



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: ROSP 1161/03

Project Name: Mobil Gas Station

Reviewer's Name: Catherine H. Wallace, Planner Coordinator

A. **Nature of the Applicant's Request:** The owner/applicant operates a gas station with auto repair pursuant to Special Exception 1161, originally approved in 1965. The applicant recently erected a six-foot-high, chain-link fence with barbed wire and gates in two locations on the property. The rear and side lot lines of the property were previously fenced with a chain-link and stockade fence, respectively. The additional fence sections allow the applicant to secure the area to the rear of the building. The erection of the fence requires the approval of a revision to the site plan for Special Exception 1161.

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 Part 3,**

Division 1. 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.**

Sec. 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 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.

Sec. 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.**

A. Determinations:

- 1. The subject property is located in the southwest quadrant of the intersection of Silver Hill Road and Silver Park Drive. It is developed with a gas station with a two-bay repair shop. It is surrounded by apartment buildings in the R-18 Zone on the east and west. To the south is a barber shop located in the C-O Zone and across Silver Hill Road to the north is a Smithsonian Institution facility in the O-S Zone.
- 2. The site plan was the subject to two previous revisions. The most recent revision was approved in 1992. At that time approval was conditioned upon the applicant obtaining variances from Section 27-358 for the location and width of ingress and egress driveways, the location of pump islands, and the setback for the canopy. The required variances were approved in 1993. (See Appeal No. 11969.) With the approved variances, the site plan is in conformance with the specific requirements for a gas station. The proposed revisions do not affect these requirements.
- 3. The approved site plan shows a six-foot-high, stockade fence between the subject property and adjoining apartments to the west. A chain-link fence is shown along the southern property line adjoining the C-O-zoned parcel.
- 4. The proposed site plan shows a six-foot high, chain-link fence and gates connecting the building to the stockade fence to the west and the chain-link fence to the south. These fences have already been erected and include barbed wire atop the fences.
- 5. The additions to the fencing on the site constitute a minor change that is limited in scope and nature and covers less than 10 percent of subject property.
- 6. The Planning Director has waived the requirement for posting of the property upon the recommendation of the Zoning Supervisor, who determined that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.
- 7. The site plan shows the chain-link section to the rear of the building to bisect a parking

- space. Because the two-bay service center requires six parking spaces and seven are provided, the loss of that parking space is not detrimental to the parking requirements.
8. Although the proposed fences exceed six feet in height, they do not adjoin land in a residential zone and, therefore, may exceed six feet in height.
 9. The proposed fences are compatible with the surrounding neighborhood. The subject property is located at the entrance to a multifamily residential community. The fences in question, however, are only briefly visible from either Silver Hill Road or Silver Park Drive. The property to the rear of the subject site is a commercial use in a commercial zone. Prior to the erection of the new fence sections, the area between the two commercial buildings provided a location for criminal activity. The fence is, therefore, a benefit to the community that surrounds the site, as well as the customers who leave their vehicles for repairs.

B. Recommendation:

Based upon the above findings, it is recommended that ROSP-1161/03 be approved.

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

By:_____ Date:_____

Jimi Jones, Acting Zoning Supervisor