



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm

SPECIAL EXCEPTION APPLICATION NO. 4443 (VSE 4443/01)

Application	General Data
Project Name: McDonald's (Chillum) Location: Northeast corner of New Hampshire Avenue and Eastern Avenue, known as 6301 New Hampshire Avenue. Applicant/Address: McDonald's Corporation 7600 Wisconsin Avenue, 9 th Floor Bethesda, Maryland 20815 Correspondent: Edward Gibbs Gibbs and Haller 4640 Forbes Blvd 1 st Floor	Date Accepted 10/12/00
	Planning Board Action Limit N/A
	ZHE Hearing Date Not Scheduled
	Plan Acreage 1.62 acre
	Zone C-S-C
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 65
	Council District 02
	Municipality N/A
	200-Scale Base Map 207NE1

Purpose of Application	Notice Dates
S.E. 4443 - Fast-Food Restaurant and Gas Station V.S.E. 4443/01 - Variance to reduce the driveway width and the side yard setback for a retaining wall	Adjoining Property Owners (CB-15-1998) 11/20/01
	Previous Parties of Record (CB-13-1997) 2/4/02
	Sign(s) Posted on Site N/A
	Variance(s): Adjoining Property Owners 11/20/01

Staff Recommendation			Staff Reviewer: Elsabett Tesfaye
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X- Fast Food Restaurant	X-Gasoline Station	

March 13, 2002

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. 4443**
Variance Application No. 4443/01

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

RECOMMENDATION: **SE-4443, Gasoline Station: DENIAL**
SE-4443, Fast Food Restaurant : APPROVAL with conditions
VSE-4443, Drive Way Width: DENIAL
VSE-4443, Retaining Wall Side Yard Setback: APPROVAL

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:

- A. Location and Field Inspection: The property is located at the northeast quadrant of the intersection of New Hampshire Avenue and Eastern Avenue. It comprises approximately 70,805 square feet (1.63 acres) of land. The property consists of two separate parcels: Lot 1, which is currently improved with a McDonald's fast-food restaurant, and Parcel D, which is currently improved with a two-story building housing retail and office establishments, including a convenience store, car rental, dental clinic and tax service. The property is zoned C-S-C, and it has frontage on New Hampshire Avenue and Eastern Avenue.
- B. History: With the enactment of CB-27-1978, the existing McDonald's became nonconforming and was later certified by Permit No. 9727-86-U. With the adoption of the 1990 Sectional Map Amendment for Langley Park-College Park-Greenbelt, the zoning of the subject property was changed from C-2 to C-S-C. On September 28, 1998, the Planning Board approved a revision of site plan for a nonconforming fast-food restaurant and an associated departure from the parking and loading requirement for the existing McDonald's restaurant.
- C. Master Plan Recommendation: The 1990 Master Plan for Langley Park-College Park-Greenbelt recommends the site for retail-commercial use.
- D. Request: The applicant proposes to redevelop the subject site that is currently developed with a McDonald's fast-food restaurant and a commercial building. The proposed redevelopment involves replacement of the existing fast-food restaurant with a new 60-seat building and a self-service gasoline station. A portion of the interior of the fast-food restaurant (1,994 square feet) will be used for a sale of convenience items. The applicant is requesting approval of special exception uses for a fast-food restaurant and a gas station. The proposed food or beverage store is permitted by right in the C-S-C Zone.
- E. Neighborhood and Surrounding Uses: The immediate area surrounding the site is characterized by a mixture of commercial and residential uses. The property abuts an automobile repair service to the northeast. Other commercial uses in the C-S-C and C-O Zones and multifamily residential uses in the R-55, R-18 and R-10 Zones are located along both sides of New Hampshire Avenue, in the area between Eastern Avenue and East West Highway. To the northwest, directly across the subject property is located the Truck Auto Part store in Montgomery County. The area south and southeast of the subject property and north of Riggs Road is predominantly residential, developed with one-family detached houses in the R-55 Zone. Across Eastern Avenue to the southwest, in the District of Columbia, is a gas station.

