



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

SPECIAL EXCEPTION

SE-4612

Application	General Data	
Project Name: Safeway Fuel Station (Brandywine Crossing)	Date Accepted:	10/09/07
	Planning Board Action Limit:	02/26/09
	Plan Acreage:	0.70
Location: Located on the east side of US 301 (Crain Highway) on the northeast corner of its intersection with Timothy Branch Drive.	Zone:	C-S-C
	Dwelling Units:	N/A
	Gross Floor Area:	1,999
Applicant/Address: Safeway, Inc. 4551 Forbes Boulevard Lanham, MD 20706	Planning Area:	85A
	Tier:	Developing
	Council District:	09
	Municipality:	N/A
	200-Scale Base Map:	220SE07

Purpose of Application	Notice Dates	
Gas station associated with a Safeway grocery store in the C-S-C Zone.	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-12-2003)	07/11/07
	Sign(s) Posted on Site and Notice of Hearing Mailed:	N/A

Staff Recommendation		Staff Reviewer: Cynthia Fenton	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

February 11, 2009

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

VIA: Jimi Jones, Zoning Supervisor

FROM: Cynthia Fenton, Planner Coordinator

SUBJECT: **Special Exception Application No. SE-4612**

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

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 located along the east side of US 301 (Crain Highway) at the northeast corner of its intersection with Timothy Branch Drive. The site is currently undeveloped.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	C-S-C	C-S-C
Use(s)	Undeveloped Land	Gas Station, Food and Beverage Store
Acreage	0.74	0.74
Parcels	1	1
Square Footage/GFA	0	1,855

- C. **History:** The September 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B* retained the property in the Planned Industrial/Employment Park (I-3) Zone. The subject property was rezoned, as part of a 52.78-acre parcel, from the Light Industrial (I-1) and I-3 Zones to the Commercial Shopping Center (C-S-C) Zone pursuant to approval by the District Council of Zoning Map Amendment A-9980-C (Zoning Ordinance No. 16-2006), effective October 4, 2006. Preliminary Plan of Subdivision 4-97124 (Brandywine 301 Industrial Park) was approved by the Planning Board with conditions on April 16, 1998 (PGCPB Resolution No. 98-48). The subject property, also known as Outparcel 6, was recorded in land records in November 2007 (PM224@54). On July 10, 2008, the Planning Board approved Preliminary Plan of Subdivision 4-07112 (Brandywine Crossing Phase II) (PGCPB Resolution No. 08-106) with conditions. Proposed Parcel 6, the subject property, has not yet been recorded. The subject property was originally included in Detailed Site Plan DSP-06077, but was removed from the limit of the DSP pending special exception approval. The area of the special exception is slightly smaller than the area of Outparcel 6, at .64 acre.

Master Plan Recommendation: The 1993 approved Subregion V master plan shows employment-industrial land use for the site, located in Employment Area C. The master plan describes Employment Area C as a “large, light and heavy industrial employment park which has direct access to a regional highway and railroad systems. It has long been planned to be developed with a mix of industrial land uses that can take advantage of the location...It is one of the last large, uncommitted, general industrial areas remaining in the first tier of suburban jurisdictions surrounding Washington, D.C.” The master plan further states: “Every effort should be made to ensure that only high image development takes place along the regional highway corridor.” (p. 81) The property was rezoned to the C-S-C Zone in 2007; the land use proposed by this application conforms to the C-S-C Zone.

The Community Planning South Division, in a memorandum dated June 12, 2008, indicated that the following master plan guidelines apply:

1. **Commercial areas as they are developed, renewed, and/or expanded should be subjected to high standards of site design and should be designed in relation to surrounding areas so as to provide safe, visually pleasing vehicle and pedestrian access. Site plan review should be required for all new commercial development.**

