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## Revision of Site Plan

## ROSP-4575-03

Application	General Data	
<b>Project Name:</b> Fort Washington Service Station  <b>Location:</b> On the southeast quadrant of the intersection of Indian Head Highway (MD 210) and Old Fort Road.  <b>Applicant/Address:</b> 12800 Old Fort Road LLC 10346 Champion Way Laurel, MD 20723  <b>Property Owner:</b> 12800 Old Fort Road LLC 10346 Champion Way Laurel, MD 20723	Planning Board Hearing Date:	N/A
	Staff Report Date:	03/09/17
	Date Accepted:	01/11/17
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.72 acres
	Zone:	C-S-C
	Gross Floor Area:	2,664 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	80
	Council District:	09
	Election District	05
	200-Scale Base Map:	217SE01

Purpose of Application	Notice Dates	
Revise Special Exception SE-4575-01 to enlarge the existing trash enclosure to 16' x 16' in size and to close the inter-parcel access driveway between the site and the adjacent shopping center located to the east of the site.	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-4575-03

**Project Name:** Fort Washington Service Station

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

- A. **Nature of the Applicant's Request:** The applicant proposes a minor revision of site plan to enlarge the existing trash enclosure and install new curb and gutter to close an interparcel access between the site and existing shopping center to the east of the site and restripe the access area with three parking spaces.
- B. **Site Description:** The subject property is located on the southeast quadrant of the intersection of Indian Head Highway (MD 210) and Old Fort Road, known as 12800 Old Fort Road. The site is developed with a one-story building previously used as an Exxon gas station. The existing building includes four service bays and an area for offices and storage space. There is an existing shed and trash enclosure on the property, which is separated from the remainder of the shopping center by a black wrought iron fence. Exxon vacated this site approximately ten years ago. The pump islands, pumps canopy and underground storage tanks were removed from the site at that time. Access to the property is proposed via a driveway connecting to Old Fort Road. No access to Indian Head Highway (MD 210) is proposed.
- C. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Abandoned building approved for gas station with six pumps, two service bays & a 1,000-square-foot convenience store	*Gas station with five pumps and a 2,664-square-foot convenience store
		+
Acreage	0.72	0.72
Lots	0	0
Parcels	1	1
Square Footage/GFA	2,424	2,664

**\*Note:** According to the prior ROSP-4575-02, Condition 18(b) this site had six pump islands including one diesel pump which was located within 25-foot of the special exception boundary line. However, due to the inability to meet the 25 feet setback requirement per Section 27-358(a)(8) below the sixth pump (diesel pump) was removed from the plan. The site now includes five pump islands.

- D. **History:** The first gas station on this property was built in 1962. In 1987, Special Exception SE-3720 was approved for a redesigned station, including a variance to waive the requirement for a five-foot sidewalk along Old Fort Road. Exxon continued in business on this site until approximately twelve years ago when they vacated the station, having built another station farther south on MD 210. Because the station was nonoperational for more than 14 months, the use is considered to be abandoned and a new special exception is required to reestablish a gas station on this property. The 2006 *Approved Master Plan and Sectional Map Amendment for Henson Creek-South Potomac Planning Area* retained the site in the C-S-C Zone. On September 30, 2008, The District Council approved Special Exception SE-4575 for a new full-service gas station and food and beverage store on the site. Concurrently, the District Council approved a request to construct improvements (the existing building, new gas pumps and canopy) within a proposed right-of-way, a future ramp from Indian Head Highway (MD 210), which bisects the property. On August 9, 2013, the minor revision to the site plan ROSP-4575-01 was approved administratively by the M-NCPPC Planning Director to convert two service bays to a convenience store, relocate canopy and pumps, and add a 240-square-foot addition to its previously approved 2,664-square-foot building pursuant to the SE-4575 approval. On May 25, 2015, the Zoning Hearing Examiner approved ROSP-4575-02 with conditions to amend two (2) conditions of an approved Special Exception for a Gas Station, in conjunction with a Food or Beverage Store.
- E. **Required Findings:** Section 27-325(a) of the Zoning Ordinance generally 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:

**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 use and is, therefore, eligible for review as a minor change. The proposal involves a minor change to enlarge the dumpster enclosure, install new curb and gutter to close the interparcel access between the site and the adjacent shopping center and add three parking spaces in place of the access area. A food and beverage store is permitted by right in the Commercial Shopping Center (C-S-C) Zone, and no expansion is being proposed to the prior approved special exception use of the auto filling station.

**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.

**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 revisions will not increase the GFA of the special exception use and

is, therefore, eligible for review by the Planning Director. Based upon the recommendation of the Zoning Section Supervisor of the Development Review Division, the Planning Director has approved a waiver of the posting requirement due to the limited scope and nature of the proposed improvements.

Among other things, the proposed modifications to enlarge the dumpster enclosure and to redesign parking area are permitted through Section 27-325(b) and (f)(1) of the Zoning Ordinance. The proposed changes are truly minor and limited in scope and nature. Thus, the revisions proposed will not have a significant impact on other adjacent properties. However, the applicant should know that among other prior conditions of approval, per ROSP-4575-02, condition number eight (8) specifies that the dumpster enclosure at the subject property shall be made of brick and the color shall match the station building.

