



SPECIAL EXCEPTION APPLICATION NO. 4478

Application		General Data		
<p>Project Name: Landover Crossing (7-Eleven)</p> <p>Location Southeast corner of the intersection of Landover Road and Brightseat Road.</p> <p>Applicant/Address 7-Eleven, Inc. 5300 Shawnee Road Alexandria, Virginia 22312 ATTN: Robert Fitzgerald, Real Estate Manager</p> <p>Correspondent Thomas Kiffer Ben Dyer Associates, Inc. 11721 Woodmore Road, Suite 200 Mitchellville, MD 20721</p>		Date Accepted	9/5/03	
		Planning Board Action Limit		N/A
		Plan Acreage (AMENDED)	0.98	
		Zone	C-S-C	
		Dwelling Units	N/A	
		Square Footage	N/A	
		Planning Area	72	
		Council District	05	
		Municipality	N/A	
		200-Scale Base Map	203NE08	
Purpose of Application		Notice Dates		
Gas Station, in accordance with Section 27-358		Adjoining Property Owners Previous Parties of Record Register Associations: (CB-12-2003)		
		07/10/03		
		Sign(s) Posted on Site	N/A	
Staff Recommendation		Staff Reviewer: Elsabett Tesfaye		
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION	
		X		

March 17, 2004

TECHNICAL STAFF REPORT:

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

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Elsabett Tesfaye, Senior Planner

SUBJECT: **Special Exception Application No. 4478**

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 property is located at the southeast corner of the intersection of Landover Road and Brightseat Road, approximately 220 feet west of the Capital Beltway. The proposed special exception site is part of the Landover Crossing Shopping Center. The shopping center is anchored by Circuit City and Sam’s Club discount store. It also includes a day care, restaurants, liquor stores, beauty salon, and other small retail uses. The proposed special exception site comprises approximately .98 (42,628 square feet) acre of land and is paved with asphalt for surface parking. It has approximately 229.23 feet of frontage on the south side of Landover Road (MD 202) and 120 feet of frontage on the east side of Brightseat Road

B. Development Data

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Surface parking	Gas Station/Food and beverage store
Acreage	.98 (42,628 SF)	.98 (42,628 SF)

C. History: The 1993 Sectional Map Amendment for Landover and Vicinity retained the property in the C-S-C Zone.

D. Master Plan Recommendation: The 1993 Approved Master Plan for Landover and Vicinity recommends the property for commercial shopping center land use. The plan also shows that the property is located within a regional shopping and office area adjacent to Landover Mall. The 2002 General Plan places the subject site within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit supporting, mixed-use, pedestrian-oriented, and medium- to high-density neighborhoods.

E. Request: The applicant proposes to develop the subject special exception site, which is currently the Landover Crossing Shopping Center parking lot, with a new gas station and a convenience store. The proposal consists of a 1-story, 3,062-square-foot food and beverage store (7-11 Store) and 4 multiple-product fuel dispensers (MPDs) with eight fueling positions.

F. Neighborhood and Surrounding Uses: The subject property is surrounded by the following uses:

- North:** Across Landover Road is Landover Mall in the C-S-C Zone.
- East:** Parking area within the Landover Crossing Shopping Center in the C-S-C Zone; past the Capital Beltway interchange, along Landover Road, the Englewood Business Community, Largo Park, and Largo Town Center.
- South:** Parking area within the Landover Crossing Shopping Center in the C-S-C Zone. Further south, across Brightest Road, office and industrial uses within the Landover Industrial Center, in the I-1 and C–O Zones.
- West:** Across Brightseat Road, Darcars Used Car Center in the C-S-C Zone.

Staff defines the following neighborhood boundaries for the subject application:

- North:** Southern boundary of the City of Glenarden
- East:** The Capital Beltway
- South:** Arena Drive
- West:** Brightseat Road

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 229.23 feet of frontage on Landover Road (MD 202) and 120 feet of frontage on Brightseat Road. Both Landover and Brightseat Roads at this location have a right-of-way width of 120 feet

The property is accessed from Brightseat Road through an existing 42-foot-wide driveway located on the southwestern side of the property. The driveway is also one of the two access points to the adjoining shopping center.

(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 school, Bonnie F. Johns Media Center, is located approximately 500 feet west of the subject property. The applicant has indicated that the site will be more than 300 feet from the lot containing the existing day care upon recordation of the Landover Crossing Subdivision Plat.

