



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

Special Exception Application No. 4477

Application	General Data
Project Name: WAWA (Beltsville) Location: Southeast side of Baltimore Avenue (US 1), extending through to Rhode Island Avenue, 200 feet south of the intersection of those two roads. Applicant/Address: WAWA, Inc. 260 Baltimore Pike Red Roof Office Wawa, Pennsylvania 19604	Date Accepted: 8/28/03
	Planning Board Action Limit: N/A
	Plan Acreage: 2.75
	Zone: C-S-C
	Dwelling Units: 0
	Square Footage: 9,325
	Planning Area: 61
	Council District: 01
	Municipality: N/A
	200-Scale Base Map: 213NE05

Purpose of Application	Notice Dates
Gas Station in the C-S-C Zone	Adjoining Property Owners Previous Parties of Record Register Associations: 7/17/03 (CB-12-2003)
	Sign(s) Posted on Site: N/A

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	

September 29, 2004

TECHNICAL STAFF REPORT:

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

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Tom Lockard, Senior Planner

SUBJECT: Special Exception Application No. 4477

REQUEST: Gas Station in the C-S-C Zone

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 located on the southeast side of Baltimore Avenue (US 1), extending through to Rhode Island Avenue, opposite Holland Drive. The site is a large, rectangular-shaped combination of four lots. The site is developed with a restaurant (Danny's), an appliance repair shop, and several vacant commercial structures oriented toward US 1. A single-family residence oriented toward Rhode Island Avenue is found in the southeast corner of the site. Access to the property is proposed via driveways connecting to both US 1 and Rhode Island Avenue.

B. Development Data Summary:

Zone(s) Use(s)	EXISTING	PROPOSED
	C-S-C Appliance Repair, Vacant Commercial Structures, Single-Family Residence, Restaurant	C-S-C Gas Station, Convenience Store, Restaurant
Acreage	2.75	2.75
Lots	4	4
Parcels	0	0
Square Footage/GFA	7,917	9,325
Dwelling Units:		
Single-Family	1	0

- C. History:** The 1990 Sectional Map Amendment for Subregion I retained the subject property in the C-S-C Zone.
- D. Master Plan and General Plan Recommendation:** The 1990 Master Plan for Subregion I recommends the site for retail commercial development. The 2002 General Plan places the site in the Developing Tier on a designated Corridor, US 1. The vision for the Development Pattern in the Developing Tier is to maintain low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. In addition, the plan recommends that Corridors in this tier be developed with a mix of residential and nonresidential uses that are community-oriented in scope. The development should occur at designated nodes and be planned as transit-oriented development. Development nodes have not yet been determined for this portion of the US 1 corridor. The proposed use is consistent with these recommendations
- E. Request:** The applicant proposes to develop the subject special exception site with a new gas station and a convenience store. The proposal consists of a one-story, 5,295-square-foot food and beverage store (Wawa) and eight multiple-product fuel dispensers (MPDs) with 16 fueling positions. In addition, an existing restaurant (Danny's) would be retained.
- F. Neighborhood and Surrounding Uses:**

The property is surrounded by strip-commercial uses oriented to US 1 in the C-S-C Zone.

The neighborhood is defined by the following boundaries:

North And West— US 1 (Baltimore Avenue)

East— Rhode Island Avenue
South— Sunnyside Avenue

A mixture of office and retail-commercial development characterizes the neighborhood.

- G. 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 by 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 241 feet of frontage on US 1, which has an ultimate right-of-way width of 100 feet. The site also has approximately 121 feet of frontage along Rhode Island Avenue. The site plan shows access points to each of these two roads.

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

The property conforms to this requirement. The nearest such use, the National Agricultural Research Center Library, is located 2,000 feet to the southwest.

- (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. Both the applicant's statement of justification and the site plan indicate that there will be no display or rental of cargo trailers, trucks, or similar uses at this site.

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

- (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 proposal meets all of the zoning requirements with regard to access driveways, including the requirements for a 20-foot setback from the point of curvature and the 12-foot setback from the side or rear lot line of any adjoining lot.

(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.

The site plan proposes a sidewalk along both US 1 and Rhode Island Avenue. The walk along Rhode Island Avenue is shown as an eight-foot-wide Class II hiker/biker trail in accordance with the recommendation of the master plan.

(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 at least 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.

The applicant has provided a description of the architectural character of the proposed building to demonstrate compatibility with the existing/surrounding development. The applicant has also provided elevations and renderings of the proposed convenience store and gas station. The proposed stucco/tile/wood trim building with a metal roof would be compatible with the mix of commercial uses surrounding the site.

(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 topographical information is shown on the site plan. Note 10 of the site plan states that all waste associated with the site will be collected and disposed of inside the convenience store, thus no dumpster or external trash enclosure will be required. 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 nonoperation as a gas station for a period of fourteen (14) months after the retail services cease.**

The applicant agrees to comply 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**
 - (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 need analysis. Upon reviewing the proposal and the applicant's need analysis, Dr. Joseph Valenza of the Research Section offered the following comments:

“The applicant's analysis contains two errors in the estimation of residential demand. First, census data indicate the number of cars per household in the market area (1.86) is slightly higher than the one used by the applicant (1.72). Second, the applicant estimated total gallons using a gallons/vehicle figure. Gallons per passenger car should have been used instead. Although the former figure is available for Maryland and the latter is not, ratios can be used to calculate a gallons/passenger car figure for Maryland.

