

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MCPB  
Item# 2  
10/1/01

**MEMORANDUM**

DATE: September 27, 2001  
TO: Montgomery County Planning Board  
VIA: John A. Carter, Chief, Community-Based Planning *HE*  
FROM: Kathleen A. Reilly, AICP, Community-Based Planning *KAR*

REVIEW TYPE: Special Exception Modification  
APPLYING FOR: Automobile Filling Station  
APPLICANT: Sun Oil Company  
CASE NUMBER: S-657-B  
REVIEW BASIS: Chapter 59  
ZONE: C-2  
LOCATION: 10625 Connecticut Avenue  
MASTER PLAN: Kensington

FILING DATE: June 5, 2001  
PLANNING BOARD: October 1, 2001  
PUBLIC HEARING: October 17, 2001 at the Hearing Examiner

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**STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS:**

1. The applicant shall be bound by all submitted statements and plans.
2. Limit the proposed automobile filling station modification to no more than 12 fueling positions and a 1,324 square foot convenience store.
3. Compliance with the submitted landscape and lighting plan dated 9/17/01 and 9/20/01, respectively prior to issuance of building permits.
4. The previous conditions of the special exception remain in full force and effect.

## **PROPOSAL**

The applicant, The Sun Oil Company, has requested a modification to an existing special exception to permit the construction and operation of a self-service automobile filling station with convenience store located at 10625 Connecticut Avenue in Kensington in the C-2 Zone. The proposed use will include a 1,324 square foot convenience store, 6 pump islands containing twelve pumping positions and nine parking spaces. Access to the site will be from Connecticut Avenue and Plyers Mill Road.

**Site** - The subject property is located within the Town of Kensington. The entire subject site contains 25,178 square feet of land and is located at the northeast corner of the intersection of Connecticut Avenue and Plyers Mill Road. The property is rectangular in shape with approximately 170 feet of frontage on Connecticut Avenue and 155 feet of frontage on Plyers Mill Road. Concord Street borders the site on the east. The property has 160 feet of frontage on Concord Street, however there is no access from this roadway into the site nor is any access proposed under the requested modification. Presently, the site is developed with an existing gas station with 16 fueling positions, an automated bank teller machine, and a small kiosk and shed. According to the applicant, the current use was established in 1957 prior to the need for a special exception in the C-2 zone. In 1978, the Board of Appeals approved a modification to eliminate the repair service aspect of the use. The site is recorded as Parcel A in the James E. Waugh subdivision.

**Neighborhood Description** -The properties north and south of the site are zoned C-2 and developed with a variety of commercial uses, such as a gas station, used car lot, and fast food eating establishments. East of the site and across Concord Street, the property is zoned C-O and C-T and developed with a 4-story office building and associated parking lot. West of the site and across Connecticut Avenue, the property is zoned R-60, and is developed with the Kensington Volunteer Fire Station.

**Elements of the Proposal** - In support of the request, the applicant has offered the following information as a summary for the proposed modification:

*The applicant proposes to demolish the existing structures and a construct a new facility with a 1,324 convenience store, a renovated canopy, modern gasoline dispensers, modified curb cuts and additional landscaped areas. The eight existing pumps and kiosk will be removed and replaced with six new fuel dispensers with 12 fueling positions. The applicant will utilize the existing underground storage tanks. The station will continue to operate on a 24-hour basis with the convenience store being open during the same hours. There will be no alcoholic beverages sold at the convenience store. It is expected there will be three eight-hour employee shifts with a maximum of two employees during*

*any given shift. There are nine parking spaces proposed with this modification. Access will continue to be from Connecticut Avenue and Plyers Mill Road.*

## **ANALYSIS**

**Master Plan** –The subject property is zoned in accordance with the recommendations of the Kensington Sector Plan. The 1978 Kensington Sector Plan does not discuss the subject site other than to confirm the C-2 zone and its auto-oriented nature. Automobile filling stations are allowed by special exception in the C-2 zone.

**Development Standards and Design Issues-** The modification as proposed meets the development standards for building setbacks, height, green area and floor area ratio for the C-2 zone. The proposed building will be 14 feet in height, and the pump island canopy will be 19 feet, 10 inches high well within the height limit of 42 feet for the C-2 Zone. The proposed building will meet the front and side yard setbacks of 10 feet and no less than 3 feet, respectively. The proposed modification does not exceed the Floor Area Ratio (FAR) of 1.5 for the C-2 Zone.

The applicant has submitted a landscape plan which staff finds acceptable. The applicant has also met with the Town of Kensington, the Town's Design Review Committee and Park and Planning staff and made requested changes to its landscape plan. The applicant has proposed street trees that are coordinated with the Maryland State Highway's plans for scheduled improvements to Metropolitan Avenue and Plyers Mill Road. In addition, the applicant is providing a wider sidewalk along Plyers Mill Road. Staff believes the additional landscaping to be provided on site will enhance the immediate area.

The submitted lighting plan has been revised to address the Town of Kensington's concerns with glare and excessive illumination generated by this site onto the surrounding area. The applicant has submitted a revised lighting plan to address these issues and has incorporated recessed lighting fixtures in the canopy design. Staff has reviewed this revision and finds it acceptable to adequately addresses the issues of glare and illumination.

**Transportation** – The Transportation Planning staff has reviewed the submitted modification and offers the following comments.

Limit the proposed modernization to no more than 12 fueling positions and a 1,324 square foot convenience store.

