



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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## TECHNICAL STAFF REPORT

### Planning Board Hearing of May 18, 2023

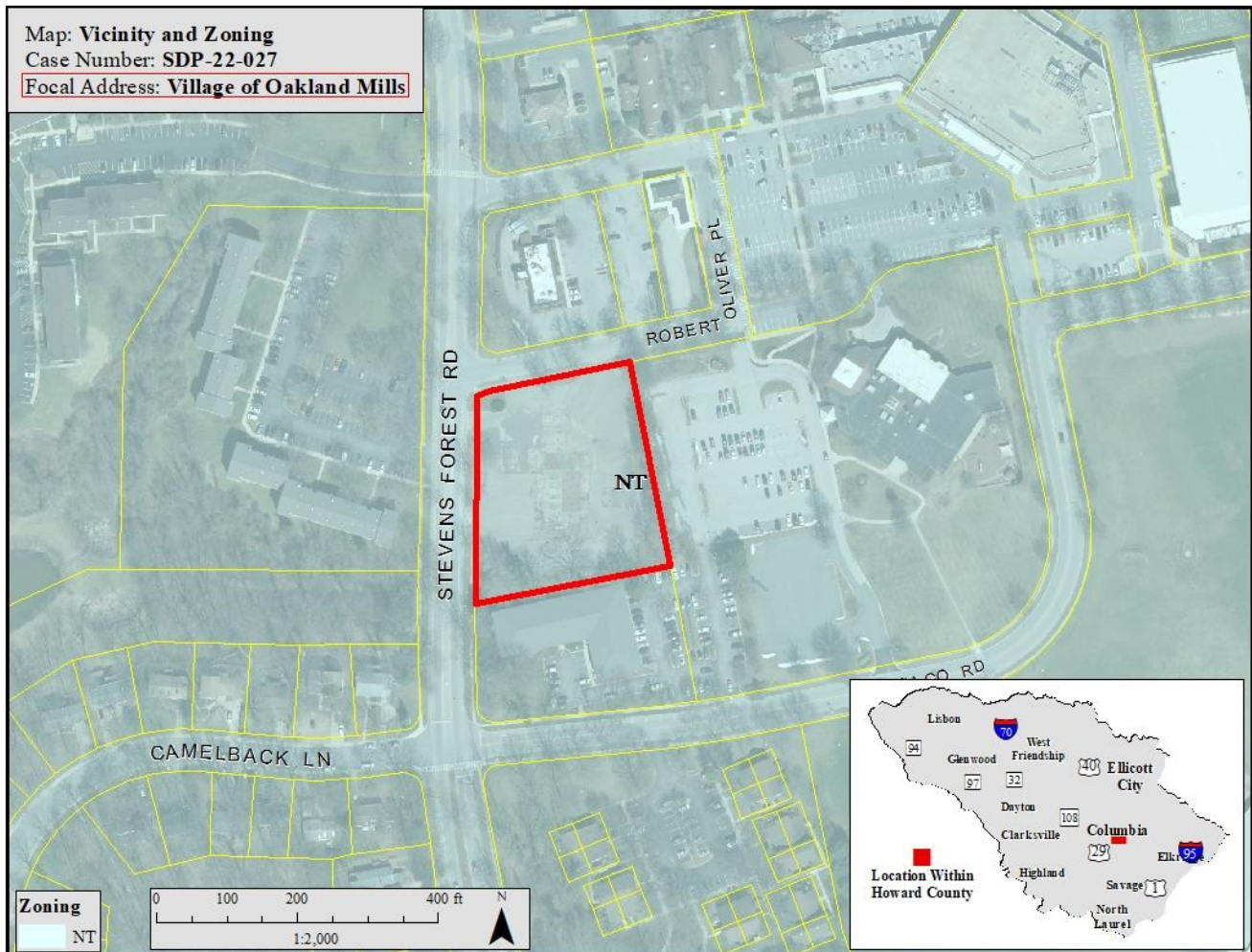
**Case No./Petitioner:** PB 456, Reliable Real Estate Services

**Project Name:** 7-Eleven Stevens Forest – Village of Oakland Mills Village Center (SDP-22-027)

**DPZ Planner:** Jill Manion, Planning Supervisor  
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**Request:** A Site Development Plan (SDP-22-027). Request to construct a motor vehicle fueling facility (MVFF) including fuel pumps and canopy, convenience store and car wash.

