



*Note: Staff reports can be accessed at [www.mnccppc.org/pgco/planning/plan.htm](http://www.mnccppc.org/pgco/planning/plan.htm).*

## Revision of Site Plan

## ROSP-4410-01

Application	General Data	
<b>Project Name:</b> Quarles Petroleum Fuel Station  <b>Location:</b> Located in the southeast quadrant of the intersection of Truck Way and Milky Way, approximately 600 feet east of Ritchie Road.  <b>Applicant/Address:</b> Quarles Petroleum, Inc. 1701 Fall Hill Avenue, Suite 200 Fredericksburg, VA 22401  <b>Property Owner:</b> Quarles Petroleum, Inc. 1701 Fall Hill Avenue, Suite 200 Fredericksburg, VA 22401	Planning Board Hearing Date:	N/A
	Staff Report Date:	01/27/17
	Date Accepted:	09/28/16
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.94
	Zone:	I-1
	Gross Floor Area:	N/A
	Lots:	N/A
	Parcels:	1
	Planning Area:	75A
	Council District:	06
	Election District	13
	200-Scale Base Map:	201SE08

Purpose of Application	Notice Dates	
Revise Special Exception SE 4410 to add a 6-foot by 17-foot concrete pad; a 2,000 gallon aboveground storage tank; an enclosed aluminum cabinet; extend the existing pump islands approximately four feet; and install two Diesel Exhaust Fluid (DEF) pumps.	Informational Mailing	N/A
	Acceptance Mailing:	N/A
	Sign Posting Deadline:	Waived

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

## PLANNING DIRECTOR DECISION

### Limited Departures and Revisions to Approved Plans

**Application No.:** Revision of Site Plan ROSP-4410-01

**Project Name:** Quarles Petroleum Fuel Station

**Reviewer's Name:** Taslima Alam, Senior Planner, Zoning Review Section, Development Review Division

A. **Nature of the Applicant's Request:** The applicant requests approval of a minor revision of site plan (ROSP) to add a 6-foot x 17-foot concrete pad; a 2,000 gallon aboveground storage tank, which is to be placed on top of the concrete pad and will be enclosed by an aluminum cabinet; extend the existing pump islands by approximately four feet and install two new Diesel Exhaust Fluid (DEF) pumps on top of the extended pump islands.

B. **Site description:** The subject property, 200 Milky Way in Capital Heights is located in the southeast quadrant of the intersection of Truck Way and Milky Way, approximately 600 feet east of Ritchie Road. The subject property is part of a 4.28-acre parcel and is zoned Light Industrial (I-1). The area of this special exception revision comprises 0.94 acre of land area as shown on the prior approved special exception application. The site is improved with three pump islands and an existing electrical equipment building to the rear of the property. The subject site has frontage on Milky Way and on Truck Way, each of which has a right-of-way of 70 feet. Access to the site is via two 45 feet wide driveway entrances, one of which is located on Truck way and the other one is located on Milky Way.

The area surrounding the site is developed with industrial uses zoned I-1 north of Truck Way and west of Milky Way and undeveloped land zoned I-1 to the east and south. The neighborhood in which the subject site is located is generally defined by Central Avenue (MD 214) to the north, the Capital Beltway (I-95/495) to the east, Potomac Electric Power Company (PEPCO) transmission lines to the south, and Ritchie Road, Old Ritchie Road, and an unnamed tributary to Southwest Branch to the west.

C. **History:** On March 9, 2002, the Prince George's County District Council approved Special Exception SE-4410 with a condition for a gas station.

D. **Landscape Manual Requirements:** Special Exception SE-4410 was found to conform with the applicable requirements of the 1990 *Prince George's County Landscape Manual*. At this time, a grading and/or building permit will be required for the proposed storage tank and fuel pumps, which now requires a valid Certificate of Landscape Maintenance be provided demonstrating compliance to Section 1.6(a) of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Additionally, the proposed improvements require additional landscaping as follows:

## **Section 4.9 - Sustainable Landscaping Requirements**

**Comment:** The site is subject to the requirements of Section 4.9 if any new plant materials are proposed. A schedule was not provided on the plan. The Urban Design Section recommends that the plans be revised to demonstrate conformance with this section.

- E. **Required Findings:** Section 27-325(a) of the Zoning Ordinance authorizes the Planning Board and Planning Director to approve certain minor changes to approved special exception site plans. The following sections also provide the parameters for what constitutes a minor change, specific criterion for varied approvals, and minor changes to gas station site plans:

### **Section 27-325(b) Minor changes, Planning Board.**

- (1) **The Planning Board is authorized to approve the following minor changes:**
  - (A) **An increase of no more than fifteen percent (15%) in the gross floor area of a building;**
  - (B) **An increase of no more than fifteen percent (15%) in the land area covered by a structure other than a building;**
  - (C) **The redesign of parking or loading areas; or**
  - (D) **The redesign of a landscape plan.**

**Comment:** The proposed revisions will not increase the gross floor area GFA of the building. The proposal also does not involve redesign of parking, loading, or landscape plan. Therefore, the site is eligible for review as a limited minor change by the Planning Director.

