



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item# 2
10/03/02

MEMORANDUM

DATE: September 25, 2005
TO: Montgomery County Planning Board
VIA: John A. Carter, Chief, Community-Based Planning
FROM: Sue Edwards, Community-Based Planning *Sue*

REVIEW TYPE: Special Exception
APPLYING FOR: Automobile Filling Station
APPLICANT: Two Goshen Oaks Center, LLC and 7-Eleven, Inc.
CASE NUMBER: S-2524
REVIEW BASIS: Chapter 59
ZONE: TS (Town Sector)
LOCATION: 9051 Snouffer School Road
MASTER PLAN: Gaithersburg Vicinity Master Plan

FILING DATE: May 16, 2002
PLANNING BOARD: October 3, 2002
PUBLIC HEARING: October 14, 2002 at the Hearing Examiner

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

1. The applicant shall be bound by all submitted statements and plans.
2. Lighting plan must meet standards contained in Illuminating Engineering Society of North America.
3. Add evergreen plantings and understory to existing landscaping along Snouffer School Road.
4. Intercom boxes and external speakers are prohibited.

5. Provide pedestrian crossing stripes at the entry drive to Snouffer School Road to connect to the steps leading to the adjacent townhouse development.

PROPOSAL

The applicants, Two Goshen Oaks Center, LLC and 7-Eleven, Inc., are seeking a special exception to construct an automobile filling station on a 37,900 square foot triangular-shaped lot at 9051 Snouffer School Road, in Gaithersburg (Figure 1). The proposed filling station would be located within the boundaries for the existing Goshen Oaks Shopping Center in the Town Sector zone for Montgomery Village.

Background- The shopping center was approved in Preliminary Plan #1-98035 and Site Plan #8-98020 In 1998, the Planning Board approved a Supplementary Plan which included a total of 69,589 square feet of commercial development with a grocery store, other retail uses, and a 3,500 square foot gas station with 10-pumping stations and a one-bay car wash facility. (Figure 2). In considering the preliminary and site plans for this site, the Planning Board reduced the total commercial retail space (including the grocery store) to 59,089 square feet and maintained the 3,500 square feet convenience store and automobile filling station.

Opponents of the shopping center appealed the Preliminary Plan, Site Plan, and Supplemental Plan to the Circuit Court on numerous grounds. The Circuit Court affirmed the Planning Boards actions in 1999. In another appeal, the Court of Special Appeal affirmed the lower court's decision but included a finding that an automobile filling station at this site would require a special exception prior to construction. The Goshen Oaks Center opened in 2001 with a large Safeway grocery store and a number of smaller stores, leaving a paved pad in front of the convenience store where pumping islands are designated on the submitted site plan.

Site Description- The site defined by this special exception application is a triangularly shaped parcel, 37,900 square feet in size just north of an existing 7-Eleven convenience store in the southern corner of the shopping center. (Figure 3) Immediately east of the subject property is a 36-foot wide driveway into the shopping center from Snouffer School Road. East of the driveway is the forest conservation area planted in small caliper evergreens and two stone retaining walls.

Neighborhood Description- The surrounding area is also in the Town Sector zone in the area of Montgomery Village known as East Village. East Village includes a mix of single-family detached units and townhouses. Further to the east on Snouffer School Road are commercial uses. The Goshen Crossing

Shopping Center contains a Giant food store, other retail uses, and a Mobil gas station with automatic car wash.

Goshen Oaks shopping center backs to the Picton neighborhood of 214 two-story townhouses. The closest housing unit within this community is approximately 190 feet from the convenience store and at a base elevation approximately 21 feet higher than the canopy of the proposed filling station.

Elements of the Proposal- The applicant is seeking the special exception to permit the construction and operation of an automobile filling station in conjunction with the existing 3,500 square foot 7-Eleven store near the Snouffer School Road entrance. The station will have an approximately 3,072-square foot canopy (128 feet by 24 feet, which is 17'6" high), as shown in Figure 4.

Five multi-product dispenser islands will have two pumping stations each, for a total of ten gasoline pumps. The canopy will contain four lighting fixtures for each pumping island. An intercom call box is proposed for each pumping station. Two concrete-covered underground storage tanks (a 10,000- and a 15,000-gallon tank) will be just west of the pumping stations.

The applicant proposes to use the existing monumental sign and add the "CITGO" logo and gas pricing sign next to the existing 7-Eleven sign at the southern corner of the property facing Snouffer School Road.

The self-serve filling station will maintain the same 24-hour operations as the convenience store. Employment at the facility will remain a total of 12 persons daily, with a maximum of two employees on duty during each of the eight hour shifts. Gasoline deliveries are anticipated to be about three times weekly by tanker truck from Snouffer School Road. The deliveries would be between 6 a.m. and 11 p.m.

Vehicles will access the fuel pump area by the existing driveways to the shopping center and from the interior of the shopping center parking lot. The existing shopping center driveway links with both Goshen and Snouffer School Roads. Fifteen parking spaces are already located in front of the 7-Eleven store.

No new landscaping is proposed for the service station. Existing planting includes low-lying shrubs and spruce trees at the site's southern corner on Snouffer School Road and at the intersection of the access road with this road, low-lying shrubs east of the building along the access drive, and small shade trees at intervals along Snouffer School Road and the access road. Additionally, a parking island containing a row of shrubbery separates the site from the parking lot for the remainder of the shopping center.

ANALYSIS

Master Plan –The subject property is within the boundaries of the 1985 Gaithersburg Vicinity Master Plan. The Master Plan recommended R-200/TDR (4 units per acre) zoning for this property. Since this recommendation was not implemented by sectional map amendment, the property retained the underlying R-200 classification. Application G-467 to reclassify the property to Town Sector was approved by the District Council in August 1987 in conformance with the Master Plan.

The Council's resolution approving the rezoning (Resolution 11-431) noted that the applicant's Land Use Plan illustrated three possible development scenarios: single-family residential, multi-family residential, or commercial. The Council's Resolution directed the Planning Board to perform more detailed analysis at the time of Supplementary Plan to determine that Town Sector development of the property would be compatible with existing and planned surrounding uses.

