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Special Exception Variance Request

SE-4680
VSE-4680

Application	General Data	
Project Name: BJ's Wholesale Club, Inc. Ritchie Station Marketplace Location: 1,350 feet south of the intersection of Ritchie Marlboro Road and Ritchie Station Court, approximately 900 feet northwest of the inner loop of the Capitol Beltway (I-95/495). Applicant/Address: BJ's Wholesale Club, Inc. One Mercer Road P.O. Box 9601 Natick, MA 01760-9601 Property Owner: Ritchie Hill, LLC 10100 Business Parkway Lanham, MD 20706	Planning Board Hearing Date:	02/03/11
	Staff Report Date:	01/14/11
	Date Accepted:	09/21/10
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.618 acre
	Zone:	C-S-C
	Gross Floor Area:	205 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	75A
	Tier:	Developed
	Council District:	06
	Election District	15
	Municipality:	N/A
	200-Scale Base Map:	203SE08

Purpose of Application	Notice Dates	
SE-4680: BJ's gasoline station located in the C-S-C Zone. VSE-4680: Variance from direct access requirements and 22.15 feet of variance from the required 70-foot-wide right-of-way width.	Informational Mailing	10/28/10
	Acceptance Mailing:	09/14/10
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Taslima Alam Phone Number: 301-952-4976 E-mail: Taslima.Alam@ppd.mnccppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

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

VIA: Jimi Jones, Zoning Supervisor

FROM: Taslima Alam, Senior Planner, Zoning Section

SUBJECT: **Special Exception Application No. SE-4680 and VSE-4680
BJ's Wholesale Club, Inc. — Ritchie Station Marketplace**

REQUEST: Special exception for a gasoline station for the members of BJ's Wholesale Club and a variance from direct vehicular access to a street and for a right-of-way width of less than 70 feet.

RECOMMENDATION: **Approval with conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of February 3, 2011. 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 addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. 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 site area for the proposed special exception gas station is approximately 0.62 acre of land in the Commercial Shopping Center (C-S-C) Zone. The subject site is part of 13.36 acres of Parcel 9 located within the 124.68-acre Ritchie Station Marketplace integrated shopping center, which is situated in the southeast quadrant of Ritchie Marlboro Road. The shopping center is now under development. The gas station will be essentially on a pad site serving the approved discounted BJ's Wholesale Club. The site occupies the southeast portion of Parcel 9. The existing BJ's Warehouse Club structure is located within the center on the west side of Ritchie Station Court. Access to the overall site is provided via Ritchie Station Court. However, the site has two, two-way, direct accesses through internal drive aisles into the gas station from the eastern and western property lines. There are no driveways accessing the gas station from the northern or southern property lines. The property has 199 feet of frontage along a 47.85-foot-wide private road, Ritchie Station Court, adjacent to the southern property line that serves all of Parcel 9 and BJ's Warehouse store.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant	Gas Station
Acreage	0.62	0.62
Lots	N/A	N/A
Parcels	1	1
Square Footage/GFA	205	205
Dwelling Units:	N/A	N/A

- C. **History:** The property is the subject of Preliminary Plan of Subdivision 4-04184 for Ritchie Hill Center which was originally adopted by the Prince George's County Planning Board on July 14, 2005 (PGCPB Resolution No. 05-115) to allow development of up to 1,000,000 square feet of retail space or equivalent development, generating no more than 554 AM and 1802 PM new peak-hour vehicle trips. On May 4, 2006, Detailed Site Plan DSP-04080-01 was approved for 101.83 acres (including the subject property) to allow a Sam's Club, a retaining wall, fence, parking, and a welcome center as part of an integrated shopping center (PGCPB Resolution No. 06-76). On September 11, 2009, DSP-04080-03 was approved by the Planning Director to change the approved Sam's Club to an 117,885-square-foot BJ's Wholesale Club, adjust some internal parcel lines, revise parking, and adjust drains to fit the revised lot. The applicant now proposes to develop part of the site for a gas station for the adjacent BJ's Wholesale Club in the C-S-C Zone.
- D. **Master Plan Recommendation:** The property is located in an area identified in the 2002 *Prince George's County Approved General Plan* as the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment, Planning Areas 72, 75A and 75B* recommends commercial shopping center for the subject property. The application is in conformance with the land use recommendations of the Subregion 4 Master Plan and Sectional Map Amendment, which retained the property in the C-S-C Zone.

