



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive



Ellicott City, Maryland 21043



410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

May 26, 2016

TECHNICAL STAFF REPORT

Hearing Examiner hearing of June 9, 2016

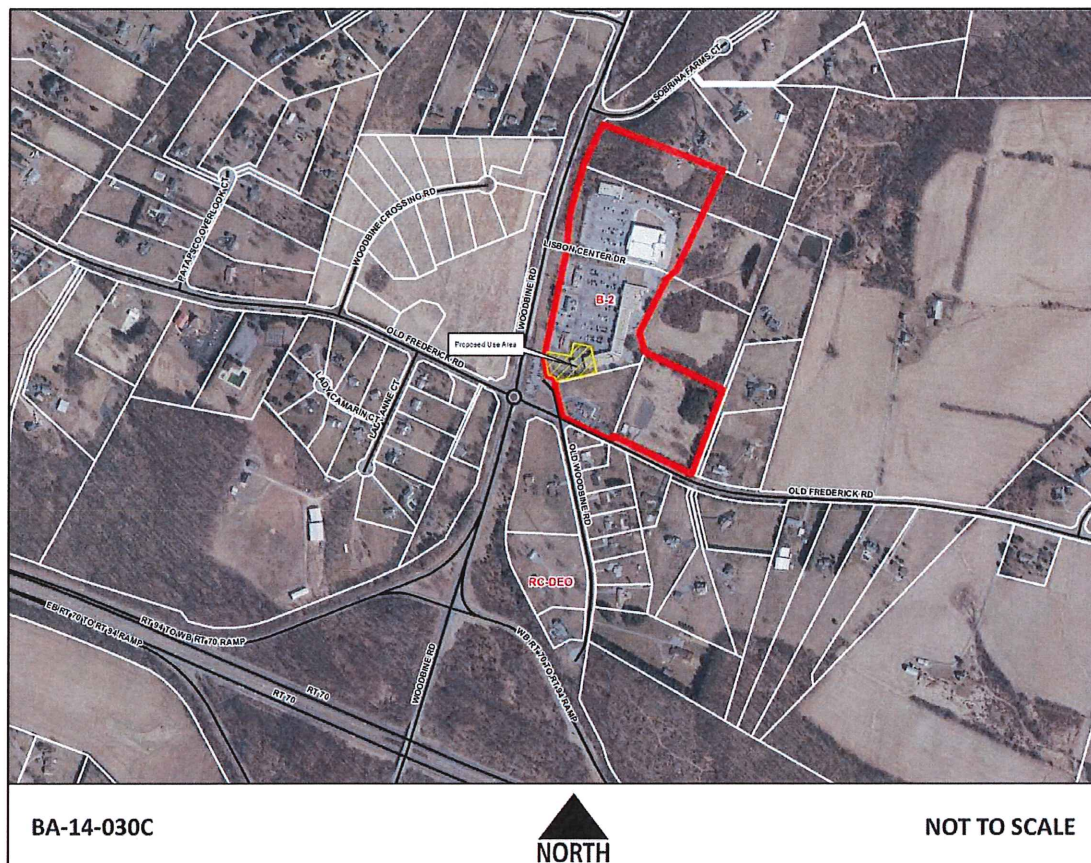
Case No./Petitioner: BA 14-030C – High's of Baltimore, LLC

Request: Conditional Use to enlarge and modify an existing gasoline station and convenience store by adding additional fuel dispensers, revising the parking, and enlarging the canopy and store floor area (Section 131.0.N.24.)

Location: Fourth Election District
Northern terminus of Old Woodbine Road, approximately 165 feet north of Old Frederick Road
Tax Map 2, Grid 24, Parcel 82, Parcel G; 708 Lisbon Center Drive (the "Property").

Area of Property: 14.19 acres **Conditional Use Area:** 50,824 square feet (the "Site")

Zoning: B-2 (Business: General)



I. CONDITIONAL USE PROPOSAL

The Petitioner proposes to enlarge the existing gasoline station and convenience store originally approved as a Special Exception use in 1996. The petitioner proposes to increase the floor area of the convenience store from 2,400 square feet to 3,600 square feet by expanding into vacant space in the building behind the existing store. The enlargement of the gasoline station use would consist of three new fueling islands with two double-sided multiple products dispensers ("MPDs"). Two of the MPDs will dispense diesel fuel. A new 16 foot 7 inch tall canopy measuring 48 feet by 86 feet (4,128 square feet) is proposed over the fueling island area.