As shown on the Supplementary Plan, the approved commercial space includes the following uses:

- 56,489 square foot grocery store
- 9,000 commercial retail uses
- 3,500 square foot automobile filling station with a maximum of 10 gas dispensers and a car wash

In approving the Supplementary Plan, the Planning Board found that the proposed grocery store, retail uses, convenience store, and gas station furthered the Town Sector goal that all commercial and community facilities needed to make a town reasonably self-sufficient be located within Montgomery Village. The Board specifically found the size, location, and access to the grocery store and gas station were oriented to meet the needs of the neighborhood that at the time were being met by retail providers outside of Montgomery Village.

The proposed use is allowed in the Town Sector zone when described on the approved development plan and supplementary plan.

Development Standards- The proposed special exception is consistent with all previous approvals from the Supplementary Plan through Site Plan and is also in conformance with the development standards of the zone.

Design Issues- The principal design issues for this proposed use are: landscaping, height and visibility of the canopy, and lighting. Landscaping of the special exception site conforms to the site plan for the shopping center including the convenience store. Additional evergreen and understory plantings are needed along Snouffer School Road at the western edge of the convenience

store to screen the dumpsters and fuel dispensing operation from pedestrians and vehicles on Snouffer School Road.

The submitted lighting plan expresses lighting levels throughout the site that are unacceptable and excessive. Staff recommends eliminating 10 lighting fixtures under the canopy and use of recessed fixtures to direct light downward and minimize light spillage during hours of operation when the shopping center is closed. The applicant should demonstrate lighting levels that average 5 footcandles throughout the special exception site and that do not exceed .5 footcandles at the perimeter of the site. This recommendation is consistent with other Planning Board decisions for gas stations in eastern Montgomery County (Site Plan #8-99017).

Transportation- The Adequate Public Facilities test was satisfied under the Alternative Review Procedure for Expedited Development Approval Excise Tax (or "Pay and Go") in Preliminary Plan #1-98035. The Development Approval Payment (or "DAP") was made by the applicant for use to fund identified public transportation improvements that would mitigate the impact of the site-generated traffic. Refer to Attachment A which includes the previous analysis of traffic capacity for the proposed use.

APF review consists of Local Area Transportation Review (LATR) and Policy Area Review (PAR). For LATR, a traffic study was submitted to analyze the impact of site-generated traffic at the nearby intersections. The Transportation Planning memorandum analyzed the proposed total commercial development of 69,589 square feet prior to the Planning Board hearing including an automobile filling station with ten pumping stations, convenience store, and one-bay car wash. The Planning Board approved a reduced total square footage of 58,089 which would generate the following peak-hour trips:

Weekday Morning Peak Hour (6:30 a.m. to 9:30 a.m.): 260 total (143 new) trips

Weekday Evening Peak Hour (4:00 p.m. to 7:00 p.m.): 768 total (262 new) trips

The total trips include new, diverted, and pass-by trips. The diverted and pass-by trips are considered to be already traveling on the road from other primary origins or to other primary destinations.

For the subject special exception case only, an automobile filling station with ten pumping stations and no car wash would generate the following peak-hour trips:

Weekday Morning Peak Hour: 113 total (17 new) trips

Weekday Evening Peak Hour: 149 total (22 new) trips

For PAR, the site is located in the Montgomery Village/Airpark Policy Area. Under the *Annual Growth Policy (AGP)* staging ceiling capacity, the remaining capacity for non-residential development is negative five jobs as of August 1, 2002. The project was approved under "Pay and Go".

Staff continues to find and concur with the Planning Board's findings in the site plan that adequate, safe, and efficient circulation is provided by the proposed special exception use.

Neighborhood Need – The Montgomery County Zoning Ordinance (Section 59-G-1.24) requires applicants for an automobile filling station to demonstrate "...from a preponderance of the evidence of record that, for the public convenience and service, a need exists for the proposed use for service to the population in the general neighborhood, considering the present availability of such uses to that neighborhood." Staff review of the applicant's needs analysis is included at Attachment B.

One other gas station is located at the intersection of Goshen Road and Snouffer School/Wightman Road and three other existing stations and one approved station are located within 1 ½ miles of the applicant's proposed station. Two existing stations are at the Montgomery Village Center, one existing on Snouffer School Road just beyond Centerway Road, and one proposed station at Snouffer School Road and Centerway Road.

In reviewing the applicant's needs analysis, staff disputes the applicant's determination of trade area and the proportional assignment of gasoline demand provided by transients who neither live nor work in the area. Staff concludes, however, that there is sufficient neighborhood need for a gasoline filling station at this location.

Environmental – The Goshen Oaks Shopping Center has an approved Stormwater Management Plan which includes the proposed gas pumping islands and a car wash. Staff recommends that the applicant reconfirm the Stormwater Management Concept Plan with the Montgomery County Department of Permitting Services to ensure full quality control for the proposed use.

The automobile fueling operation must also comply with the control guidelines and air quality permitting requirements of the Maryland Department of the Environment (MDE). As stated in the memo from the Environmental Planning staff (Attachment C), the applicant must properly install, maintain and use Stage I and State II vapor recovery system and a vapor balance line. The applicant must also obtain applicable air quality permits prior to construction.

Fuel storage tanks must meet required technical standards and must comply with all county, state, and federal permitting requirements.

Community Concerns- Opponents of the automobile filling station have written to the Planning Board. These letters are included with distribution of this staff report. Staff has held several meetings with the community to discuss elements of the proposal and the objections of the surrounding neighborhood and the Montgomery Village Foundation.

