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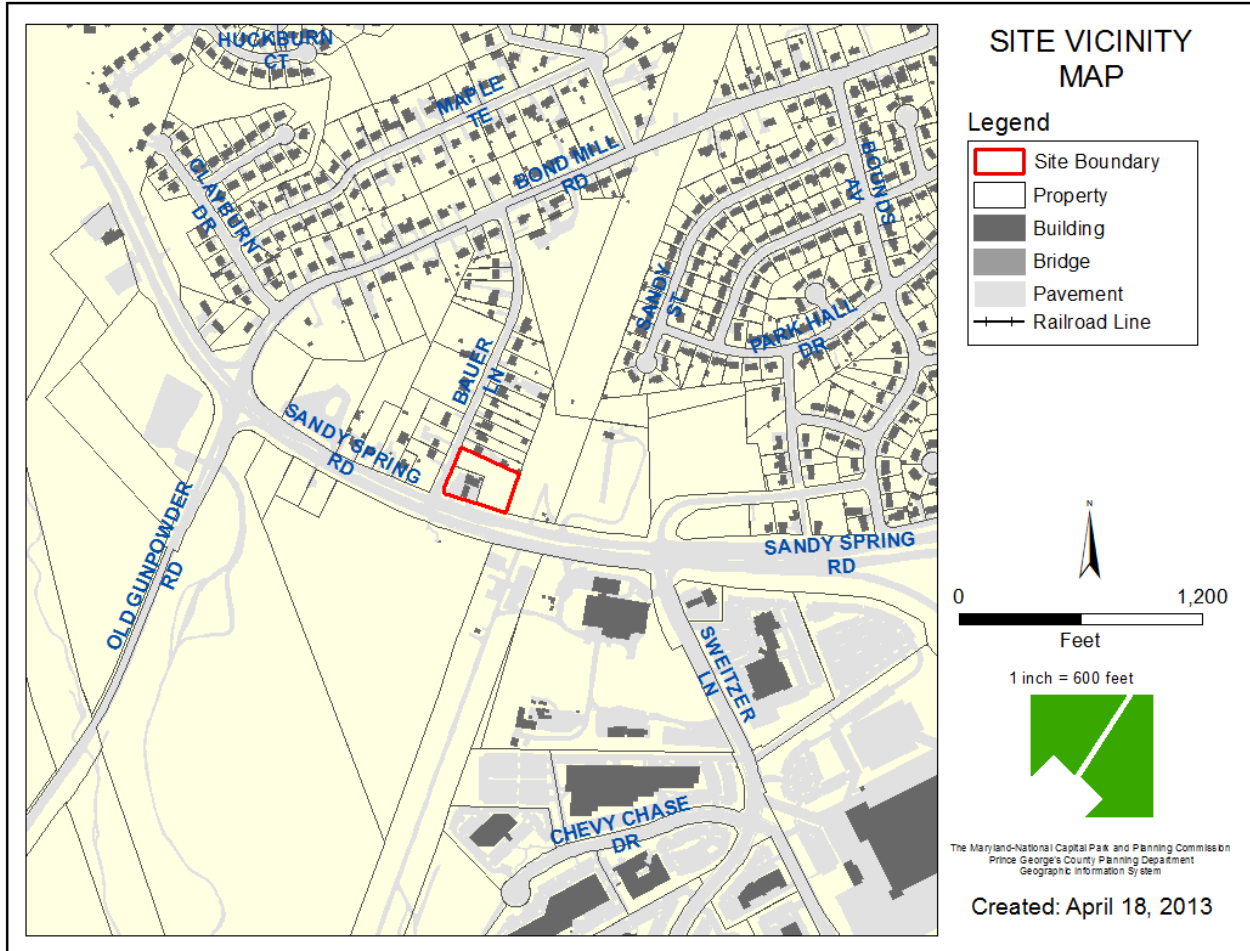
Special Exception

SE-4730

Application	General Data	
Project Name: SMO – Sandy Spring Road Location: On the northeast corner of the intersection of Bauer Lane and Sandy Spring Road (MD 198). Applicant/Address: Southern Maryland Oil, Inc. 6355 Crain Highway LaPlata, MD 20646 Property Owner: Walnut Limited Partnership 1305 Patuxent Drive Ashton, MD 20861 Christa L. Eisel 2323 Gillis Road Mt. Airy, MD 21771 Christa L. Eisel Trust 6000 Sandy Spring Road Laurel, MD 20707	Planning Board Hearing Date:	11/14/13
	Staff Report Date:	10/30/13
	Date Accepted:	08/05/13
	Planning Board Action Limit:	N/A
	Plan Acreage:	1.62
	Zone:	C-S-C
	Gross Floor Area:	4,231 sq. ft.
	Lots:	0
	Parcels:	2
	Planning Area:	60
	Tier:	Developing
	Council District:	01
	Election District	10
	Municipality:	None
	200-Scale Base Map:	220NE06

