




STAFF REPORT COVER SHEET

April 25, 2018

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| Addresses: | 200 Maple Ave E, 109 Park St NE | Case Number: | PF-15-17-CZ |
| Public Meeting Date: | 4/25/2018 | Applicant: | Bhoopendra Prakash, PE of the Plan Source Inc., agent for owners |
| Board/Commission: | Planning Commission | Owners: | TSP LLC, ZEE Investments LLC |
| Existing Zoning: | C-2, C-1A | Existing Land Use: | Commercial |
| Brief Summary of Request: | Recommendation to Town Council for rezoning to the C-2 General Commercial zoning district and recommendation to Town Council for a site plan modification of requirement for minimum required off-street parking spaces. Applicant proposes an automobile service station (commonly referred to as a gas station) and a 1-story, 2,520 square foot convenience store. |  | |
| Site Improvements: | Redevelopment of existing site to include an automobile service station (commonly referred to as a gas station) with a convenience store. | | |
| Size of Property: | 20,626 sf /0.47 acres | | |
| Public Notice Requirements: | Advertisement for two successive weeks of public hearing in a newspaper having paid general circulation in the Town | Published in Washington Times on April 11, 2018 and April 18, 2018 | |
| | Posting of the property at least ten days prior to the public hearing | Two signs posted along Maple Avenue East and Park Street NE on April 11, 2018 | |
| | Written notice by registered or certified mail of hearing to property owners of subject site and property owners/agents/occupants abutting and immediately across from subject site at least 5 days prior to public hearing | On April 17, 2018, 32 certified letters were sent to adjacent and abutting property owners/agents/occupants and subject property owners | |
| Staff Recommendation: Recommend Approval to Town Council | | | |

| Brief Analysis | |
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| PROPERTY HISTORY <p>The subject properties currently consist of a vacant automobile service station (commonly referred to as a gas station) with a small detached accessory structure and a 2-story commercial building. The existing gas station was built in 1989 and the commercial building was originally built in 1930 and expanded several times since then.</p> | |
| COMPATIBILITY WITH THE COMPREHENSIVE PLAN <p>The Future Land Use Plan in the Comprehensive Plan 2015 Update shows the site as mixed-use. The mixed-use land category was added to the plan to reflect the vision for the existing commercial areas to redevelop as mixed-use projects. While the desire of the mixed-use is to encourage redevelopment of mixed-use projects, the rezoning to the C-2 General Commercial zoning district, which reinstates the defunct gas station as a gas station, is consistent with maintaining Maple Avenue as a commercial corridor.</p> | |
| COMPATIBILITY WITH THE ZONING ORDINANCE <p>The proposal is compatible with the Zoning Ordinance, through the rezoning process. The C-2 General Commercial zoning district permits automobile service stations.</p> | |
| Attachments: | Application <input checked="" type="checkbox"/> Conceptual and Existing Conditions Plans <input checked="" type="checkbox"/> Renderings and Elevations <input checked="" type="checkbox"/> |
| Author: Michael D’Orazio, AICP, Principal Planner | |

ITEMS NO. 1 and 2:

Recommendation by the Planning Commission to Town Council on the proposed rezoning of two parcels for the operation of an automobile service station located at 200 Maple Avenue East and 109 Park Street Northeast, both in the C-1A Special Commercial zoning district (Requested zoning is C-2, General Commercial). Application filed by Bhoopendra Prakash, PE of the Plan Source Inc., agent on behalf of Zee Investments, LLC and TSSP LLC, owner.

And

Recommendation by the Planning Commission to Town Council on a request for site plan modification of requirement for minimum required off-street parking spaces for a convenience store associated with an automobile service station. Application filed by Bhoopendra Prakash, PE of the Plan Source Inc., agent on behalf of Zee Investments, LLC and TSSP LLC, owner.

Introductory Comments & Background:

Existing Conditions

The subject site includes an assemblage of three properties/ parcels, including 200 Maple Avenue East and 109 Park Street Northeast (with an address range of 109-113 Park Street Northeast), located at the corner of Maple Avenue East and Park Street Northeast. One of the parcels is zoned C-2 General Commercial and two of the parcels are zoned C-1A Special Commercial. Maple Avenue East and Park Street Northeast border the site, respectively on the southeastern and southwestern sides. The Wells Fargo property, which includes the bank and a drive-through facility, surrounds the subject site on the northern sides.

The parking lot for the Vienna Presbyterian Church is located on the opposite side of Park Street Northeast. The Vienna Marketplace, a 1-story shopping center, is located on the opposite side of Maple Avenue East.