Community concerns include:

- Compatibility with the adjoining Picton townhouse community
- Potential serious negative impact from odors, fumes, or physical activity on the quality of life and safety of the many individuals who live immediately adjacent to the proposed gas station
- Underground gasoline storage tanks
- Tanker traffic on local roads
- Inaccurate statements contained in the needs statement which misrepresent gasoline demand in this portion of Montgomery Village
- Inadequate landscaping provided by the shopping center
- Proposed lighting for the canopy and dispenser area (See Figure 6)

Figure 6 illustrates the visual relationship from two locations within the residential community looking toward the canopy of the proposed fueling islands. The site section established the elevation of the townhouses at ground level, approximate elevation 502. The canopy is depicted at ground level (approximate el. 468) and at the top of the canopy (approximate el. 485). Landscaping is depicted at mature heights of 45 feet for deciduous trees and 25 feet for evergreen plantings.

The site sections demonstrate that adequate screening of the canopy and fueling operations will be achieved by mature landscaping and by the distance from the residential units to the gas station.

Community issues concerning odor, fumes, and fuel storage tanks are addressed in Attachment C of this report.

The presence and operation of gasoline delivery trucks as an element of overall traffic generation is included in the traffic analysis conducted for the shopping center and referenced in the transportation section of this report (Attachment A).

Staff addresses the applicant's needs statement in detail in Attachment B. Staff concurs with the community that the trade area defined by the applicant does not approximate consumer habits and practices. Staff, however, concludes that there is sufficient neighborhood need to support the gas station at this location.

Lighting for the fuel dispensing area is excessive. The Planning Board has resolved lighting issues through other site plans, such as #8-99017 in eastern Montgomery County.

In discussing design issues on page 5, staff recommends eliminating 1 in every 2 lighting fixtures under the canopy, and installing recessed fixtures to reduce glare and spillover light.

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, regardless of the adverse effects the use may have established elsewhere in the zone.

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 the East Village portion of Montgomery Village. This area is bounded by Goshen Road to the west, East Village Avenue to the north and east and the undeveloped property known as the Webb Tract (currently in use as a golf driving range) to the south. The neighborhood is primarily residential in character with two commercial centers, Goshen Crossing and Goshen Oaks.

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, queing 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 use are no different than what is typically encountered with an automobile filling station. The area to be occupied by the pumping stations is already paved. Underground storage of gasoline and the filters to remove automotive fluids from stormwater are regulated by state law.

Staff recommends elimination of outdoor speakers and intercom boxes to minimize noise effects. Staff also recommends diminished lighting for the special exception area and continued enforcement of approved lighting levels throughout the shopping center.

Given the submitted plans, statement of operations, and other supporting documentation, staff did not find any non-inherent adverse effects related to the special exception that 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, all general and specific requirements for an automobile filling station found in Sections 59-G-1.21 and 59-G-2.06 of the Zoning Ordinance will be satisfied.

Conclusion- Staff finds that the special exception satisfies all of the applicable special exception provisions and recommends approval with the conditions found on page 1 of the staff report.

Attachments:

- Figure 1: Vicinity Map
- Figure 2: Goshen Oaks Site Plan
- Figure 3: Project Site Plan with Landscaping
- Figure 4: Canopy Elevation
- Figure 5: Lighting Plan
- Figure 6: Site Sections from Picton Townhouses

- Attachment A: Transportation Staff Memo
- Attachment B: Needs Analysis by Research Staff
- Attachment C: Environment Staff Memo

Montgomery County Zoning Ordinance (to be completed)

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.

Uses described on the approved development plan, as provided in division 59-D, shall be permitted by right in the Town Sector Zone. All uses authorized in any zone, by right or by special exception, may be similarly authorized in the town sector zone, subject to certain restrictions.

- (2) Complies with the standards and requirements set forth for the use in Division 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 is in compliance with these standards and requirements.

- (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 Supplementary Plan for this project amended the Development Plan in conformance with the 1985 Gaithersburg 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 will be in harmony with the character of the neighborhood considering these criteria.

- (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 will not have a detrimental effect on the development of surrounding properties or the general neighborhood, irrespective of any adverse effects the use might have elsewhere in the zone.

- (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, dust, illumination, glare or physical activity or any other adverse effects irrespective of any adverse effects the use might have elsewhere in the zone.

- (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 Picton residential community. The closest special exception for a filling station is located at the Goshen Crossing Mobil station.

- (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 will not have such an effect on the area or its residents.

- (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 preliminary plan 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 will not create a traffic hazard or traffic nuisance. The primary entrance is from the access drive off Snouffer School Road.

- (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 at the location proposed 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 view of the canopy and fuel dispensing operation will be screened from the adjacent residential development by mature landscaping.

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

No signs, product displays, parked vehicles or other obstructions are proposed that will adversely affect visibility at intersections or driveway entrances.

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

Staff recommends reducing the number of fixtures and using recessed fixtures to assure that lighting does not reflect or cause glare into any residential zone.

- (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.