- E. **Request:** The applicant seeks approval of a special exception to operate a gasoline station as an accessory to an approved BJ's Wholesale Club store. The proposed gas station will have six multiproduct dispensers (MPD) with 12 fueling positions, a free air pump machine, and a small 205-square-foot (10.33 feet high by 11 feet wide by 18.6 feet long) service kiosk located at the center of the pump island area. The pump island and the attendant kiosk will be protected from the weather by a 17-foot-high protective canopy that measures approximately 24 feet wide by 172 feet long in size.

The applicant is also requesting a variance from section 27-358(a)(1) of the Zoning Ordinance because the subject site does not provide direct vehicular access to a road with right-of-way width of at least 70 feet. Staff also recognizes that the property does not have a direct vehicular access to a public street. Vehicular access is only provided by private roads. Although the subject site has over 150 feet of frontage along the adjacent private road to the south, the said road only has a right-of-way of 47.85 feet wide with no direct vehicular access to the site. Therefore, the applicant is requesting a variance from both direct vehicular accesses to a street and 22.15 feet from the required 70-foot right-of-way width.

- F. **Neighborhood:** The subject property and the entire Ritchie Station Marketplace shopping center is entirely within a neighborhood defined by a mixture of residential and nonresidential uses. The neighborhood is defined by the following boundaries:

North—	Central Avenue (MD 214)
West—	D'Arcy Road
South—	The Capital Beltway (I-95/495)
East—	Ritchie Branch and Ritchie Road

Surrounding Uses: The subject site is a smaller retail pad site that is interior, and entirely surrounded by the remainder of the 124.68-acre Ritchie Station Marketplace shopping center site. The subject property is surrounded by the following land uses:

North—	A parking lot serving the BJ's Warehouse Club, and beyond that, parking and other uses within the Ritchie Station Marketplace.
South—	Beyond the 47.85-foot-wide internal right-of-way, planned parking serving Parcel 8 and other uses within the Ritchie Station Marketplace.
East—	Beyond the 30-foot-wide internal shopping center drive aisle are planned restaurant pad sites on Parcel 10, and beyond that, parking and other uses within the Ritchie Station Marketplace.
West—	A parking lot serving the BJ's Warehouse Club, and beyond that, the BJ's Warehouse Club.

- G. **Specific Special Exception Requirements:** A gasoline station is permitted in the C-S-C Zone by special exception. Section 27-358 of the Zoning Ordinance sets forth 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.**

Comment: The subject property is a pad site located within the interior portion of a proposed 5,000-space common parking lot associated with the adjacent BJ's Wholesale Club. The site has two direct accesses through internal drive aisles into the gas station from the eastern and western property lines. Direct access to the gas station from the east is provided by a 43.35-foot-wide driveway connecting to a 30-foot-wide private road between the subject property and adjacent Parcel 10. A 59.5-foot-wide driveway connection to a 30-foot-wide private road internal to Parcel 9 provides direct access to the gas station from the west. It has approximately 199 feet of frontage on Ritchie Station Court, which has an ultimate right-of-way width of 47.85 feet along the southern property line. However, the site does not have any direct vehicular access to a street with a right-of-way width of at least 70 feet. Because of the atypical location within what is the interior of an integrated shopping center and within a portion of Parcel 9, containing BJ's Wholesale Club, it does not technically comply with direct vehicular access to a street having right-of-way width of 70 feet. Although the subject site meets the frontage requirements along the adjacent private road to the south, there is no direct access into the gas station from this private road. The existing site layout, internal private road design, and the desire to minimize curb cuts along the southern property line for traffic safety are offered as reasons why the applicant is unable to provide direct vehicular access to the site from Ritchie Station Court. Therefore, a variance of 22.15 feet of right-of-way width and access is requested as part of this application.

- (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;**

Comment: The property is not located within 300 feet of a lot with a school, outdoor playground, library, or hospital.

- (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;**

Comment: The applicant does not propose these activities on the site. This point should be noted on the site plan.