The site is located in the northeast quadrant of the intersection of Connecticut Avenue and Plyers Mill Road. Access will be provided via the two existing right-in, right-out Connecticut Avenue driveways and a narrowed right-in, right-out driveway on Plyers Mill Road. No access to Concord Street is either existing or proposed.

The Approved and Adopted *Sector Plan for the Town of Kensington* and the *Master Plan for the Communities of Kensington-Wheaton*, classify Connecticut Avenue, M-7 (MD 185) and University Boulevard, M-19 (MD 193) as major highways with 120-foot recommended rights-of-way. Plyers Mill Road, A-26, is classified as an arterial road with a recommended 100-foot right-of-way in the vicinity of the site.

A traffic study is not required in conjunction with the subject modification. It is anticipated, based on trip generation rates included in the *Local Area Transportation Review Guidelines*, that the number of peak hour trips will decrease due to the reduction in the number of fueling positions from 16 to 12. The existing 16 fueling positions are estimated to generate 181 morning peak hour trips during the period between 7:00 and 9:00 a.m. and 239 evening peak hour trips during the period between 4:00 and 6:00 p.m. These trips will be reduced to 147 morning and 148 evening peak hour trips after the modernization is complete, resulting in 34 fewer morning peak hour trips and 91 fewer evening peak hour trips.

Table 1 provides data on the Plyers Mill / Connecticut Avenue intersection. This data taken from another traffic study done in 1999 indicates this intersection immediately adjacent to the subject site was functioning well within the Kensington/Wheaton Policy Area critical lane volume standard (CLV) of 1650.

TABLE 1

INTERSECTION	EXISTING CLV	
	AM	PM
Connecticut Ave. & Plyers Mill Road	1540	1515

The intersection functions within the Policy Area CLV Standard. However, this is a very congested area with a complicated intersection configuration north of the site where University Boulevard (MD 193) and Connecticut Avenue converge. Observations made by staff during the evening peak period in August 2001, indicated a high level of general congestion in the vicinity of the subject site. Staff would have concerns if any increase in peak hour trips were anticipated. However, the anticipated reduction in peak period trips is a significant factor in the approval recommendation for this modification request.

Finally, the Kensington / Wheaton Policy Area has a remaining capacity of 2,671 jobs as of June 30, 2001.

**Neighborhood Need** – The staff finds that neighborhood need for a gasoline filling station at this location has been shown by the applicant's submitted opinion

of need analysis. The submitted opinion of need statement shows the compatibility of this station renovation with the Kensington Sector Plan and the growth of population around the station. Staff finds the applicant's statement to be adequate for this case. In regard to neighborhood need, the continued use of an automobile station over a number of years is very strong testimony to the need for this station. The continuing operation and the plans to reinvest in the property are better evidence of neighborhood need than any proof of need analysis.

Renovations of older properties like this automobile filling station are important to the continued economic viability and competitiveness of older commercial areas. The upgrading of properties is often done in conjunction with meeting new code requirements. Bringing properties up to date in several ways at once is often the economical way to make these changes and should be encouraged. As the applicant states several other improvements will be made at the same time the convenience store replaces existing structures.

**Environmental** – The subject property has been granted an exemption to the forest conservation law, since there are no specimen trees or significant trees on site. Therefore, a tree save plan will not be necessary. The site is in the Kensington Heights Tributary of the Lower Rock Creek watershed. This sub watershed has a poor stream condition and a fair overall habitat condition. Full water quality and quantity control shall be expected to protect the integrity of the Lower Rock Creek watershed.

**Municipal Comments** – The site is located within the Town of Kensington. The Town Council and the Kensington Commercial Development Review Committee have reviewed the submitted modification request. At a public hearing held by the Town on July 30, 2001, the Town Council voted to approve the modification and required town variances. The Councils' concerns with glare and illumination have been addressed by the revised lighting plan. A copy of the Mayor's letter is included in Appendix 1.

## **Compliance with Specific and General Special Exception Provisions**

### **Sec. 59-G-2.06. Automobile filling stations.**

- (a) An automobile filling station may be permitted, upon a finding, in addition to findings required in division 59-G-1, that:
  - (1) The use will not constitute a nuisance because of noise, fumes, odors or physical activity in the location proposed.

*The use will not constitute a nuisance for any of these reasons.*

- (2) The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic pattern from such buildings, or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital, or other public use or place of public assembly.

*The proposed modification will not create a traffic hazard at or nuisance at this location. The access point on Plyers Mill Road has been reduced from its current width of 72 feet to a proposed width of 24 feet, further reducing the potential for vehicular traffic hazards.*

- (3) The use at the proposed location will not adversely affect nor retard the logical development of the general neighborhood or of the industrial or commercial zone in which the station is proposed, considering service required, population, character, density and number of similar uses.

*The proposed modification at this location will not adversely affect nor retard the logical development of the general neighborhood or the commercial zone in which the station is located when considering the above- cited criteria.*

- (b) In addition, the following requirements must be complied with:

- (1) When such use abuts a residential zone or institutional premises not recommended for reclassification to commercial or industrial zone on an adopted master plan and is not effectively screened by a natural terrain feature, the use shall be screened by a solid wall or a substantial, sightly, solid fence, not less than 5 feet in height, together with a three-foot planting strip on the outside of such wall or fence, planted in shrubs and evergreens. Location, maintenance, vehicle sight distance provisions and advertising pertaining to screening shall be as provided for in article 59-E. Screening shall not be required on street frontage.

*Not applicable.*

- (2) Product displays, parked vehicles and other obstructions which adversely affect visibility at intersections or to station driveways are prohibited.