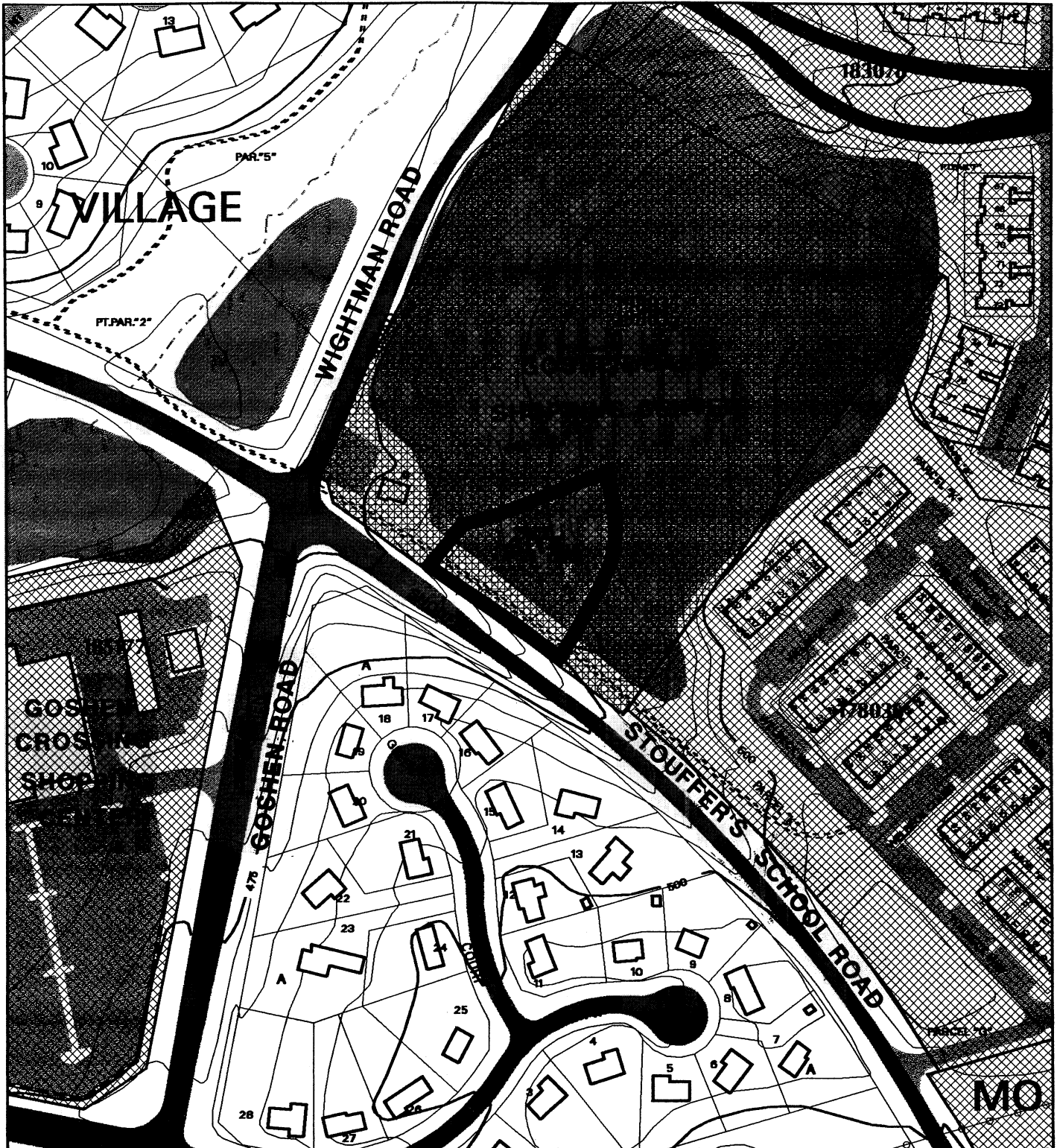
- (7) Vehicles shall not be parked so as to overhang the public right-of-way.

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.

VICINITY MAP FOR
BOARD OF APPEALS CASE #S-2524



Map compiled on September 20, 2002 at 2:32 PM | Site located on base sheet no - 228NW08

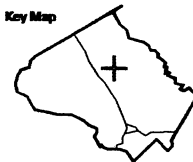
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Key Map