**Location:** The project is located at the intersection of Stevens Forest Drive and Robert Oliver Plan in the Village of Oakland Mills. The site is at the entrance of the Oakland Mills Village Center and is identified on Tax Map 36 as Parcel 300, Lot 8.



**Vicinal Properties:**

North: Robert Oliver Place. The Village Center Police Office is on the opposite side of the road.

South: A two-story office building.

East: Parking area for Oakland Mills Interfaith Center.

West: Stevens Forest Road. Multifamily housing is on the opposite side of the road.

**Site History and Analysis:**

The lot was first recorded in the Land Records of Howard County in Plat Book 15, Folio 61 on December 26, 1968. FDP Phase 50-A, which was an amendment to the original FDP for the Oakland Mills Village Center, was recorded in the Land Records on September 1, 1970, as Plat Book 20, Folio 1. Lot 8 is identified with the designated land use Village Center Commercial on the FDP. A site development plan (SDP-70-011) for a Gulf Care Center was approved December 16, 1969. Historical aerial photography shows the station still in operation in 1998 but removed from the site by 2002.

The existing site conditions are mostly impervious with the majority of the site covered in asphalt, except for a few unplanted landscape islands on the north and west boundary and a thin row of trees and vegetation along the east and south boundaries of the lot. A site development plan for the site, SDP-07-087, was approved on November 1, 2007, proposing a mixed-use office and retail building. However, the development was not initiated, and is no longer active.

On June 1, 2022, FDP-50-A-1 was approved by Planning Board to add a MVFF as a permitted use on Lot 8 and to reference criteria listed under Section 131.0.O.2 to apply to the lot. An alternative compliance (WP-23-088) for the approval of the removal of two specimen trees was also submitted as part of this site development plan to redevelop the site as a MVFF with 6 fuel dispensers (totaling 12 fueling spaces), a 3,381 SF convenience store and 980 SF car wash. The specimen trees proposed for removal are at the southwest corner of the site, which is also has a lower elevation, and where the stormwater management is proposed.

**FDP-50-A-I Criteria:**

Use: With the amended FDP-50-A-1, a MVFF is permitted on Lot 8 as listed in Criteria #7.

Setback: There is a 30' structure setback per Criteria #6 of the FDP. A 20' parking and use setback is also identified and provided, although not included in the FDP requirements. No other setbacks are imposed per Criteria #10 of the FDP. The fuel canopy is setback 51.53' from Stevens Forest Road and 64.95' from Robert Oliver Place. The convenience store is setback 143.63' from Stevens Forest Road and then 93.18' from Robert Oliver Place. The car wash 65' from Stevens Forest Road and is not in proximity to Robert Oliver Place.

Height: There is no maximum height imposed for commercial structures per Criteria #8 of the FDP, provided that any structure is approved by the Planning Board. The proposed height for the convenience store is 20'6" measured at the top of parapet (roof line is at 18'10"). The fuel canopy is 17'6" tall. The car wash building is 18'8" measured at the top of the parapet.

Lot Coverage: There are no lot coverage requirements imposed on commercial land areas on the FDP.

Parking: Per Criteria #9, 5 parking spaces per 1,000 square feet are required for retail; hence, 17 spaces are required for the 3,381 SF convenience store. The FDP is silent regarding parking for the MVFF and car wash, therefore parking for these uses is reviewed using Zoning Regulation requirements. In Section 133.0.D.4, MVFF's without service bays but with a car wash require 4 parking spaces in addition to the fuel pump fueling spot. In the same section, car washes are required to provide 2 parking spaces (one for employee and one for customer). Thus, the total required on-site parking for all uses is 23 spaces. A total of 26 parking spaces are provided.