### **Section 27-325 (c). Limited minor changes, Planning Director.**

- (1) **The Planning Director is authorized to approve minor changes administratively, without public hearing, in cases listed in (b), but only if the proposed minor changes are limited in scope and nature, including an increase in gross floor area or land covered by a structure other than a building up to ten percent (10%). The Director shall deny any administrative approval request proposing site plan changes which will have a significant impact on adjacent property.**
- (2) **Before approving a minor change, the Director shall make all findings the Planning Board would be required to make, if it reviewed the application.**
- (3) **The Director is not authorized to waive requirements in this Subtitle, grant variances, or modify conditions, considerations, or other requirements imposed by the Planning Board or District Council in any case.**
- (4) **The applicant's property shall be posted within ten (10) days of the Director's acceptance of filing of the application. Posting shall be in accordance with Section 27-125.03. On and after the first day of posting, the application may not be amended.**

- (5) **The Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.**
- (6) **If posting is waived or a written request for public hearing is not submitted within the posted time period, then the Director may act on the application. The Director's approval concludes all proceedings.**
- (7) **If the Director denies the application or a timely hearing request is submitted, then the application shall be treated as re-filed on the date of that event. The applicant, Director, and Technical Staff shall then follow the procedures for Planning Board review in (a) above.**

**Comment:** The proposed revisions will not increase the GFA beyond 10 percent of the approved amount and is therefore, eligible for review by the Planning Director. The applicant proposes to add a six-foot by 17-foot concrete pad; a 2,000-gallon aboveground storage tank, which is to be placed on top of the concrete pad within an enclosed aluminum cabinet; extend the existing pump islands approximately four feet and install two DEF pumps on top of the extended pump islands. The proposed changes are truly limited in scope and nature, and thus will not have a significant impact on adjacent properties. For this reason, the posting requirements for this application have been waived by the Planning Director.

**Section 27-325(f) Changes of gas station site plans.**

- (1) **Changes of a site plan for an approved gas station may be permitted under the site plan amendment procedures in Section 27-324. The Planning Board and Planning Director may permit the following modifications under the procedures in this Subsection and in (a) and (c) above:**
  - (A) **The enlargement or relocation of pump islands;**
  - (B) **The addition of one (1) pump island;**
  - (C) **The addition, relocation, or modification of a fence, kiosk, island shelter, island canopy, storage area, trash enclosure, vending area, or lavatory facility;**
  - (D) **The addition, relocation, or modification of an accessory building used solely for the storage of automotive replacement parts or accessories. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to that of 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 approved as a part of the minor change;**
  - (E) **Any amendment described in (b) above.**

**Comment:** The proposed revision meets the criteria of Section 27-325(c) and (f) of the Zoning Ordinance for a limited minor change approvable by the Planning Director.

F. **Specific Special Exception Requirements:** Section 27-358 of the Zoning Ordinance provides the following specific requirements for a gas station:

- (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;
  - (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;
  - (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;
  - (4) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;
  - (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;
  - (6) Access driveways shall 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;
  - (8) Gasoline pumps and other service appliances shall be located at least twenty-five (25) 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.

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

**Comment:** The application satisfies the specific requirements for gas stations found in Section 27-358(a) of the Zoning Ordinance, which has been approved by the District Council. In 2002, both the Zoning Hearing Examiner and the District Council found that the use was necessary to the public in the surrounding area and did not restrict the availability of land. Staff believes these findings continue to be valid.

#### **Section 27-317. Required Findings**

- (a) A Special Exception may be approved if:
  - (1) The proposed use and site plan are in harmony with the purpose of this Subtitle;
  - (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;
  - (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;
  - (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

- (5) **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**
- (6) **The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and**
- (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 in accordance with the requirement of Subtitle 24-130(b)(5).**

**Comment:** Findings 1–5 of Section 27-317(a) of the Zoning Ordinance are satisfied, as the proposed change to the site plan does not make a significant change to the structure or the operation of the facility because it is not an intensification of use. Finding 6 of Section 27-317(a) is satisfied because the subject property and this proposal is in conformance with the previously approved Type II Tree Conservation Plan (TCP II-125-01). Finding 7 of Section 27-317(a) is satisfied, as the site is not located in a protected area and has an approved Stormwater Management Concept Plan, 3154-2016, dated January 26, 2016.

G. **Determinations:** The existing unattended, automated, fuel dispensing facility accommodates fleet vehicles used by local businesses operating within two miles of the facility. The requirements of Section 27-358 of the Zoning Ordinance are being maintained as part of this revision. The proposed revision is truly minuscule in nature. The proposal conforms to the requirements of Section 27-317(a) of the Zoning Ordinance and will not alter any of the previous conditions of approval of the original Special Exception SE-4410. The criteria for granting the proposed revisions to Special Exception ROSP-4410-01 are met. All conditions of approvals set forth by the referral agencies have been addressed through revisions of a site plan.

H. **Recommendation:**

Based on the above findings, it is recommended that Revision of Site Plan ROSP-4410-01 be APPROVED with the following condition:

- 1. Revise the landscape plan to demonstrate conformance to the requirements of Section 4.9 of the 2010 *Prince George's County Landscape Manual*, if any new plant material is proposed.

\* \* \* \* \*

**APPROVED BY AUTHORITY OF:  
Debora Borden, Acting Planning Director**

**Date:** \_\_\_\_\_

**By:** \_\_\_\_\_  
**Christina Pompa, Acting Zoning Supervisor**