The neighborhood is generally defined by the following boundaries:

North - East West Highway (MD 410).

East - Riggs Road (MD 212)

South - Eastern Avenue (District of Columbia)

West - New Hampshire Ave [(MD 650), Montgomery County]

F. Specific Special Exception Requirements ■ Gasoline Station (27-358):

(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 240 feet of frontage on and a direct vehicular access to New Hampshire Avenue, with a right-of-way width of 100 feet. The property also has approximately 220 feet of frontage and direct vehicular access to Eastern Avenue, which is within the boundaries of the District of Columbia, with a right-of-way width in excess of 70 feet. Comments received from the Montgomery County Department of Park and Planning refers to the Takoma Park Master Plan that requires a 150-foot right-of-way along New Hampshire Avenue. The site plan needs to be revised to show the county boundary line as related to New Hampshire Avenue so that the actual right-of-way width of New Hampshire Avenue at this location can be determined.

- (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. There is no school, outdoor playground, library, or hospital 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.**

The applicant's proposal does not include these activities. The applicant's statement of justification indicates that the proposed gas station will only provide for the sale of gasoline and will not include the display or rental of cargo trailers, trucks or similar uses. A note shall be placed on the site plan indicating compliance with this 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). A note shall be placed on the site plan indicating compliance with this requirement.

- (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 30-foot-wide access driveways on New Hampshire Avenue and one 25-foot-wide existing access driveway on Eastern Avenue. The applicant is requesting a variance of five feet for this driveway. The proposal meets all of the remaining 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.

(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 New Hampshire Avenue and Eastern Avenue and meet the minimum 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.

No description of the architectural character of the proposed building has been provided to demonstrate compatibility with the existing and proposed surrounding development. Therefore, it is recommended that a written description of proposed structures within the development be provided. The applicant should also provide drawings of elevations and colored renderings.

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

The topography requirement is complied with and depicted on the applicant's landscape plan. The site plan shows a trash enclosure in the northeastern corner of the property and separate drawings showing details of a trash enclosure gate and fencing are provided. The site plan indicates that the retaining wall around the trash enclosure will be eight feet high; however, the details sheet indicates that the wall will be six feet high. The applicant needs to clarify this inconsistency on the northeast portion of the property. There are no vending machines 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 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.

- (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**

On January 23, 2001, the applicant submitted a *Proof of Need Analysis* report prepared by Giegrich and Associates, Inc. Upon review, Dr. Joseph Valenza of the Research Section has offered the following conclusion (see attached memo of February 15, 2002, from Dr. Valenza for details).

■ I have reviewed the proof of need analysis submitted with the application for the proposed gas station, SE-4443. I disagree with the applicant's conclusion that there is a need for the proposed use•

Therefore, the proposed gas station is not necessary to the public in the surrounding area.

- (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 proposed gas station at this location 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 proposed gas station will be located on a property that is already improved with a McDonald's fast-food restaurant. McDonald's owns the subject property, and the continuation of the fast-food restaurant is part of the proposal. All of the McDonald's property, including the portion designated for the gas station, is commercially zoned (C-S-C).

G. Specific Special Exception Requirements ■ Fast-Food Restaurant [27-350(a)]:

- (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 does not conform to this requirement. The adjoining residentially zoned (R-18) property to the east is located within 40 feet of the parking and drive-through area, and within 67 feet of the proposed fast-food restaurant building. The applicant maintains that the setback requirement should be reduced in this case due to the substantial change in grade between the subject property and the apartment buildings on the adjoining property. The applicant asserts that there is an existing retaining wall running along a substantial portion of the eastern property line and that the combination of the change in the elevation and the existing retaining wall create a screening and buffering effect which negates the need for the 200-foot setback requirement. The applicant also indicated that substantial landscaping will be provided along the eastern boundary of the property to further buffer the restaurant use from the apartment buildings.

Staff generally agrees with the applicant that the apartment buildings are located at an elevation notably lower (over seven feet at some locations) than the proposed improvements on the subject property. The difference in elevation between the subject property and the adjoining residential property, coupled with the existing retaining wall and the proposed landscaping, will provide adequate buffering between the two properties.

