



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

SPECIAL EXCEPTION APPLICATION NO. 4466

Application	General Data
Project Name: West Berwyn 7-Eleven Location: East side of Rhode Island Avenue, south side of University Boulevard, and north side of Greenbelt Road, known as 8905 Rhode Island Avenue. Applicant/Address: Robert Fitzgerald Southland Corporation 5300 Shawnee Road Alexandria, Virginia 22312	Date Accepted: 12/2/02
	Planning Board Action Limit: N/A
	Plan Acreage: 0.97
	Zone: C-S-C
	Dwelling Units: N/A
	Square Footage: 3,062
	Planning Area: 66
	Council District: 3
	Municipality: College Park
	200-Scale Base Map: 210NE04

Purpose of Application	Notice Dates
Gas Station	Adjoining Property Owners: 12/10/02 (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: Jimi Jones	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

June 25, 2003

TECHNICAL STAFF REPORT:

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

VIA: Arie Stouten, Zoning Supervisor

FROM: Jimi Jones, Planning Coordinator

SUBJECT: **Special Exception Application No. 4466**

REQUEST: **Gas Station**

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:

- A. Location and Field Inspection:** The subject property is a triangularly shaped parcel on the east side of Rhode Island Avenue, south side of University Boulevard (MD 193) and the north side of Greenbelt Road (MD 430). The property is developed with a small, one-story commercial building that is surrounded by an asphalt parking lot. The building is divided into four storefront units, which include a sign shop and a karate studio. The remaining two units are unoccupied.

B. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Sign Shop and Karate Studio	Gas Station
Acreage	0.97	0.97
Lots	7	7
Parcels	1	1
Square Footage/GFA	3,062	3,062
Dwelling Units:	N/A	N/A

- C. History:** The subject property was retained in the C-S-C Zone during the 1990 sectional map amendment for Langley Park-College Park-Greenbelt.
- D. Master Plan Recommendation:** The 1989 approved Langley Park-College Park-Greenbelt master plan recommends retail-commercial use. In addition, the General Plan identifies the site within the Developed Tier.
- E. Request:** The applicant proposes to raze the existing building and paving and construct a 3,062-square-foot convenience store with a gas station. A convenience store is permitted by right in the C-S-C Zone. The gas station would include four multiproduct dispensers (gas pumps) and canopy. The convenience store will be oriented toward Rhode Island Avenue. The multiproduct dispensers and canopy will be located in front of the proposed store. A maximum of eight vehicles may use the multiproduct dispensing stations at any given time.
- F. Neighborhood and Surrounding Uses:** The neighborhood is defined by the following boundaries:

North and Northeast: University Boulevard (MD 193)
South: Greenbelt Road (MD 430)

West: Baltimore Avenue (US 1)

The neighborhood contains a mixture of service and retail-commercial uses and older single-family detached homes.

The property is surrounded by the following uses:

North: Across University Boulevard are an automobile service facility, a real estate and construction office, a copy store, and a vacant commercial building located along Locust Springs Road and are zoned C-S-C. Located northeast of the site, along Branchville Road,

are vacant land, a two-story economy hotel, and an auto paint store, all zoned C-S-C. The area to the northwest contains a neighborhood park and an eight-story retirement housing apartment building. These land uses are zoned O-S and R-10, respectively.

South: Directly south across Greenbelt Road are single-family detached homes located along the east side of Rhode Island Avenue in the R-55 Zone. A sign fabrication business and a food market, both zoned C-S-C, are located southeast of the subject property. The Washington Post distribution plant, zoned I-I, is located diagonally behind the sign store and food market, to the southeast.

East: University Boulevard and Greenbelt Road.

West: Across Rhode Island Avenue is an automobile muffler, tire sales and service facility, an insurance office, animal clinic, and church in the C-S-C Zone. The Branchville Volunteer Fire Station (in the R-55 Zone) and single-family homes are located farther west in the R-10 Zone. A small neighborhood liquor store, zoned C-S-C, is located southwest of the subject property, on the south side of Greenbelt Road.