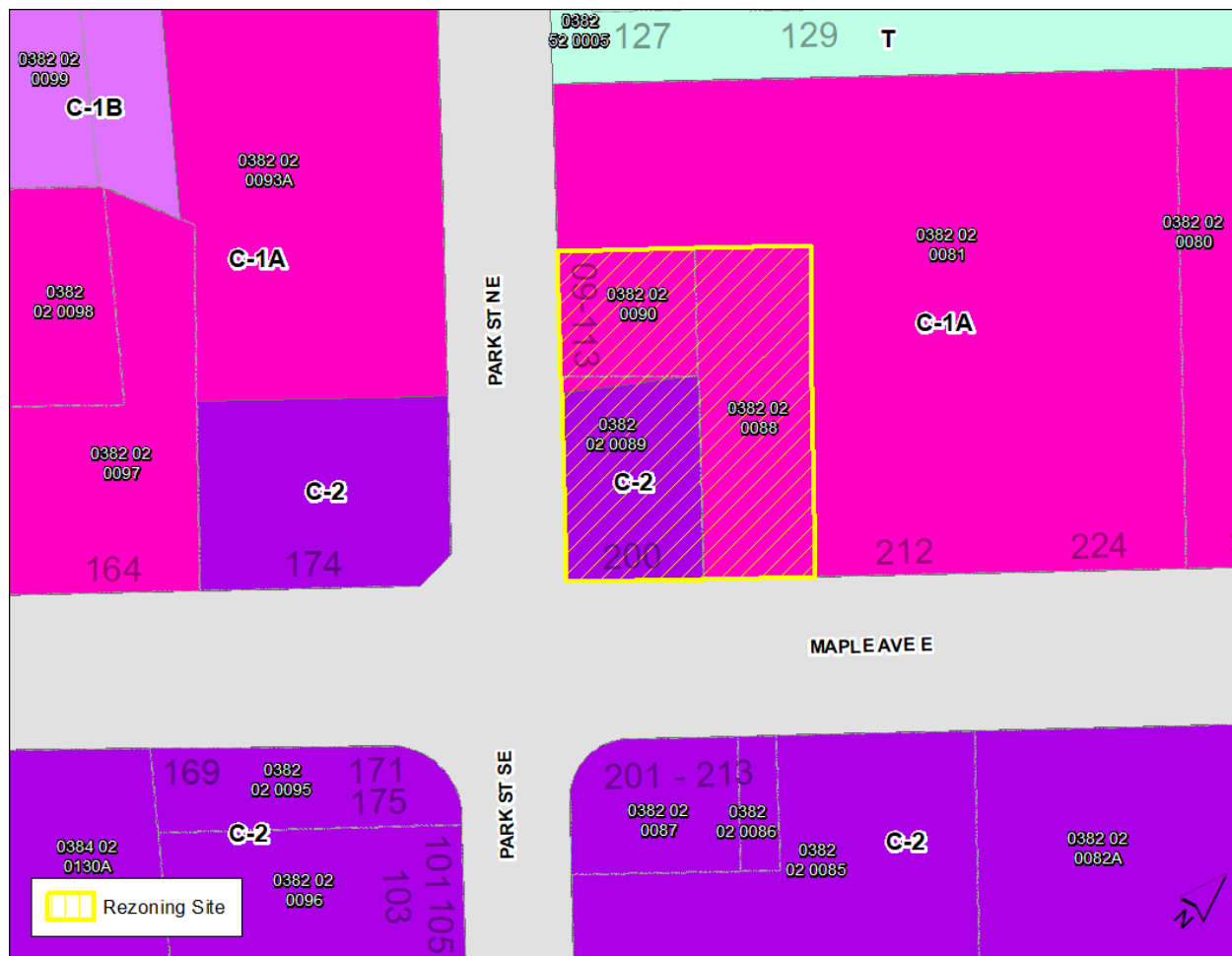


Figure 1 - Map showing zoning districts for subject site and surrounding parcels

The site includes a 2-story commercial building, fronting Park Street Northeast, and an automobile service station (to be referred to as a gas station) with a canopy structure for the gasoline pumping stations, a cashiers building underneath the canopy structure, and a detached accessory structure, which was used for shielding vending machines.

According to the latest Fairfax County real estate assessment data, the commercial building at 109 Park Street Northeast encompasses a total of 3,300 square feet of commercial/retail/office space. The commercial building was originally built in 1930 and there have been subsequent additions/expansions of the original building. The existing gas station located at 200 Maple Avenue East was built in 1989. It replaced a gas station/repair shop that previously occupied the site. The existing station is vacant and has been vacant since 2009.



