



KHCA statement to the Montgomery County Council

Re: ZTA 25-06

Date of public hearing: Tuesday, June 10, 2025, 1:30 pm

Good afternoon, Councilmembers. My name is Donna Savage and I live at ----- McComas Court in Kensington Heights. This testimony is offered on behalf of the 900 households in Kensington Heights.

KHCA is uniquely knowledgeable and experienced to discuss ZTA 25-06, having fought against a large Costco gas station proposed to be sited at Westfield Wheaton, directly adjacent to our homes. We prevailed against Costco's proposal at all four County levels and both levels of court hearings. That gas station has not been built and cannot be built under current County regulations and accepted legal precedence.

KHCA appreciates the Planning Board's attempt to protect sensitive areas from the negative effects of large filling stations. We also understand the need to determine a meaningful location from which to measure a 500-foot distance to the nearest "sensitive use" property line; however, we believe that measuring from the pumps themselves is neither the appropriate nor the legal starting point.

Montgomery County, Section 7.3.1 Conditional Use – Filling Stations, Section B.1.3.2.h states:

"2. The applicant must submit the following for review: ...

h. map showing existing buildings, structures, circulation routes, significant natural features, historic resources, zoning, and legal descriptions on the proposed development site and **within 500 feet of the perimeter boundary; ...**" **emphasis added]**

As the language of this agenda item states: "The current Zoning Ordinance requires any Filling Station that dispenses at least 3.6 million gallons per year to be at least 500 feet from certain residential, Civic and Institutional, and Recreation and Entertainment uses as well as certain environmentally sensitive areas." So there is no question about the current County zoning requirements. The question is "from where" the measuring of these 500 feet should begin.

Both Montgomery County Government and Costco, as a matter of legal precedent, accepted that this 500-foot distance is measured from the

property line of the proposed gas station. Indeed, setbacks are always measured from the property line unless otherwise specified. This ZTA is an attempt to “otherwise specify” that standard, and we firmly believe there is no real reason why that standard should be broken.

KHCA’s extensive research and testimony in the Costco case firmly established that pollution generated by a mega gas station does not originate solely from the fuel dispensers. Pollution also emanates from:

1. emissions from vehicles idling in queue to fill up;
2. daily tanker trucks needed to refill the large underground fuel storage tanks;
3. extra traffic created by additional congestion from the gas station queue and tanker trucks, in an already busy street or lot;
4. noise from tanker trucks and additional cars (plus additional danger to pedestrians); and
5. negative impacts on public health, property values, and quality of life, which impacts extend thousands of feet from fuel pumps.

For these reasons, the policy was legislated and enshrined in law to measure the setbacks from Filling Stations’ lot lines and not from their fuel dispensers. Again, for emphasis, setbacks are always measured from the property line unless otherwise specified.

The decision to deny Costco's mega gas station plan was upheld over and over again despite Costco’s multiple appeals and substantial resources, citing potential health impacts among other reasons. In every one of their appeals, Costco failed to provide a preponderance of evidence to dispute those health impacts.

Furthermore, the (lack of) communication and engaged process leading up to today's public hearing do little to assure us that the proposed ZTA -- and those who vote to support it -- prioritize the health and well-being of our County's residents.

KHCA requests, therefore, that the relevant portion of ZTA 25-06 not be approved by the County Council and be stricken from ZTA 25-06.

Thank you.