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SPECIAL EXCEPTION APPLICATION NO. 4448

Application	General Data
Project Name Safeway Gas Station (Old Fort Village) Location West of Indian Head Highway approximately 170 feet north of East Swan Creek Road. Applicant/Address Safeway, Inc. 7551 Forbes Boulevard Lanham, Maryland 20706	Date Accepted 11/1/01
	Planning Board Action Limit N/A
	Plan Acreage 0.63
	Zone C-S-C
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 80
	Council District 09
	Municipality None
	200-Scale Base Map 215SE1

Purpose of Application	Notice Dates
Gas Station	Adjoining Property Owners 10/15/02 (CB-15-1998)
	Previous Parties of Record N/A (CB-13-1997)
	Sign(s) Posted on Site N/A
	Variance(s): Adjoining Property Owners N/A

Staff Recommendation			Staff Reviewer: Catherine H. Wallace
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	

October 16, 2002

TECHNICAL STAFF REPORT:

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

VIA: Arie Stouten, Zoning Supervisor

FROM: Catherine H. Wallace, Planner Coordinator

SUBJECT: **Special Exception Application No. 4448**

REQUEST: **Gas Station**

RECOMMENDATION: **DENIAL**

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 subject property is a pad site located within the Old Forte Village Shopping Center in the northwest quadrant of Livingston and Swan Creek Roads. The shopping center is currently undergoing renovation and the expansion of the anchor Safeway grocery store. Other uses in the center include a bank, professional offices and two fast-food restaurants.

- B. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant Restaurant	Gas Station
Acreage	.63 ac.	.63 acre

- C. History: The shopping center was constructed in 1980. The property has been in the C-S-C Zone since prior to the last comprehensive rezoning in 1984.

- D. Master Plan Recommendation: The 1981 *Subregion VII Master Plan* recommends uses consistent with a Major Community Activity Center, including a gas station. (See Master Plan text, p. 81.)

- E. Request: The applicant is renovating and expanding the Old Forte Village Shopping Center and intends to raze a former restaurant building on a pad site to replace it with a gas station.

- F. Neighborhood and Surrounding Uses: The neighborhood is contained within the following boundaries:

North – Fort Washington Road

East – Indian Head Highway

South – Swan Creek Road

West - Fort Washington Road

The subject property is located in the southeast quadrant of this neighborhood. The neighborhood is predominantly rural-residential in character, with residential subdivisions located in the western portion of the neighborhood, and a scattering of commercial, institutional (Fort Washington Hospital) and employment uses (South Potomac Commerce Center) in the eastern half of the neighborhood.

- G. Specific Special Exception Requirements (Sec. 27-358. Gas Station):

(a) A gas station may be permitted, subject to the following:

- (1) The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;

The subject site has approximately 210 feet of frontage along Livingston Road, which has a right-of-way of 70 feet at this location.

The State Highway Administration comments that the plans to upgrade MD 210 to a freeway/expressway may affect access to the subject site. One of the alternatives under consideration (Option E) would involve the closing of Livingston Road along the frontage of this site, necessitating alternative access through the shopping center. A final alternative has not been selected, and this application meets the frontage and access requirements at this time. It appears that alternative access that meets the standards for internal circulation through the shopping center can be provided, if it becomes necessary. If that scenario occurs, the applicant may be required to obtain a variance from this section in the event of future changes to the site plan.

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

The only use in the above list which is reasonably close to the subject property is Fort Washington Hospital, which is located about 420 feet away; therefore, this criterion has been met.

- (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 display of rental vehicles is not proposed.

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

The storage or junking of wrecked motor vehicles is not proposed.

- (5) Access driveways shall be not less than thirty (30) feet wide, 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;**

Access driveways from Livingston Road into the shopping center access drive and then from the access drive into the gas station itself are shown as at least 30 feet wide. The subject property is not a corner lot.

- (6) Access driveways shall be defined by curbing;**

The site plan indicates that access driveways are to be defined by curbing.

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

A sidewalk, five feet in width, is shown on the proposed site plan along Livingston Road.