*No product displays or other obstructions are proposed that will adversely affect visibility at this intersection or to station driveways.*

- (3) Lighting is not to reflect or cause glare into any residential zone.

*The Kensington Volunteer Fire Station is located west of and across Connecticut Avenue from the subject site. The Fire Station is located on residentially zoned land but developed as a public institutional use. The Fire Station was recently renovated and expanded and there are no plans for that site to be residentially redeveloped. The submitted lighting plan has been revised and recessed fixtures are proposed for the canopy area that will not cause reflection or glare into this residentially zoned area.*

- (4) When such use occupies a corner lot, the ingress or egress driveways shall be located at least 20 feet from the intersection of the front and side street lines of the lot as defined in section 59-A-2.1, and such driveways shall not exceed 30 feet in width; provided, that in areas where no master plan of highways has been adopted, the street line shall be considered to be at least 40 feet from the center line of any abutting street or highway.

*The subject modification occupies a corner lot and all ingress and egress points are located in excess of the minimum 20 feet from the intersection. The proposed driveway access points on Connecticut Avenue are approximately 30 feet in width and the access point on Plyers Mill Road is approximately 24 feet in width.*

- (5) Gasoline pumps or other service appliances shall be located on the lot at least 10 feet behind the building line; and all service storage or similar activities in connection with such use shall be conducted entirely within the building. There shall be at least 20 feet between driveways on each street, and all driveways shall be perpendicular to the curb or street line.

*The proposed gasoline pumps will be located approximately 20 feet behind the building line. All service storage connection with this modification is situated within the proposed building.*

- (6) Light automobile repair work may be done at an automobile filling station; provided, that no major repairs, spray paint operation or body or fender repair is permitted.

*No automobile repair work is proposed under this application.*

- (7) Vehicles shall not be parked so as to overhang the public right-of-way.

*Proposed parking areas are located on site and are not near the rights-of-way.*

- (8) In a C-1 zone, an automobile, light truck and light trailer rental, as defined in section 59-G-2.07, and in a C-2 zone, an automobile, truck and trailer rental lot, as defined in section 59-G-2.09, may be permitted as a part of the special exception, subject to the provisions set forth for such uses in this section. In addition, a car wash with up to 2 bays may be allowed as an accessory use as part of the special exception.

*None of these uses are requested under this modification.*

## **Sec. 59-G-1.2. Conditions for granting a special exception.**

**59-G-1.2.1. Standard for evaluation.** A special exception must not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception.



*The inherent adverse effects associated with an automobile filling station include the environmental impacts of spillage of oils, and other automobile fluids, fumes from idling vehicles, queuing of vehicles, noise, signage, lighting and hours of operation. Staff finds that the physical and operational characteristics of the proposed use are no different than what is associated with an automobile filling station. From the applicant's submission and statement of operations, staff does not find any non-inherent effects related to the subject modification.*

**Sec. 59-G-1.21. General Conditions.**

- (a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

- (1) Is a permissible special exception in the zone.

*The use is permissible in C-2 Zone.*

- (2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

*The proposed use complies with the standards and requirements contained Section 59 G-2.06 for an automobile filling station.*

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan thereof adopted by the Commission. Any decision to grant or deny special exception must be consistent with an recommendation in an approved and adopted master plan regarding the appropriateness of s special exception at a particular location. If the Planning Board or the Board=s technical staff in its report on a special exception concludes that the granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

*The Kensington Sector Plan supports the C-2 zone for the subject site and the proposed modification is allowed by special exception in that zone.*

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

*The surrounding area is developed with various commercial uses. The proposed modification will be in harmony the general character of the surrounding neighborhood when considering above cited criteria.*

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site irrespective of any adverse effects the use might have if established elsewhere in the zone.

*The proposed use will not have a detrimental effect of any of these reasons.*

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

*The proposed use will not cause any of these effects.*

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

*The proposed use will not increase the intensity and scope of the approved special exceptions in the surrounding area.*

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the

area at the subject site, irrespective on any adverse effects the use might have if established elsewhere in the zone.

*The proposed modification will not cause of any of these effects.*

- (9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.
  - (i) If the special exception use requires approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception.

*Not applicable.*

#### **59-G-1.24. Neighborhood need.**

In addition to the findings required in section 59-G-1.21 and division 59-G-2, the following special exceptions may only be granted when the Board, the Hearing Examiner or the District Council, as the case may be, finds from a preponderance of the evidence of record that, for the public convenience and service, a need exists for the proposed use for service to the population in the general neighborhood, considering the present availability of such users to that neighborhood:

- (1) Automobile filling station.
- (2) Automobile and light trailer rental lot, outdoor.
- (3) Automobile, truck and trailer rental lot, outdoor.
- (4) Automobile sales and service center.
- (5) Medical and dental clinics.
- (6) Swimming pool, community.
- (7) Swimming pool, commercial.

*Staff believes that the applicant has adequately demonstrated that there is a neighborhood need for the proposed modification of the existing automobile filling station. Therefore, staff recommends approval of this modification.*

**RECOMMENDATION** - Staff recommends approval of the submitted special exception modification with the conditions stated on page 1 of this report.

