Highway Administration location reference as a minor arterial four-lane divided highway. The site plan also meets all of the other 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.

Based on their field investigation and evaluation of the proposed special exception, the Engineering Access Permits Division of the Maryland Department of Transportation, State Highway Administration, stated that the annual average daily traffic (AADT) at this location is 28,525 vehicle trips per day. Additionally, SHA requests that the remarks and conditions set forth below be transmitted to the Zoning Hearing Examiner.

- A permit must be issued to the developer/builder by this office for improvements along the property frontage within the State Highway Administration right-of-way. This Permit must be in accordance to the rules and regulations of this Administration, and;

- A condition of the permit will be that storm drainage plans computations and traffic data be submitted for review by the appropriate agencies within the SHA. •

- 6. Access driveways shall be defined by curbing.**

The site plan illustrates 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.**

The site plan illustrates that 16-foot-wide sidewalks are provided along the east and west sides of the food and beverage store between the building line and the curb. On the north side of the building a sidewalk, which varies between 5 and 16 feet wide between the curb and the building line has been provided to satisfy this requirement.

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

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

The applicant is not proposing any repair service on the site.

- 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.**

The applicant has provided architectural elevations and colored renderings. The Urban Design Review Section has reviewed the materials submitted by the applicant and is of the opinion that the proposed structures will be compatible with existing and proposed surrounding development. The proposed materials of the building will consist of brick base with siding and stucco above. The roof will be dutch standing-seam metal. The canopy over the pumps will consist of steel framing painted white, with a matching standing-seam metal roof.

**(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).**

This requirement has been met.

- 2. The location and type of trash enclosures.**

Note 10 on the Special Exception site plan states that all waste will be collected and disposed of inside the convenience store (food and beverage store) therefore an external trash enclosure will not be required.

- 3. The location of exterior vending machines or vending area.**

The applicant has indicated that there will not be any vending machines outside of the food and beverage store.

**(c) Upon the abandonment of a gas station, the Special Exception shall terminate and the owner of the property shall remove all structures exclusively used in the business (including underground storage tanks), except buildings. 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.**

The applicant has acknowledged and agreed to this condition in the Statement of Justification.

**(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.**

The applicant has submitted a market analysis, which concludes there is a deficiency of gas stations serving the surrounding area. In a memorandum dated October 8, 2001, Dr. Joseph Valenza of the Research Section has concluded that there are methodological flaws in the applicant's market analysis and that the applicant over-estimated demand and under-estimated supply.

Based on the information provided in Dr. Valenza's memorandum, staff cannot make a finding that a gas station is necessary to the public in the surrounding area and that the use will not upset the balance of land use in the area for other trades and commercial uses.

- E. **Parking Regulations:** Section 27-568 of the Zoning Ordinance requires one parking space for each employee of the gas station and one parking space for every 150 square feet of gross floor area for the food or beverage store.

The gas station's two employees require two parking spaces and the proposed 5,740 square-foot food and beverage store requires 34 parking spaces. Total required parking for both uses is 36. The applicant's site plan provides for 104 spaces, including 5 handicapped spaces, 1 of which is a van-accessible space.

- F. **Loading Requirements:**

**Section 27-582 of the Zoning Ordinance requires one loading space for a retail sales and service (per store) comprising between 2,000 and 10,000 square feet of gross floor area (GFA).**

The proposal conforms to this requirement. One loading space is required and the site plan provides for 1 loading space, dimensioned at 12 feet wide by 33 feet long, for the food or beverage store which comprises of 5,740 square feet of gross floor area. The loading space is located on the southeast side of the building.

**Section 27-581 of the Zoning Ordinance requires a minimum twenty two-foot (22')- wide driveway to connect the loading area to a public street.**

**Section 27-259 requires that no vehicular entrances to any loading space can be located within fifty feet (50') from any adjacent land in any Residential Zone.**

The site plan submitted with this application provides a 22-foot-wide drive from Allentown Road to the location of the 12-foot by 33-foot loading space. The drive aisle happens to coincide with the existing limit of pavement of the previous parking lot, and also aligns with the existing entrance onto Allentown Road. Because of the existing conditions, the drive aisle is located 12 feet from the adjacent Bells United Methodist Church, R-R-zoned property. Therefore, the applicant has filed a Departure from Design Standards for a 38-foot reduction of the required 50-foot setback.