3. **Façades, architectural screening (walls, fences, parapets, etc.) and a unified landscape treatment should be consistent and help create an identifiable activity center.**
8. **All proposals for the development, renewal and/or expansion of commercial uses should include an analysis of the potential impacts on nearby commercial centers, and on the local transportation system.**
10. **Innovative site design and/or ample landscaping should be used within and around new, renewed and/or expanding commercial areas, to enhance the aesthetic qualities of the areas and to break up the otherwise monotonous, barren look of parking areas.**
12. **Off-street parking facilities should be designed to allow on-site vehicular circulation, in order to eliminate the need to back onto highways and to prevent the blocking of public rights-of-way. No departure from design standards should be granted which conflict with this guideline.**
13. **Adequate off-street loading and unloading space should be provided and located where public ways will not be blocked.**
14. **Signs at all commercial centers should be designed and sited so as to minimize the visual impact on the surrounding area and access road.**
15. **A gas station or other freestanding structure, locating in a new commercial, renewed and/or expanded area, should be an unobtrusive element in an overall site plan and should be of similar architectural design, building material, texture, and design to other buildings in the area.**

The Community Planning South Division further notes that the proposed gas station site is at a prominent location and that the proposed building, site, and landscaping design need to conform to the above-stated guidelines for commercial development.

The *Prince George's County Approved General Plan* places this property in the Developing Tier. The vision of the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, district commercial centers, and employment areas that are increasingly transit serviceable.

According to the Community Planning South Division, the proposed commercial land use is not inconsistent with the range of uses in the possible future community center identified in the 2002 *Prince George's County Approved General Plan* in the Brandywine area. The policy for Centers is to promote the development of mixed residential and nonresidential uses at moderate to high densities and intensities in context with surrounding neighborhoods with a strong emphasis on transit-oriented design. In this regard, future development plans should set aside an area for a future transit station to serve commuters and propose a pedestrian component that provides sidewalks for persons living or working in adjoining areas.

- D. **Request:** The applicant is requesting approval for a gas station in the C-S-C Zone. The application includes an associated food and beverage store, which is a permitted use in the zone. It is noted that the limit of the special exception area excluded from Detailed Site Plan

DSP-06077 is greater than the limit of the proposed special exception. A detailed site plan (DSP) will be required to show the approved special exception, as well as changes to access, landscaping, and signage outside of the special exception area. The arrow identifying the western portion of the special exception area on the site plan should be corrected.

- E. **Neighborhood and Surrounding Uses:** The neighborhood in which the subject property is located is defined by the following boundaries:

North: Brandywine Road
South: Cedarville Road
East: Popes Creek Railroad right-of-way
West: US 301/MD 5

The property is surrounded by the following uses:

North: Undeveloped property in the C-S-C Zone
South: Brandywine Crossing Shopping Center in the C-S-C Zone
East: Brandywine Crossing Shopping Center in the C-S-C Zone
West: US 301 (Crain Highway)

The neighborhood can be generally characterized as being under construction. Target and Costco are open and operating; construction on other pad sites in the shopping center is nearly complete. Across US 301, the Chaddsford subdivision is also under construction with some sections completed. Service-commercial uses are scattered further north along US 301.

- F. **Requirements for a Gas Station:** A gasoline station is permitted by special exception in the C-S-C Zone, pursuant to Section 27-358 of the Zoning Ordinance as set forth below:

(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 167 feet of frontage along US 301.

- (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 is not located within 300 feet of any lot on which a school, playground, library, or hospital is located.

- (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 site plan notes should 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.**

The applicant does not propose the storage or junking of wrecked vehicles on the property. The site plan notes should reflect this.

- (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 a two way, 43-foot-wide driveway off Timothy Branch Drive. Outside of the special exception boundary to the northeast is a 20-foot-wide driveway from Timothy Branch Drive that accesses the special exception site. The area outside of the special exception boundary was the subject of an approved Detailed Site Plan, DSP-06077. The DSP will need to be revised to include the access and internal circulation changes that are shown on the special exception. Access to the gas station must be via an access driveway a minimum of 30 feet wide. The Department of Public Works and Transportation (DPW&T) submitted comments in a memorandum dated April 25, 2008. Road improvements along Timothy Branch Drive will be in accordance with DPW&T standards. US 301 is a state-maintained roadway. The State Highway Administration (SHA) did not provide comments on this application.

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

The site plan indicates that the access driveway 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 five-foot-wide sidewalk along a portion Timothy Branch Drive at the food and beverage store.

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

The site plan is in 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.

No repair service is proposed for the site. The site plan notes shall reflect this.