Purpose of Application	Notice Dates	
Special exception to raze and rebuild an existing gas station and food and beverage store and add a car wash.	Informational Mailing	01/30/13
	Acceptance Mailing:	07/30/13
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Tom Lockard Phone Number: 301-952-3410 E-mail: Thomas.Lockard@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Zoning Supervisor, Development Review Division

FROM: Tom Lockard, Planner Coordinator, Zoning Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4730**
SMO – Sandy Spring Road

REQUEST: Special exception to raze and rebuild an existing gas station and food and beverage store and add a car wash.

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of November 14, 2013. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS

- A. **Location and Field Inspection:** The subject property, known as 6000 and 6004 Sandy Spring Road, is located on the northeast corner of Bauer Lane and Sandy Spring Road (MD 198). The site is comprised of Parcels A and B and contains a total of 1.62 acres. The site has 308 feet of frontage on Sandy Spring Road and a total of 213 feet of frontage on Bauer Lane. Vehicular access is currently provided via two access driveways from Sandy Spring Road. The site is improved with a Shell Gas Station. The gas station includes four gasoline dispensers (with eight fueling positions), a three-bay service garage, a 150-square-foot food and beverage area and a 10-foot by 12-foot accessory building.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Auto Filling Station w/3 Service Bays & Food or Beverage Store	Auto Filling Station w/ Food or Beverage Store & Car Wash
Acreage	1.62	1.62
Lots	0	0
Parcels	2	2
Square Footage/GFA	2,051	4,231
Variances	Yes	No

- C. **History:** The District Council approved a special exception for the existing gas station on January 16, 1968. Six revisions to the special exception, as well as a second special exception, have been approved since then:

1. On July 17, 1980, the Prince George's County Planning Board approved Revision of Site Plan ROSP-1673/01 for the construction of a sales kiosk, additional parking, and landscaping (PGCPB Resolution No. 80-50). A variance was approved in conjunction with the revision (VA-5722) to allow an access driveway less than 30 feet wide and a waiver from the requirement for a landscaped front yard setback strip of ten feet along a public street line.
2. On December 16, 1993, the Planning Board approved ROSP-1673/02 to remove the kiosk, add a gasoline dispenser, and make minor site modifications (PGCPB Resolution No. 93-997).
3. On February 16, 1995, the Planning Board approved ROSP-1763/03, a minor revision to extend by 20 feet an existing six-foot-high sight-tight fence along the west side of the subject property (PGCPB Resolution No. 95-48).
4. On November 14, 1996, the Planning Board approved ROSP-1673/04 to allow the provision of an enclosure to an existing portico area, a new handicapped-accessible restroom, and the remodeling of the sales/waiting room area. The applicant had also requested a variance to waive the five-foot-wide sidewalk requirement along Sandy

Spring Road (MD 198) and Bauer Lane. The variance request was denied and a condition was included requiring the installation of the sidewalk. It was never constructed.

5. A limited minor change was approved by the Planning Director on June 3, 2005. The request was for the addition of an above-ground heating oil tank behind the existing convenience store on Parcel A. In 1984, the Board of Appeals granted a Variance (VA-12247) from Section 27-358(a)(5) of the Zoning Ordinance for ten feet to allow an access driveway to begin ten feet from the point of curvature, and for six feet to allow a driveway to begin or end at a point six feet from the side yard of the adjoining lot.
6. A second Special Exception (SE-4597) to expand the gas station onto the adjoining parcel (Parcel B) was approved by the District Council on March 28, 2005. At that time, the District Council waived the requirement for a sidewalk along Sandy Spring Road and Bauer Lane. A companion Revision of Site Plan (ROSP-1673/06) was also approved at that time to remove underground storage tanks, to validate an accessory building, and relocate parking spaces at the existing station.

- D. **Master Plan Recommendation:** This application for redevelopment of an existing gas station conforms to the recommendations of the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (Subregion 1 Master Plan and SMA) for a commercial land use. The master plan notes that the “West Laurel Community has long been concerned with development along the Route 198 frontage from I-95 west to the Montgomery County line. Over the years, there have been numerous proposals or suggestions for commercial development on the north side of Route 198. Apart from the existing gas station and adjoining property, no new commercial rezonings should occur, nor any special exceptions for commercial uses.” (Master Plan, page 140) The referenced gas station, approved previously by SE-1673 and SE-4597, is the subject property of this application.