G. **Specific Special Exception Requirements:** Section 27-358(a) of the Zoning Ordinance contains the following specific requirements for a 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 site has 182.09 feet of frontage on Rhode Island Avenue, 286.88 feet of frontage on University Boulevard, and 272.00 feet of frontage on Greenbelt Road. Rhode Island Avenue and University Boulevard have right-of-way widths of 120 feet and Greenbelt Road has a right-of-way width of 80 feet. Driveway entrances are proposed on Rhode Island Avenue and University Boulevard. Both streets have frontages greater than 150 feet and rights-of-way in excess of 70 feet.

(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 subject property meets this requirement. Staff notes that the Branchville playground, which is adjacent to the C. Harry Huth Annex of the Branchville Volunteer Fire Department, is approximately 500 feet west 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 does not propose the display or rental of cargo trailers, trucks or similar uses.

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

The applicant does not propose a use that requires the storage or junking of wrecked motor vehicles.

- (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 submitted with the Special Exception application indicates the entrances are 40 and 12 feet wide. The proposed 12-foot-wide entrance provides one-way access to the site for traffic on eastbound University Boulevard. This entrance is as wide as 22 feet and tapers to a width of 12 feet. Additionally, both entrances provide at least 20 feet of separation between the point of curvature (PC) of the curb return and the driveway entrance. There are no lots that adjoin the property on the side or rear. Therefore, the 12-foot separation between the beginning and ending point of the driveway from a side or rear lot line on an adjoining lot is not applicable to this proposal.

In addition, the east- and westbound lanes for University Boulevard are labeled incorrectly on the site plan. The site plan should be revised to indicate the correct lane directions.

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

All access driveways are defined by curbing as required.

- (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 demonstrates compliance with 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 demonstrates compliance with this requirement.

- (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.

This application does not propose the repair of automobiles or the storage of automotive replacement parts or accessories. Therefore, the requirement for specific facade treatment, permanent foundation, and screening of an accessory building are not pertinent to the proposed development.

- (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 a drawing that depicts the architectural elements of this application. The drawing includes elevations of each facade, schedule of exterior finishes, and a description of the architectural character of the proposed buildings. The proposed one-story building will consist of a combination of red brick, split face brick and glass. The proposed architecture of the building and canopy will be superior to the existing development surrounding the subject property. The surrounding development consists of relatively old one-story painted cinder block structures used for vehicle service and retail as well as former single-family dwellings that have been converted for commercial use.

- (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 Special Exception site and landscaping plan provides topography of the subject lot and abutting lots for a depth of at least 50 feet. The Special Exception site and landscaping plan provides a sight-tight, wood, board-on-board fence with gate enclosing the trash dumpster and mechanical equipment (HVAC, gas meter, etc.). There are no exterior vending machines proposed at this site.

- (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 acknowledges this provision and proposes to comply.

- (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**

The proposed use is necessary to the public in the surrounding area. The applicant's need analysis (dated February 20, 2003) found that the surrounding area is underserved with respect to gasoline. The Research Section, in a memo dated March 24, 2003 (from Joseph J. Valenza), however, concluded that the trade area, as defined by the applicant, has an oversupply of gasoline. The memo goes on to suggest that this trade area excludes the University of Maryland with more than 13,000 employees, 8,000 students living on campus, and another 27,000 students that commute. The site is located along two heavily traveled major arterials and is in close proximity of the University of Maryland. These factors make the subject property an excellent location for a gas station.

Staff also notes that comments from the City of College Park (attached memo dated April 21, 2003) refer to their market analysis and revitalization strategies report, which was completed in 2001. This report, among other things found that "...for the area called the Greenbelt-University Triangle, where the subject property is located, the consultant noted problems of access, orientation of existing development, visibility from major routes, unattractiveness, disconnected development, and circulation problems. The consultant concluded that the site is difficult for traditional retail and would require redevelopment to address many of these issues. The subject application is a satisfactory solution. The proposed median break addresses, in part, the circulation problems faced by businesses in the 'triangle.'"

(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 will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses. Staff agrees with the comments from the City of College Park, which argue that the site is difficult for traditional retail. The proposed gas station is a satisfactory solution to the access, orientation and circulation issues presented by the subject site, as it currently exists.

