



**Special Exception S-847-B**  
**Supplementary Information Responding to Zoning Hearing Examiner’s April 2, 2024**  
**Inquiries\***

1. *Comments applicable regardless of 2004 or 2014 Zoning Ordinance:*

- a. *The Staff Report states that 50 parking spaces are provided, but I don’t see 50 parking spaces on the plan. By my count, there are a little over 40, but I may have missed some. Please clarify.*

The Site Plan (“SP”) Cover Sheet indicates that 50 spaces are provided and SP Sheet 3 provides for the location of these spaces. The 50 total parking spaces include the nine potential Electric Vehicle parking spaces along the eastern Property line.

- b. *The Staff Report (p. 9) states that the proposed store will be a “maximum of 5,000” square feet while the Applicant’s Land Use Report states that it will be 5,919 square feet. Which is it?*

SP Cover Sheet and SP Sheet 3 indicate that the store will be 5,919 square feet and this is the accurate square footage.

- c. *Provide the dimensions, design and lighting of the freestanding sign. Staff, based on this description, provide your analysis of whether the sign is compatible with the surrounding area?*

Sheet 2 of the Architectural Plans includes the specifications for the illuminated pylon signs. These two free standing signs are replacing the two existing free standing signs along Route 198 and Route 29. Each sign is 10’2” wide and 26’ tall. The signs will be internally lit.

- d. *To make the required findings we need to make, we need to know why the application meets the standards, not just a statement that it does meet the standards. Rather than “Provided and see landscape plan”, would you kindly state why and where the specific requirements are met on the plan. This would apply to the conclusions on pp. 18-20.*

59-C-15.635

- (a) Property Line Adjacent to a right-of-way -- SP Sheet 7 shows along Route 198: 15’ wide landscape strip; 3 foot high hedge; and street trees every 30’. SP Sheet 7 shows along Route 29: landscape strip with varying width of 36’; 3 foot high hedge; and trees every 30’. The Application meets the requirements.

\*ZHE’s inquiries are in italics

- (b) Property line adjacent to residential zone – SP sheet 7 provides for a forest conservation easement (FCE) area with a variable width of 50’ to 70’ with trees planted on center. Given the width of the FCE and the additional tree plantings that are proposed, the Staff Report concluded that this satisfies the intent of this provision. If this is not deemed acceptable, the Applicant will provide for the planting of evergreen trees along the southern Property line.
- (c) Not applicable (NA)
- (d) Internal pervious area – SP Cover Sheet indicates that 10% or 2,914 square feet is required and the Applicant is providing 12% or 3,632 square feet. This requirement is satisfied.
- (e) Tree canopy – SP Cover Sheet indicates that 30% or 8,824 square feet is required and the Applicant is providing 34% or 10,079 square feet. This requirement is satisfied.
- (f) Lighting – The submitted photometric plan shows 0.0 footcandles at the residential property line and thus this requirement is satisfied.

Note: The Staff Report, pages 18-22 explains how the Application meets the landscaping requirements of Section E 2.7 and therefore we have not reiterated this information. Section E 2.83 pertains to Special Exceptions within residential zones and is not relevant.

- e. Transportation (p. 26): Isn't this the Burtonsville Policy Area (that's what I remember from the LMA) rather than the Cloverly Policy area. Please confirm.*

Correct. The Property is located within the Burtonsville Policy Area. The reference to the Cloverly Policy Area was erroneous.

- f. There should be the following conditions:*
  - i. maximum number of employees associated with the use.*
  - ii. maximum number of staff on-site at any one time, including shift hours and days of week.*

The Applicant's Land Use Report provided the following:

The Automobile Filling Station will continue to operate 24 hours a day, seven days a week in essentially the same manner as the existing 7-Eleven gas station and convenience store. Additional operational aspects of the Modification include the following:

- Maximum number of employees at one time: 12 during morning and lunch peak hours; as few as 3 during overnight shift.
- Fuel deliveries: on average 1 to 2 per day; delivery takes approximately 30 minutes; station offers three types of fuel (diesel, high-test and regular).
- C-Store deliveries: provisioning and dairy deliveries, each every other day typically coordinated to occur on alternative days; fresh channel delivery every day;

specific brand truck deliveries (e.g. sodas, potato chips) occur from trucks that park in standard parking spaces, daily.