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 and variances have already been approved by the Board of Zoning Appeals for any specific requirements within Section 27-358(a) that were unable to be met. The District Council has considered this use at this location on two occasions; and in doing so, found that this use was necessary to the public and did not restrict the availability of land. Staff believes these findings continue to be valid.

Section 27-317(a) provides the following criterion for approval:

- (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 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:** The District Council, in approving the original site plan, and subsequent revisions, found that the subject use met the above criteria. Staff believes these findings continue to be valid and the prior conditions of approval imposed in the revision to special exception ROSP-4575-02 should also remain in effect.

G. **Determinations:** The proposed use has operated on this site, off and on for more than 50 years without causing any apparent adverse impact on the health, safety or welfare of residents or works in the area. The propose revision will not increase the intensity of the previously approved plan in anyway. With the prior recommended conditions, when executed on this revision, the proposed site plan will comply with all requirements of the C-S-C Zone and Section 27-358 and 27-317 of the Zoning Ordinance. Moreover, staff finds the proposed minor revisions are so limited in scope and nature that they will have no appreciable impact on either adjacent properties or the approved site plan.

H. **Recommendation:** APPROVAL of Revision of Site Plan ROSP-4575-03 subject to the following conditions, imposed by the Zoning Hearing Examiner in the Special Exception SE-4575-02.

1. All four (4) sides of the building located on the subject property (the “Station Building”) shall be covered with EIFS to match the EIFS (in both texture and color) used on the buildings located on the Shopping Center property (The “Shopping Center Building”) (See Exhibits 46, 47, 53 and 63).
2. The Station Building shall include the added cornice and metal coping cap of the same materials and colors used on the Shopping Center Building.
3. The Station Building shall include an awning in the same colors and fabric as the awnings on the Shopping Center Building.
4. That part of the Station Building above the convenience market and/or office shall be adorned with lighting fixtures identical to the green goosenecks located on the Shopping Center Building.

5. The signage on the Station Building shall be individually mounted, non-lit, plastic formed letters identical to the signage on the Shopping Center Building. If a nationally branded company ("National Company") operates within a convenience store located at the Subject Property (e.g., Dunkin Donuts, Subway, etc.), then, to the extent such National Company requires that its standard signage be displayed on the front of the Station Building, the owner of the Station Property shall be permitted to install such standard signage, provided, however, that the size of such signage is in scale with the signage on the Shopping Center Building. The proposed freestanding sign shall be reduced in area to meet the maximum allowable square footage of 112.25 square feet.
6. The site lighting at the Subject Property shall match, as nearly as possible, the light poles and fixtures (i.e., by appearance, color, type and manufacturer) located at the Shopping Center Property, except the poles at the Station Property may be lower in height than those on the Shopping Center Property and contain fewer than three (3) fixtures per pole.
7. The owner of the Subject Property shall use best efforts, subject to the requirements of its agreement with Texaco, to wrap the poles of any free-standing signage to match the materials and colors of the poles on the free-standing sign at the Shopping Center Property.
8. The dumpster enclosure at the Subject Property shall be made of brick and the color shall match the Station Building as modified in accordance with the foregoing conditions.
9. The existing fence surrounding the Subject Property shall be removed by the earlier of (i) one (1) year from the date of final approval of the S.E. 4575 or (ii) that date a gasoline station and/or auto repair shop opens for business at the Subject Property. No new fence shall be constructed on the Subject Property.
10. All rooftop equipment on the Station Building shall be screened from the view of persons standing anywhere on the Shopping Center Property.
11. The existing storage shed at the Subject Property must be removed by the earlier of (i) one (1) year from date of final approval of the S.E. 4575 or (ii) that date a gasoline station and/or auto repair shop opens for business at the Station Property. Notwithstanding the foregoing, the shed may be replaced with a shed of the same size or smaller, provided such replacement shed matches, in materials and color, the Station Building as modified in accordance with the foregoing conditions.
12. No more than eight (8) vehicles at one time may be parked overnight at the Subject Property.
13. No vehicle may be parked in, on, or at the Subject Property for more than seventy (72) consecutive hours.
14. The Site Plan must show the location of the proposed future ramp from MD 210 to Old Fort Road in conformance with the 2006 South Potomac-Henson Creek Master Plan and the mapping from the MD 210 Corridor Transportation Study by the SHA.
15. The Site Plan shall be revised to outline the area of the Special Exception in red.
16. Applicant shall provide a copy of the revised Letter of Exemption to the requirements of the Woodland Conservation Ordinance to replace the expired copy in the record.



17. A copy of the certified site plan for this case shall be submitted into the record for the approval to build within the right-of-way.

\* \* \* \* \*

**APPROVED BY AUTHORITY OF:**  
**Andree Green Checkley, Planning Director**

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

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