



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
Item # 3  
09/18/03

**MEMORANDUM**

**DATE:** September 11 2003  
**TO:** Montgomery County Planning Board  
**VIA:** John A. Carter, Chief, Community-Based Planning *JAC*  
**FROM:** Sue Edwards, Community-Based Planning *Sue*

**SUBJECT:** Board of Appeals Petition No. 2351-A (Special Exception Modification), Mid Atlantic Petroleum Properties, LLC, applicant, requests a modification to existing automobile filling station, convenience store, and car wash, I-1 Zone, 12301 Middlebrook Road, Germantown Master Plan

**FILING DATE:** April 8, 2003  
**PUBLIC HEARING:** October 2,3 &10, 2003 at the Hearing Examiner

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**STAFF RECOMMENDATION:**

**Denial** of the Special Exception Modification because it does not meet the general standards 2,4,5,6 & 8 found in section 59-G-1.21 and specific standard (a) 2 found in section 59-G-2.06 of the Montgomery County Zoning Ordinance.

## PROJECT SUMMARY

This application for a modification to Special Exception S-2351 was initially scheduled before the Montgomery County Planning Board on July 10, 2003. At that time, the applicant, Mid-Atlantic Petroleum Properties, LLC requested deferral of the forest conservation and special exception items to allow staff to review materials submitted at the hearing. Staff requested that the Development Review Committee review the pedestrian circulation plan and lighting plan at the August 11, 2003 meeting. Advisory comments by the DRC are reflected in this revised staff report.

The subject parcel includes 1.94 acres in the I-1 Zone; 1.45 acres define the special exception area. The remainder of the parcel was to be developed in a use allowable in the I-1 Zone (Figure 1).

Elements of the special exception include: a 2,810 sf convenience store, twelve fuel dispensing stations covered by a lighted canopy, a single bay car wash, a monumental sign announcing gasoline prices and services, a surface stormwater management facility to serve the adjoining office development, revised landscaping and lighting, and a revised pedestrian circulation plan.

The proposed modifications (Attachment A) include changes to exterior conditions including:

- Placing existing stormwater management facilities (wet pond) underground and constructing 36 parking spaces to support the 18,145 sf office building developed on the remainder of the parcel;
- Installing fencing, landscaping and retractable gate surrounding this parking area to deter pedestrian entry into fueling area;
- Constructing a sidewalk along the car wash queuing aisle to access the rear entry to the office building;
- Installing landscaping according to the approved Landscape Plan;
- Approval of an existing Automated Teller Machine, small canopy and exterior lighting along the front wall of the convenience store;
- Acceptance of an existing stone patio and fountain with an exit door from the eastern building face;
- Approval of as-built canopy height;
- Removal of small sign at northern property entrance; and
- Reducing overall site lighting.

Modifications are also requested for the interior of the convenience store to reflect as-built conditions are as follows:

- |                                     |          |
|-------------------------------------|----------|
| • Customer area and customer lounge | 1,263 sf |
| • Office area                       | 58 sf    |
| • Coolers                           | 286 sf   |
| • Food prep and sales               | 464 sf   |
| • Cashier                           | 177 sf   |

- Rest rooms 149 sf
- Utility room 118 sf
- Storage room 68 sf

**Background-** The Board of Appeals approved Special Exception S-2351 on November 2, 1998 subject to the representations of the applicant and conditions placed by the Planning Board (Figure 2). The opinion of the Board of Appeals is included as Attachment B. Mid-Atlantic Petroleum Properties began operating the convenience store, fueling stations, and car wash in 1999.

In November 2002, the adjoining property owner, Brooke Venture LLC, filed a notice of appeal for the issuance of a building permit to construct an office building on the remainder of the parcel not covered by the special exception. Further appeals by the applicant and counter motions by Brooke Venture followed without resolving the sufficiency of parking spaces available to the newly constructed office building. The applicant relied upon cross parking easements recorded by Brooke Venture as original owner of the applicant's parcel. Attachment C contains a submittal by Brooke Venture's attorney explaining the basis of the building permit appeals and the relevance to the proposed special exception modifications.