- Trash removal: twice per week.
- Landscaping/upkeep of Property: landscape contract with once a week maintenance; grass areas will be watered with sprinklers; litter pick-up and trash cans emptied once every shift.

Please let the Applicant know if additional information is needed. Note: The Applicant requests a change in the fuel deliveries (second bullet) to allow for up to three deliveries a day, given the three grades of fuel to be provided.

- g. Describe more fully the operations of this use Including frequency and types of deliveries to site and days/hours when deliveries are expected to occur and frequency of trash removal services.*

See response above.

- h. Provide information on the proposed number of bicycle parking spaces.*

SP Cover Sheet provides that four spaces are required and four will be provided. Pursuant to the requirement, two spaces will be provided inside the store at the rear of the building and two spaces outside. The detail for the external bike rack is provided on SP Sheet 5. The SP plans do not show the location of the external bike rack but it is anticipated to be located adjacent to the northwest corner of the building. The Applicant intends to show this on the forthcoming Preliminary Plan.

- i. Has the Stormwater Management Concept Plan been approved by DPS.*

The Stormwater Management Concept Plan, SWM No. 290015, was approved on February 2, 2024.

Note: The Applicant intends to proceed under the 2004 Zoning Ordinance and thus the questions related to the CRTF Zone have been eliminated.

3. *If you proceed under the 2004 Zoning Ordinance:*

- a. Section 59-G-1.24 requires a showing of neighborhood need. I don't see anything on this either in the Staff Report or the Applicant's Land Use Report to support this standard.*

The Application is replacing an existing gas station with a convenience store with a new gas station and convenience store and adding two additional fueling pumps. The existence of the current gas station that conducts a healthy business provides evidence of need. Nonetheless, the Applicant will provide additional information to support this finding.

- b. *Landscaping under Section 59-E: 2.83 and 2.91 only apply to residentially zoned property, I believe.*

Section 2.83 pertains to special exceptions located within a residential zone and does not apply. Section 2.91 pertains to special exceptions adjacent to residentially zoned land (and institutionally zoned land) and thus does apply and is addressed above.

- c. *Criteria in Section 59-G-1.23: There are more than 1.23(h) listed in the Staff Report (pp. 21-22). Wouldn't at a minimum 59-G-1.23(f) and (g) apply? Are these addressed elsewhere? If not, please state affirmatively that the others don't apply so we know that we have covered them.*
- (a) Development Standards - Acknowledged; See SP Cover Sheet that provides evidence that the application meets the relevant development standards.
  - (b) Parking Requirements - Acknowledged; See SP Cover Sheet and plans for parking compliance and the additional explanations of compliance provided above.
  - (c) Minimum frontage - NA
  - (d) Forest Conservation - The Planning Board approved the preliminary Forest Conservation Plan F-20240210 on February 29, 2024.
  - (e) Water Quality Plan – NA. The Property is not subject to a water quality plan and is not located within a special protection area.
  - (f) Signs – Acknowledged. The submitted Architectural Plans show all of the proposed signs. As previously noted, the two existing freestanding signs will be replaced with two new freestanding signs. The Applicant will obtain the necessary sign permits for the signage.
  - (g) Building compatibility in residential zones – An FCE with a variable width of 50' to 70' extends along the southern boundary of the Property and provides a buffer to the adjacent residential property. The closest house is 450 feet from the structure and there is 650 feet between the structure and the next closest homes. The Architectural Plans show that that the store design is a modern, sleek design, representing a significant upgrade from the existing structure on the Property. The gas pumps are located in front of the structure, thus providing an additional buffer. The zoning of the Property allows a 1.0 FAR and the proposed density is only .04 FAR. The proposed Special Exception is proposing a continuation of the existing use and as far as the Applicant is aware, there have been no complaints from adjacent property owners with respect to the operation of the Property. All of these factors contribute to the structures compatibility with the adjacent residential zone. The Application satisfies the requirements of this section.
  - (h) Lighting. As noted, the photometric plan shows that the light levels at the shared Property line to the south are 0.0. The Applicant meets the requirement of this section.