The proposed reconfiguration of the existing parking lot will increase the total number of provided parking spaces for the gasoline station and convenience store to 33. Revised landscaping will be provided within approximately 10,634 square feet of landscape area. The Petitioner states that the hours of operation "...will be increased by one (1) hour to 5:00 a.m. to 12:00 a.m." but because the original Special Exception set the hours of operation as being from 5:30 a.m. to 11:00 p.m., the proposed new hours of operation actually would be a one and one-half hour increase. In the original Special Exception case there was also a condition that the canopy lights must be turned off between 11:00 p.m. and 5:30 a.m. and that the pumps will not operate after the proposed hours of operation. However, the current Petition does not mention the operation of the canopy lighting. A maximum of four employees will continue to work on the Site at any one time.

II. BACKGROUND INFORMATION

A. Site Description

The Site is located at the southwest end of Building B within the Lisbon Center shopping center. It currently consists of a convenience store with 2,400 square feet of floor area, six parking spaces, two fueling islands with three double-sided MPDs, and a small canopy covering the fueling area. Two of the MPDs dispense diesel fuel. Also, within the Site area are 15 parking spaces located to the southwest.

B. Vicinal Uses

North and northeast of the Site is a large parking lot located in front of Building A and Building B in the Lisbon Center. Adjoining the Site to the northeast is the remainder of Building B, which has some vacant tenant spaces. Past the service lane south of the Site is Parcel 226, which is zoned B-2 and is the site of a bank. This bank is located relatively close to Old Frederick Road and is separated from the Lisbon Center by a large open lawn.

Southwest of the Site are the Old Woodbine Road cul-de-sac and a park-and-ride parking lot, both of which are located within the MD 94 right-of-way.

Northwest of the Site are a restaurant and a bank located on pad-sites in the shopping center.

C. Roads

The Site area has frontage on and access to the cul-de-sac at the terminus of Old Woodbine Road. This portion of Old Woodbine Road has no travel lanes or posted speed limit. Except for customer vehicles already within the shopping center, the entrance off of the Old Woodbine Road

cul-de-sac is likely the principal access for the convenience store and gas station because the main entrance into the Lisbon Center off of MD 94 is located much further to the north.

Old Frederick Road has two travel lanes and approximately 21 feet of paving. The right-of-way width is variable but becomes very wide between Old Woodbine Road and the Old Frederick Road-Woodbine Road traffic circle.

There is no current traffic volume data for Old Frederick Road in this location. According to data from the Department of Public Works, the traffic volume on Old Frederick Road east of MD 94/Woodbine Road was 2,517 ADT (average daily trips) as of 2008.

D. Water and Sewer Service

The Property is not within the Metropolitan District and is within the No Planned Service Area. The entire Lisbon Center is served by private water and septic facilities. The large septic area is on an adjoining parcel to the east of the buildings, and there are multiple wells, one of which is near the southeast corner of the Site.

E. General Plan

The Property is designated Rural Resource on the Designated Place Types Map of the PlanHoward 2030 General Plan and is designated Commercial on the Land Use Map.

Old Woodbine Road is depicted as a Local Road on the Transportation Map of the PlanHoward 2030 General Plan. Old Frederick Road is a Major Collector.

F. Agency Comments

See attached comments on the proposal from the following agency:

1. Bureau of Environmental Health

The following agency had no objections to the proposal:

1. Department of Inspections, Licenses, and Permits

The following agencies did not provide comments:

1. Department of Recreation & Parks
2. Department of Fire and Rescue Services

G. Adequate Public Facilities Ordinance

If the expanded gas station and convenience store requires a Site Development Plan (SDP), the SDP would be subject to the requirement to pass the test for adequate road facilities.

III. ZONING HISTORY

- A. Case No. BA 96-02E
Petitioner: High's of Baltimore, Inc. t/a High's Dairy Store
Request: Special Exception for a Gasoline Service Station and a Convenience Store
Action: Granted July 18, 1996

IV. EVALUATION AND CONCLUSIONS

- A. Evaluation of petition according to Section 131.0.B. of the Zoning Regulations (general criteria for Conditional Uses):

1. *The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.*

There are no policies in the PlanHoward 2030 General Plan specific to the enlargement of an existing convenience store and gas station in a shopping center located in the Rural Resource area. However, the Resource Conservation chapter mentions the activities of the Rural West Advisory Committee formed to deliberate on land use issues in the Rural West. This committee discussed how to provide flexibility for commercial uses while discouraging commercial uses that would be disruptive to the rural character. The Petitioner's proposal achieves this balance through the redevelopment of an existing convenience store and gas station while preserving the character of the existing setting.

2. *The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.*

In comparison to the overall development in the Lisbon Center, the enlargement of the convenience store and gas station is relatively small. The convenience store is expanding into existing floor area in Building B and the expansion of the fuel dispensing area consists of a small percentage of the land within the shopping center. The access to the Site from the Old Woodbine Road cul-de-sac remains unchanged and provides the most expedient access to the Site. The overall intensity and scale of the uses are appropriate for the Lisbon Center and the surrounding community.