In January 2003, the Montgomery County Department of Permitting Services cited a number of violations of S-2351 (see Attachment D). The modifications proposed by the applicant (Figure 3) would bring the alterations of the original special exception made during construction into conformance with as-built conditions.

**Site Description-** The site defined by this special exception modification consists of approximately 1.45 acres of a larger parcel (1.94 acres) known as Parcel E, Germantown Industrial Center. The property is located on the north side of Middlebrook Road and west of the signalized intersection of relocated Waring Station Road. Middlebrook Road is an arterial road with 150-feet of right-of-way. Improvements to Middlebrook Road including the frontage to the service station were completed in 1998-1999.

The site is relatively flat with the exception of grading used to develop the stormwater facilities for the special exception uses and the adjoining office uses. The rear of the property adjacent to the car wash drive aisle slopes away to the security fence of the Department of Energy.

Land uses on the north side of Middlebrook Road (see Figure 4) are Light Industrial. Further to the north and west of the service station is the Department of Energy in the R-200 Zone. Middlebrook Commons is a garden apartment complex in the R-30 zone on the south side of Middlebrook Road.

**Neighborhood Description-** The site is located within the Employment Corridor analysis area of the Germantown Master Plan. Directly opposite the subject site is the Middlebrook Commons residential community on the south side of Middlebrook Road. The nearest residential unit is approximately 150 feet away and approximately 20 feet higher than the subject property.

Land uses along the north side of Middlebrook Road are zoned I-1, Light Industrial.. Adjoining the service station property to the north and east is the Department of Energy (DOE) located in the R-200 Zone. In response to homeland security threats, DOE installed a reinforced gate on their property at the Waring Station Road secondary entrance. The agency intends to install a gatehouse and inspection station, protective bollards and perhaps fencing to reactivate this entrance which has been closed for homeland security purposes.

To the east, is a complex of two low office buildings of the Middlebrook Industrial Park owned by Brooke Ventures. These properties are developed in accordance with master plan recommendations for the I-1 Zone. Surface parking is supplied for these office buildings.

**Elements of the Proposal-** The applicant is seeking modification of a special exception to construct and operate an automobile filling station in conjunction with a 2,810 sf convenience store and single bay car wash. The applicant states that the modification would address the violations cited and bring the special exception into compliance with some of the as-built conditions. The modification would also address parking needs of the 18,145 sf office building recently constructed on the portion of the property, but not included in the special exception. The hours of operation and number of employees per shift remains as in the original special exception: 24 hours per day, 7 days per week with 2 employees plus a manager for two shifts between 7:00 am and 11:00 pm and one employee working 11:00 pm to 7:00 am.

## **ISSUES**

Opposition to this modification stems from a dispute with the adjoining property owner, Brooke Venture, LLC concerning parking for the office building which has been constructed on the portion of this property not covered by the special exception. Brooke Venture contends that the County must apply zoning and subdivision standards equitably to all property owners. The position of the opposition is that the applicant attempted to develop multiple land uses on its property while relying on the adjoining property (Brooke Venture) to satisfy the office parking requirements. This dispute is the subject of several civil actions and will be included in the public hearing scheduled before the Hearing Examiner in October.

Staff suggested to the applicant that removing the car wash structure and drive aisles would allow for additional parking spaces near to the office building. The applicant declined to explore this alternative.

## **ANALYSIS**

**Master Plan** –The subject property is within the boundaries of the 1989 Germantown Master Plan. For planning purposes, the site is located within analysis area EC-10 in the Employment Corridor. The Master Plan recommends a continuum of light industrial uses along the north side of Middlebrook Road extending from I-270 through the analysis area EC-10. The requested modification is consistent with the Master Plan in so far as the Plan supports the existing I-1 Zone for the subject property and automobile filling stations are allowed by special exception in that Zone

**Development Standards-** Zoning Ordinance in Sections 59-C-5.33 and 59-C-5.41 establishes the development standards for the I-1 Zone. All buildings, off-street parking and maneuvering areas must meet setbacks from adjoining properties. These setbacks were met by S-2351.

The Ordinance also limits building height to three stories or 42 feet; the buildings on the special exception property meet this requirement. Green area must constitute at least 10 percent of the property. The proposed modifications alter the amount of green space by replacing approximately 15,000 sf of the surface stormwater management facility with a paved parking area. The green space requirement is met with this modification.