The 2002 *Prince George’s County Approved General Plan* (General Plan) locates the subject property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit-serviceable.

- E. **Request:** The applicant is proposing to raze and rebuild the existing gas station located at the corner of Sandy Spring Road (MD 198) and Bauer Lane in West Laurel. The project will entail the complete removal of all existing structures on the property and the new construction of a 3,180-square-foot food or beverage store, a canopy, ten multi-product fuel pump dispensers that provide a total of 20 fueling positions, a two-position diesel pump dispenser, and a drive-through car wash. A gas station and car wash both require approval of a special exception application in the Commercial Shopping Center (C-S-C) Zone, while a food or beverage store is a permitted use. The gas station has specific requirements that must be addressed, as discussed in Finding G of this report. The car wash does not have specific requirements.
- F. **Neighborhood and Surrounding Uses:** The subject properties are located in the southern section of the West Laurel community. The neighborhood is bounded by Mill Bond Road to the north and west; the Baltimore Gas and Electric (BGE) right-of-way to the east; and Sandy Spring Road (MD 198) to the south. This is the same neighborhood accepted in Special Exception SE-4597. The properties are surrounded by the following uses:

North— Single-family detached homes along Bauer Lane in the R-R (Rural Residential) Zone.

South— Across Sandy Spring Road is an undeveloped parcel in the E-I-A (Employment and Institutional Area) Zone. The Washington Suburban Sanitary Commission (WSSC) Patuxent Water Filtration Plant in the E-I-A Zone is located farther to the southeast.

East— Power lines and a WSSC water treatment facility in the R-R Zone.

West— Across Bauer Lane are single-family detached homes in the R-R Zone.

G. **Specific Special Exception Requirements for a Gas Station:** A gasoline station is permitted in the C-S-C Zone by a special exception. Section 27-358 of the Zoning Ordinance sets forth the specific special exception 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.**

The subject property has approximately 308 feet of frontage along Sandy Spring Road (MD 198), which is a master plan arterial facility with an ultimate right-of-way width of 150 feet. The site also has 213 feet of frontage along Bauer Lane.

- (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.**

The subject property meets this requirement. There is no school, outdoor playground, library, or hospital located on any property within 300 feet of the subject site.

- (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.**

The applicant's proposal does not include these activities. Both the applicant's statement of justification and the site plan indicate that there will be no display or rental of cargo trailers, trucks, or similar uses at this site.

- (4) **The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited.**

The applicant does not propose the storage or junking of wrecked vehicles on the property.

- (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.

The site plan shows two access drives from Sandy Spring Road, each of which meets these criteria. The existing one-way drive closest to Bauer Lane, for which the applicant had obtained a variance, will be closed.

(6) Access driveways shall be defined by curbing.

The site plan indicates that all access driveways are 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.

When SE-4597 was approved by the District Council on March 28, 2005, the District Council waived the requirement for a sidewalk along Sandy Spring Road and Bauer Lane.

(8) Gasoline pumps and other service appliances shall be located at least twenty-five (25) feet behind the street line.

The site plan is in compliance with this requirement. The location of the existing gasoline pumps are not proposed to be modified. They are approximately 30 feet from Sandy Spring Road, the nearest right-of way.

(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.

Repair service is no longer proposed at this location.

(10) Details on architectural elements such as elevation depictions of each façade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.

The applicant has submitted these details. The Urban Design Section suggests some changes to the architecture in their referral dated September 10, 2013:

- Creating more visual interest by more variation in the predominantly flat rooflines of the structures, then using dimensional shingles or standing seam metal to provide additional texture.
- Give more thought to form and massing, rather than creating solely rectilinear structures.
- Use architectural detail and ornamentation to enhance the design of the structure.
- Include real or faux windows and/or doors on all four façades in a balanced pattern.
- Using quality materials, predominantly brick, on all four façades of the structures.
- Use materials on the supports and canopy that relate back to the building architecture.

Urban Design suggests that the placement and design of the proposed car wash as currently proposed is difficult to find compatible with surrounding development. We concur. The introduction of a 24-hour unmanned car wash along the Bauer Lane frontage is not appropriate, given its residential character. The car wash should be relocated or removed. Staff would suggest incorporating the car wash as part of the convenience store building, rather than having it as a stand-alone structure. This would allow for a greater setback and decrease the visual impact of the buildings on the site relative to the surrounding residentially-zoned properties.

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

The topographical information and trash enclosure are shown on the site plans. No vending area is proposed.

(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.

The applicant agrees to comply with this requirement.