Research & Technology Center



1 : 2400

Figure 2

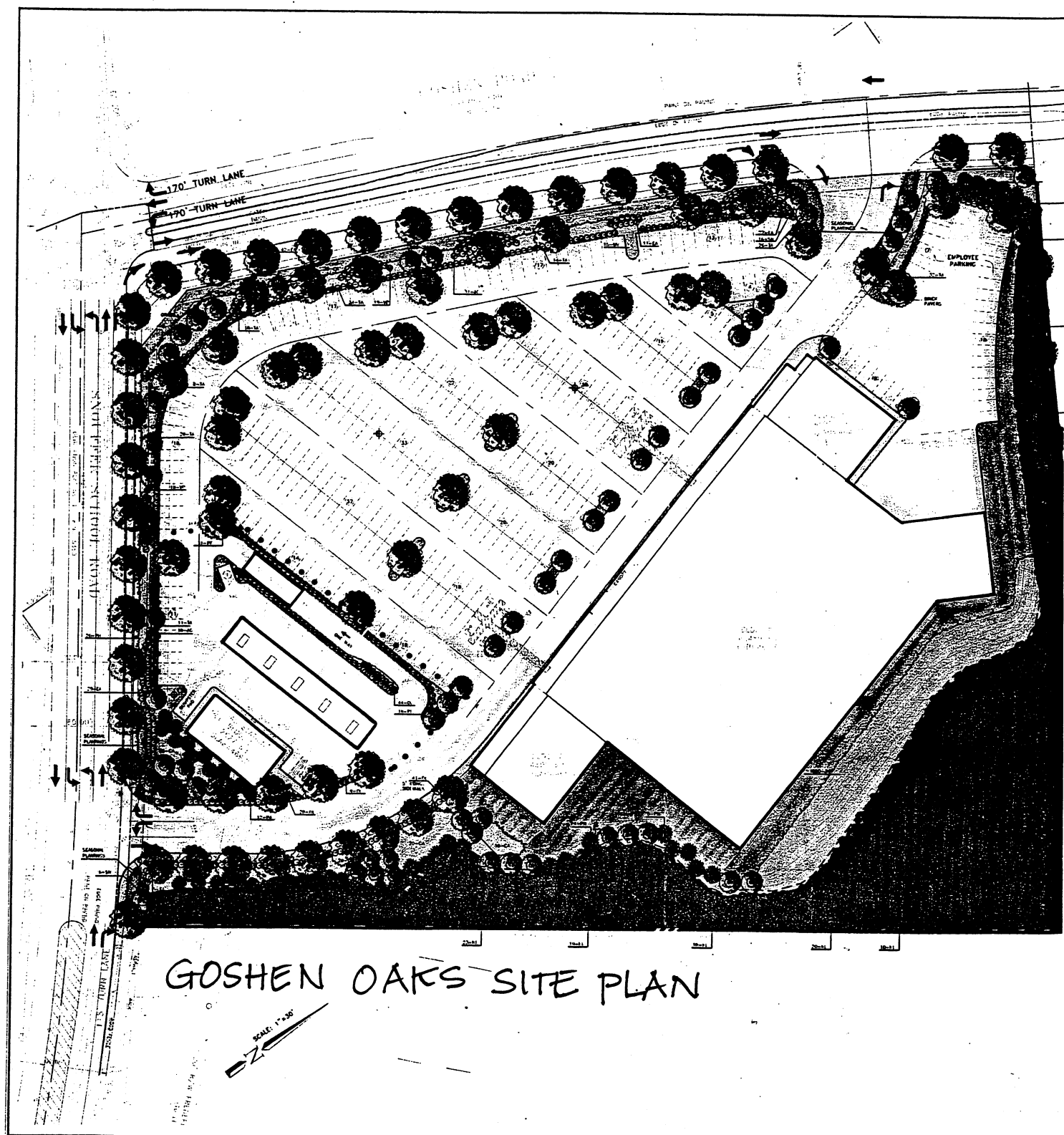


Figure 3

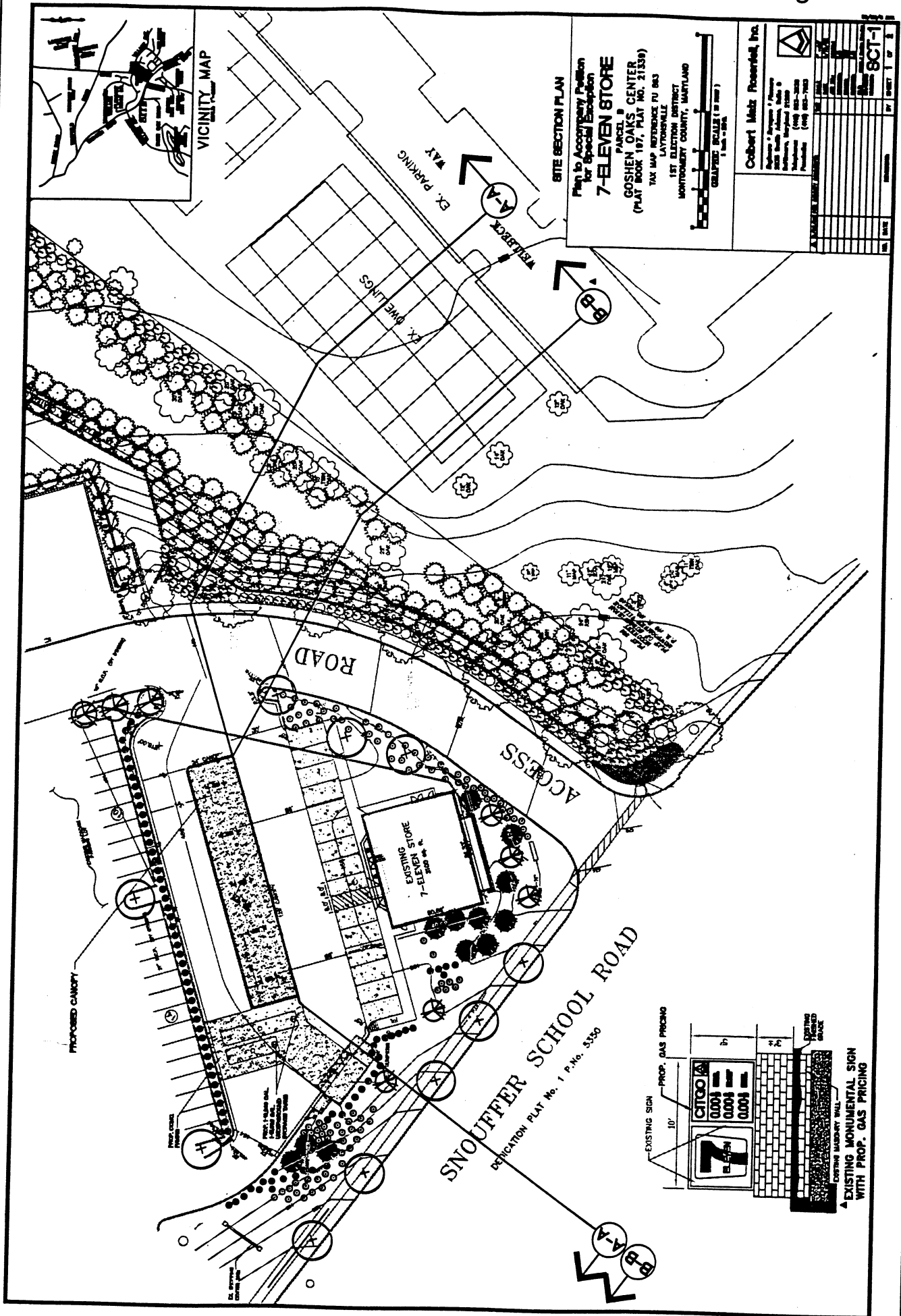
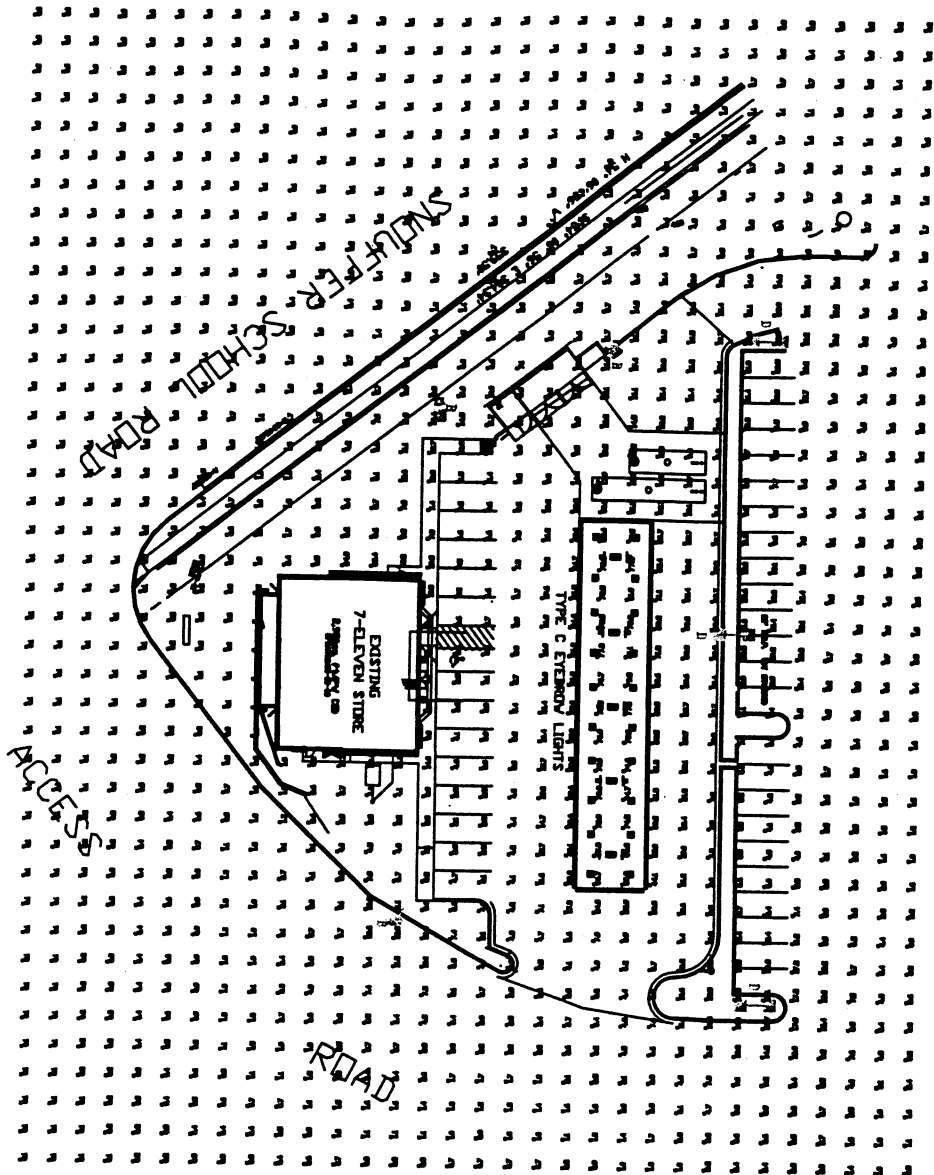
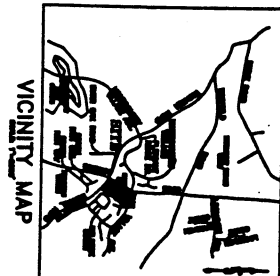