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

Comment: According to the applicant's need analysis, the gasoline station offers only gasoline sales and no other services are offered on the site. The proposed gas station is a self-service facility that will not include the storage or junking of wrecking motor vehicles, a point which should be noted on the site plan.

- (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;

Comment: 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. The access driveway that serves as the entrance to the proposed gas station is a minimum of 47 feet in width.

(6) Access driveways shall be defined by curbing;

Comment: This above criterion has been met. All access drives and pavement areas located on the subject property will be bordered by concrete 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;

Comment: The applicant has met and exceeded this requirement by providing a six-foot-wide sidewalk along the south side of the subject property adjacent to the main access drive as part of Specific Design Plan SDP-04080-03, BJ's Wholesale Club.

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

Comment: The site plan indicates that all gasoline pumps and service appliances are located more than 40 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.

Comment: The applicant does not propose repair services at the facility, a point which should be noted on the site plan.

(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.

Comment: The applicant has submitted elevation drawings for the attendant kiosk and canopy, including a schedule of exterior finishes, together with a material selection sample for the approved BJ's Wholesale Club. The submitted elevations for the subject special exception proposes the use of brick and exterior insulation and finishing system (EIFS) identical in color to that on the proposed BJ's Wholesale Club store with the exception of the use of a red color (specified as Linetec LT 430143 "Woodland Red") used to detail the primarily oyster shell-colored EIFS canopy. Therefore, the Urban Design Section recommends that, in order to be more compatible with the surrounding development, the applicant replace the Linetec LT 430143 "Woodland Red" with the EIFS Dryvit #105 Suede identified on the submitted Ritchie Station Marketplace Materials Selection sheet.

The submitted architectural elevation drawings also indicate that the windows are proposed on the eastern and northern elevations of the attendant kiosk. To ensure proper surveillance of the site, the Urban Design Section recommends that the applicant provide a transparent window on the building's western elevation, which faces half of the site's pump islands. Transparent windows will facilitate natural surveillance between the kiosk, the pump islands, and surrounding streets.

The Zoning Section staff had telephone discussions with the applicant in regards to providing an additional transparent window on the kiosk's western elevation. Staff supports the applicant's justification that all gas sales transactions will be non-monetary with BJ's membership cards only and that the sales attendant will spend most of their time outside the kiosk assisting its customers with sales transactions. Therefore, an additional transparent window will not be necessary.

(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).

Comment: The topographical information for the subject pad site and abutting property are shown on the site plan.

(2) The location and type of trash enclosures.

Comment: Individual trash containers are provided at each of the six pump islands which are emptied on a scheduled basis. The trash that is collected is disposed of in the dumpsters that support the BJ's Warehouse store located at the loading dock. Therefore, no trash enclosure is shown on the proposed site plan.

(3) The location of exterior vending machines or vending area.

Comment: There are no vending machines proposed on this special exception 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 non-operation as a gas station for a period of fourteen (14) months after the retail services cease.

Comment: 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

Comment: The applicant has submitted a need analysis. Upon reviewing the proposal and the applicant’s need analysis, the Research Section, in a memorandum dated December 20, 2010, concluded that with an estimated 50,000 members, the convenience of the members combining their shopping trips at the wholesale club with a fueling stop indicates the proposed station will be expedient or reasonably convenient and useful to the public. Therefore, the Research Section supports an additional gas station in the market area, as it will provide reasonable and necessary accommodations to its members and the surrounding community.

(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.

Comment: 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. The subject property is located within the core of a developing regional shopping center. As this integrated shopping center continues to develop and be occupied by new tenants, the concentration and variety of different commercial uses within the center contribute to the symbiotic relationship resulting from the various uses within the center, thus resulting in a combined appeal to the shopping center.

H. Parking Regulations: Section 27-568(a)(5)(C), Schedule of Parking Spaces, of the Zoning Ordinance requires one parking space per 250 square feet of gross land area (GLA) for shopping centers (such as integrated shopping centers, malls, and plazas). For a 118,090-square-foot integrated shopping center, the applicant is required to provide a total of 473 parking spaces (118,090 sq. ft./250 sq. ft. of GLA= 472.36 spaces). The applicant is providing 637 parking spaces.