(3) The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a Special Exception in accordance with the provisions of Section 27-417.

The applicant's proposal does not include these activities. The applicant's statement of justification indicates that there will be no display or rental of cargo trailers, trucks, or similar uses at this site, except as a Special Exception in accordance with the above requirement.

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

The proposed gas station will not include the storage or junking of wrecked motor vehicles (whether capable of movement or not).

- (5) **Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot.**

The 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. However, the State Highway Administration (SHA) has indicated that its Engineering Access Permit Division is not supportive of the proposed location for ingress and egress, and that further evaluation is necessary to make an informed decision on the matter. The applicant must provide documentation of SHA approval for the subject driveway access to the site.

- (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 indicates that a five-foot-wide sidewalk is provided along the site's frontage on Brightseat Road. No sidewalk is provided along Landover Road. The applicant is of the opinion that use of this area along Landover Road by pedestrians should be discouraged to minimize the number of potential vehicle and pedestrian conflicts at the entrance ramps to the Capital Beltway. Staff agrees with the applicant and finds that the provision of a sidewalk along the property's frontage on MD 202 would not be practical. Upon reviewing the subject proposal for conformance with the countywide trail plans, Fred Shaffer of the Transportation Planning Section indicated that the existing sidewalks along Brightseat Road will accommodate pedestrian movement around the site and to the trails around the stadium. Any bicycle or pedestrian improvements to MD 202 will have to be addressed through a road improvement project.

- (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. The proposed air and vacuum station is only 10

feet from Landover Road; it must be setback 25 feet from the street line or a variance must be obtained.

- (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 drawings of elevations and colored renderings of the proposed convenience store and gas station.

- (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 on the portion of the property dedicated for the proposed use. However, since the special exception site is part of the overall shopping center, the site plan needs to be revised to provide the topography of the entire property. In addition, the use and zone of the property to the east must be added to the site plan.

A trash enclosure is located on the east side of the proposed 7-Eleven building. The type, size and height of the trash enclosure must be added to the site plan. 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.**

On April 15, 2003, the applicant submitted a Need Analysis report prepared by Lipman Frizzell & Mitchell LLC. Upon reviewing the proposal and the applicant's need analysis, Dr. Joseph Valenza of the Research Section offered the following comments:

“...I disagree with the applicant's finding that there is more than sufficient evidence of public need for the proposed gas station. The applicant underestimated demand from the residents and workers in the market area by about 149,000 gallons per month for the demand from transient trips, however, the applicant overestimated demand by about 703, 000 gallons per month. As a result the applicant overestimated the total monthly demand for gasoline by almost 554, 000 gallons...”

In response to Dr. Valenza's comments, the applicant had submitted additional information; however, Dr Valenza indicated that his original findings remain unchanged. 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 an integrated shopping center with 173, 932 square feet of gross leaseable area. 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: Section 27-568 of the Zoning Ordinance requires one parking space for every 150 square feet of Square Feet of Gross Leaseable Area (excluding theaters).

The parking schedule on the site plan (Special Exception Exhibit Overall Shopping Center) shows that, based on a combined 173, 932 square feet of gross leaseable area (GLA) of the integrated shopping center, a total of 696 spaces are required and a total of 746 are provided. However, the total GLA does not include the proposed convenient store. Moreover, the combined GLA cannot be verified since it is not consistent with figures assigned for the existing buildings. In addition, the site plan does not reflect the size of the play area for the existing day care center as approved by DSP-95084/2. The play area was expanded to include an area that was occupied by at least three parking spaces. Although the overall parking requirement for all existing and proposed uses on the site can be satisfied by the 746 parking spaces on the property, in the interest of accurate representation of the parking inventory on the property, the site plan and the parking schedule must be revised to reflect the correct breakdown of parking spaces for the integrated shopping center. Furthermore, the method used to calculate the number of parking spaces must be consistent on all site plans (overall

and special exception area).

- I. Loading Requirements: Section 27-582 of the Zoning Ordinance requires three loading space for integrated shopping centers having less than 100,000 plus 1 loading space for each additional 100,000 square feet of GLA or a fraction there of.**

A total of four loading spaces are required for the subject integrated shopping center. The loading spaces schedule indicates that five spaces are provided. However, the site plan shows nine loading spaces. The site plan must be revised to reflect and depict accurate and consistent information regarding the number of spaces provided.