Figure 5



Light fixture symbols are shown in a grid pattern to indicate the proposed lighting layout. The grid is based on a 10-foot spacing between fixtures.

Additional Footcandle Levels of 14 foot-candle at 20 feet Light Level Pattern.



SITE LIGHTING PLAN

Plan to Accompany Petition for Special Exception

7-ELEVEN STORE

PARCEL B
GOSHEN OAKS CENTER
 (PLAT BOOK 197, PLAT NO. 31350)

TAX MAP REFERENCE TO B33

1ST ELECTION DISTRICT
 MONMOUTH COUNTY, NEW JERSEY

CALYPSO SCALE (in feet)

0 10 20 30 40 50

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	08/15/08	JL	ML
2	REVISED PER COMMENTS	08/20/08	JL	ML
3	REVISED PER COMMENTS	09/02/08	JL	ML
4	REVISED PER COMMENTS	09/15/08	JL	ML
5	REVISED PER COMMENTS	09/25/08	JL	ML
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8	REVISED PER COMMENTS	10/25/08	JL	ML
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NO.	REVISION	DATE	BY	CHKD.
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Robert Miller Research, Inc.

Engineer & Designer
 2000 North Avenue, Suite 10
 Monmouth, New Jersey 08852
 Telephone: (732) 885-2222
 Fax: (732) 885-2222
 Mobile: (732) 885-2222

PROJECT NO. **UT-1**

DATE: 08/15/08

BY: JL

CHKD.: ML



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Attachment A

September 27, 2002

MEMORANDUM

TO: Sue Edwards, Team Leader
Community-Based Planning Division

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Ed Axler, Planner/Coordinator *EA*
Transportation Planning

SUBJECT: Special Exception Case No. S-2524
Goshen Oaks Automobile Filling Station
9051 Snouffer School Road, Gaithersburg
Montgomery Village/Airpark Policy Area

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject special exception case.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to approve this Special Exception Case:

1. Limit the special exception use to an automobile filling station with ten pumping stations and no car wash.
2. Limit the special exception to the conditions of approval for Preliminary Plan No. 1-98035, Goshen Oaks Center, as approved by the Planning Board at its June 4, 1998, public hearing. The Planning Board approved an overall commercial development for 58,089 square feet of general retail use, an automobile filling station with ten pumping stations besides a convenience store, a one-bay car wash.

DISCUSSION

Refer to the attached Transportation Planning memoranda dated May 14, 1998 and April 9, 1998, for the adequate public facilities (APF) review for Preliminary Plan No. 1-98035. The APF test was satisfied under the Alternative Review Procedure for Expedited Development Approval Excise Tax (or "Pay and Go"). The Development Approval Payment (or "DAP") was made by the applicant for use to fund identified public transportation improvements that would mitigate the impact of the site-generated traffic.

APF review consists of Local Area Transportation Review (LATR) and Policy Area Review (PAR):

1. For LATR, a traffic study was submitted to analyze the impact of site-generated traffic at nearby intersections. Transportation Planning's memorandum analyzed the proposed total commercial development of 69,589 square feet prior to the Planning Board hearing and including an automobile filling station with ten pumping stations, convenience store, and one-bay car wash. The Planning Board approved a reduced total square footage of 58,089 which would generate the following peak-hour trips:

Weekday Morning Peak Hour (6:30 a.m. to 9:30 a.m.): 260 total (143 new) trips
Weekday Evening Peak Hour (4:00 p.m. to 7:00 p.m.): 768 total (262 new) trips

The total trips include new, diverted, and pass-by trips. The diverted and pass-by trips are considered to be already traveling on the road from other primary origins or to other primary destinations.

