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Revision of Site Plan

ROSP-997-05

Application	General Data	
Project Name: SMO, Inc. - 7501 Allentown Road Location: Located on the northeast side of Allentown Road, at its intersection with Webster Lane. Applicant/Address: SMO, Inc. PO Box 2810 La Plata, MD 20646 Property Owner: SMO, Inc. PO Box 2810 La Plata, MD 20646	Planning Board Hearing Date:	N/A
	Staff Report Date:	05/18/16
	Date Accepted:	04/13/16
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.86
	Zone:	C-S-C
	Gross Floor Area:	N/A
	Lots:	N/A
	Parcels:	1
	Planning Area:	76B
	Council District:	08
	Election District	12
	200-Scale Base Map:	207NE08

Purpose of Application	Notice Dates	
Revise special exception to increase the canopy size and reconfigure the pump islands.	Informational Mailing	N/A
	Acceptance Mailing:	N/A
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Ivy R. Thompson Phone Number: 301-952-4326 E-mail: Ivy.Thompson@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-997-05

Project Name: SMO, Inc. – 7501 Allentown Road

Reviewer's Name: Ivy R. Thompson, Senior Planner

- A. **Nature of the Applicant's Request:** The applicant requests approval of a minor revision of site plan (ROSP) to allow the reconfiguration of the existing pump island and the enlargement of a canopy within the proposed right-of-way, in accordance with Section 27-259 of the Prince George's County Zoning Ordinance.

Zoning History:

- | | |
|-----------------|--|
| March 20, 1964— | Special Exception SE-997 was approved by the Prince George's County District Council for a gas station, with variances for being one foot from the five-foot-wide sidewalk requirement; seven feet from the 25-foot gas pump setback; a six-foot-high opaque fence requirement along adjoining residential property; and the 20-foot point of curvature requirement. |
| March 10, 1983— | The Planning Board approved a revision to the site plan in order to erect a kiosk and canopy in the pump island area. |
| May 29, 1986 | The Planning Board approved an ROSP to retain an existing structure used for auto parts storage. |
| June 24, 1991— | The District Council approved an ROSP (major change) in order to modify the gas pump islands and a 493-square-foot addition to the food and beverage store. |

- B. **Required Findings:**

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.

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 Tree Conservation Plan.

Section 27-358. - 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 Permitting, Inspections, and Enforcement, 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.

C. Determinations:

1. The subject site is located on the northeast side of Allentown Road, at its intersection with Webster Lane. Addressed as 7501 Allentown Road, the site comprises 0.8690 acre of land area and is improved with a one-story brick and metal frame structure which is currently vacant. It is irregularly shaped (trapezoid) with frontage along Allentown Road.
2. The area surrounding the site is characterized with retail commercial uses along Allentown Road zoned Commercial Shopping Center (C-S-C) south of Webster Lane and residential uses zoned One-Family Detached Residential (R-80) north and northeast of Webster Lane, developed with single-family dwellings. The neighborhood in which the subject site is located is generally defined by Webster Lane to the north, Allentown Road to the east, and the intersection of Lothian Lane and Allentown Road to the west.
3. Based upon the recommendation of the Zoning Review Supervisor, the Planning Director has approved a waiver of the posting requirement due to the limited scope and nature of the proposed improvements.
4. The applicant proposes to reconfigure the existing pump islands and replace and enlarge the canopy. In accordance with Section 27-259 of the Zoning Ordinance, the applicant has requested a hearing before the District Council for permission to build (the proposed canopy) within the proposed right-of-way.
5. 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.
6. 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 is exempt from the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance because the property is less than 40,000 square feet. 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.
7. This is an existing gas station with four previous revisions. Variances from the requirement of Section 27-358 of the Zoning Ordinance are being maintained as part of this revision. The proposed revision conforms to the requirements of the Zoning Ordinance and will not alter any of the previous conditions of approval of the original Special Exception, SE-997.

8. The proposed revision does not alter the previous findings of the District Council with regard to the nature and scope of the operation and the type and amount of traffic to be generated.
9. The proposed revisions will not alter the previous findings of compatibility with the surrounding area, conformance with the regulations of the Zoning Ordinance, or impairment of the master plan.

D. Recommendation:

Based on the above findings, it is recommended that Revision of Site Plan ROSP-997-05 be APPROVED with the following conditions:

1. Revise the parking schedule to reflect the 25 legal parking spaces, including all handicap, standard, and compact parking spaces. Parking included in the right-of-way shall not be counted in the revised parking schedule.
2. Remove the sea containers from the site plan.

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APPROVED BY AUTHORITY OF:
Fern V. Piret, Planning Director

Date: _____

By: _____
Jimi Jones, Zoning Supervisor