- J. Landscape Manual Requirements:** The Permit Review Section indicated that the addition of the proposed 3, 062-square-foot food and beverage store together with the 2, 053-square-foot addition to the tire center approved under permit 7896-91-CGU constitutes an increase of more than 5,000 square feet since January 1, 1990. Therefore, the entire shopping center is subject to Sections 4.2 and 4.7 of the *Landscape Manual*. The note regarding *Landscape Manual* applicability on the landscape plan must be revised accordingly, and all appropriate schedules should be added to the plan.

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

- L. Sign Regulations:** A maximum of four freestanding signs, 200 square feet each, are allowed for the overall shopping center. The site plan shows a freestanding sign located on the west side of the subject special exception site. The applicant has provided a printed copy of a model for the proposed freestanding sign. The proposed freestanding sign meets the requirement for the ten-foot setback from the property line. With respect to sign area requirements, the total combined sign area for the existing freestanding sign for the shopping center and the proposed gasoline sign should not exceed the maximum permitted freestanding sign area for the entire property. All signs that will be placed on the property must meet all area, height and setback standards in accordance with the provisions of Part 12 of the Zoning Ordinance. Moreover, as an integral part of the overall development, the signs must be compatible with the existing and proposed development in the surrounding area in terms of design.

- 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 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 among the various types of land uses. 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.

The applicant has failed to demonstrate that the gas station is necessary to the public. 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.

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

The subject property is located in the C-S-C Zone, which permits the proposed gas station use as a special exception. However, the proposed gas station is not necessary, and therefore fails to conform to all applicable requirements. Furthermore, no modification short of elimination of the gas station use will cure this deficiency.

(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 a substantial impairment of the approved master plan. The 1993 Approved Master Plan for Landover and Vicinity recommends the property for commercial shopping center land use. The Community Planning Division has indicated that the proposed use is in conformance with the master plan and is not inconsistent with the General Plan. The General Plan places the property within the Developed Tier.

(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. Tom Masog of the Transportation Planning Section has offered the following comments:

“... Using statistics in the Institute of Transportation Engineers’ *Trip Generation Manual*, “Gasoline/Service Station with Convenience Market,” the proposed use would generate a total of 81 AM and 107 PM peak-hour vehicle trips. Of these trips, portions of these trips are assumed to be pass-by trips (i.e., already on the adjacent roadway). The *Trip Generation Manual’s* average rates indicate that 62 percent of AM trips and 56 percent of PM trips are pass-by trips. The resulting new trips for the gas station/convenience store/car wash would be 31 AM and 47 PM peak-hour vehicle trips.

“...The vehicle trips generated by the proposed use on the subject property would utilize the MD 202/Brightse at Road and the Brightseat Road/site entrance intersections. The site is in the Developed Tier, as defined in the Prince George’s County General Plan, with a defined standard of Level-of-Service (LOS) E and a maximum critical lane volume (CLV) of 1,600. According to available traffic count data, the MD 202/Brightseat Road intersection currently operates at LOS D, with a CLV of 1,427, in the AM peak hour and at LOS E, with a CLV of 1,462, in the PM peak hour. Based on an analysis of traffic that would be generated by the use, staff

does not believe that traffic generated by the Special Exception would pose new capacity issues at the MD 202/Brightseat Road intersection.

“The Brightseat Road/site entrance is unsignalized. It currently operates within the 50-second standard for delay in both peak hours, and the addition of the use would increase delay at this intersection, but not to acceptable levels.

“The access and circulation shown on the submitted plan is acceptable.

“...The Transportation Planning Section finds that the proposal, in consideration that it is proposed on a platted lot within an approved subdivision and consistent with an approved development cap, would not pose unanticipated capacity or safety issues on adjacent roadways.”

(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 the adjoining integrated shopping center and with the other development in the surrounding area. There is no indication that the proposed use would 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 Environmental Planning Section indicated that a Forest Stand Delineation and a Type I Tree Conservation Plan were approved with Preliminary Plan of Subdivision (4-02080). The proposed Special Exception Plan is in conformance with the approved Type I Tree Conservation Plan (TCPI/54/02).

CONCLUSION

The proposed use is consistent with the recommendations of the 1993 Approved Master Plan for Landover and Vicinity. However, the proposal has failed to demonstrate that the gas station is necessary. Therefore, it is recommended that the gas station be DENIED.