For the subject special exception case only, an automobile filling station with ten pumping stations and no car wash would generate the following peak-hour trips:

Weekday Morning Peak Hour: 113 total (17 new) trips
Weekday Evening Peak Hour: 149 total (22 new) trips

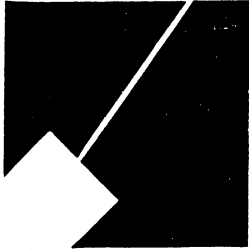
2. For PAR, the site is located in the Montgomery Village/Airpark Policy Area. Under the *Annual Growth Policy* (AGP) staging ceiling capacity, the remaining capacity for non-residential development is negative five jobs as of August 1, 2002.

EA:cmd

Attachments

SPEX S-2524 Goshen Oaks Automobile Filling Station.DOC

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

May 14, 1998

MEMORANDUM

TO: Joe Davis, Coordinator
Larry Ponsford, Coordinator
Development Review Division

VIA: Ronald C. Welke, Coordinator
Transportation Planning

FROM: Ed Axler, Planner
Transportation Planning

SUBJECT: Preliminary Plan No. 1-98035 and Site Plan No. 8-98020
Goshen Oaks Center (Fulks Property or Safeway)
Montgomery Village/Airpark Policy Area

This memorandum supplements the previous memorandum dated April 9, 1998, and responds to the testimony presented at the May 7, 1998 Planning Hearing.

DISCUSSION**Local Area Transportation Review**

For the Local Area Transportation Review (LATR) component of the adequate public facilities (APF) test, Transportation Planning staff compared the analyses of the transportation consultant for the applicant and the citizens.

1. **Applicant's Traffic Study**

The revised *Fulks Property, Local Area Transportation Review* was submitted on March 11, 1998, by the applicant's transportation engineer, C. Craig Hedberg, to analyze the impact of site-generated traffic at six nearby intersections. The congestion standard was exceeded at the intersection of Goshen Road and Snouffer School-Wightman Road. The congestion standard for the Montgomery Village/Airpark Policy Area is a critical lane volume (CLV) of 1,500 or more.

2. Citizens Analysis of the Applicant's Traffic Study

The "Applicant in the Review/Critique of Local Area Transportation Review" dated May 7, 1998, was prepared and presented by Dr. Everett Carter. Upon Transportation Planning staff review, our conclusions are as follows:

a. **How was the Number of Site-Generated Trips Projected?**

Dr. Carter: He considered vehicles trips to and from the supermarket and other general retail uses as separate stand alone land uses and only during the evening peak hour. Similarly, the vehicle trips to and from the automobile filling station (with ten pumping positions, a convenience store, and a one-bay car wash) were calculated as a separate stand alone land use. The trips generated by the automobile filling station were added to the trips generated by the supermarket and general retail land uses. Dr. Carter used trip-generation rates from *Local Area Transportation Review Guidelines* for the automobile filling station and rates from Douglas & Douglas's *Trip Generation Report* for the general retail uses. Dr. Carter projected 939 peak-hour trips during the evening peak period.

Applicant: The applicant's projection of the number of site-generated trips was based on trip-generation rates developed based on a similar combination of land uses with an automobile filling station, a supermarket, and other general retail land uses. The applicant's traffic engineer derived rates using current driveway counts that he collected at the nearby Goshen Crossing Shopping Center. That shopping center contains 75,051 square feet of retail uses with a chain food store, an automobile filling station with 12 pumping positions, and a bank. Using the derived rate, the proposed development would generate 280 total peak-hour trips during the morning peak period (7:00 to 9:00 a.m.) and 828 (or 111 fewer than Dr. Carter) total peak-hour trips during the evening peak period (4:00 to 6:00 p.m.). Total trips include new, diverted, and pass-by trips.

Staff: Staff disagrees with Dr. Carter's assumption that trips generated by the automobile filling station should be added to the trips generated by the supermarket and general retail land uses as two separate land uses. Staff agrees with the applicant's projection of total site-generated trips because many of the trips to and from the automobile filling station also would stay on the Goshen Oaks site as trips to patronize the supermarket and other general retail uses. The double counting of these multi-purpose trips resulted in an increase in the number of total site-generated trips.

In addition, the trip-generation rates for general retail uses are higher in Dr. Carter's analysis than in the *Local Area Transportation Review Guidelines*. The applicant's derived rates fall in between them.

b. **Which Percentage of New, Diverted, and Pass-by Trips should be Applied in the Traffic Study?**

Dr. Carter: Dr. Carter proposed to apply 48% new trips, 15% diverted trips, and 37% pass-by trips which are based on the original field study conducted by Douglas and Douglas, Inc. to develop trip-generation rates for general retail land uses within Montgomery County. The new and diverted trips were analyzed similarly, while the pass-by trips were analyzed as redirected trips through the intersection of Goshen Road and Snouffer School Road - Wightman Road.

Applicant: In the applicant's traffic study, a smaller percentage of new trips was applied at 34% (with 66% pass-by trips and no diverted trips). The new trips and redirected pass-by trips were analyzed in the traffic study. No diverted trips were considered in the traffic study because there is no nearby parallel roadway to be diverted from and onto Snouffer School Road.

Staff : Staff concludes that some trips will be diverted to the site which would marginally increase the impact of site-generated trips through the analyzed intersections.

c. **Would the Intersection of Goshen Road and Snouffer School Road - Wightman Road still Exceed the Congestion Standard with the Right-Turn Lane Improvements?**

Dr. Carter: In Dr. Carter's summary, he concluded that the intersection of Goshen Road and Snouffer School Road - Wightman Road would exceed the congestion standard even with the extra capacity provided by the two right-turn lanes on Goshen Road. The applicant is proffering to construct a southbound right-turn lane and proposing to use "pay and go"-funds to build the northbound right-turn lane. Based on Dr. Carter's calculations, the CLV at this intersection is 1,834 for the total traffic condition and is more than the calculated CLV of 1,507 for the background traffic condition during the evening peak period.