- G. **Departure from Design Standards:** Section 27-239.01(b)(9) requires the Planning Board to make the following findings in order to grant the departure:

1. The purposes of this subtitle will be equally well or better served by applicant's proposal;



The applicant's proposal to locate the vehicular drive aisle serving the loading area less than 50 feet from land in a residential zone will better serve the public by providing a safe means of ingress-egress to the development from Allentown Road. Existing conditions dictate the location of the entrance into the site. There is an existing median break with a traffic light at the subject entrance on Allentown Road. All traffic exiting the site to go west bound on Allentown Road must use this point of egress. Furthermore, while the adjacent property is zoned residential, the site is developed as a church and the site feature on the church's property in the location of the requested departure is a parking lot. The visibility and safety of the proposed entrance drive justifies the need for this deviation from the setback.

**2. The departure is the minimum necessary, given the specific circumstances of the request;**

The 38-foot departure from the 50-foot setback is the minimum necessary to accommodate the existing site conditions.

**3. The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the county developed prior to November 29, 1949;**

Due to the existence of a solid concrete median in Allentown Road for the majority of the site's road frontage the ingress-egress driveway cannot be located any further to the west, away from the residentially zoned property. The median was constructed in conjunction with the Branch Avenue-Allentown Road grade-separated interchange.

**4. The departure will not impair the visual, functional or environmental quality or integrity of the site or surrounding neighborhood.**

The applicant has proposed to improve the appearance of the development by providing landscaping and screening in excess of the requirements of the *Landscape Manual* along the boundary of the church. Additionally, the proposed gas station and convenience store will be an improvement that would add to the visual, functional and environmental quality of the site and the surrounding area, given the site's current condition.

H. **Special Exception Variance: Section 27-358(a)(2) requires that, the subject property on which a gas station is located shall be at least three hundred (300) feet from any lot on which a school, outdoor playground, library, or hospital is located.**

The site is directly adjacent to Bells Methodist Church to the east which leases space to the Progressive Christian Academy, a private school (Grades 1-6) for the 2001-2001 school year. The main campus for the academy is located on Brinkley Road.

**Section 27-230 requires the Planning Board to make the following findings in order to grant a variance.**

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

The subject parcel's extraordinary condition is its proximity to the Branch Avenue-Allentown Road grade-separated intersection. The subject site's accessibility and visibility from Branch Avenue has been completely eliminated and accessibility from Allentown Road has been severely restricted. The site is no longer suitable for retail-commercial-oriented uses primarily because of the improvements to the Branch Avenue-Allentown Road intersection. The site is now more appropriate for commercial-service-oriented uses.

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

The owner of the property has experienced the undue hardships caused by the construction of the Branch Avenue-Allentown Road grade-separated interchange. Strict application of Section 27-358(a)(2), which would require relocating the gas station approximately 225 feet to the west, would require razing and relocating the Dunkin' Donut, and would place the facility too close to the elevated portion of Branch Avenue. The closer the gas station is to MD 5 the less visible and the less viable it becomes. The proposed gas station location takes maximum advantage of the visibility and access of this site.

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

The Master Plan for Subregion VII recommends the subject property for service-commercial type uses. Furthermore, a gas station is permitted in the C-S-C Zone as a special exception use, which establishes a presumption of compatibility with the adjacent uses.

**I. 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 October 3, 2001, from the Urban Design Review Section. In response to the Urban Design Review Section pre-application review comments, the applicant applied for Alternative Compliance. The Alternative Compliance Committee has made a recommendation to the Planning Director; however, as of the writing of this report, the director has yet to view the case. It is anticipated that a recommendation for AC-01037 will be available for the hearing.