- H. **Parking Regulations:** The site plan correctly notes that 21 parking spaces are required for the proposed 3,062-square-foot convenience store and gas station, based on one parking space per 150 square feet of gross floor area (GFA). The applicant provides 24 parking spaces, which includes one van-accessible space for handicapped patrons. The applicant also provides one loading space, as required based on the standard of one loading space for structures with between 2,000 to 10,000 square feet of GFA.
- I. **Landscape Manual Requirements:** The Urban Design Section, in a memo dated March 10, 2003, found that the proposed use generally meets the requirements of the *Landscape Manual*. The Permit Review Section, in a memo dated December 27, 2002 (comment no.3), opines that the proposed loading spaces are not adequately screened from Rhode Island Ave. In response to this memo, the Urban Design Section recommends Sargent Junipers along Rhode Island Avenue, instead of Glossy Abelias. Sargent Junipers are an evergreen shrub that will provide year-round screening, while the deciduous Abelias would only screen during spring and summer.
- J. **Zone Standards:** The proposed use meets all setback, height and bulk requirements for the C-S-C Zone.

K. **Sign Regulations:** The sign plan does not indicate a freestanding sign for the proposed use. If one is contemplated, it must be added to the site plan and conform with location, area and height requirements prior to approval of the site plan.

L. **Other Issues:** The Permit Review Section, in a memo dated December 27, 2002, provides the following comments:

1. “Per Section 27-358(a)(5) of the Prince George’s County Zoning Ordinance, all access driveways shall not be less than 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. The one-way access driveway off of University Boulevard is only 12 feet in width and can only be permitted if allowed by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable.
2. “The Special Exception Note for Section 27-358(a)(5) states that all access driveways are a minimum of 30 feet in width. This is incorrect, as the access driveway off of University Boulevard is only 12 feet in width. This note should be revised.

The applicant will be required to submit a letter from the Maryland State Highway Administration granting permission for a 12-foot-wide driveway or an approved departure from design standards application must be obtained.

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 proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The 15 purposes of the Zoning Ordinance, as provided in Section 27-102(a), seek generally to protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the county. The proposed uses will provide convenient services to present and future inhabitants of the county. Also, the proposed development will help promote the revitalization of a declining commercial area.

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

With the recommended conditions, the proposed use will be in conformance with all the applicable requirements and regulations of the Zoning Ordinance.

(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 will not substantially impair the integrity of the 1989 approved Langley Park-College Park-Greenbelt master plan or the 2002 approved General Plan. The site is within the Developed Tier as set forth in the General Plan. The 1989 approved Langley Park-College Park-Greenbelt master plan recommends retail-commercial use. The Community Planning Division, in a

memo dated December 15, 2002, found that the proposed development will not substantially impair the integrity of the master plan or the General 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. The proposed use is located along two heavily traveled arterials—Greenbelt Road and University Boulevard. Site access and traffic are, therefore, the most significant issues. The Transportation Planning Section, in a memo dated April 28, 2003, submits the following comments:

“The traffic study identified two intersections on which the traffic from the proposed development could have an impact. They are:

- “Rhode Island Avenue/MD 193
- “Rhode Island Avenue/Greenbelt Road

“The Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 6th Edition*, shows trip generation rates for a convenience store/gas pumps (853) to be 45.57 trips per 1,000 square feet for the AM peak hour and 60.61 trips per 1,000 square feet during the PM peak hour. The site plan proposed a convenience store with a floor area of 3,062 square feet. Based on the proposed site plan, the combined store and gas station could generate (45.57×3.062) 140 trips during the AM peak hour, while the evening peak hour generates (60.61×3.062) 186 trips. Typically, some “trips” to and from facilities such as gas stations and convenience stores would normally be already on the road and, therefore, not be considered as new trips, but rather as pass-by trips. Citing the ITE manual, the traffic study assumes pass-by rates of 63 percent and 66 percent during the AM and PM peak hours, respectively. Hence, the actual number of new trips being generated by the existing site would be 140×37 percent, or 52 AM trips and 186×34 percent, or 64 PM trips.