(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.**

The fact that a gas station has successfully existed on this site for more than 45 years suggests that it is necessary to the public in the surrounding area. The District Council has twice found this to be the case. Staff does not find that the proposal will unduly restrict the availability of land or the balance of land use in the area for other commercial uses.

H. **Parking Regulations:** The site plan correctly notes that a total of 18 parking spaces are required for the gas station, ‘food or beverage’ store, and car wash. The applicant has provided 24 parking spaces and one required loading space in compliance with the provisions set forth in Part 11 of Subtitle 27 of the Prince George’s County Code. Several of the parking spaces, however, are shown to provide access to coin-operated vacuums. These spaces cannot be counted as required parking. The applicant must revise the plan accordingly.

I. **Landscape Manual Requirements:** The proposed project is subject to the requirements of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) as follows:

Section 4.2, Requirements for Landscaped Strips along Streets—The proposal is subject to Section 4.2 along both its Sandy Spring Road (MD 198) and Bauer Lane frontages. The submitted plan provides the appropriate schedule, which shows that the requirements are being met with the proposed development. However, the schedules include one typographical error stating that “5 shrubs are required per 35 linear feet,” whereas ten are required when using Option 1. This should be corrected.

Section 4.3, Parking Lot Requirements—The proposal is subject to the requirements of Section 4.3 because it involves a new parking area in excess of 7,000 square feet. The submitted plan provides the appropriate schedule, which shows that the requirements are being met by the proposed development.

Section 4.4, Screening Requirements—The submitted site plan indicates new exterior trash facilities and a loading space that are shown to be screened. However, staff would suggest a brick veneer or sight-tight fence made of a durable, low-sheen, non-white, non-wood material be utilized for the dumpster enclosure instead of the currently proposed chain-link fence with vinyl slats, which will not wear well nor create a lasting aesthetically-pleasing solution to screening the dumpster. The plans should be revised accordingly. Staff recommends the sight-tight fence be relocated from the property line to the top of the retaining wall in order to act as a more effective buffer due to the grade change between the site and the residential property to the north. Also, additional landscaping should be placed within the landscape strip in that area in light of the applicant’s decision to remove some of the onsite bio-retention areas.

Section 4.5, Stormwater Management Facilities—The subject special exception site plan indicates proposed stormwater management facilities that should be landscaped as per the requirements of the Department of Permitting, Inspection and Enforcement (DPIE).

Section 4.7, Buffering Incompatible Uses—The special exception is subject to the requirements of Section 4.7 because it involves a new building. The submitted plan provides the appropriate schedules, which shows that the requirements are being met along the northern and eastern property lines as required. However, there is a typographical error in the Bufferyard “B” schedule that indicates that 100 percent of the bufferyard is occupied by existing woodland, when it is actually zero percent. This should be corrected.

Section 4.9, Sustainable Landscaping Requirements—The special exception is subject to the requirements of Section 4.9 for all proposed plantings. The plan includes the appropriate schedule demonstrating conformance to its requirements including percentage of native plant species, exclusion and removal of invasive plant species, and location of plantings on amenable slopes. However, the native plant material has not been identified as required in the planting schedule. The plan should be revised accordingly.

- J. **Zone Standards:** The proposed use meets all bulk and height standards for the C-S-C Zone. The proposal also meets all setback requirements.
- K. **Sign Regulations:** The site plan indicates one freestanding sign located at the southwestern corner of Parcel A. The sign location is in conformance with Zoning Ordinance regulations. Another sign is shown on the site plan within the right-of-way for and perpendicular to Sandy Spring Road (MD 198). This sign must either be removed/relocated or the applicant must show evidence of an agreement to allow the sign to remain in accordance with Section 27-614(a)(4).
- L. **Required Findings:** Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:
 - (1) **The proposed use and site plan are in harmony with the purposes 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 Map Plan, the General Plan.**

The proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The 15 purposes of the Zoning Ordinance, as provided in Section 27-102(a), seek generally to protect and promote the health, safety, and welfare of the present and future inhabitants of the county. All applicable requirements and regulations are met, with no variances or departures required. The proposed special exception represents, in effect, an extension of the existing gas station rather than a new use. The proposal will provide improved vehicular access to the site and remove a potentially hazardous one-way access point close to Bauer Lane along a high-volume high-speed arterial. The Subregion 1 Master Plan recommends a commercial land use for the subject property, and the proposed use conforms to the General Plan’s vision for the Developing Tier for a nonresidential land use. Therefore, the proposed use will not substantially impair the integrity of the master plan for this area.