- (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.**

Although the statement of justification indicates that a bicycle rack for at least six bicycles will be provided, the site plan provides no bicycle rack for the proposed use. The site plan needs to be revised to provide a bicycle rack within the special exception boundaries.

(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 commercial uses. The fast-food restaurant has operated on the subject site for over 35 years with no apparent negative impact on the neighborhood. The continued existence of the use in a new building is not likely to adversely impact 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 there will be no outdoor display other than the signs permitted by the Zoning Ordinance. There will also be no outdoor activities on site since there will be no outdoor sitting area. The applicant explained that customers will either consume meals inside the restaurant or will pay for and pick them up at the drive-thru window and drive off site. The applicant further stated that outdoor lighting will be installed. The lighting will enhance the safe internal flow of cars and customers, but will not cause undue glare onto adjoining properties. The applicant maintains that given all these considerations, the proposed operation of the fast-food restaurant will not adversely impact the health, safety and general welfare of the community. Staff generally agrees with the applicant; however, the applicant shall provide details such as height, area design, colors and materials so that they will be reviewed for conformance with the regulations, compatibility with existing and future developments in the area, and aesthetic appearance.

The subject property is uniquely situated at the intersection of two major streets, New Hampshire Avenue and Eastern Avenue, bordering Montgomery County on one side and the District of Columbia on the other. As such, the subject property is identified as a gateway for Maryland, Prince Georges County and Montgomery County. Therefore, its development warrants a higher standard of design with a particular emphasis on aesthetic appearance and compatibility with existing and future developments in the immediate area. The applicant must provide details of architectural elements, materials, colors and design specification for the proposed facility.

H. Parking Regulations: **Section 27-568 of the Zoning Ordinance requires a total of 42 parking spaces for the proposed three uses.**

USE	PARKING REQUIREMENTS	SPACE REQUIRED
Fast-Food Restaurant	60 SEATS @ 1 SP /3SEATS 963 SF @ 1/50 SF	20+19.26=39.26
Food or Beverage 1,994 SF	1,994 SF @ 1sp/150 SF	13.29
Gas Station	0 EMPLOYEE@ 1SP/EMPLOYEE	0
TOTAL		52.55 = 53
20% REDUCTION, JOINT USE		11
TOTAL REQUIRED		42

The applicant's site plan provides for 53 parking spaces, including 3 spaces for the physically handicapped, 2 of which are van-accessible.

- 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) and one loading space for every 2,000 to 10,000 square feet of GFA for the fast-food restaurant.**

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 fast-food restaurant. None is provided for the convenience store that is allocated 1,994 square feet of space in the proposed building.

- J. **Landscape Manual Requirements:** **Section 27.328.2(a):**

Except for uses which do not require the construction, enlargement, or extension of a building, all land uses requiring the approval of a Special exception shall comply with the landscaping , buffering and screening requirements set forth in the Landscape manual through the approval of a landscape plan. In approving a Special Exception, the District Council may require additional landscaping, screening or buffering if it determines that the amount required by the Landscape Manual is insufficient to adequately protect adjacent uses.

The proposal must comply with the requirements of Sections 4.2 (Commercial and Industrial Landscaped Strip Requirements), 4.3 (Parking Lot Requirements), 4.7 (Buffering Incompatible Uses) and 4.4 (screening) of the *Landscape Manual*. The landscape plan needs to show the following elements to demonstrate full compliance with the *Landscape Manual*:

1. Building setback and landscaped yard widths along each bufferyard.
2. Width of the perimeter landscaped strip.

Due to its location (considered a major gateway into the State of Maryland), the redevelopment of the site should include a landscape and design treatment that is above the minium requirements. One

way to achieve this goal is to eliminate excess parking spaces. Another way is to reduce the size of the building or eliminate use components. These alternatives will reduce the amount of impervious surface area which could instead be improved as additional green and landscaped area.