3. *The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning district.*

While the level of activity on the Site can be expected to increase, the Site is surrounded by other commercial uses and is adequately separated from the nearest residential uses south of Old Frederick Road. The convenience store enlargement is internal to the existing Building B. The physical effects ordinarily associated with a convenience store and gas station will not be greater at the Site than generally elsewhere.

4. *The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at*

the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.

The convenience store will expand into the existing building and the location and height of the new canopy will not hinder or discourage the development and use of the adjacent bank property to the south and the other commercial uses in the Lisbon Center.

5. *The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.*

The number of parking spaces required for the enlarged convenience store and gas station is 21 and 33 are depicted within the conditional use area on the site plan. Therefore, the number of parking spaces will be appropriate to serve the particular uses. The parking spaces are located within the existing shopping center parking lot and are appropriately located relative to the public roads and the residential uses to the south of Old Frederick Road. There will be a screened refuse and recycling container area to the south of the convenience store and although the method of screening is not specified, this area is appropriately oriented to the north towards the convenience store.

6. *The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.*

The existing entrance provides safe access and is located on the Old Woodbine Road cul-de-sac, which is not a through street. Therefore, safe access will be provided and sight distance is not an issue. The access is not shared with residential properties.

7. *The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere*

The closest stream and wetlands area is located approximately 1,400 feet to the northeast and beyond the boundaries of the shopping center. The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

8. *The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.*

The closest historic building, the Knock-Franklin Farm house (HO 980), is located more than 2,500 feet from the Site. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

- B. Evaluation of petition according to Section 131.0.N.24. (Specific Criteria for Gasoline Service Stations):

1. *The use will not adversely affect the general welfare or logical development of the neighborhood or area in which the station is proposed and will not have a blighting influence as a result of a proliferation of gasoline service stations within a particular area.*

The proposal is for the enlargement of an existing gas station use that has been in the Lisbon Center for many years. The use will not adversely affect the general welfare or logical development of the neighborhood and will not have a blighting influence.

2. *The minimum lot size for a gasoline service station is 20,000 square feet. If a gasoline service station is combined with another use on the same lot, the minimum lot size shall be increased in accordance with the provisions of Section 131.0.N.24.i.*

The conditional use area dedicated to the gasoline service station is 50,824 square feet and exceeds the 20,000 square foot minimum lot size requirement. The minimum lot size required for additional land uses is addressed in criterion #9.

3. *The lot shall have at least 120 feet of frontage on a public road. If at the intersection of two public roads, the total of the frontage along both roads may be used if ingress or egress is provided to both roads.*

The Property has more than 700 feet of frontage on public roads. The Site itself has more than 120 feet of frontage along Old Woodbine Road and the wide MD 94 right-of-way.

4. *At least 20 percent of the site area shall be landscaped. The landscaping plan shall include plantings which enhance the appearance of the site from public roads and provide appropriate buffering for adjacent uses.*

The Site is 50,824 square feet and the landscape area provided is 10,634 square feet, which equates to 20.9% and exceeds the 20% requirement. The Petitioner must submit a landscaping plan in order to evaluate the Section 131.0.N.24.d.

5. *Solid walls such as masonry or wood and masonry may be required by the Hearing Authority when the site borders a residential district. When solid walls are required, landscape planting is required on the outside of the wall.*

Section 131.0.N.24.e. is not applicable because it does not border a residential district.

6. *Refuse areas shall be fenced or screened from view. The plan shall indicate the disposal methods to be used for all waste material generated by vehicle repair operations.*

The refuse area will be fenced or screened from view, however the precise type of screening is not specified. There are no vehicle repair operations so there is no waste associated with such operations.

7. *Access driveways and on-site paved areas shall be designed and located to ensure safe and efficient movement of traffic and pedestrians.*

The existing access of the Old Woodbine Road cul-de-sac is designed for the safe and efficient movement of vehicles. Due to the fact that the Old Woodbine Road entrance is a

secondary entrance into the entire shopping center, it may be beneficial to include a crosswalk, such as a Ladder or Continental pattern, from the 15 parking spaces south of the main drive aisle across the shopping center drive aisle to the convenience store.

8. *Outside operations shall be limited to the dispensing of gasoline, oil, water, pressurized air, the changing of tires and minor servicing. Storage of all automotive supplies shall be within the main structure. Vending machines and the sale of propane are permitted as accessory uses, provided these uses are screened or enclosed if required by the Hearing Authority. The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the gasoline service station. Where a gasoline service station is adjacent to a residential district, its hours of operation and a detailed lighting plan shall be approved by the Hearing Authority.*

The outside operations appear to be limited to the dispensing of gasoline and diesel. There is no mention of the dispensing of oil, water, or pressurized air. There will be no changing of tires or minor servicing. Any storage of automotive supplies would be within the convenience store. There are no vending machines. The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials. The gasoline station is not directly adjacent to a residential district.

