

January 9, 2025

Kathleen Byrne, Director

Montgomery County Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, MD 20850

Subject: Request for a Conditional Use for a Filling Station, located at Parcel K on Plat 25584 in Clarksburg Town Center, Clarksburg 20871
Conditional Use CU202502

Dear Director Byrne:

At its regular meeting on December 19, 2024, the Montgomery County Planning Board reviewed Conditional Use Application CU202502, for a Filling Station use. The Applicants, CYC Retail, LC c/o Elm Street Development and Weis Markets, Inc., propose a Conditional Use for a Filling Station use on approximately 12,000 square feet, located at Parcel K on Plat 25584 in Clarksburg Town Center, in the CRT-0.75, C-0.25, R-0.5, H-65T Zone, and within the 1994 *Clarksburg Master Plan* area. The Conditional Use Plan shows the proposed fuel pumps, kiosk, and canopy of the Filling Station use.

In its Staff Report dated December 9, 2024, technical staff recommended approval of the Conditional Use with conditions. The Planning Board recommends a revision to Condition No. 4, as requested by the Applicant during the hearing:

Modify Condition No. 4 to change the hours of operation to 4 a.m. through 12 a.m.

With these revisions, the Planning Board concurred with the findings and recommendations of the Staff Report. The Planning Board agreed with staff's conclusion that the use is consistent with the recommendations of the 1994 *Clarksburg Master Plan*. The application satisfies the applicable requirements and regulations of the approval of a Conditional Use for a Filling Station use. The Applicant has also met the burden of proof by showing that operating these uses at this location will not be a detriment to the neighborhood and will not adversely affect the public interest.

On a motion by Commissioner Hedrick seconded by Vice Chair Pedoeem with Chair Harris, Commissioner Bartley, and Commissioner Linden voting in favor of the motion, the Planning Board voted 5-0 to transmit a letter recommending that the Hearing Examiner approve the Conditional Use with the conditions listed in the Staff Report.

The Planning Board appreciates the opportunity to review this project and looks forward to working with your staff on subsequent reviews. If you have any questions, please contact Mark Beall at 301-495-1330 or mark.beall@montgomeryplanning.org.

Sincerely,



Artie L. Harris
Chair

Exhibit 55
OZAH Case No: CU 25-02