- (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 elevations and details for the food and beverage store, gas station canopy, trash enclosure and signage. It appears that the proposed structures will complement the approved Safeway store which included a strong horizontal composition featuring dark buff brick bands accenting the base and flat roof sections, and cultured stone veneer on the front arcade columns and building base. The details for the proposed gas station structures indicate the stone veneer base and decorative cornice molding will match that on the approved Safeway building. However, the details do not indicate the material or color of the cornice molding or roof overhang, nor does it indicate whether the plaster exterior finish is the same building material approved for the Safeway structure.

In a memorandum dated February 5, 2008, the Urban Design Section had the following comments with regard to architecture:

Brandywine Crossing Shopping Center was approved by the Planning Board with comprehensive architectural and signage design guidelines for the entire center. Since the site is located within the integrated shopping center, the same architectural and signage design guidelines should be applied to this special exception application.

The convenience store building in this special exception application will be part of a main street style shopping street in the second phase of Brandywine Crossing Shopping Center. This location also marks the beginning of the shopping street. Given its prominent location, the four elevations of the building should be specially designed. The building elevations of the convenience store submitted with this SE package, especially those that are highly visible from the shopping street and Timothy Branch Drive, are not acceptable. The elevations facing the shopping street and Timothy Branch Drive need special consideration to provide fenestration and additional articulation. Staff notices that the elevations have been conceived by utilizing the similar design treatments and finishing materials of the Safeway store. However, since the convenience store

building will be part of the shopping street, the design of the elevations should also be compatible with the rest of the buildings on the shopping street.

A dumpster is located in the northwest corner of the site that fronts US 301. A landscape strip is shown between the site and US 301. Even though a solid screen is proposed to enclose the dumpster, additional evergreen trees should be provided along the north boundary area to screen the dumpster site from US 301.

Based on the above analysis, the Urban Design Section recommends the following conditions:

1. Prior to approval of this special exception application, the applicant shall:
 - a. Provide a graphic to show the relationship among the subject special exception site, the Safeway store and the larger shopping center.
 - b. Provide the use information on the adjacent property to the north of the special exception site.
 - c. Revise special exception landscape plan to remove the note regarding Section 4.7 bufferyard.
 - d. Revise the four elevations of the convenience store to provide additional articulation, especially on high visibility elevations that are fronting both the shopping street and Timothy Branch Drive.
 - e. Provide an elevation key map on the Elevation and Details sheet.
 - f. Additional evergreen trees shall be provided along the north boundary area where the dumpster is located.
2. Prior to issuance of any permits for this special exception application, the applicant shall obtain approval of a revision to Detailed Site Plan DSP-06077 to reflect the new information shown on this special exception plan that impacts the approved detailed site plan.

Zoning staff further recommends that prior to Zoning Hearing Examiner review of this application, the applicant shall submit to the Planning Board's designee the approved elevations and details for the Safeway store in conjunction with revised details for the proposed gas station structures, including all building materials and colors, to ensure architectural compatibility.

(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 landscape plan. The site plan shows the dumpster in the northwest corner of the site, adjacent to US 301. It would be preferable to relocate the dumpster to a less prominent location; however, due to the configuration of the lot, building layout and internal circulation, there does not appear to be a less conspicuous location. The site plan details indicate the dumpster will be enclosed with materials that appear to be the same as those proposed for the food and beverage store, but the materials were not indicated. The detail sheet should be revised to indicate all building materials and colors. The proposed design and quality of screening materials will soften the visual impact of the trash enclosure. The trash enclosure is shown as 12 feet wide and six feet high on the detail sheet, but a dimension for length was not provided either on the site plan or in the details. It is recommended that the special exception details include complete dimensions for the trash enclosure, and that building materials and colors be identified. There are no vending machines proposed with this application.

(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.
(CB-8-1984; CB-1-1989; CB-48-1998; CB-22-1999; CB-72-1999)**

The applicant submitted an initial need analysis report (undated) prepared by Lipman Frizzell and Mitchell LLC. The report analyzed a gas station containing six multi-product dispensers (MPDs) with 12 fueling positions and a 2,700-square-foot convenience store. The analysis concluded that there will be unmet future demand for gasoline, thereby justifying approval of the proposed gas station. Upon reviewing the proposal and the applicant's need analysis, Dr. Joseph Valenza of the Research Section provided preliminary comments to which the applicant responded in a memorandum dated January 31, 2008, and with a revised need analysis dated June 13, 2008.