“The national gallons/vehicle figure is 733. The Maryland gallons/vehicle figure is 751. The national gallons/passenger car figure is 546. A reasonable estimate of the Maryland gallons/passenger car figure is 559. This is the figure that should have been used to estimate total gallons, not the 751 used in the need analysis. The net result of these two changes is a reduction in the residential demand for gasoline to 3.9 million gallons annually.

“The applicant used the same gallons/vehicle figure to calculate the demand from workers in the market area. Again, a gallons/passenger car figure should be used, not gallons per vehicle. Additionally, in calculating this element of demand, the

applicant assumed each worker drove to work. When the applicant calculated transient demand, however, the assumption was made that half of all employees drove their own cars to work. If half the employees drove their own cars, then the demand from workers should be based on half the employees, not all the employees. These changes reduce the employment demand for gasoline to 2.1 million gallons annually.

“The third element of demand is generated by the transient traffic. Here again the applicant used gallons per vehicle. A gallons/passenger car figure should have been used, not gallons per vehicle. But more importantly, in estimating this element of demand, the applicant assumed that more than half the transient traffic buys gasoline in the market area. Even with this unreasonably high capture rate from the transient traffic, the estimated unmet demand is less than the average gallons pumped by the existing gas stations. In other words, the level of unmet demand is not sufficient to support an additional gas station at the average level of performance in the area. Using the 2005 figures provided by the applicant, the capture rate from the transient traffic would have to be a still unreasonably high 42 percent in order to support an additional gas station in the market area.

“The capture rate from the transient traffic used by the applicant is based on an assumption that is not verifiable. One thing that is verifiable is the number of gallons the existing stations could pump given the equipment they possess. In testimony for SE-4436, an expert witness submitted information about the number of gallons that could be pumped by gasoline dispensing equipment. Gilbarco, a manufacturer of gas dispensers, claims that fueling positions (i.e., gas pumps) can realistically pump up to 30,000 gallons of gasoline per month. This means the ten gas stations identified by the applicant have equipment to pump 28.8 million gallons a year. Although factors like station configuration and circulation patterns may inhibit them from currently reaching this figure, it is within the capacity of the existing stations to pump more than double the 12.6 million gallons the applicant claims they are pumping. This figure is also well in excess of the demand estimated by the applicant even when the capture rate from the transient trips exceeds 50 percent.”

In response to Dr. Valenza’s comments, the applicant had submitted additional information; however, due to timing issues, the applicant wishes to go forward with a recommendation of denial rather than wait for a possible positive outcome from a second review. Based on the above assessment, staff must conclude that the proposed use is not necessary to the public in the surrounding area.

The subject property is located along a long-existing commercial corridor. There is no indication that approval of the proposed gas station would upset the balance of land use in the area, nor would the use unduly restrict the availability of land in the area for other commercial uses.

H. Parking Regulations:

The site plan correctly shows 75 parking spaces required for the gas station, convenience store and restaurant uses proposed for the site. 116 parking spaces are being provided.

I. *Landscape Manual Requirements:*

The proposed development is subject to Sections 4.3 (Parking Requirements) and 4.7 (Buffering Incompatible Uses). The site plan demonstrates compliance with the *Landscape Manual*.

J. *Zone Standards:* The proposed use meets the height and bulk requirements for the C-S-C Zone. No variances are required.

K. *Sign Regulations:* Two freestanding ID/price signs are shown on the plan, one along US 1 and one along Rhode Island Avenue. Both are shown to be 20 feet in height and 47 square feet in area. Both meet the ten-foot setback from the right-of-way.

L. *Subdivision:* The subject property is made up of four lots (Lots 1, 4, 7 and 8 of Salute's Subdivision). Lots 1 and 4 were created as two of the six original lots in Salute's Subdivision in 1961 and are recorded at Plat Book 42, Plat 25. Lots 7 and 8 were created through the resubdivision of lots 2, 3, 5 and 6 in 1984 and are recorded at Plat Book NLP 121, Plat 22. The applicant should file a consolidation plat prior to razing any of the structures on Lots 1, 4 and 8 to vest the existing square footage of development. Otherwise, the applicant would be subject to a new preliminary plan since they are proposing more than 5,000 square feet of GFA.

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 generally in harmony with the purposes of the Zoning Ordinance. The purposes of the Zoning Ordinance seek to protect and promote the health, safety, morals, comfort, convenience and welfare of inhabitants of the county. The applicant's proposal, consistent with the recommendations of the master plan and General Plan, would not result in an inharmonious land use. Apparently, however, it is a use that is not necessary to the surrounding area.

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

The proposed use is generally in conformance with all the applicable requirements and regulations of the Zoning Ordinance. However, the applicant has failed to show that the proposed use is necessary to the public in the surrounding area.

(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 1990 Master Plan for Subregion I, which recommends the site for retail commercial development. To the contrary, the proposed development would further that recommendation, replacing several vacant structures and a marginal commercial use.

- (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. It would inject a new use into what is otherwise a rather nondescript commercial strip, in accordance with the recommendation of the master plan.

- (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. This area along US 1 has long been developed with commercial uses such as that being proposed by the applicant.

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

A Type I tree conservation plan was not submitted as part of this application. The applicant, in its statement of justification, suggests that the site may be exempt from woodland conservation requirements. Based on our visit to the site, staff is inclined to concur. However, the applicant must obtain an exemption letter from the Environmental Planning Section before this application could be approved.

CONCLUSION:

Although the applicant's proposal is in conformance with the recommendations of the master plan and is generally in conformance with the requirements of the Zoning Ordinance, it has not shown that the proposed use is necessary to the public in the surrounding area. Therefore, staff is compelled to recommend DENIAL of SE-4477.