**Compatibility, Landscaping, and Lighting-** The principal design issues for the modification of this use are: compatibility with adjoining and confronting residential uses, landscaping, height and visibility of the canopy, and lighting. The approved landscaping provided buffering and screening of adjoining residentially zoned property (DOE), shading of the public sidewalk along Middlebrook Road, and buffering of the fuel station activities. Landscaping of the office parking area screens the parking area and is used to detract from unsafe pedestrian movement.

The Germantown Streetscape Concept Plan, approved by the Montgomery County Planning Board in 1994 recommends 2.5 inch caliper trees spaced 45 feet on-center to establish an attractive, unified character for major roadways in employment areas such as Middlebrook Road. The landscaping in the revised plan would shade the public sidewalk and buffer the fuel station activities from Middlebrook Road.

The revised lighting plan reduces lighting levels throughout the site; lighting levels immediately under the canopy exceed lighting approved recently for gasoline fueling stations in Germantown when standards of the Illuminating

Engineering Society of North America are applied. These standards were supplied to the applicant in July 2003. Staff recommends significantly reducing lighting levels at the pump islands under the canopy. The applicant should demonstrate lighting levels that average 10 footcandles under the canopy, 2 footcandles in drive aisles and that do not exceed zero footcandles at the perimeter of the site. This recommendation is consistent with other Planning Board decisions for gas stations in the Upcounty region and have been accepted by the Board of Appeals

The canopy ceiling height (18 feet 5 inches at the lowest, 21 feet 11 inches at the highest) is far in excess of the height of the approved canopy (16 feet 6 inches). See Figure 5. Staff recommends the canopy be replaced at the approved height of 16 feet 6 inches.

Staff, in consultation with the convenience store manager, re-measured the canopy height in two locations on September 12, 2003. Staff used a laser measurement device used to record the canopy heights by first calibrating the accuracy of the laser device with a tape measure in a room of known height. The laser device demonstrated a measurement equal to the tape measured height.

To measure the underside of the canopy height, the device was placed flat on the pavement between pump islands pointed toward the ceiling of the canopy. In addition to these heights, the overall measurement of the canopy as viewed from a position on or off-site would be increased by approximately 3 feet 6 inches feet of canopy facing which is lighted and contains the gasoline brand name.

Approved	16 feet 6 inches
Pumps 1-2	21 feet 11 inches
Pumps 11-12	18 feet 6 inches

The applicant states that the canopy height at the lowest end is 17 feet 8 inches as measured by using a truck-mounted ladder.

The purpose of the canopy covering the fueling station is to protect patrons from weather while refueling their vehicles. The height of such a canopy is dictated by the height needed to permit trucks to pass underneath. To evaluate the acceptability of the canopy height, staff applied the minimum standard for overpass bridges on the Interstate Highway System which is 14 feet 9 inches. The canopy, as built, exceeds the approved canopy height by 12 to 32 percent.

Canopy heights for recent automobile filling stations by special exception have been established at 15 feet 6 inches for Goshen Oaks Citgo station in Gaithersburg (S-2524) and 15 feet 6 inches at the IO Partnership property (S-2568) located near the MARC station in Germantown.

**Transportation-** Transportation staff conducted a review of the requested modifications (Attachment E). The proposed minor modifications to the previously approved special exception, including the proposed change to the parking allocation, do not change the approved development density and uses and will not increase the number of weekday peak trips generated by the site.

Staff notes that a condition of the previous special exception approval has not been met. The applicant must revise the Adequate Public Facilities agreement associated with Preliminary Plan No. 1-94075 per the Board of Appeal's condition #3 in the November 2, 1998 opinion for approval of S-2351. A traffic study for all uses within the entire property (office, convenience store, car wash, and ATM) should be prepared in consultation with Transportation Planning staff.