- K. Zone Standards: The applicant has requested a 5-foot variance from the minimum 30-foot wide driveway width requirement. A variance is also requested from the side yard setback requirement for the existing retaining wall, with the maximum height of 7.1 feet, located along the portion of the eastern property line. In addition, depiction of the proposed eight-foot-high trash enclosure on the site plan must be revised to meet the building setback requirement. 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. This location meets the setback requirements of Section 27-614. Neither the site plan nor the justification statement refer to other signs (building, canopy, etc.). The applicant has not provided the design, types and colors for signs. As an integral part of the overall development, all signs should be compatible with the existing and proposed development in the surrounding area in terms of design and must meet all area, height and setback requirements. Otherwise, departures must be obtained.
- M. The proposed site plan requires the following variances (VSE-4443/01):
1. Section 27-358(a)(5): To reduce the requirement that access driveways shall be not less than 30 feet wide.
 2. Section 462 (b): To reduce the minimum 12-foot side yard setback requirement.

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

The applicant maintains that the subject property's extraordinary condition is the fact that the driveway entrance along Eastern Avenue has to meet the District of Columbia's requirement for nonresidential uses, since the District's boundary extends to subject property's boundary line. The justification statement indicates that the applicant is willing to provide the required 30-foot-wide driveway along Eastern Avenue; however, it does not appear possible since the District controls access to this side of the site, and it permits driveways no wider than 25 feet. The applicant maintains that compliance with the strict application of the Zoning Ordinance will result in unusual practical difficulties and undue hardship upon the

owner of the property. The applicant further asserts that given the unique circumstances of this case, the granting of the variance will not substantially impair the intent, purpose or integrity of the Master Plan. Staff concurs.

With respect to the existing retaining wall, as it is correctly described by the applicant, the property is impacted by an exceptional topographic condition in that it slopes down from west to east (front to back), the steepness becoming more acute at the southeastern most portion of the property along the property line. The retaining wall appears to have been constructed several years back, perhaps as part of the development of the McDonald's property. The wall provides a lateral support for the rear portion of the property and removal could cause substantial damage.

This topographic feature is unique to the subject property, and no other property in the immediate area is afflicted by similar condition. As such, staff agrees with the applicant that the strict application of the Ordinance would result in peculiar and unusual practical difficulties and undue hardship upon the owner of the property. Moreover, the requested variance will also validate a condition which may have existed on the property for over 30 years. This variance will not impair the intent, purpose or integrity of the approved Master Plan.

N. 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. With regard to the proposed gas station, review of the applicant's proposal for conformance with the requirements of the Ordinance indicates potential conflicts with the following fundamental purposes:

Purpose No. 6: To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development.

Purpose No 9: To encourage economic development activities that provide desirable employment and a broad protected tax base.

Purpose No 11: To lessen the danger and congestion of traffic on streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions.

Purpose No 12: To insure the social and economic stability of all parts of the County.

The applicant has failed to demonstrate that the gas station is necessary. Furthermore, the absence of a strong market raises questions about the potential for continued success and

whether it will ultimately contribute to economic stability of the area. Therefore, staff's recommendation with regard to the gas station is not favorable.

If the gas station is eliminated, however, the redevelopment of the McDonald's restaurant, with an upgraded and modernized building, could result in a more attractive property. With the fast-food restaurant as the sole use on the property, design flexibility can be attained that would allow for a superior design. A significant increase in green area could also be achieved to provide an attractively landscaped gateway entrance feature on site.

In addition, potential traffic circulation conflicts have been identified in and around the subject property, which would only be exasperated by the addition of the proposed gas station. For further details, refer to item (3) below.

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

The proposed gas station is not necessary and therefore fails to conform with all applicable requirements. Furthermore, no modification short of elimination will cure this deficiency. However, with the recommended conditions and variances, the proposed fast-food restaurant complies with all requirements.

(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 proposed use will not result in the substantial impairment of the approved 1990 Master Plan for Langley Park-College Park-Greenbelt that recommends the property for retail-commercial land use. Upon reviewing the applicant's proposal, Joe Chang of the Community Planning Division offered the following comments:

The proposal will not substantially impair the integrity of the master plan. However, there is a master plan issue relating to the architectural design of the canopy. In addition, there are several issues concerning the State Highway Administration's New Hampshire Avenue Streetscape Study, which recommends creation of gateway signage and extra setbacks for sidewalks at the subject location.