In a memorandum dated June 24, 2008, Dr. Valenza provided the following comments with regard to the amended need report (which analyzed a 1,855-square-foot food and beverage store and gas station with 12 fueling positions):

Staff has reviewed the May 28, 2008 need analysis for the proposed Safeway Fueling Station at Brandywine Crossing (SE-4612) and finds the applicant did not address the appropriate Zoning Ordinance requirement for a gas station in the C-S-C Zone (Section 27-358). According to Development Review Division staff, the appropriate requirement is necessity (as defined in *Brandywine v. Prince George's County*). Instead of necessity, the applicant finds, as provided in the statement of justification, public need for the proposed use and considers public need to mean "expedient or reasonably convenient and useful to the public" (as defined in *Lucky Stores, Inc v. Board of Appeals*) and 'convenient, useful, appropriate, suitable, proper or conducive to the public in the surrounding area' (as defined in *Baltimore County Licensed Beverage Association, Inc. v. Kwon*)." Furthermore, the applicant's conclusion regarding public need is based on the number of trade area households projected for the year 2015. The applicant has not demonstrated the necessity of the proposed gas station in the current market, which is required for a new gas station in the C-S-C Zone.

Dr. Valenza maintains that the applicant employed an incorrect standard, and that the appropriate standard is one of absolute necessity. Dr. Valenza found that the applicant did not adequately demonstrate the necessity of the proposed gas station in the current market, since the applicant based their conclusion on projections for the year 2015, and the fact that existing competitive facilities could increase their volume to meet the applicant's projected unmet demand.

The terms "necessary" and "need" are not defined by the Zoning Ordinance. The District Council, in a 2005 decision (Zoning Ordinance No. 7-2005) adopted the conclusion of the Zoning Hearing Examiner (ZHE) finding, that in the case of a proposed gas station (SE-4477), absolute necessity was not the controlling standard. The decision was appealed to the Circuit Court which affirmed the decision. The case was again appealed and ultimately remanded back to the District Council whereby the Council was directed to restate its findings and conclusions that the proposed gas station was "necessary to the public in the surrounding area." The application was in turn remanded to the ZHE who issued a second decision on July 2, 2008, with additional findings and conclusions demonstrating how the applicant met the "necessary to the public" standard pursuant to Section 27-358 of the Zoning Ordinance. The ZHE concluded that the proper standard to be applied is whether the gas station is "convenient, useful, appropriate, suitable, proper or conducive" to the public in the surrounding area, and that the applicant met the burden of proof because it identified a reasonable market area; submitted evidence of the number of residents and workers in the area; the number of vehicles per household and traveling along the adjacent roadway; gallons of gasoline pumped by existing, competing stations; and, showed there to be some excess demand that it could satisfy. The ZHE concluded that because strict necessity was not the standard to be met, the proposed gas station could be approved. On November 28, 2008, the District Council adopted its original decision including the ZHE's decision after remand, in Zoning Ordinance No. 31-2008. The Research Section finds the need analysis submitted by the applicant does not demonstrate that the proposed gas station is absolutely necessary, as it does not demonstrate a deficit in supply; however, the Zoning Section finds analysis supports the conclusion that the proposed gas station is convenient and useful and, therefore, necessary to the public in the surrounding area, based on the information and figures provided therein.

The proposed use is located within an approved integrated shopping center with over 312,000 square feet of gross leasable area. There is no indication that approval of the

proposed use would unduly restrict the availability of land, or upset the balance of land use in the area.

- G. **Parking Regulations:** The site plan provides the following parking schedule for the proposed uses:

Food and Beverage Store (integrated shopping center)

1 space/250 sq. ft. of GFA (1,855 sq. ft) = 8 parking spaces required

Total parking spaces required: 8

A total of eight parking spaces are required and provided for the proposed food and beverage store, utilizing the calculation for an integrated shopping center. The applicant is providing four standard parking spaces, two parallel spaces, and two handicap spaces (one handicap space required). No loading spaces are required for retail sales and service under 2,000 square feet. The square footage of the food and beverage store should, however, be calculated in the new and/or revised DSP as part of the overall shopping center, to ensure that the required number of loading spaces has been provided.