VICINITY MAP FOR  
S-657B



Map compiled on September 25, 2001 at 11:20 AM | Site located on base sheet no. 213NW04

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**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue - Silver Spring, Maryland 20910-5788

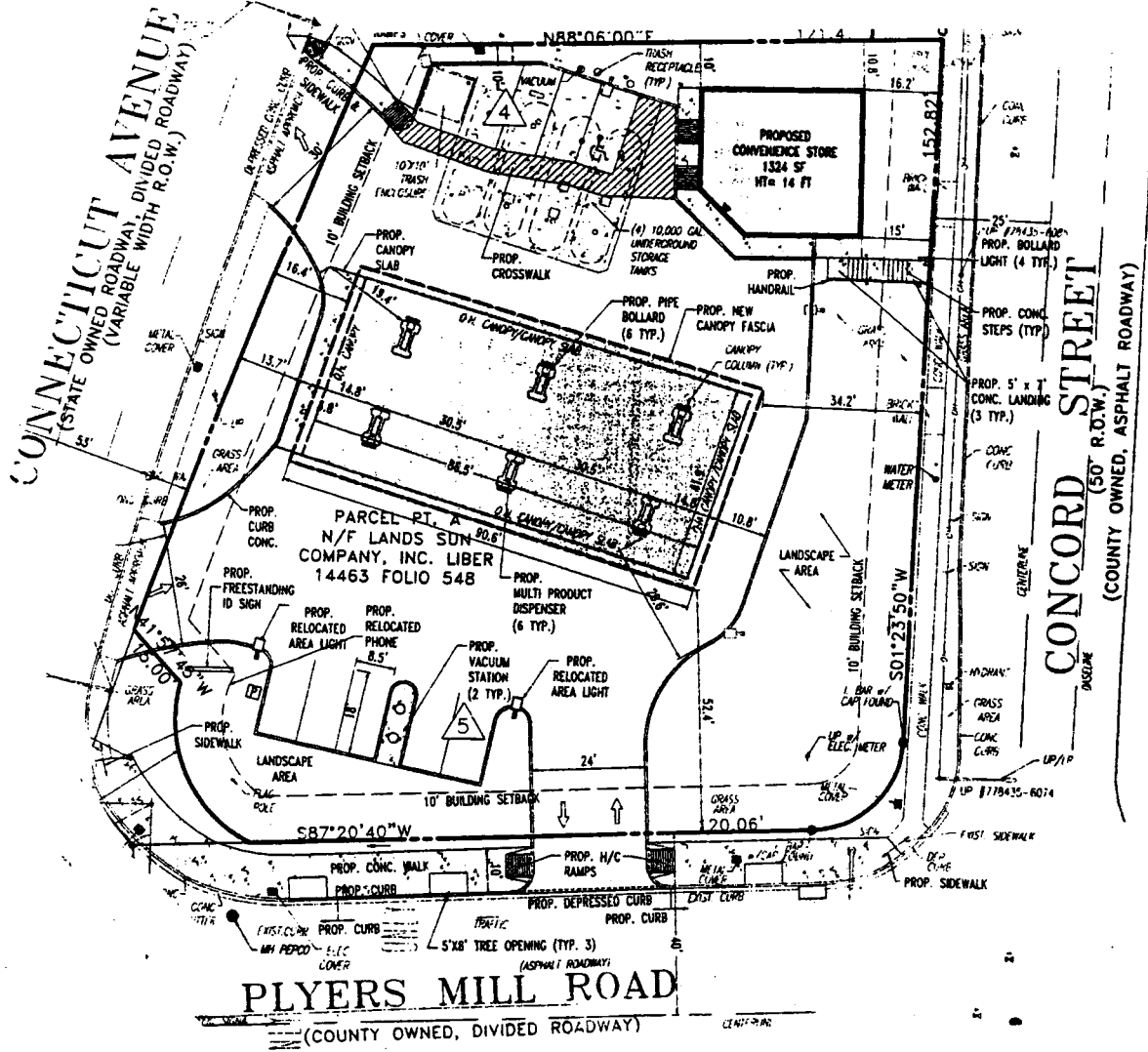
Key Map



Research & Technology Center



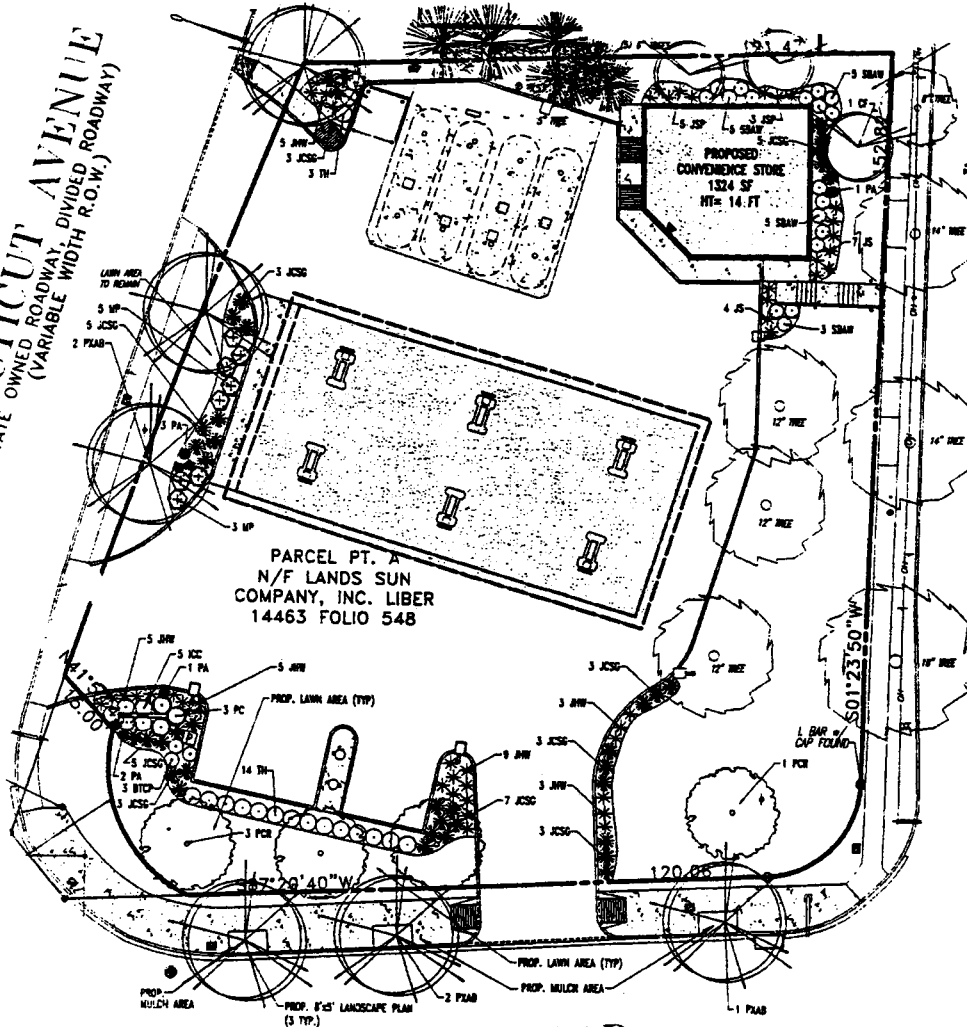
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SITE PLAN