The revised site plan for the special exception modification depicts two options for pedestrian circulation from the proposed parking area to the office building. The distance from the farthest area of the parking lot to the central entrance of the office building measures approximately 510 feet. Option A establishes a pedestrian route to the office building by surrounding the parking area with fencing and dense shrubbery. Exit to the service station drive aisles would be regulated by a sliding or retractable gate; patrons would be directed to use a marked crosswalk to the existing asphalt path to a new crosswalk at the common entrance to the entrance marked as 12301 Middlebrook Road. Option B consists of a five-foot wide walkway from the parking lot along the rear (north) of the property line to enter the building by means of a doorway adjacent to the loading dock.

These options, whether applied individually or together, do not provide safe pedestrian circulation within the site. Pedestrians will make the shortest, most direct path to their destination despite signs or landscaping. Pedestrian circulation such as Option A and B would not be acceptable to staff if the land uses of this site had been submitted in a single application.

**Neighborhood Need** –The Board of Appeals accepted the need statement in approving Special Exception 2351 which is not affected by the proposed modifications.

**Environment** – The property is covered by an existing Forest Conservation Plan and has met all forest conservation requirements.

**Community Concerns-** Staff has not received any community comments specific to this case. The letter submitted by Brook Ventures, in opposition to the application is included as Attachment C.

Germantown citizens, through meetings of the Germantown Alliance, have complained about excessive light levels at service stations and fast-food

restaurants in Germantown. These concerns have been introduced in discussions with the Planning Board concerning S- 2568 (IO Limited Partnership).

### **Inherent and Non-inherent Adverse Effects**

The inherent and non-inherent adverse effects of a special exception on nearby properties and the general neighborhood must be considered.

Section 59-G-1.2.1 of the Zoning Ordinance states:

*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 inherent adverse effects, are a sufficient basis to deny a special exception.*

The first step in this analysis is defining the boundaries of the general neighborhood, in this case analysis area EC-10 from I-270 to Ridgecrest Road. The neighborhood is principally industrial in character on the north side of Middlebrook Road and residential in character on the south side of Middlebrook Road.

The inherent adverse effects associated with automobile filling stations include the amount of impervious surface and its effect on stormwater management, the potential environmental impact from spillage of oils and other automotive fluids, fumes associated with start-ups and idling, queuing of vehicles entering the fueling islands, noise from outdoor activities and deliveries, lighting, and signage. Automotive filling stations are increasingly operating 24 hours a day. Staff finds that the physical and operational characteristics of the proposed modifications are no different than what is encountered with an automobile filling station.

For lighting, canopy height, and parking for the adjacent office building, the proposed modifications create conditions that are non-inherent of the use. Given the submitted plans and other supporting documentation, staff finds that the non-inherent adverse effects of the lighting, canopy height, and safe vehicular and pedestrian circulation generated by parking for the adjoining office building require denial of the special exception application.



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

Staff has reviewed the application for compliance with the applicable special exception provisions. As noted in the attached, general requirements for an automobile filling station found in Section 59-G-1.21 and 59-G-2.06 of the Zoning Ordinance will be satisfied. Staff recommends denial of the proposed modifications.

## **CONCLUSION**

The special exception modifications requested satisfy all but two of the violations cited by DPS. The remaining violation issues are canopy height and lighting. The canopy height must be reduced for compatibility with the confronting residential property. Excessive lighting throughout the site must be reduced to eliminate spill-over to Middlebrook Road.

Staff does not support construction of the underground stormwater management facility and a 36-space parking area on the eastern boundary of the property. Landscaping, fencing, retractable gates, and directional signage cannot be assured to prevent pedestrian entry into areas of the site where there are short duration and constant vehicular operations. Pedestrian and vehicular movement would conflict due to the office parking area.

At this time, and with materials submitted, staff cannot foresee the outcome of the on-going legal challenge to the parking covenants, building permit issuance, occupancy of a portion of the office building and other matters. Extenuating circumstances of this case and related actions may warrant deferral until the parking elements are resolved.

The staff recommends denial of this special exception modification application.