- H. **Prince George's County Landscape Manual Requirements:** The site is subject to Sections 4.2, Commercial and Industrial Landscape Strip, 4.3, Parking Lot Requirements, and 4.4, Screening Requirements, of the Landscape Manual. The landscape plan appears to be in general conformance with Landscape Manual requirements with one exception. Along the northern property line the applicant has provided only fifty percent of the required plant material. The plant schedule cites a waiver that is allowed for Section 4.7, Buffering Incompatible Uses, when the landscape strip is adjacent to a vacant property. There is no such waiver from Section 4.3; therefore, the applicant must provide the full amount of plant material required and the note should be removed from the landscape plan. As it appears that sufficient area exists to accommodate all the required plantings, alternative compliance should not be necessary. The use of the adjacent property to the north should also be provided on the landscape plan. The applicant also includes a disclaimer on the landscape schedule that states: "If any discrepancies occur between the amounts shown in the plan and the plant list, the plan shall dictate." This statement should be removed. The landscape schedule should correctly indicate what is provided on the landscape plan. As noted earlier in this report, the Urban Design Section recommends additional evergreen trees be provided along the north boundary area to screen the dumpster from US 301.

- I. **Zone Standards:** The proposed use meets all bulk and height standards for the C-S-C Zone.

- J. **Sign Regulations:** The site plan indicates one free-standing monument sign within the special exception boundary, located adjacent to Timothy Branch Road at the food and beverage store. Dimensions were provided and it appears the sign conforms to all applicable requirements. The six-foot-high sign is designed to compliment the Safeway building architecture. The details propose the same stone veneer base that is on the Safeway building, the proposed food and beverage store, and the proposed trash enclosure. The site plan also shows a freestanding ID sign for the shopping center and six decorative columns at the southeast portion of the site, outside of the special exception boundary. A note on the site plan indicates that the ID sign and columns were reviewed under Detailed Site Plan DSP-06077; however, these features are in an area that was excluded from the DSP. Moreover, some of these features are currently shown in the public right-of-way. The applicant will be required to either relocate signage and other features shown in the US 301 right-of-way or obtain permission from the District Council to build within a public right-of-way.

K. **Referral Comments:** There was no objection to the proposed special exception in any of the referral comments, except those noted by the Research Section in Section G of this report.

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.**

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 and welfare of the present and future inhabitants of the county. The proposed gas station is a component of the Brandywine Crossing Shopping Center; specifically, it is an accessory to the approved 58,595-square-foot Safeway grocery store approved pursuant to Detailed Site Plan DSP-06077. The development has generally been designed in conformance with these conditions and the Prince George's County Code and, with special exception conditions, will ensure the health, safety and welfare of County inhabitants.

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

The proposed gas station is in general conformance with all applicable 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 Map Plan, the General Plan.**

The subject property was rezoned subsequent to the master plan recommendation, that it be developed as an employment land use. The proposed gas station implements master plan recommendations for the design of commercial centers and is also in conformance with the range of uses appropriate for a possible future Community Center identified in the 2002 *Prince George's County Approved General Plan* in the Brandywine area. Thus, staff finds the application will not substantially impair the master plan or General Plan.

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

Transportation staff, in a memo dated January 21, 2008, did not find that the proposed development would negatively impact the surrounding transportation network. Because the site is part of a subdivided lot, the proposed gas station does not raise any transportation adequacy issues. The six multi-product dispensers (MPD) have a total of 12 fueling positions which generate a total of 147 AM peak-hour trips and 175 PM peak-hour trips. Transportation staff employed a higher pass-by rate (85 percent than is typically used to analyze this type of application for two reasons: 1) There are fewer residences in proximity to the proposed use, suggesting that most potential customers would purchase gas at a location closer to their home rather than make an inconvenient trip and 2) US 301/MD 5 has a high traffic volume within 500 feet of the site, providing a greater potential market from which pass-by trips could be drawn. Eighty-five percent of

vehicles using the gas station are assumed to either be already on the roadway or are making a primary trip to this location in connection with an adjacent use. As a result, the number of new trips the proposal will generate is 22 AM peak-hour trips and 26 PM peak-hour trips. Transportation staff also found that these trip rates compare favorably with what other permitted uses on the subject site could potentially generate. No negative impacts to the existing transportation network or the internal circulation of the larger shopping center site are anticipated. Staff further notes that crosswalks are shown across Timothy Branch Drive to facilitate safe and efficient pedestrian access to the subject site, where a sidewalk is provided to access the food and beverage store. For these reasons, staff concludes the proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.