## **Section 131.0.O.2 - Motor Vehicle Fueling Facilities Conditional Use Criteria**

In accordance with Section 125.0.A.11, the proposed site development plan meets the criteria listed in Section 131.0.O.2 as follows:

- a. The use will not adversely affect the general welfare or logical development of the neighborhood or area in which the Motor Vehicle Fueling Facility is proposed and will not have a blighting influence as a result of a proliferation of Motor Vehicle Fueling Facilities within a particular area.**

The site is located at the southwest corner of the Oakland Mills Village Center and was initially developed and operated as a gas station. The operation was abandoned, and structures razed in the early 1990s. There are no other motor vehicle fueling facilities in the vicinity. The site has remained vacant and a visual blight since that time. As such, the reestablishment of a motor vehicle fueling facility with ancillary convenience store and carwash operations will not adversely affect the general welfare or logical development of this parcel within the Village Center. Site design, landscaping and architecture has been reviewed and approved by the Village of Oakland Mills Architectural Review Committee (ARC). A copy of ARC approval documents have been obtained by DPZ and are part of the site development plan file.

- b. The minimum lot size for a Motor Vehicle Fueling Facility is 40,000 square feet. If a Motor Vehicle Fueling Facility 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.O.1.k.**

The site is 1.7 acres (or 74,502 SF) in size which exceeds the minimum requirements necessary for a MVFF. The additional uses on the site include a 3,381 SF convenience store and a 980 SF car wash. Please see Section k. below for additional information.

- c. The lot shall have at least 180 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 counted.**

The site is a corner lot that fronts on two public roads; Stevens Forest Road and Robert Oliver Place. The total public road frontage totals 515' along the two roads.

- d. Fuel dispensers shall be located at least 300 feet from any school, park, or day care or assisted living facility. This criterion is not applicable to existing Motor vehicle fueling facilities, except that it shall be applicable if an existing motor vehicle fueling facility proposes an enlargement that includes additional fuel dispensers.**

There are no schools or parks within 300 feet of the proposed motor vehicle fueling facility. The property shares a boundary with the Village of Oakland Mills Interfaith Center. The facility may operate as a day care facility as an ancillary use and if so, any day care use or associated playground would be at least 300' from the fuel dispensers.

- e. The proposed use shall be located at least 100 feet from any streams, rivers or floodplains. This criterion is not applicable to existing motor vehicle fueling facilities, except that it shall be applicable if an existing motor vehicle fueling facility proposes an enlargement that includes additional fuel dispensers.**

There is a stream on the opposite side of Stevens Forest Road that originates from the outfall of a culvert under Stevens Forest Road. The stream is on Open Space Lot 4 owned by the Columbia Association. It is delineated on a site development plan (SDP) for stormwater management pond reconstruction (SDP-02-031). Per that SDP, outfall from the culvert is 34' west of the right-of-way boundary which is when the stream is identified and subject to buffer requirements. The right-of-way between Open Space Lot 4 and the subject property is 80' wide. Therefore, the stream is located more than 100' from the stream. No floodplain is associated with the stream at that location.

- f. 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 development plan identifies 37% of the property as being landscaped. The proposed development meets perimeter landscape requirements in the Landscape Manual. In addition, landscaping was reviewed as part of the submission to the Village of Oakland Mills Architectural Review Committee (ARC). That petitioner submitted documentation from the ARC committee that the proposed development and landscaping were approved by the committee.

- g. 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.**

The site does not border directly with a residential district. The residential area is separated by Stevens Forest Road. Street trees and a shrub hedge provide perimeter landscaping along the right-of-way. Retaining Walls and fencing are provided on the east side of the property with landscaping on both sides of the wall and fence.

- h. 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 any vehicle repair operations.**

The SDP shows a dumpster location on the southeast corner of the site and out of sight from the public right-of-way. It will be within a walled and gated enclosure as shown on Sheet 34 of the SDP.

- i. A proposed site plan shall show that efficient traffic flow and queuing at the pump islands may be accommodated. Access driveways and on-site paved areas shall be designed and located to ensure safe and efficient movement of traffic and pedestrians.**

The SDP shows adequate movement area for a fuel truck to enter and exit the site around the fuel canopy with cars parked for fueling. All access aisles meet or exceed the minimum 24' commercial lane width between structures, parking and landscaped area. There is adequate cuing shown at the carwash in a separate lane to not block traffic circulation on the site for the other uses.