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

All gasoline pumps and service appliances are at least 25 feet from 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.**

No repair work will be conducted on the site.

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

The proposed gas station building is to be constructed with a red brick façade. This appears compatible with the existing buildings on the site. The Urban Design staff memorandum (James Jordan, December 18, 2001) notes that although the application includes the required information for the proposed building, there is no information regarding the proposed shopping center addition/renovation. When that information is provided, a finding on the issue of compatibility can be made.

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

The required topography is shown on the site plan. There are no exterior vending machines proposed for the site. The site plan notes the location of three trash cans with window wash equipment, but no information is provided regarding the type of trash enclosure.

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

this subsection, the term "abandonment" shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease.

The applicant's Statement of Justification notes acceptance of this condition.

(d) 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 study to show the demand for gasoline stations in the surrounding area. The applicant's study was reviewed by Joseph Valenza of the M-NCPPC Information Center, Research Section. The applicant applied two scenarios to the primary market area: a 75 percent residential capture rate/25 percent employee capture rate, and an 80 percent residential capture rate/30 percent employee capture rate. In both cases, Mr. Valenza concluded that the current supply exceeds the demand; therefore, there is not enough support in the market area to find the use necessary to the public in the surrounding area.

The subject property is located within a small shopping center that provides both retail and service-commercial uses. There is no indication that approval of the proposed gas station would result in an imbalance of land uses in the area; nor would the use restrict the availability of land in the area for other commercial uses.

- H. Parking Regulations: Because the site is part of an integrated shopping center, parking requirements for the entire center must be evaluated. The substitution of the proposed gas station for the restaurant building and related parking has the effect of eliminating 28 existing spaces, but also reducing the need for parking requirements by a net 7 spaces. The overall shopping center parking requirements, including the proposed gas station, are for 638 spaces; and 765 spaces will be provided. The gas station itself requires two spaces; and two are provided on the pad site. The proposed site plan meets all parking regulations. A note on the plan indicates that a departure for the number of parking spaces will be required. This is not true and the note should be removed.
- I. Landscape Manual Requirements: The proposed landscape plan conforms with the requirements of the *Landscape Manual*.
- J. Zone Standards: The proposed use meets the development standards of the C-S-C Zone. No variances are required.
- K. Sign Regulations: The proposed site plan indicates the location of a freestanding sign which meets the location criteria found in Part 12 of the Zoning Ordinance. The proposed sign must also comply with the height and area requirements for freestanding signs.
- 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.**

Three of the general purposes of the Zoning Ordinance relevant to the subject application are:

- 1. To protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County.**
- 2. To implement the General Plan, Area Plans, and Functional Master Plans.**
- 3. To promote the most beneficial relationship between the uses of land and buildings and protect landowners from the adverse impacts of adjoining development.**

The site plan indicates that the proposed use can be in harmony with the existing uses on the site, although additional information on the building materials and architectural elements of the shopping center renovation and expansion is required prior to a finding of compatibility.

However, in planning for the health, safety and welfare of the county's residents, the District Council has determined the necessity for additional gas stations must be established prior to the granting of a special exception. Since necessity has not been established, the proposed special exception is not consistent with the general purposes of the Zoning Ordinance.

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

The proposed use is in conformance with all applicable requirements of the Zoning Ordinance, with the exception of the determination of necessity for this facility.

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

The proposed use is consistent with the recommendations of the approved Master Plan and therefore meets this criterion.

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

The proposed use will have no detrimental impact on internal traffic circulation or the level of service of surrounding roadways. Therefore, it 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 is compatible with a Major Community Activity Center and will not be detrimental to the use or development of adjacent properties or the general neighborhood.

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

The proposed site plan is exempt from the requirements of the Woodland Conservation Ordinance per exemption letter dated, June 21, 2001, which indicates that the site has less than 10,000 square feet of woodland.

CONCLUSION:

The proposed use conforms to the recommendations of the Subregion VII Master Plan and is compatible with a major community activity center. It is recommended for **DENIAL** because the applicant has failed to establish the necessity for this facility in this area.