Staff notes that the memorandum regarding trails from the Transportation Section, dated December 20, 2007, recommends the provision of a sidewalk along the entire frontage of Timothy Branch Road, consistent with the sidewalk provided directly opposite from the subject property. That sidewalk provides connectivity to the Chaddsford community across US 301 at a traffic light. Staff finds that sidewalk sufficient for pedestrian access to the shopping center. There are two crosswalks across Timothy Branch Drive that connect to the sidewalk provided at the proposed food and beverage store. The provision of an additional sidewalk along the gas station frontage would not provide any significant benefit and could, potentially, create pedestrian conflicts with vehicles entering and exiting the gas station. Staff finds limiting the sidewalk adjacent to Timothy Branch Drive to the frontage of the food and beverage store is appropriate in terms of both connectivity and safety.

(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 use is part of an integrated shopping center in an appropriate location adjacent to a major arterial, and is in conformance with master plan recommendations for commercial centers.

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

TCPI/026/91 and TCPII/133/91 were previously approved for Brandywine Crossing. No new environmental impacts were identified as a result of the proposed development.

CONCLUSION:

The applicant proposes to construct a gas station with a 1,855-square-foot food and beverage store in the C-S-C Zone in conformance with Sections 27-317 and 27-358 of the Zoning Ordinance. Only the gas station requires a special exception. The proposed development will contribute to the redevelopment of a former industrial area. With the conditions of approval set forth below, staff finds this development will serve the needs of this area in a safe and aesthetically sensitive manner. Staff, therefore, recommends APPROVAL of Special Exception SE-4612 subject to the following conditions:

1. Prior to certification, the special exception site plan shall be revised to show the following:
 - a. The arrow identifying the western portion of the special exception area on the site plan shall be corrected.
 - b. The use information for the adjacent property to the north of the special exception site shall be provided.
 - c. The site plan notes shall indicate that there will be no display or rental of cargo trailers, trucks, or similar uses at this site.
 - d. The site plan notes shall indicate the applicant does not propose the storage or junking of wrecked vehicles on the property.
 - e. The special exception details shall include complete dimensions (including depth) for the trash enclosure. Building materials and colors shall be identified, including those for the enclosure doors.
 - f. The note regarding a waiver from the full requirements of Section 4.7 of the *Prince George's County Landscape Manual* shall be deleted and the full amount of required landscaping pursuant to Section 4.3 shall be provided in the northern landscape strip.
 - g. The following disclaimer, "If any discrepancies occur between the amounts shown in the plan and the plant list, the plan shall dictate" shall be removed from the Landscape Plan. The Landscape Schedule shall correctly indicate the amounts and types of plant material provided on the site plan.
 - h. Additional evergreen trees shall be provided along the north boundary area where the dumpster is located to provide screening from US 301.
2. Prior to Zoning Hearing Examiner review of this application, the applicant shall submit to the Planning Board's designee the approved elevations and details for the Safeway store in conjunction with revised details for the proposed gas station structures, including all building materials and colors, to ensure architectural compatibility. The revised architectural details shall incorporate the following:
 - a. A graphic to show the relationship between the subject special exception site, the Safeway store, and the larger shopping center.
 - b. Four elevations of the food and beverage store showing additional articulation, especially on high visibility elevations that are fronting both the shopping street and Timothy Branch Drive.
 - c. An elevation key map on the Elevation and Details sheet.
3. Prior to issuance of any permits for this special exception, the applicant shall obtain approval for a revision to Detailed Site Plan DSP-06077 to reflect the new information shown on this special exception plan that impacts the approved detailed site plan, including access and internal circulation changes, and the location of signage. Access to the gas station must be via an access driveway shown as a minimum of 30 feet wide.

4. The square footage of the food and beverage store shall be calculated in the revised detailed site plan as part of the overall shopping center, to ensure that the required number of loading spaces has been provided.
5. The applicant will be required to either relocate signage and other features shown in the US 301 right-of-way or obtain permission from the District Council to build within a public right-of-way.