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

**K. Sign Regulations:** Referring to the site plan, a freestanding sign is located along Allentown Road, set back ten feet from the right-of-way line. The site plan also provides a Sign Table for the various

types of signs (freestanding, building and canopy), along with 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 also were found, by the Urban Design Review Section, to be compatible with the existing and proposed development in the surrounding area in terms of design.

L. 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. The review of the applicant's site plan indicates no potential for adversely affecting these fundamental purposes. In fact, the redevelopment of the subject property and the upgrading and modernization of the site will project a positive, safe image for the site as well as for the neighborhood as a whole.

**(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 proposed gas station use as a special exception. The 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 setback requirements of the *Landscape Manual*. The applicant has also filed a variance and departure from design standards as part of this application.

**(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 1984 *Subregion VII Sectional Map Amendment* recommends the property for service-commercial land uses. According to a memorandum dated October 18, 2001 (Umeozulu to Jones), the Community Planning Division offered the following comments:

■ Allentown Mall (formerly located on this site) is identified in the master plan as one of several major shopping centers in the Camp Springs community. The plan recommends that these existing shopping centers be strengthened with appropriate uses so that they may evolve into an activity center. As indicated by the applicant in the statement of justification, this shopping center has not been successful as a retail activity center. The former shopping mall has been partly demolished and redeveloped as a consolidated storage facility. Thus,

this site should no longer be evaluated as a potential activity center and should now be viewed more like a service-commercial area. As such, the proposed gas station and convenience store will not substantially impair the integrity of the master plan.●

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

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. Currently, the site is in a state of dilapidation, not well lit in the evening hours, and as such, poses a security threat. Originally, the site was a retail shopping center with access to Branch Avenue. The shopping center is no longer viable as a retail center since the State Highway Administration recently constructed a grade-separated intersection at Branch Avenue (MD 5) and Allentown Road (MD 337), eliminating the existing access point into the center and making the site less visible. Eventually, the site was not able to survive as a retail center. In an effort to revitalize the site, the County Council passed legislation (CB-45-99) to allow consolidated storage on a portion of the site. Despite the site being located in a high volume traffic corridor, the owner of the property has not been able to attract other retail users into the center, and it would appear that service-oriented uses, such as a gas station and convenience store, are more appropriate. Redevelopment of the site with the proposed gas station and convenience store would not only be an improvement to the site, but to the overall character of the area. The proposed development will dramatically increase the green area, landscaping and buffering, significantly reduce the on-site asphalt paving, and will result in a more attractive and secure property. Additionally, the proposed gas and convenience store will be open 24 hours, which will provide for a more secure environment for users of the entire center.

In a memorandum dated October 31, 2001, staff of the Transportation Planning Section reviewed the applicant's traffic impact study dated September 2001, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The Transportation staff concluded that the Special Exception and Departure would not adversely affect the health, safety or welfare of residents or workers in the area from the standpoint of transportation.

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

Staff could find no reason to indicate that the proposed use will be detrimental to the use or development of adjacent properties or the general neighborhood.

Dr. Robert Metzger of the Environmental Planning Section found that the plan, as submitted, addresses all applicable environmental requirements, subject to the following condition:

- Prior to certification of the Site Plan a copy of an approved Stormwater Management Concept Approval Letter shall be submitted.●

Based on their review of the availability of existing public facilities, Tiffany J. Williams and Samuel L. White of the Growth, Policy and Public Facilities Planning Section, Countywide Planning Division, recommend that:

- . . all commercial structures be fully sprinkled in accordance with National Fire Protection Association Standard 13 and all applicable Prince Georges County laws.●

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

A Tree Conservation Plan is not required because the subject property has less than 10,000 square feet of existing woodland on-site. The applicant has received a Letter of Exemption from the Environmental Planning Section issued on June 18, 2001. The property identification number is (WC#1032).

**CONCLUSION**

Based on the preceding analysis and findings, it is recommended that SE-4436, VSE-4436/01, and AC #01037 be DISAPPROVED and that DDS-526 be APPROVED.