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Revision of Site Plan (Limited Minor Change)

ROSP SE-1977/02

Application	General Data
Project Name: Shell Service Station (Brinkley Road) Location: South side of Brinkley Road, east of St. Moritz Drive, known as 3301 Brinkley Road. Applicant/Address: H & H Concrete Construction, Inc. 1000 East Ridgeville Boulevard Mount Airy, Maryland 21771	Date Accepted: 8/27/04
	Planning Board Action Limit: N/A
	Plan Acreage: 0.58
	Zone: C-S-C
	Dwelling Units: NA
	Square Footage: NA
	Planning Area: 76B
	Tier: Developing
	Council District: 08
	Municipality: N/A
	200-Scale Base Map: 208SE03

Purpose of Application	Notice Dates
Addition of six-foot-high chain link fence	Adjoining Property Owners Previous Parties of Record Registered Associations: 4/26/04 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation			Staff Reviewer: Laxmi Srinivas
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			



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

November 29, 2004

PLANNING DIRECTOR DECISION

Limited Departures and Revisions to Approved Plans

Application No: ROSP 1977/02

Project Name: Shell Service Station

Reviewer's Name: Laxmi Srinivas, Senior Planner

Nature of the Applicant's Request: This minor revision was filed for adding a six-foot-high chain-link fence along St. Moritz Drive. The proposed chain-link fence will have 2.5-inch diameter posts 10 feet apart and 2-inch mesh of galvanized fence fabric.

Zoning History: In April 1977, the District Council granted Special Exception 1977 for a gasoline station on the property. A previous minor revision ROSP 1977/01 was approved on September 18, 1987 for minor changes to the gas station. Approval of a departure from the sign design standards (DSDS-539) was also granted to waive building and street setback requirements. Moreover, two variances were granted in conjunction with the revision and the DSDS to validate existing locations of the canopy and gasoline pumps. A departure from sign design standards was approved by the Planning Board on October 16, 2003, to increase the area of the freestanding sign (PGCPB No.03-210).

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, 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. The Director shall deny any administrative approval request proposing site plan changes that 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 days of the Director's acceptance of the

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 refiled on the date of that event. The applicant, Director, and technical staff shall then follow the procedures for Planning Board review.

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.

(CB-8-1984; CB-1-1989; CB-48-1998; CB-22-1999; CB-72-1999)

Sec. 27-447. Fences and walls.

- (a) Unless otherwise provided, fences and walls (including retaining walls) more than six (6) feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings.
- (b) Walls and fences more than four (4) feet high (above the finished grade) shall be considered structures requiring building permits.

Sec. 27-317. Special Exceptions—General Requirements

- (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.

C. Determinations:

1. The subject property is a 0.58-acre parcel located on the south side of Brinkley Road, east of St. Moritz Drive, known as 3301 Brinkley Road. It is zoned C-S-C. It is surrounded by the following uses:

North:	Across Brinkley Road, A wooded lot with a single-family detached dwelling and apartments in the R-18C and R-18 Zones.
East:	A food mart in the C-S-C Zone and a church in the R-R Zone.
South:	The Rosecroft Shopping Center in the C-S-C Zone and St. Moritz Drive.
West	The Rosecroft Shopping Center in the C-S-C Zone and St. Moritz Drive.
2. The posting requirement for this minor revision was waived because the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.
3. The subject property has frontage on and direct vehicular access to Brinkley Road, an existing street with sufficient capacity to accommodate the type and amount of traffic expected to be generated by the use. Access from the adjacent shopping center is from St. Moritz Drive, an internal private drive for the shopping center.
4. The existing gas station meets the requirements of Section 27.358, Gas Stations, of the Zoning Ordinance.
5. The proposed fence meets the height requirements of Section 27-447, Fences and Walls, of the Zoning Ordinance. The proposed fence will not visually obstruct any vehicular traffic along St. Moritz Drive. It will provide adequate screening for the rear elevation of the existing food/beverage store on the subject property.
6. The proposed revision conforms to the requirements of the Zoning Ordinance and the conditions of approval of the original special exception. The proposed fence will be compatible with the existing building and surroundings.
7. 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.

8. 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 1981 Master Plan for Subregion VII.

D. Recommendation:

Based on the above findings, it is recommended that ROSP 1977/02 be APPROVED.

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

By:_____ **Date:**_____

Jimi Jones, Acting Zoning Supervisor