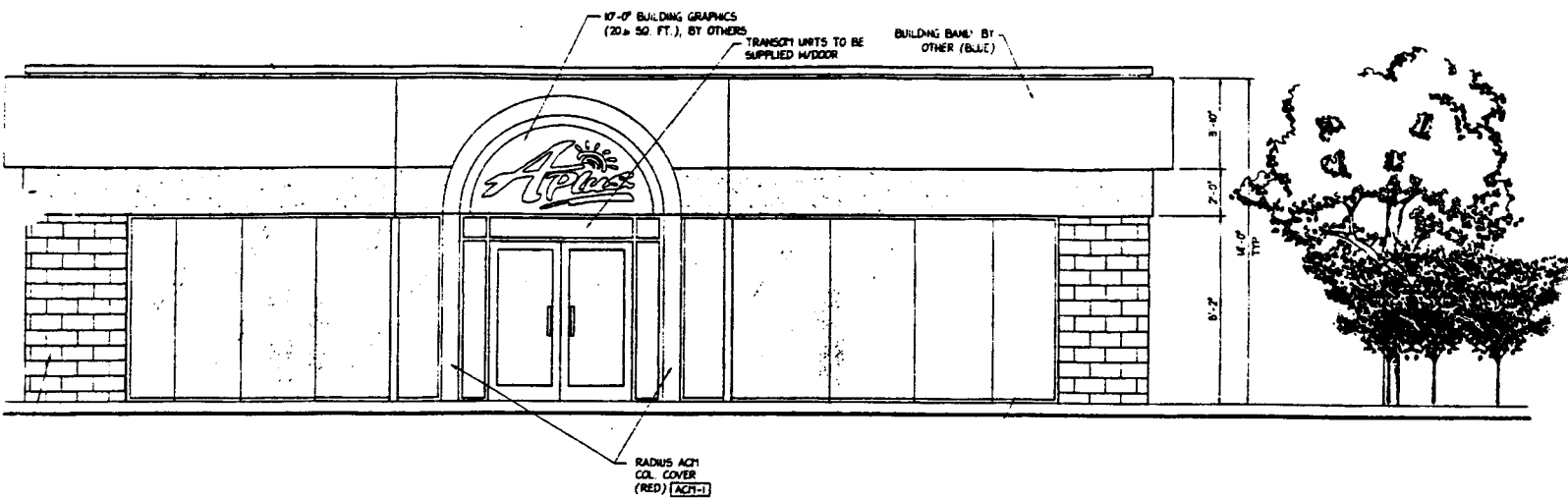
CONNECTICUT AVENUE  
(STATE OWNED ROADWAY, DIVIDED ROADWAY)  
(VARIABLE WIDTH R.O.W., ROADWAY)