Section 27-582, Schedule of Loading Spaces, of the Zoning Ordinance requires three loading spaces for a shopping center less than 100,000 sq. ft. of GLA and one space for each additional 100,000 sq. ft. of GLA (or fraction). For the proposed 118,090-square-foot shopping center, the applicant is required to provide four loading spaces. The applicant is providing a total of four loading spaces.

It should be noted that that there are no parking or loading spaces located in the proposed special exception area. All parking and loading spaces are provided in accordance with the approval of DSP-04080-03 for the BJ’s Wholesale Club.

I. Prince George’s County Landscape Manual Requirements: The Urban Design Section, in a memorandum dated November 2, 2010, stated that the site is subject to the requirements of the *Prince George’s County Landscape Manual* because the gas station involves an increase in gross

floor area. However, due to the configuration of the site boundaries, no sections of the Landscape Manual are applicable to the area of the special exception. It is not subject to Section 4.2, Commercial and Industrial Strip, as it does not abut any public right-of-way; not subject to Section 4.4 because no dumpster pad is proposed on the site; and the requirements of Section 4.3c, Parking Compound Interior Planting, have been met with the previous approval of DSP-04080-03.

Some discussion of the Landscape Manual, however, is warranted as follows:

Section 4.3(b) Perimeter Landscape Requirements

Comment: A portion of the northern boundary of the subject special exception plan abuts a previously approved parking lot for the integrated shopping center. Section 4.3(b) requires a five-foot-wide landscape strip between parking lots and adjacent property lines, to provide visual breaks in expanses of paving. Although the boundary of the special exception site plan is not technically a property line, the applicant should meet the intent of Section 4.3(b) by providing a five-foot-wide landscape strip where the northern boundary of the area of the special exception abuts the parking lot.

The applicant has revised the site plan and addressed the above mentioned requirements of Section 4.3(b) of the Landscape Manual.

- J. **Zone Standards:** The subject property is in the C-S-C Zone. Section 27-461, Uses Permitted, of the Zoning Ordinance requires special exception approval for a gas station in the C-S-C Zone. The site plan, with the approved requests for variance, along with recommended conditions, will be in conformance with all zoning requirements and regulations.
- K. **Sign Regulations:** The applicant has provided color details of the proposed building-mounted signs on the gas station canopy with all materials labeled. The applicant proposes three wall signs on three sides of the canopy stating “BJ’s GAS” to identify the BJ’s gasoline station. Each sign will be 10.8 feet wide by 2.25 feet high. The overall area of each sign will be 24.4 square feet.

Section 27-613(a), Location of signs attached to a building or canopy, of the Zoning Ordinance states that signs may be attached to a canopy that is located at least ten feet behind a street line. No sign may be erected on top of a canopy.

The canopy on which the signs are proposed will be set back more than 30 feet from the street line.

Section 27-613(b), Height of signs attached to a building or canopy, of the Zoning Ordinance states that in all commercial and industrial zones, no sign shall extend more than 12 feet above the roof line or parapet wall of the building on which the sign is attached.

The proposed signs will not extend above the roof line of the canopy.

Section 27-613(c)(3), Area of signs attached to a building or canopy, of the Zoning Ordinance states that in all commercial and industrial zones, if all of the permissible area is to be used on any building that is located within an integrated shopping center, the area of all the signs on a building shall not be more than two square feet for one linear foot of width along the front of the building measured along the wall containing the principal entrance of each individual place of business to a maximum of 400 square feet.

The proposed canopy for the gas dispensers is 172 feet long along the Ritchie Station Court frontage. The maximum allowable sign area for all of the signs is:

$$172 \times 2 = 344 \text{ square feet}$$

The applicant is proposing three signs each with an area of 24.4 square feet. The total area of all of the signs will be:

$$24.4 \times 3 = 73.2 \text{ square feet}$$

The proposed sign area is far less than the maximum allowable sign area for all of the signs. The proposed signs meet the requirements of the Zoning Ordinance.

The proposed freestanding sign is located on adjacent Parcel 10, which is outside of this requested special exception area. Therefore, at this time, the freestanding sign is not reviewed as part of this application.