**j. Operation**

- 1) Outside operations shall be limited to the dispensing of motor vehicle fuel, oil, water, pressurized air, the changing of tires and minor servicing. Storage of all automotive supplies shall be within the main structure.**
- 2) 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.**
- 3) 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 Motor Vehicle Fueling Facility.**
- 4) Where a Motor Vehicle Fueling Facility is adjacent to a residential district, its hours of operation and a detailed landscaping and screening plan and a lighting plan shall be approved by the Hearing Authority.**

The proposed operations for the MVFF meet these requirements, which is incorporated by reference of Section 131.0.O.2 on FDP-50-A-1. Please see General Note #30.

Regarding hours of operation, the applicant requests to operate the facility as a 24 hour a day, 7 days a week operation. Landscaping and lighting plans are provided on Sheets 18-20 on the SDP.

**k. Other Uses**

- (1) Other uses may be located on the same lot as a Motor Vehicle Fueling Facility, 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;**
- (2) The Minimum lot area is increased to accommodate the combination of uses. At a minimum, the minimum lot size of 40,000 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.**
- (3) In the PEC, M-1 and M-2 districts, the gross floor area of convenience stores shall not exceed 3,500 feet.**

- (1) In addition to the 6 fuel dispensers and canopy, a 3,381 SF convenience store and 980 SF car wash are proposed as part of the site improvements.
- (2) The property is 1.7 acres in size (74,052 SF). The building square footage of the convenience store and car wash is 4,361 SF. The additional square footage to allow for the parking, loading and vehicle stacking areas that is shared amongst the uses is 29,691 SF, which is adequate to meet the required improvements and provide the necessary area for landscaping.
- (3) This criterion is not applicable as the site is zoned New Town.

#### **I. Abandonment**

- (1) The premises (including landscaping) of any Motor Vehicle Fueling Facility which is not in continuous operation or is abandoned shall be maintained in the same manner as is required under these regulations for operating Motor Vehicle Fueling Facilities.**
- (2) A Conditional Use for a Motor Vehicle Fueling Facility 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 Motor Vehicle Fueling Facility 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. For purposes of this subsection, "continuous operation" shall mean operation as a Motor Vehicle Fueling Facility at least eight hours per day, five days per week.**
- (3) If a Motor Vehicle Fueling Facility is abandoned and the Conditional Use becomes void as provided above, all multiple-product dispensers, canopies and other improvements including buildings shall be removed from the site within six months of the date the Conditional Use becomes void.**

This site development plan is for the reestablishment of a MVFF; therefore, this condition is not applicable to current Planning Board review. The condition, however, has been included by reference to this Conditional Use section in FDP-50-A-1 for Lot 8.

#### **Additional Regulatory Requirements:**

While not regulated by the FDP, the Subdivision and Land Development Regulations require compliance with the following additional items, which have been reviewed by agencies for technical compliance:

#### **Storm Water Management (SWM):**

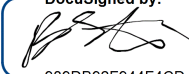
The property qualifies for redevelopment under the 2010 Maryland Stormwater Management regulations and meets the requirements for management volume of water and water quality improvement with the installation of a bioretention facility at the southwest corner of the site.

#### **Forest Conservation:**

The New Town District is subject to Forest Conservation regulations. This site is subject to an exemption listed as 16.1202(b)(xiii) of the Subdivision and Land Development Regulations, for "activity on a previously development area covered by an impervious surface and located in the Priority Funding area." Most of the land (1.4 acres of the total 1.7 acres) was previously designated as impervious and verified on the previously approved SDP-70-011. The remaining 0.3 acres of land is subject to Forest Conservation, but no obligation is generated.

**Adequate Public Facilities:**

APFO is met for this site. The proposal is a commercial development. Therefore, there are no impacts to public schools. A Multimodal Analysis was also included with the plan submission and a traffic study was reviewed for compliance with APFO road requirements. The two existing access points closest to the Stevens Forest/Robert Oliver are being removed with the site improvements.

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5/4/2023

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Brian Shepter, Acting Director  
Department of Planning & Zoning

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Date

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