“Based on traffic data that were collected within the past four months, the study provided the following results:

Existing Condition				
	AM Peak Hour		PM Peak Hour	
Intersection	Level of Service	Critical Lane Volume/delays	Level of Service	Critical Lane Volume/delays
Rhode Island Ave./MD 193	E	1465	D	1389
Rhode Island Ave./Greenbelt Road (unsignalized)*	C	19.9*	E	48.7*
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average vehicle delay exceeding 50 seconds indicates inadequate traffic operations.				

“In computing the traffic impact under background conditions, the traffic study factored a two percent growth in through traffic along both intersecting streets. It did not, however, include the effects of any background development. The analysis for background conditions revealed the following results:

Background Condition				
	AM Peak Hour		PM Peak Hour	
Intersection	Level of Service	Critical Lane Volume/delays	Level of Service	Critical Lane Volume/delays
Rhode Island Ave./MD 193	E	1495	D	1416
Rhode Island Ave./Greenbelt Rd	C	20.4	F	51.5

“In analyzing the traffic under total condition, the traffic study included the site-generated traffic with the background volumes. The analysis for the total (future) condition provided the following results:

Future Condition				
	AM Peak Hour		PM Peak Hour	
Intersection	Level of Service	Critical Lane Volume/delays	Level of Service	Critical Lane Volume/delays
Rhode Island Ave./Site Access A	A	9.3	B	10.1
Greenbelt Road/Site Access B	A	9.6	A	9.5
Rhode Island Ave./MD 193	E	1513	D	1442
Rhode Island Ave./Greenbelt Rd.	C	20.9	F	53.4

“In its conclusion, the traffic study stated ‘the approval of the 7-Eleven will have little to no impact at the study intersections.’ Based on staff’s review of the traffic data and analyses, staff concurs with those findings. While the Rhode Island Ave./Greenbelt Road intersection could experience some minor delays during the evening peak hour, there is no need to pursue additional studies or signalization. An April 10, 2003, letter from the State Highway Administration (SHA) to staff supports this position.

“Regarding the on-site circulation of traffic, staff finds no issues. In closing, staff concludes that [from a transportation perspective] the approval of the subject application will not negatively impact the health, safety and welfare of the surrounding community.

- (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 be detrimental to the use or development of adjacent properties or the general neighborhood. The subject property currently contains an old, poorly maintained, four-unit commercial structure that is only partially occupied. The proposed development will help promote the revitalization of this declining commercial area.

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

This site is exempt from the requirements of the Woodland Conservation Ordinance because the subject property contains less than 10,000 square feet of woodland and does not have a previously approved Tree Conservation Plan. A Tree Conservation Plan is not required. A letter of exemption from the Ordinance dated June 20, 2002, was issued by the Environmental Planning Section.

CONCLUSION:

The applicant proposes to raze the existing building and paving and construct a 3,062-square-foot convenience store with a gas station in the C-S-C Zone. A convenience store is permitted by right in the C-S-C Zone, while a gas station requires a special exception. The subject property lies within a relatively old commercial area. The existing four-unit commercial building is partially vacant and is in a deteriorating condition. The proposed development will help promote the revitalization of this commercial area. With the conditions of approval set forth below, staff believes this development will serve as a positive addition to this commercial area. Staff therefore recommends APPROVAL of this application subject to the following conditions:

1. The site and landscape plans shall be revised as appropriate, to include the following:
 - a. Provide a 30-foot-wide driveway on University Boulevard or submit a letter from the Maryland State Highway Administration (SHA) granting permission for a 12-foot-wide driveway. Otherwise, an approved departure from design standards must be obtained.
 - b. If SHA grants permission for a 12-foot-wide driveway on University Boulevard, amend site plan note No. 20 to indicate that all driveways are not 30 feet wide. The note shall further provide that permission was granted by SHA for the proposed 12-foot-wide driveway.
 - c. Correctly identify the east- and westbound lanes of University Boulevard.
 - d. The glossy abelias shrubs proposed along University Boulevard shall be replaced with sergeant junipers to screen the loading spaces from the street.