- (4) **The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

As stated above, staff finds that the proposed use will help improve the function of the existing transportation network and provide a safer means of providing a useful service to the area. The two commercial driveways shown on the plan are proposed farther east than the existing entrances on Sandy Spring Road (MD 198), which is an improvement. A gas station has been in continuous operation on this property since the District Council's approval of SE-1673 in 1968, and it has had no adverse effects on the health, safety, or welfare of residents or workers in the area. As part of the redevelopment of the site, the applicant will be installing new full cut-off optic outdoor lighting that will provide patrons with a bright safe atmosphere, while not causing glare onto adjacent properties. As a result, staff finds that with the attached conditions, the proposed use will enhance the health, safety, and welfare of residents and workers in the area.

However, this finding is dependent on the relocation of the proposed car wash. While staff understands the applicant's desire to place the car wash where it allows for the greatest amount of stacking for cars, we do not feel that a 24-hour unmanned car wash is appropriate along an otherwise residential street, directly across from a single-family residence. The noise and visual intrusion associated with the car wash as shown on the plan does not promote the most beneficial relationship between uses of land and buildings.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

With the proposed conditions, the use will not be detrimental to the use or development of adjacent properties or the general neighborhood. In approving the original special exception application in 1968, the District Council found that the use would not be detrimental to the use or development of adjacent properties or the general neighborhood. Six times since then, the Planning Board heard and approved minor revisions for the property, each time finding that the use would not be detrimental to the use or development of adjacent properties or the general neighborhood. The District Council made a similar finding in approving the second special exception which expanded the use onto Parcel B. Staff believes that these findings continue to be valid. Once again, this finding presupposes the relocation of the car wash.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

The site has a Type 2 Tree Conservation Plan (TCP2-245-91-03) approved on May 13, 2013, which shows the proposed development is in accordance with the current environmental regulations.

(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.

There are no regulated environmental features on the subject property that would require preservation and/or restoration.

CONCLUSION

With the conditions of approval set forth below, staff finds this development will continue to serve the needs of this area. Staff therefore recommends APPROVAL of Special Exception Application No. SE-4730, subject to the following conditions:

1. Prior to certification of the special exception site plan, the following revisions shall be made:
 - a. Revise the Section 4.2 schedules to note that ten shrubs are required per 35 linear feet.
 - b. Revise the planting schedule to identify native plant material.
 - c. Revise the Section 4.7 schedule for Bufferyard “B” to indicate that zero percentage of the required bufferyard is occupied by existing woodland.
 - d. Provide color elevation details including the specific materials and colors of the retaining wall, sight-tight fence, and all wall signage included in the project, compatible with existing and proposed surrounding development.
 - e. The applicant shall remove the car wash or redesign the site so that the car wash and stacking is less proximate to the residential uses immediately north of the site and across Bauer Lane to the west.
 - f. The style, materials, and color of the canopy shall be revised to be architecturally consistent with the revised building style and materials.
 - g. A detail for all light fixtures shall be included in the project plans. Such light fixtures should be downward-facing and shielded so as to prevent light spillage on adjacent properties.
 - h. The freestanding sign within the right-of-way for and perpendicular to Sandy Spring Road (MD 198) shall either be removed/relocated or the applicant must show evidence of an agreement to allow the sign to remain in accordance with Section 27-614(a)(4) of the Zoning Ordinance.
 - i. The architecture shall be revised to create more visual interest by reconsidering the basically rectilinear form and massing, providing more architectural detail and ornament, varying the roof line and using dimensional shingles or standing seam metal, increasing the fenestration on all four façades of the buildings using real or faux windows or doors, and using less exterior insulation and finishing system (EIFS) and more brick.
 - j. The proposed chain-link fence with vinyl slats to be utilized for the dumpster enclosure shall be replaced with brick veneer or a sight-tight fence constructed of a durable, non-white, non-wood, low-sheen material.
 - k. Any parking spaces to be used for vacuum staging shall be removed from the required parking count for the site.
 - l. The proposed retaining wall located in “Bufferyard A” shall be modified so that it is less than six-feet in height.

- m. The proposed six-foot sight-tight fence shall be relocated to an area between the edge of curb of the drive aisle and the top of the proposed retaining wall.
 - n. Modify the stormwater management facilities located in “Bufferyard A.”
 - o. Provide additional shade and evergreen trees in “Bufferyard A” and revise the Landscape Schedule accordingly.
 - p. Modify retaining wall schematic shown on Sheet 4 of 6 to be consistent with 1(a) above.
2. Prior to issuance of building permits, Stormwater Management Concept Plan 37879-2010-00 shall be revised to be consistent with the layout shown on the Special Exception site plan.