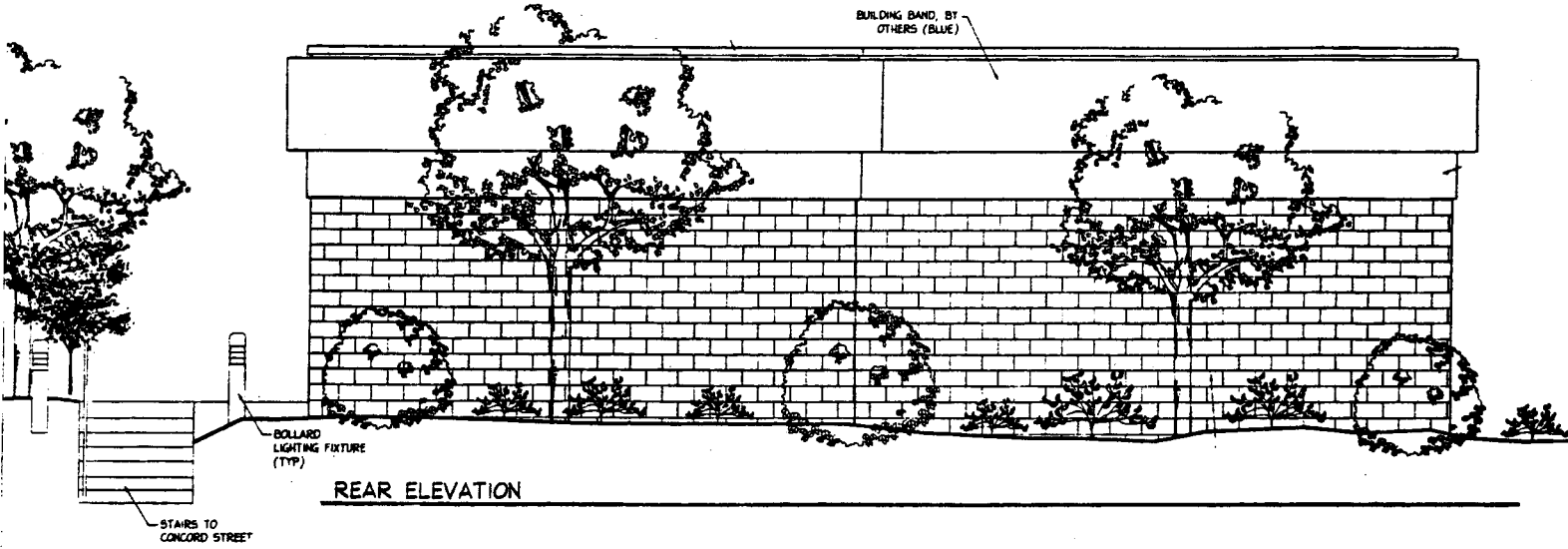
CONCORD STREET  
(50' R.O.W.)  
(COUNTY OWNED, ASPHALT ROADWAY)

