



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historical Preservation

DATE: September 15, 2009

SUBJECT: BZA Case 17963 - Request for special exception relief at 4975 South Dakota Avenue, NE

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested special exception per §§ 726, 706 and 2302 for a gasoline station proposed on the referenced property as it adequately addressed the relevant review criteria. OP further recommends that approval be conditioned on the following:

- hours of operation shall be limited to 6:00 A.M. to 10 P.M.;
- flood lights shall be angled downward and shuttered in order to avoid light spillage onto nearby residential properties;
- canopy lighting shall be recessed; and
- there shall be no exterior amplified sound system.

II. AREA AND SITE DESCRIPTION

Address:	4975 South Dakota Avenue, NE
Legal Description:	Square 3899, Lot 0076
Ward:	5A
Lot Characteristics:	An irregularly-shaped lot with frontage on Emerson, South Dakota, and Delafield Street, NE. Wide sidewalks extend along all three street frontages. The lot has been graded to be fairly level but a significant slope is retained along the northern and eastern property boundaries. A building restriction line extends 15-feet onto the property from the Delafield and Emerson Street frontages. The property also has three driveway curb cuts; two along South Dakota and one along Delafield Street.



Existing Development:	The one-story grocery (convenience) in a masonry building appears to be a former Seven-Eleven convenience store. The trash area just south of the building is surrounded and screened by a gated chain-link fence with wood slats. Most of the lot is paved to provide in excess of 12 on-site parking spaces. The chain-link fence and retaining wall behind the existing building extend along and perpendicular to the Delafield and Emerson Streets.
Zoning:	C-1 - food and grocery stores are allowed as matter of right per § 701.4, however a gasoline service station is subject to approval by the Board of Zoning Adjustment (BZA) in accordance with § 706.
Historic District:	None
Adjacent Properties:	Semi-detached one-family dwellings to the north and west across Emerson and Delafield Streets; other one-story commercial uses to the south across South Dakota Avenue; and a British Petroleum (BP) gasoline service station and grocery store on the adjacent property to the southeast.
Surrounding Neighborhood Character:	Predominantly commercial uses to the south in a C-1 district with moderate-density residential development beyond the commercial node in R-2 (refer to Exhibit 1).

III. APPLICATION IN BRIEF

Applicant: Euclid of Virginia, LLC

Proposal: Raze the existing grocery store and construct a new 1,800 square foot building for the grocery with three gasoline pumps and a canopy over the pumps. Eight parking spaces would be provided on-site and one of the entrance driveways along South Dakota Avenue would be closed. No new driveway entrances or exits would be opened and both remaining driveway curb cuts would be a least 40 feet from the intersection of South Dakota Avenue with Delafield Street, NE.

Relief and Zoning: The applicant requests special exception approval in accordance with §§ 706.1 and 3104.1. Consistent with recent similar BZA cases, this proposal is also subject to the standards under § 2302.

The proposed grocery and gasoline station are subject to the following zoning provisions:

Standard	C-1 Requirement	Proposal	Relief Required?
Lot Area	N/A	15,748 sq. ft.	No
Building Area	--	1,800 square feet	No
Height, building (§770.1)	50 ft.- unlimited stories	16 feet	No
Height, accessory building (§ 2500.4)	15 feet	14 feet (canopy)	No
Lot Occupancy (§772)	60%	59%	No
Floor Area Ratio (§772)	1.0	0.11	No

Standard	C-1 Requirement	Proposal	Relief Required?
Yard, Rear (§774)	20 feet	45 feet ¹	No
Yard, Side (§775.5)	6 ft. (2 in./ft. of height, minimum 6 feet)	9 feet ²	No
Parking (§2101.1)	1 space / 300 sq. ft. 3 (6 spaces)	8 spaces (excluding canopy spaces)	No

This proposal is also subject to the following additional standards.

IV. OFFICE OF PLANNING ANALYSIS

Consistency with § 706

§ 706.3 The station shall not be located within twenty five feet (25 ft.) of a Residence District unless separated from the Residence District by a street or alley.

The subject property is separated from the neighboring R-2 district by Delafield and Emerson Streets.

§ 706.4 The operation of the use shall not create dangerous or other objectionable traffic conditions.

The applicant provided traffic, queuing and truck maneuvering diagrams on the revised plans. One of the three existing driveway curb cuts into the site would be closed. District Department of Transportation (DDOT) comments were requested by OP regarding whether this proposal would result in any dangerous or objectionable traffic conditions.

§ 706.5 The Board may impose requirements pertaining to design, appearance, screening, or lighting, or other requirements it deems necessary to protect adjacent or nearby property.