The State Highway Administration (SHA) has undertaken a streetscape study for the New Hampshire Avenue (MD 650) corridor from Eastern Avenue to Erskine Street. One of the project goals is to create a gateway for Maryland and for Montgomery and Prince George's Counties at the D.C. line. The applicant should coordinate with SHA to set aside the southwest corner of the subject property for the gateway signage.

The Master Plan contains general recommendations and design guidelines for all strip commercial development. The following two guidelines are applicable to the subject proposal:

2. *A gas station or other freestanding structure, located in a redeveloped or expanded commercial area, should be coordinated with an overall site plan and should be of similar architectural design to other buildings in the center. (Page 110, Guideline #15)*

The site plan does not specify any architectural details for the canopy above the gasoline pump islands. It is essential that the architectural design for the canopy should be similar to or harmonious with the McDonald's style. A better alternative is to switch the locations of the McDonald's building with the gas pump canopy to minimize the automobile-oriented appearance at the corner of the New Hampshire Avenue/Eastern Avenue intersection.

3. *Redeveloped and expanded commercial development should be subject to high standards of site design and should be designed in relation to surrounding areas so as to provide safe, visually pleasing pedestrian access. (Page 109, Guideline #3)*

There is an existing bus stop located just north of the subject property. A pedestrian path from the bus stop to the McDonald's restaurant should be designated. There is a need to coordinate with the State Highway Administration for additional setbacks for extra-wide sidewalks along New Hampshire Avenue.

- (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 gas station represents a development from which neither the residents or workers of the neighborhood nor other development on adjacent and surrounding properties will likely benefit. The neighborhood is adequately served by existing gas stations, one of which happens to be located adjacent to the subject property. Furthermore, the applicant has not been able to demonstrate that the gas station is necessary. Moreover, the introduction of the proposed gasoline would result in undesirable aesthetic impacts and potential traffic circulation problems in and around the subject property.

With respect to the proposed reconstruction of the McDonald's restaurant, without the gasoline station and minus the convenience store, and provided that recommended conditions are met, the use will not adversely affect the health, safety or welfare of residents or workers in the area, nor would it be detrimental to the use or development of adjacent properties or the general neighborhood. As indicated, the subject property is a highly visible site as a gateway to Maryland. Redevelopment of this site in a manner that is consistent with design elements and streetscape features that are already being proposed for properties in the gateway area, both in Montgomery County (City of Takoma Park) and Prince Georges County, will be crucial to the vitality and character of development in this area.

The Montgomery County Department of Park and Planning and the City of Takoma Park have offered comments and specific recommendations and shared information on their recent experience with development projects on the Montgomery County side of the gateway area (see attachment). The East Hampshire project at the corner of Eastern and New Hampshire Avenues, directly across from the subject property, is one such project. Proposed streetscape, trees, pedestrian path sidewalks and a bus shelter are some of the design features incorporated in the approved East Hampshire project. These features appear to be consistent with design features put forward in the comments of the Community Planning Division, as well as those of the Transportation Section, for the proposed development of the subject property. The application of many of these design features as part of the redevelopment of the McDonald's restaurant is strongly recommended to ensure an aesthetically appealing development that visually and functionally compatible with existing and proposed developments in the gateway area.

Dr. Faramarz Mokhtari of the Transportation Section has offered the following comments :

In terms of transportation impact to the community, the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual* indicates that the existing McDonald's restaurant, which includes a drive-thru facility, generates 120 and 81 trips during the AM and PM peak hours, respectively. Approximately 45 percent of the generated AM peak-hour trips and 47 percent of the PM peak-hour trips are pass-by trips, which means they are already on the road. The 6 gasoline pump stations with 12 vehicle fueling positions would generate an additional 154 and 195 trips during the AM and PM peak hours, respectively, of which approximately 61 percent are pass-by trips. It is also important to note that almost all of the generated peak-hour trips are replacement of the existing peak-hour trips that are generated by the existing uses.