L. Referral Comments:

1. The Permit Review Section, in a memorandum dated October 18, 2010, recommends verifying compliance with previous approvals and Zoning Ordinance requirements. They also require that the detailed site plan be revised to include the gas station. Conditions of approval have been added to revise the site plan administratively.
2. The Permit Review Section, in a memorandum dated November 30, 2010, stated that the proposed building and canopy sign are in compliance with Part 12 of the Zoning Ordinance.
3. The Subdivision Review Section, in memorandums dated October 28, 2010 and December 10, 2010, stated that the property was recorded in Plat Book PM 230 @ 16 on March 13, 2009. All bearings and distances of the property (Parcel 9) on the site plan conform to the record plat. Additionally, the property is the subject of Preliminary Plan 4-04184 and some of the conditions are applicable to the review of this application. The applicant has addressed all of the Subdivision Review Section's concerns.
4. The Community Planning Division, in a memorandum dated November 29, 2010, stated that the property is located in an area identified in the 2002 General Plan Development Pattern policies as the Developed Tier. The vision of the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This application conforms to the land use recommendations of the 2010 Approved Master Plan for Subregion 4. The master plan and sectional map amendment retained the subject property in the C-S-C Zone.
5. The Transportation Planning Section, in a memorandum dated November 5, 2010, noted that Ritchie Station Marketplace (Preliminary Plans of Subdivision 4-04184 and 4-05133) was approved for a combined 1,000,000 square feet of retail space or equivalent generating no more than 554 AM and 1,802 PM new peak-hour vehicles trips. Most of the trips to the proposed gas station are not expected to be new trips. Rather they will be pass-by or diverted trips already within the shopping center area or on nearby roads destined for the shopping center. It is expected that the 12 fueling positions would

generate 155 AM peak-hour trips (78 in, 77 out) and 210 PM peak-hour trips (105 in, 105 out). This is based on the *Trip Generation Manual 7th Edition* (Institute of Transportation Engineers). The majority of these trips, approximately 80 percent, are expected to already be on the road or already within the integrated shopping center. The gas pumps will only be available to discount wholesale club members. Therefore, with the previous approval of the Ritchie Station Marketplace and the high percentage of pass-by/diverted trips, the addition of the gas station does not raise any off-site transportation adequacy issues.

The Transportation Planning Section finds that the proposal would not pose unanticipated capacity or safety issues on adjacent roadways. In making this finding, Transportation Planning staff concludes that, from a transportation standpoint, the special exception and variance would not adversely affect the health, safety, or welfare of residents or workers in the area.

6. The Transportation Planning Section (Trails), in a memorandum dated December 2, 2010, stated that the proposal meets the requirements of Subtitle 27 of the County Code for the approval of a special exception from the standpoint of non-vehicular circulation and transportation.
7. The Special Project Section, the Historic Preservation Section, the Environmental Planning Section, and the Maryland State Highway Administration (SHA) offered no comments on the subject application.

M. **Variance Requests:** Section 27-230(a) of the Zoning Ordinance states that a variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

Comment: The subject site is a pad site located within the interior portion of a larger parcel, Parcel 9, associated with the adjacent BJ's Wholesale Club. Unlike stand alone gas stations common throughout the county that are located along major roads, this site is totally located within a 124.68-acre integrated shopping center having neither 70-foot right-of-way nor direct vehicular access. Thus, the particular location of the subject property and its proposed use within this shopping center presents an extraordinary situation or condition in that there is no possible way to satisfy this requirement without re-subdividing the entire 124.68-acre shopping center.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

Comment: The construction of BJ's Wholesale Club is complete and open to its customers. The proposed gas station will be located in an integrated shopping center, adjacent to a private roadway. It is meant to serve the members of the discounted wholesale club only. The owner has decided to co-locate the gas station with the BJ's store in order to provide a broader range of retail land uses in the shopping center as a convenient one stop shopping option and as part of their marketing and customer service plans. As the entire shopping center was originally planned, particularly Parcel 9 for BJ's Wholesale Club, it did not take the proposed fueling station into consideration; therefore, the gas station does not have direct vehicular access to a street with

