

From: Michael Gelb, Chairman Planning Commission  
To: Vienna Town Council  
Meeting Date: April 25, 2018  
Re: Planning Commission Action on Proposed Rezoning 200 Maple Ave East

## **Overview - Rezoning**

At its meeting of April 25, the Planning Commission voted 7 – 2 to recommend that Town Council approve a rezoning request to allow operation of a gas station and a 1-story 2,520 square foot convenience store at the corner of Park Street and Maple Avenue East. The site had previously operated as a gas and auto service station for many years. It was rebuilt in 1989 and operated as a gas station only (no garage service) from that time until closing in 2009. The property has been vacant since.

Rezoning to reopen the gas station is required at this time because of a change in the Town Zoning code in the 1960s. The proposed site is an assemblage of three properties (109 – 113 Park Street NE and 200 Maple Avenue East). Two of the sites are currently zoned C-1A, which does not allow the operation of a gas station, and the other site is zoned C-2. The site could have been reopened as a gas station under grandfathering within two years of the 2009 closing. But since more time has elapsed it must now be rezoned for such usage.

After considering the rezoning, the Planning Commission separately voted 6-3 to recommend a modification to parking requirements to allow the store to operate with 11 on-site parking spots instead of 13. That issue is discussed separately below

## **Public Input and Commission Discussion**

After hearing from Town Planning Staff and the Applicant, the Commission asked for public input in a public hearing on the rezoning request. The PC heard from only one citizen, Robert McCahill, president of the Northeast Vienna Citizens Association (NEVCA).

Mr. McCahill said he had hoped the site would eventually be developed as a mixed-use project, possibly under the MAC. But on the assumption that the applicant will proceed with the current proposal, he urged staff and applicant to ensure that lighting for the business is directed away from neighboring residences and otherwise designed to minimize the off-site impacts. He applauded the proposed reduction in curb cuts for ingress and egress from four (two on Maple and two on Park) in the previous configuration to two (one on Maple and one on Park) in the current proposal. However, he voiced concern about potential traffic and safety implications of left turns to and from the site on Maple Avenue.

The PC also received written comments provided via email from Scott Hanson on behalf of the Condo Association of Vienna Courts, which neighbors the proposed development and is located at 127- 133

Park Street. Mr. Hanson said residents were concerned that ingress and egress on the Park Street side of the site might add to already difficult traffic backups on Park Street. He wondered if the Town would consider restricting Park Street exits to right turn only or identify some other relief.

In its discussion, PC received assurances that the proposed site would meet all environmental and public safety requirements regarding old gas storage tanks from the prior gas station operation. It inquired about hours of operation (24 hours), voiced some concerns about left turns from and to Maple Avenue, especially by fuel delivery trucks. Applicant representatives said that general practice is to time deliveries for periods of relatively lighter traffic as a matter of business efficiently, while also complying with noise regulations that restrict hours for certain activities.

PC Members also raised some concerns about the site plan, specifically safety concerns about the proposed location of on-site parking and the Park Street auto exit/entrance, a concrete strip around the store and portions of the site, and whether proposed trees between the site and the neighboring bank have sufficient room to thrive. The applicant agreed to consider those issues in consultation with staff. The PC did not pursue those in detail as the site plan was not within its jurisdiction.

But the most significant discussion centered on the proposed usage and whether that best served the Town's interest in promoting pedestrian-oriented development along Maple Avenue. In particular, some members of the PC suggested that the Town does not need yet another gas station along its Main Street and that a mixed-use development, potentially under the MAC, would be a better fit with the Town's desire to promote a vibrant and walkable downtown. It was suggested that denying the rezoning and would leave open the possibility of alternative development that would better advance the Town's long-term vision.

Other Commission members countered that the MAC was voluntary and that the Town does not have the ability to compel certain types of business development. They noted that the site has been fallow for nine years and suggested that the proposed development was preferable to continued vacancy.

Some members also opined that the applicant had effectively been victimized by the 1960s era zoning change and that equity should allow him to re-open the same type of business that had previously operated on the site. Others argued that the applicant had the responsibility to undertake more active due diligence and should have known that closing the prior gas station for more than two years would carry consequences such as the need for rezoning

## **The Vote**

The Commission voted 7 – 2 to recommend that Town Council approve the rezoning request

Ayes – Basnight, Baum, Cole, Gelb, Kenney, Meren, Miller

Nays – Couchman, McCullough

## **Parking Modification – Overview and Discussion**

The applicant requested a modification of the required on-site parking requirement of one parking space per 200 square feet of commercial operation – a reduction to 11 parking spots from 13 required for the 2,520 sq ft convenience store.

Applicant argued that the dedicated customer area for the store was 1,373 sq ft so that in operational terms, parking for 2,500 sq ft is not required. The applicant also noted that based on experience as much as 50 percent of store customers will “park at the pump” and make a quick stop in the store after gas is pumped. It further observed that it is granting a public easement for a public traffic pole, which takes up land that otherwise could provide two parking spaces – implying that a trade of one consideration for another.

Several Commissioners voiced concern about the notion that customers would shop while their car was unattended in the pumping area. They suggested that created both a safety and environmental concern. Other Commissioners, however, argued such concern is misplaced because the car engine must be turned off before the car can be filled. One Commissioner also suggested that leaving the car at the pump while shopping may actually be environmentally preferable to requiring a driver to restart the engine, drive a few feet to a parking space, and then restart the engine a few minutes later when leaving the store.

Some Commissioners worried that 11 parking spots were simply not sufficient to accommodate store customers and compared it to local 7-11 sites with parking problems. They did not see sufficient justification for modifying the prescribed parking requirements.

Applicant noted that the proposed store was only about half as large as the typical 7-11 location. Other Commissioners observed that similar gas station/mini-stores in Vienna function effectively and without particular parking problems with fewer parking spaces than required by Town parking ratios. Under questioning, staff estimated that about 2/3 of such operations in Vienna do not meet the required parking ratios.

The Commission voted 6 – 3 to recommend that Town Council approved the requested parking modification.

Ayes – Basnight, Cole, Gelb, Kenney, Meren, Miller

Nays – Baum, Couchman, McCullough