Figure 2 - Gas station site circa 1989

Continuance of Nonconforming Use

The gas station is currently located on the 200 Maple Avenue East site, which consists of two separate parcels, 38-2 ((2)) 88 and 38-2 ((2)) 89. One parcel, 38-2 ((2)) 88, is zoned C-1A Special Commercial. The other parcel, 38-2 ((2)) 89, is zoned C-2 General Commercial. The C-1A Special Commercial zoning district does not permit automobile service stations, whereas the C-2 General Commercial zoning district does permit such a use. During its operation, the service station was operating as a nonconforming use, meaning it was legally operating but did not meet current zoning regulations.

Section 18-204 of the Town Code states the following in regards to continuance of nonconforming use of buildings:

The nonconforming use of a building or structure may be continued only so long as the same use which existed at the time of the enactment of the ordinance from which this chapter is derived or a more restricted use continues, **and such use is not discontinued for more than two years.**

Because the gas station has been vacant for more than two years (since 2009) and there has not been a continuance of use, the nonconforming use is no longer permitted. Therefore, the applicant must rezone at least the one parcel, 38-2 ((2)) 88, from C-1A Special Commercial to a zone that allows automobile service stations. The C-2 General Commercial zoning district permits automobile service stations.

Current Proposal:

The applicant is proposing consolidating the three parcels (two parcels at 200 Maple Avenue East and one parcel at 109 Park Street Northeast), demolishing all existing structures on the property, and building a new gas station (with new canopy) and a convenience store. The 1-story convenience store contains approximately 2,500 square feet in gross floor area. It is located in the rear corner of the site, with the gas station pumps and canopy located closer to Maple Avenue.

The applicant proposes closing two of the curbs cuts closest to the corner of Maple Avenue and Park Street. The applicant also proposes to underground the overhead utilities fronting the site (which includes two utility poles).

Zoning Requirements/Modification of Requirement

Based on the provided concept plans, the proposed project meets all zoning requirements, except for the number of required off-street parking space for a convenience store. The applicant is required to provide 13 parking spaces for the commercial building (at one space per 200 square feet of floor area) and is proposing to provide 11 parking spaces. The reduction in the number of required spaces requires approval of a modification of requirement by Town Council. The applicant has provided a justification letter for the parking modification. In the letter the applicant states that although the store is 2,520 square feet in area, only 1,373 square feet is dedicated for customer floor area. Additionally, the applicant points out that some of the customers of the convenience store will park at the pumping station and quickly make a purchase at the store.

Required Commission Recommendations:

Per [Section 18-246](#) of the Town Code, the Planning Commission is required to make a recommendation to Town Council. The Code states the following:

The planning commission shall hold a public hearing on the proposed amendment, supplement, change, or rezoning referred to it by the Town Council for its recommendation...After the public hearing, the planning commission shall submit its recommendations to the Town Council.

Per [Section 18-256](#) of the Town Code, the Planning Commission is also required to make a recommendation to Town Council for any modifications of requirements for the site plan.

Staff Recommendations:

Rezoning

Staff recommends that the Planning Commission recommend approval of the rezoning of the two parcels from the C-1A Special Commercial zoning district to the C-2 General Commercial zoning district to the Town Council. The Future Land Use Plan included with the Comprehensive Plan

2015 Update shows the site as mixed-use. While the desire of the mixed-use is to encourage redevelopment of mixed-use projects, the rezoning to the C-2 General Commercial zoning district, which reinstates the defunct gas station as a gas station, is consistent with maintaining Maple Avenue as a commercial corridor. The proposed gas station redevelopment will remove two exiting curb cuts and underground abutting overhead utilities, further enhancing the pedestrian experience along Maple Avenue. Additionally, it redevelops a commercial property that has been vacant for the past 9 years. The applicant also proposes a gas station with architecture that is more embellished and higher quality than used for most gas stations.

Site Plan Modification of Requirements

Staff recommends that the Planning Commission recommend approval of the modification of requirement for required off-street parking to the Town Council. The applicant proposes two less spaces than what is required. Staff believes 11 parking spaces are adequate for the convenience store. Rather than providing 1 space per 200 square feet of commercial space, the applicant proposes providing 1 space per 230 square feet, a 15% reduction in the number of required spaces. The two bike racks proposed by the applicant should also help encourage some customers of the store to bike to the store.