In response to comments from OP and DDOT, the applicant made the following refinements to the submitted plans:

- changed the curb cut retained along South Dakota to only allow right-turn entry;
- indicated that sidewalks and ramps on and around the site would be ADA compliant;
- added bicycle parking;
- extended the trash enclosure, reducing the side yard setback to 0 feet;
- added windows along the Emerson street façade of the new building to provided more “eyes on the street” and increase security outside; and
- provided exterior lighting that is adequate for security and safety purposes, but does not intrude on surrounding residences.

¹ since the lot abuts right-of-way on three sides, the rear yard is measured to the Emerson Street centerline per §404.2

² the Zoning Administrator determined that the wall enclosing the trash area is not considered a structure and therefore is not subject to the required side yard setback under §775.5

³ proposed 1,800 sq. ft. is less than the minimum 3,000 sq. ft. required to provide parking for retail uses in C-1

Beyond the innovative and modern design aesthetic, the applicant outlined the following additional environmental elements in a letter to OP dated September 4, 2009 intended to make this project more sustainable:

- locating this project within 1/2 mile of commuter rail (the Washington Metropolitan Transit Authority Fort Totten Rail Station);
- planning for e-car charging stations;
- providing alternative fuel pumps;
- recycling demolition materials into construction backfill;
- planting approximately 40% of the site area (excluding the building footprint) with native and adaptive species of trees and plants; and
- installing a vegetated roof for the purposes of energy conservation and efficiency, and the treatment of storm water.

In response to Metropolitan Police Department (MPD) concerns about extended hours on operation at this location, the applicant has proposed to limit the hours of operation for the new grocery and gasoline service station to 6:00 AM to 10:00 PM.

OP also recommends careful attention to the placement and orientation of any exterior lighting, and that there be no external amplified sound system.

§ 706.6 Required parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicle onto public space.

The applicant has provided parking in excess of the requirement.

Consistency with § 2302

§ 2302.1 A public storage garage, repair garage, mechanical parking garage, or gasoline service station established or enlarged in any district except in the C-M or M Districts shall be subject to the provisions in this section.

§ 2302.2 No portion of the structure or premises to be used for any of the uses listed in §2302.1 shall be located within twenty five feet (25 ft.) of a Residence District unless separated from that Residence District by a street or alley.

The subject property is separated from the neighboring R-2 district by Delafield and Emerson Streets.

§ 2302.3 No use listed in §2302.1 shall have a vehicular entrance or exit connected with a street at a point closer than twenty five feet (25 ft.) to any Residence District existing at the time the use is established, unless separated from the Residence District by a street or alley.

The vehicular entrance to the property on Delafield Street is separated from the R-2 district by Delafield Street.

§ 2302.4 No driveway of any entrance or exit to any use listed in §2302.1 shall be closer than forty feet (40 ft.) to a street intersection as measured from the intersection of the curb lines extended.

Two driveways remaining driveways along Delafield Street and South Dakota Avenue not meet this criterion.

§ 2302.5 Except in a C-M or M District, all grease pits or hoists constructed or established as part of a use listed in §2302.1 shall be within a building.

No grease pits or hoists are associated with this proposal.

Based on this information, approval of this request would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and would not tend to affect adversely the use of neighboring properties.

This application therefore meets the standards for special exception approval.

V. AGENCY

The applicant has met with DDOT staff separately and with OP. DDOT comments on this application are anticipated under a separate cover.

In response to an inquiry from OP, the Commander of the MPD Fourth District expressed opposition to the proposed gasoline station use due to community opposition to the this project, and out of concern that extended hours of operation at the subject property would require significant attention from the PSA 405 officers.

VI. COMMUNITY COMMENTS

The Advisory Neighborhood Commission (ANC) 5A Single-Member Representative indicated that there is significant neighborhood opposition to the proposed gasoline service station use. However, to date no final ANC resolution on this case has been added to the case record file.

VII. CONCLUSION AND RECOMMENDATION

OP recommends **approval** of the requested special exception per §§ 726, 706 and 2302 for a gasoline station proposed on the referenced property as it adequately addressed the relevant review criteria. OP further recommends that approval be conditioned on the following:

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Arthur Jackson, Case Manager

JS/afj

Attachments: Exhibit 1 Site Aerial with Zoning



CPID0017003

**BZA Application No. 17963
4975 South Dakota Ave NE**

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 *** Govt
 District of Columbia
 Adrian M. Fenty, Mayor

Office of Planning ~ August 3, 2009
 This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

- LEGEND**
- Metro Bus Routes
 - Street Centerlines
 - Water
 - Parks