### **Attachments:**

Figure 1: Vicinity Map

Figure 2: Approved Site/Landscape Plan

Figure 3: Proposed Site/Landscape Plan

Figure 4: Land Use

Figure 5: Canopy Illustration

Attachment A: Application Letter

Attachment B: Board of Appeals Opinion S-2351

Attachment C: Letter from Brook Ventures

Attachment D: Notice of Violations

Attachment E: Transportation Staff Memo

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## Montgomery County Zoning Ordinance

### 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.

*Automobile filling station including a car wash with up to 2 bays is a permissible use by special exception use as provided in section 59-C-5.21*

- (2) Complies with the standards and requirements set forth for the use in Section 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 use, as modified, does not comply with the standards and requirements of Section 59-G-2.06. Lighting, as built, creates glare on Middlebrook Road. The number and location of parking spaces proposed for the site will create unsafe vehicular and pedestrian conditions.*

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a 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 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 Germantown Master Plan, adopted and approved in 1989, recommends I-1 (Light Industrial) uses for this property. The proposed use, as modified, is in conformance with the Germantown Master Plan.*

- (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 use, as modified, will not be in harmony with the surrounding neighborhood. New parking spaces on the site create unsafe conditions for pedestrians seeking to reach the adjacent office building. Service stations and convenience stores are vehicular in nature with short periods where vehicles are not moving when on the site. The frequency and multi-directional nature of these vehicular movements cannot be mitigated so as to provide safe haven for pedestrians.*

- (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 use, as modified, will have a detrimental effect on the development of surrounding properties. Excessive lighting levels from the property have a detrimental effect on the use and enjoyment of the confronting residential use. The outdoor automated teller machine generates additional activity on the special exception property not considered in the initial special exception application.*

- (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 use will not create objectionable noise, vibrations, fumes, odors, or dust. The use, however, as modified*

*will generate adverse illumination, glare and physical activity at this location.*

- (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.

*When considering this use, the number, intensity or scope of special exception uses in the surrounding neighborhood will not adversely affect the nearby Middlebrook Commons residential community. The closest special exception for a filling station is located approximately 1.5 miles away at Middlebrook Road and MD 355. There are no other special exceptions in the vicinity immediate neighborhood. A special exception (S-632) filed in 1978 for an automobile filling station and a hotel/motel in combination with a trucking terminal was denied.*

- (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 of any adverse effects the use might have if established elsewhere in the zone.

*The use, as modified, would adversely effect the health, safety, and security... of ...visitors or workers at the subject site due to the number and location of parking spaces proposed to serve an adjacent office building. The 36 parking spaces are located over 500 feet from the office building with the service station pumps as an intervening factor for pedestrians seeking to reach the office building.*

- (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. If the special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review and the Policy Area Transportation Review, as required in the applicable Annual Growth Policy.

*At the time of the initial S-2351 approval, the Planning Board determined that an automobile service related use would be served by adequate public facilities.*

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.

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

In addition to the findings and requirements of Article 59-G, 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 a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses 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) Swimming pool, community.

**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 use, as modified, will create a traffic hazard or traffic nuisance due to the 36 parking spaces proposed for the eastern edge of the defined special exception site. Patrons using these parking spaces would traverse the fueling island area in order to take the most direct route to the office building entrance.*

- (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 use, as modified, will not adversely affect nor retard the logical development of the general neighborhood in which the station is proposed.*

- (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 3-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.

*The visible height of the canopy covering the fuel dispensing operation cannot be screened from the adjoining Department of Energy (R-200) property or the Middlebrook Commons (R-30) residential community by mature landscaping or solid fence.*

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

*No signs, product displays, ... or other obstructions are proposed that will adversely affect visibility at intersections or driveway entrances. The location of 8 spaces parallel to Middlebrook Road will adversely affect visibility at the station driveways.*

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

*The lighting as proposed will exceed the lighting standards of the ISNEA. Staff recommends reducing the height of the canopy and modifying the number and type of fixtures to meet the IESNA standards and eliminate glare into the adjoining roadway.*

- (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 property is not a corner lot.*

- (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.

*All gasoline pumps will be at least 10 feet behind the building line. The driveway entrances are at least 20 feet apart and perpendicular to the curb.*

- (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 repair work is proposed for this location.*

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

*All parking and drive aisles are set back a minimum of 10 feet from the public right-of-way. No vehicle will be able to park in such a way that it overhangs the right-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.

*The proposed use will not include any vehicle rental facility.*