PLYERS MILL ROAD

LANDSCAPE PLAN

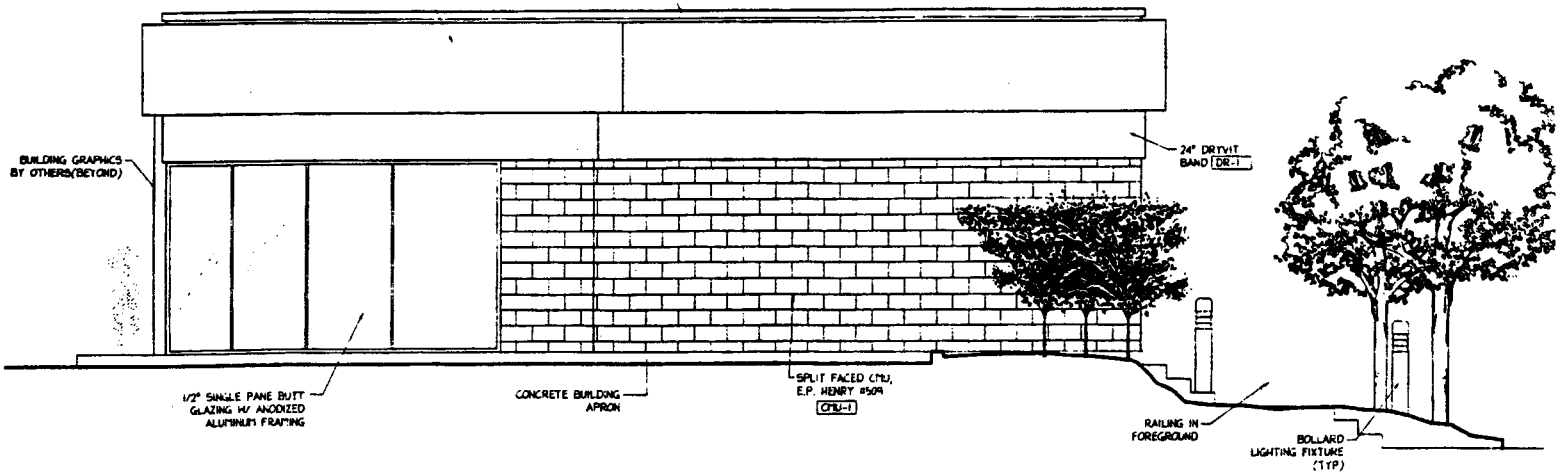


FRONT ELEVATION

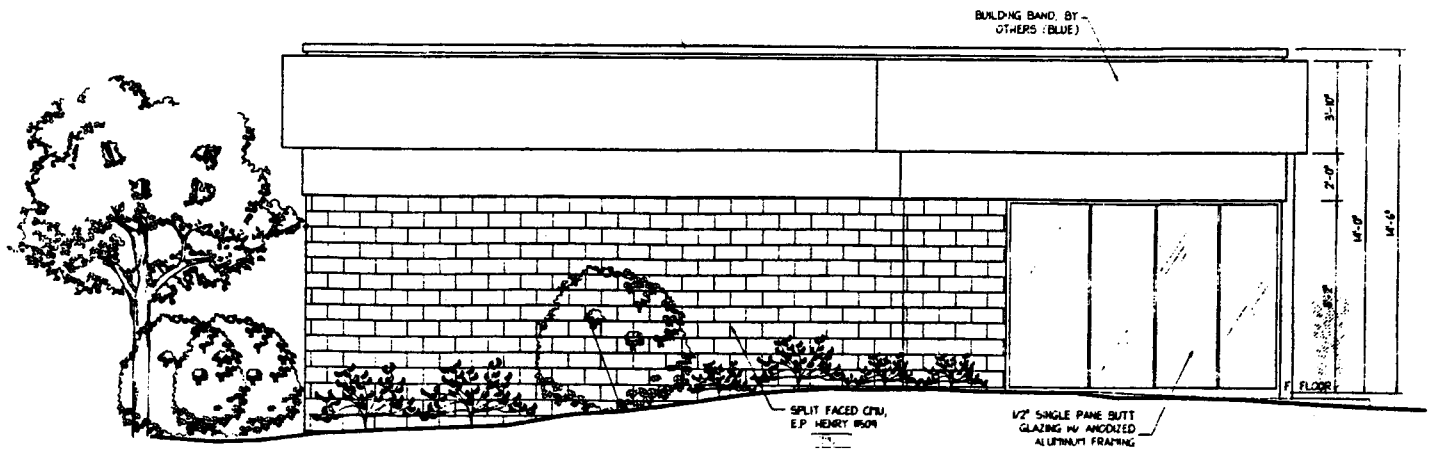


REAR ELEVATION

# ELEVATIONS

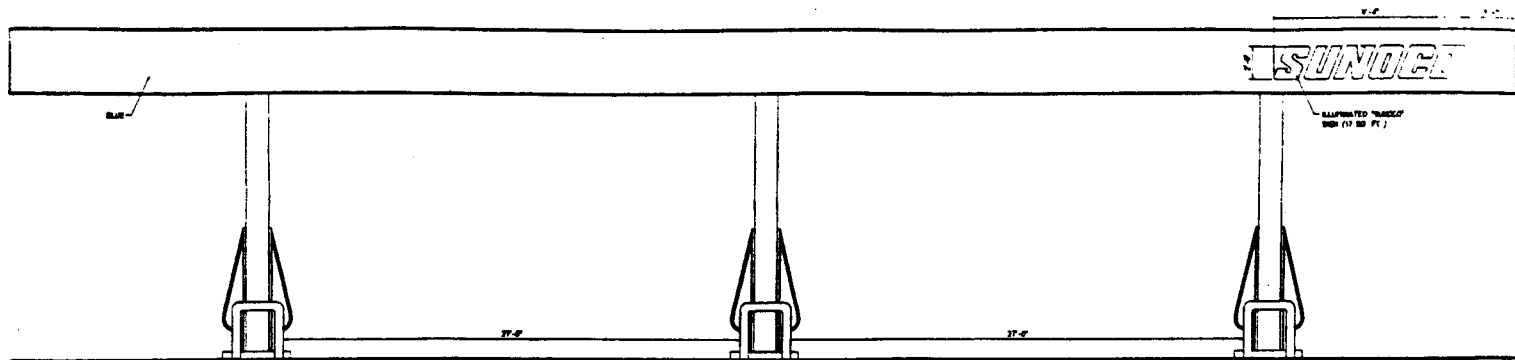


RIGHT SIDE ELEVATION

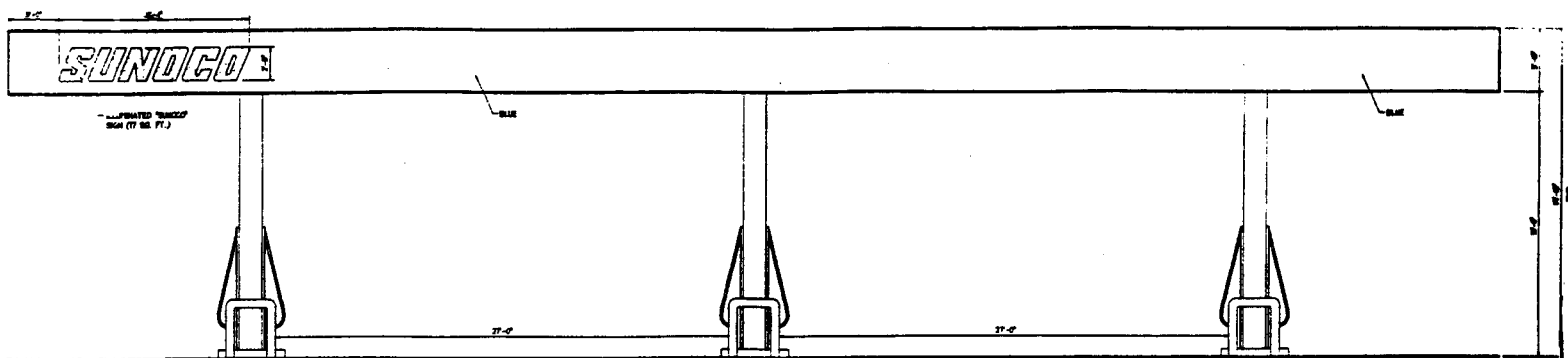


LEFT SIDE ELEVATION

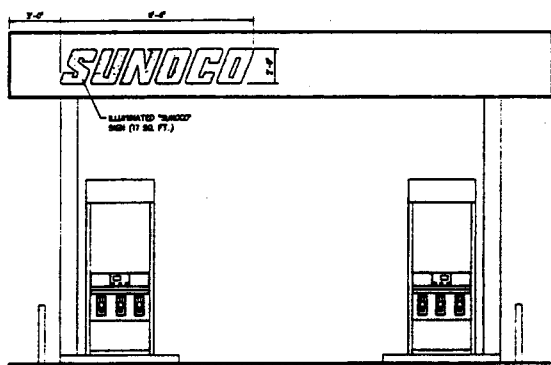




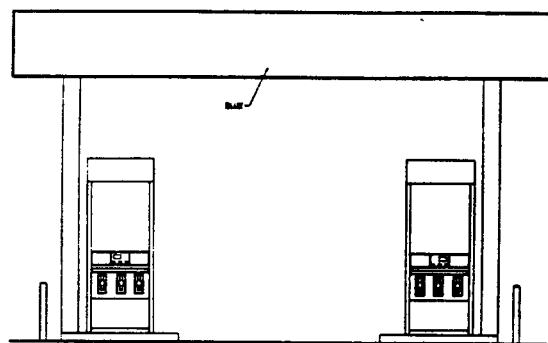
NORTHERN ELEVATION



SOUTHERN ELEVATION



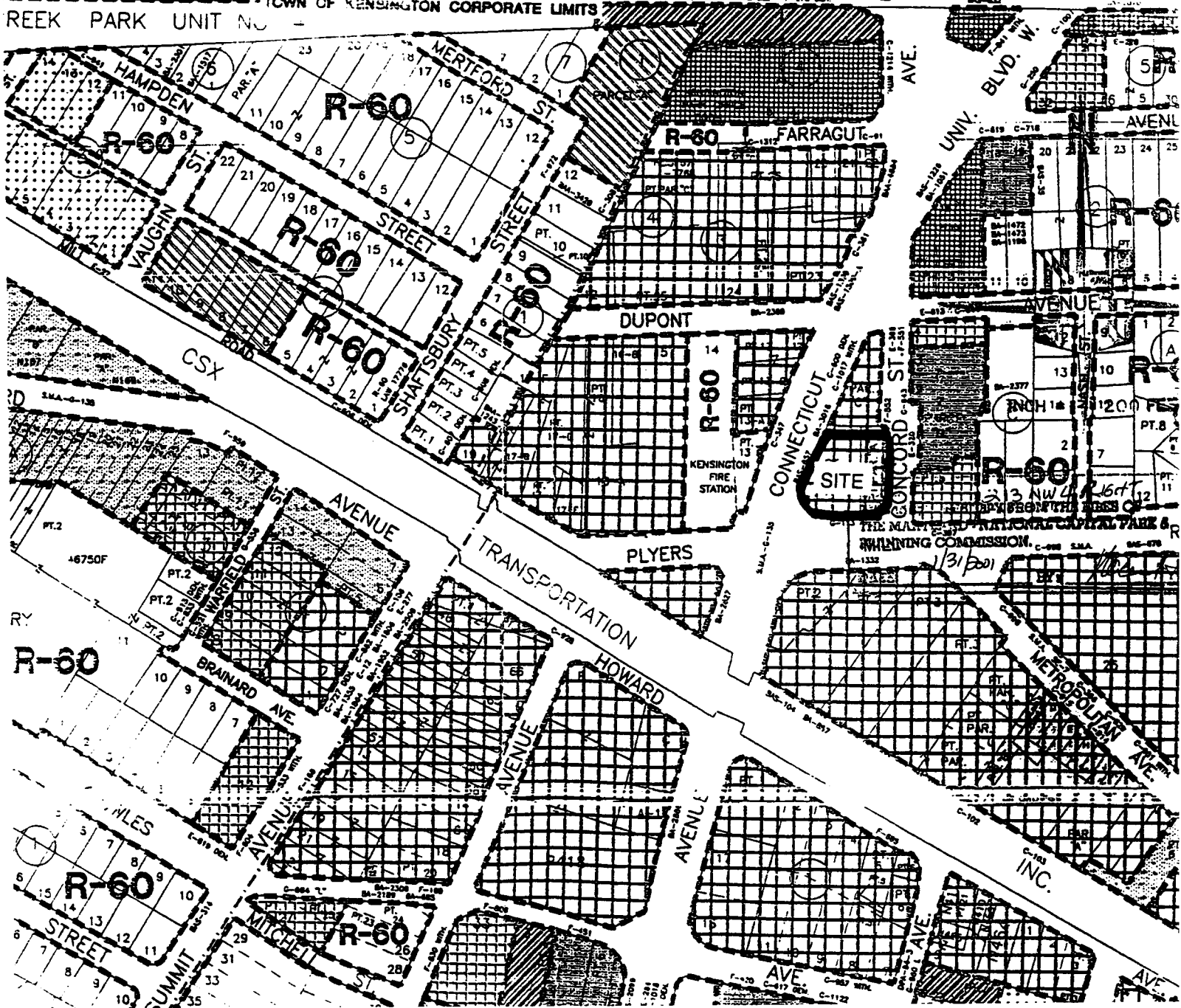
EASTERN ELEVATION



WESTERN ELEVATION

## CANOPY ELEVATIONS

TOWN OF KENSINGTON CORPORATE LIMITS  
REEK PARK UNIT NO. 1



*Chris Bruch, Council Member  
Infrastructure*

*Leanne Pfautz, Council Member  
Budget & Finance*



*Glenn Cowan, Council Member  
Traffic & Safety*

*Barbara Scharman, Council Member  
Parks & Trees*

*Kitty L. Raufaste, Mayor*

September 14, 2001

Arthur Holmes  
MNCPPC  
8787 Georgia avenue  
Silver Spring, MD 20910

RE: SE Modification, Case No. S657B  
Sunoco Station: 10625 Connecticut Ave, Kensington, MD 20895

Dear Mr. Holmes:

The Town of Kensington Commercial Development Review Committee met several times with representatives of Sunoco regarding this case. The committee recommendation to the Town Council was to support with revisions as set forth by the committee.

Sunoco in response to the recommendations of the committee and comments of the Town Council and citizens presented revised plans to the Town Council at our public hearing on July 30, 2001. The Council approved the variances requested and supported the modification application with the changes set forth in the revised plans.

Sunoco at the hearing did not have a lighting plan prepared to present and our only concern was to insure the illumination remain on the property and prevent glare or illumination off the site.

Sincerely,

Kitty L. Raufaste  
Mayor