right-of-way width of at least 70 feet. However, the proposed special exception site is connected to a public street (Ritchie Station Court) and is bounded by three internal travel aisles from three sides of the proposed site. The applicant is unable to widen any existing rights-of-way without re-subdividing the entire site. The Transportation Planning Section, in a memorandum dated November 5, 2010, stated that this plan is acceptable from the standpoint of access and circulation. Staff further supports the applicant's arguments that the internal drive aisles, multiple access routes within the shopping center, and circulation routes will enable vehicles to safely enter and exit the six pumping stations. Ritchie Station Court is also located nearly adjacent to Parcel 9. Ritchie Station Court has a 70-foot right-of-way, is located along Parcel 10, and would provide access to the discount wholesale club's proposed gas station. A private road to the south also provides over 200 feet of frontage. Given the fact that the proposal provides adequate access to the site, the proposed gas station is not a typical gas station located on a collector or arterial roadway, and that it is uniquely located within an integrated shopping center, creates practical difficulties and undue hardship on the property owner to provide direct vehicular access to a street with a right-of-way width of at least 70 feet.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Comment: The variance will not impair the intent, purpose, or integrity of the General Plan or applicable master plan. This application is located in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supportive, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The requested variance is consistent with the intent of the Developed Tier. Moreover, the requested variance will not impair the intent of the 2010 Approved Subregion 4 Master Plan that retained the C-S-C Zone for all but 14.7 acres of the Ritchie Station Marketplace shopping center.

N. **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;

Comment: 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 between the various types of land. There are no major issues associated with this application that would conflict with the general purposes of this subtitle. The proposed BJ's membership-only gas station not only allows their members to purchase gasoline from their retail outlet at a discounted price, but also provides an extra incentive for members to combine their gasoline purchase trips with their shopping trips to BJ's Warehouse Club and other retail stores located in the shopping center. Also, the proposed gas station will not detract from or impair the health, morals, or welfare of residents in any conceivable way, as it will be located on a pad site entirely within an integrated shopping center.

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

Comment: The subject property is designated to be used as a membership-only gas station for BJ's Warehouse Club. It will enhance the use of the BJ's warehouse by providing an additional amenity. The Permit Review Section, in a memorandum dated October 18, 2010, requested verification with the requirements of the Zoning Ordinance. With the recommended conditions and the approval of Variance Request VSE-4680, the proposed site plan will conform to all

requirements 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 Master Plan, the General Plan;**

Comment: The requested use will not impair the integrity of the master plan for Subregion 4, which recommended the subject site for retail-commercial uses in the C-S-C Zone. The use is expected to be relatively unobtrusive due to its location within an integrated shopping center, and the fact that only pump islands and a canopy will be placed on the site. It is recommended that the color of the canopy stripe be changed in order for the site to be compatible with the main building.

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

Comment: The gas station is located on a private roadway within an integrated shopping center. Only members of the associated membership store will be allowed to purchase gasoline at this facility. It will not be open to the general public. The majority of the patrons will stop at the gas station in association with a shopping trip to the membership warehouse or nearby stores. Providing a fueling station on a large shopping center will be reasonably accommodating and convenient to BJ's members as well as to the general neighborhood. Additionally, having such a facility as an accessory to BJ's reduces vehicular trips and provides monetary savings to the individual BJ's Warehouse Club members, as well as, to the inhabitants of the county by reducing impacts on traffic, fuel consumption, and air quality. Therefore, staff concludes that the approval of this special exception and the variance will not adversely affect the health, safety, and welfare of the residents or workers in the area; rather it will be more beneficial to the community in general.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

Comment: Given the unobtrusive nature of the use due to its location and the limitation of the use to a canopy and gas pumps, it will have no detrimental impacts on 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.**

Comment: The Environmental Planning Section, in a memorandum dated September 30, 2010, stated that the proposal is in conformance with the approved Type II tree conservation plan.

- (7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

Comment: No disturbance to the regulated environmental features within the limits of the subject application has been proposed. The site plan is in conformance with the approved TCPII. Therefore, the regulated environmental features of the site have been fully preserved in a natural state.

CONCLUSION

Based on the preceding analysis and findings, it is recommended that Special Exception Application No. SE-4680 and Variance Request VSE-4680 be APPROVED subject to the following conditions:

1. Detailed Site Plan DSP-04080-03 shall be revised administratively by the Urban Design Section as designee of the Planning Board to include the gas station.
2. Replace the Linetec LT430143 “Woodland Red” with exterior insulation and finishing system (EIFS) Dryvit #105 Suede, identified on the submitted Ritchie Station Marketplace Materials Selection sheet.