9. *Other uses may be located on the same lot as a gasoline service station, including uses permitted in the zoning district as well as car washes and convenience stores, provided that all uses are approved by the Hearing Authority and the minimum lot area is increased to accommodate the combination of uses. At a minimum, the minimum lot size of 20,000 square feet must be increased by an area equal to the gross square footage of floor area, parking area and loading or stacking areas required for the additional uses.*

A 3,600 square foot convenience store is proposed in conjunction with the gasoline service station. The minimum lot size requirement for the gross square footage of floor area of the convenience store, parking area and loading area is approximately 31,538. The proposed 50,824 square foot conditional use area exceeds this amount.

10. *The premises (including landscaping) of any gasoline service station which is not in continuous operation or is abandoned shall be maintained in the same manner as is required under these Regulations for operating gasoline service stations. A Conditional Use for a gasoline service station shall become void upon notice of abandonment by the owner. If notice of abandonment is not received, but it is determined by the Department of Planning and Zoning that a gasoline service station has not been in continuous operation for a period of twelve months, a revocation hearing shall be initiated by the Department of Planning and Zoning in accordance with the procedures set forth in Section 131.0.L. For purposes of this subsection, "continuous operation" shall mean operation as a gasoline service station at least eight hours per day, five days per week. If a gasoline service station is abandoned and the Conditional Use becomes void as provided above, all gasoline pumps, pump island canopies and other improvements (not including buildings) shall be removed from the site within six months of the date the Conditional Use becomes void.*

If the gasoline station use is abandoned, it would be subject to the Abandonment provisions in Section 131.0.N.24.j.

V. RECOMMENDATION

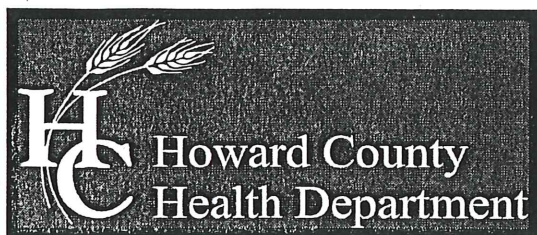
For the reasons stated above, the Department of Planning and Zoning recommends that the request for a Conditional Use for the enlargement of a gasoline station and convenience store be **GRANTED**, subject to the following conditions:

1. The Conditional Use shall be conducted in conformance with and shall apply only to the proposed gasoline station and convenience store as described in the petition and as depicted on the Conditional Use Plan and not to any other activities, uses, or structures on the Property.
2. The Petitioner shall submit a landscaping plan for the Site.

Approved by:

 5-25-16
Valdis Lazdins, Director Date

NOTE: The file on this case is available for review by appointment at the Public Service Counter in the Department of Planning and Zoning.



Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

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TDD 410-313-2323 | Toll Free 1-866-313-6300

www.hchealth.org

Facebook: www.facebook.com/hocohealth

Twitter: HowardCoHealthDep

Maura J. Rossman, M.D., Health Officer

MEMORANDUM

TO: Bob LaLush
Division of Zoning Administration and Public Service

FROM: Jeff Williams *JW*
Program Supervisor, Well & Septic Program
Bureau of Environmental Health

RE: BA-14-030C

DATE: April 27, 2016



The Health Department has reviewed the above referenced petition and has the following comment.

- There is no objection to the conditional use. Any Health Department requirements must be met prior to Health approval of a building permit.

JRL

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: April 6, 2016

Hearing Examiner June 9, 2016

Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA-14-030C Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: _____ Highs of Baltimore, LLC

Petitioner's Address: _____

Address of Property: _____

Return Comments by May 16, 2016 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

To: _____ MD Department of Education – Office of Child Care
_____ 3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
_____ Bureau of Environmental Health
_____ Development Engineering Division
_____ ✓ Department of Inspections, Licenses and Permits
_____ Department of Recreation and Parks
_____ Department of Fire and Rescue Services
_____ State Highway Administration
_____ Sgt. Karen Shinham, Howard County Police Dept.
_____ James Irvin, Department of Public Works
_____ Office on Aging, Terri Hansen (senior assisted living)
_____ Police Dept., Animal Control, Deborah Baracco, (kennels)
_____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
_____ Land Development - (Religious Facility & Age-Restricted
_____ Adult Housing)
_____ Housing and Community Development
_____ Resource Conservation Division – Beth Burgess
_____ Route 1 Cases – DCCP – Dace Blaumanis
_____ Telecommunication Towers – Josh Levy (Comm. Dept.)



COMMENTS:

No Comment

[Signature] 5/17/16
SIGNATURE