The closest major intersection to the subject site is the signalized intersection of New Hampshire Avenue and Eastern Avenue. While the applicant is proposing to consolidate the existing three access points along New Hampshire Avenue into two, staff is concerned with the potential traffic operational and safety impacts that could develop in the vicinity of the proposed access driveway on MD 650 that is closest to this intersection. This is due to increased traffic activity associated with the restaurant and the gasoline retail operation. Additionally, staff is concerned with potential operational and safety conflicts in the vicinity of the driveway planned to gain access to the restaurant drive-thru, three planned gas pumps and the three handicap parking spaces.

Therefore, staff recommends the following:

1. The proposed access driveway on MD 650 that is closest to the intersection of MD 650 and Eastern Avenue is closed per the Maryland State Highway Administration.
2. The size of the fast-food restaurant be reduced by 1,994 square feet (the size of the proposed convenience store component of the project).

3. Prior to issuance of any building permit, the applicant or its assignees provide for installation of a bus shelter per WMATA and/or the Prince George's County Department of Public Works and Transportation for the bus stop along northbound MD 650 in the vicinity of the subject site.
4. The applicant should coordinate with SHA to set aside the southwest corner of the subject property for the gateway signage.
5. A pedestrian path from the bus stop to the McDonald's restaurant should be designated. The applicant should coordinate with the State Highway Administration for additional setbacks for extra-wide sidewalks along New Hampshire Avenue.
6. The parking area along the southern property should be redesigned in a manner that would substantially reduce the paved area designated for the proposed gas station and provide for additional green area.

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

The Environmental Planning Section has indicated that the site is not subject to the provision of the Woodland Conservation Ordinance because the entire site contains less than 10,000 square feet of woodlands, and it does not have a previously approved Tree Conservation Plans. A Tree Conservation Plan will not be required but a Letter of Exemption needs to be provided prior to the approval of the special exception.

CONCLUSION

The applicant has failed to demonstrate that the gas station is necessary. Therefore, it is recommended that the gas station be **DENIED**. Furthermore, it is recommended that the associated variance to reduce the width of the driveway be **DENIED**.

In addition, the fast-food restaurant is recommended for **APPROVAL**, subject to the following conditions:

1. The site and landscape plans shall be revised prior to the issuance of permits to include the following:
 - a. The proposed access driveway on MD 650 that is closest to the intersection with Eastern Avenue shall be closed per the Maryland State Highway Administration.
 - b. The size of the fast-food restaurant be reduced by 1,994 square feet (the size of the proposed convenience store component of the project).
 - c. The Gross Floor Area of the building shall be provided.
 - d. A pedestrian path from the bus stop to the McDonald's restaurant shall be designated. The applicant shall coordinate with the State Highway Administration for additional setbacks for extra-wide sidewalks along New Hampshire Avenue.

- e. The parking area along the southern portion of the property shall be redesigned to substantially reduce the paved area formerly designated for the proposed gas station and instead be converted to provide for additional green and landscaped area.
 - f. Building setbacks and landscaped yard widths along each bufferyard shall be provided in accordance with the *Landscape Manual*.
 - g. The width of the perimeter landscaped strip shall be provided in accordance with the *Landscape Manual*.
 - h. The county boundary line as related to New Hampshire Avenue shall be delineated.
 - i. A bicycle rack for at least six (6) bicycles shall be provided.
- 2. Prior to issuance of any building permit, the applicant shall provide for the installation of a bus shelter per WMATA and/or the Prince George's County Department of Public Works and Transportation for the bus stop along northbound MD 650 in the vicinity of the subject site.
 - 3. A Letter of Exemption from the Tree Conservation Plan requirement shall be provided prior to the approval of the special exception.
 - 4. The applicant shall coordinate with SHA to set aside the southwest corner of the subject property for a gateway signage entrance feature.
 - 5. The proposed eight-foot-high trash enclosure shall meet the building setback requirement.

Furthermore, it is recommend that the associated variance to reduce the 12-foot side yard setback for the retaining wall be APPROVED.