Applicant: At the intersection of Goshen Road and Snouffer School Road - Wightman Road, the applicant proffered to construct the southbound right-turn lane at Goshen Road which would increase intersection capacity during the morning peak period, but would not affect the capacity during the evening peak period. According to the applicant's traffic study, the proffered right-turn lane would reduce the CLV from 1,570 to 1,269 for the total traffic condition.

The other identified improvement at this intersection is a northbound right-turn lane which would be constructed with the Expedited Development Approval (EDA) excise tax funds estimated at \$243,560. Construction of the northbound right-turn lane would increase the intersection capacity during the evening peak period. According to the applicant's traffic study, the EDA-funded right-turn lane would reduce the CLV from 1,537 to 1,395 for the total traffic condition.

Staff: Staff concludes that additional diverted trips would increase the CLV by approximately 50 at Goshen Road and Snouffer School - Wightman Road. This increase was estimated by multiplying the number of site-generated trips through the intersection by the increased percentage of new and diverted trips (from 34% to 48%).

With the additional CLV by site-generated traffic, the calculated CLV would remain below the congestion standard of 1,500 (or from 1,270 to 1,320) during the morning peak period with the proffered southbound right-turn lane, but exceed the congestion standard during evening peak period (or from 1,540 to 1,590). With the EDA-funded northbound right-turn lane, the calculated CLV is reduced below the congestion standard (from 1,395 to 1,445) during evening peak period.

Off-Site Traffic Circulation

The testimony included other traffic circulation concerns:

1. **The adequacy of the sight distance at the Goshen Oaks accesses on Snouffer School Road and on Goshen Road (Dr. Carter's third conclusion)**

Staff: Montgomery County Department of Public Works and Transportation (DPWT) has verified the adequacy of the sight distance at the site accesses.

2. **The potential conflicts between motorists leaving the Goshen Oaks site at the right-turn only egress to travel northbound on Goshen Road with northbound right-turns onto eastbound East Village Avenue. (1-Dr. Carter's fourth conclusion and 2-Lawrence M. Kushner)**

Staff: Montgomery County DPWT has verified the adequacy of the length of the weaving pattern.

3. **Cut-through traffic would be increased on East Village Avenue. (1-Ms. Rebecca Ferleman, 2-Mr. Gerald Donegan, Vice President of the Eastgate Homes Corporation and 3-Linc Perley, President of the Board of Directors of the Montgomery Village Foundation)**

Staff: "Non-local" motorists should be able to easily access the Goshen Oaks site via Snouffer School Road. Only local residents would use East Village Avenue and Lewisberry Drive to travel to the Goshen Oaks site.

4. **Traffic Volumes through the intersection of Goshen Road and Snouffer School Road - Wightman Road has historically increased over time. (Mr. Clause Kerno)**

Staff: Staff has reviewed all available traffic data and no clear pattern on increase or decrease in traffic through this intersection appears to have occurred.

5. **Possible need for traffic signal installation at the following intersections**

- a. **Goshen Road and East Village Avenue**
- b. **Goshen Road and Goshen Road access**
- c. **Snouffer School Road and Goshen Road access**
(Lawrence M. Kushner)

Staff: At this time, a traffic signal would not be installed because the traffic signal warrants cannot be met based on the available traffic data.

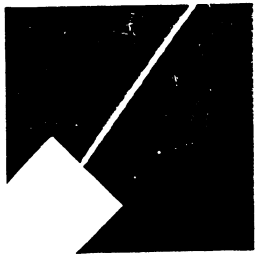
Policy Area Review/Staging Ceiling Condition

Policy area review would be satisfied by making the EDA payment of the excise tax. With the applicant's EDA excise tax payment, the additional site-generated traffic does not have to be mitigated within the Montgomery Village/Airpark Policy Area which is in a moratorium. Based on the *FY 98 Annual Growth Policy* staging ceiling capacity, the remaining capacity is a negative 1,742 jobs as of April 15, 1998 in the Montgomery Village/Airpark Policy Area.

EA:cmd

cc: Craig Hedberg
Everett Carter

98035B.WPD



April 9, 1998

MEMORANDUM

TO: Joe Davis, Coordinator
Larry Ponsford, Coordinator
Development Review Division

VIA: Ronald C. Welke, Coordinator
Transportation Planning

FROM: Ed Axler, Planner EA
Transportation Planning

SUBJECT: Preliminary Plan No. 1-98035 and Site Plan No. 8-98020
Goshen Oaks Center (Fulks Property or Safeway)
Montgomery Village/Airpark Policy Area

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject preliminary plan and site plan under the Alternative Review Procedure for Expedited Development Approval (EDA) since the site is located in a policy area which is in a moratorium.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of this preliminary plan and site plan:

1. Limit the preliminary plan to general retail uses with a chain food store of up to 69,589 square feet (as indicated on the submitted plan) which includes an automobile filling station with five pumps (or 10 pumping positions), a convenience store, and a one-bay car wash.
2. Satisfy the APF test by paying the EDA (payment) excise tax under the Development Impact Tax - EDA Excise Tax (or "pay and go") legislation. The APF test includes:

- a. Policy Area Review: Additional site-generated traffic does not have to be mitigated within the Montgomery Village/Airpark Policy Area which is in a moratorium with the applicant's payment of the EDA excise tax.
 - b. Local Area Transportation Review (LATR): A traffic impact study is required to analyze the traffic impact at nearby intersections during the weekday morning peak period (7:00 to 9:00 a.m.) and the evening peak period (4:00 to 6:00 p.m.). The EDA (excise tax) funds collected by the County could be used to construct a northbound right-turn lane on Goshen Road at the intersection with Snouffer School Road.
3. For safe and adequate site access, provide the following improvements:
- a. Prohibit site access along East Village Avenue.
 - b. Construct a median on Goshen Road between Snouffer School Road and East Village Avenue with no median breaks.
 - c. Restrict site access along Goshen Road to a right-turn in and right-turn out only.
 - d. As part of the widening of Goshen Road approaching the intersection with Snouffer School Road, construct a southbound right-turn lane on Goshen Road *on to westbound Wightman Road.*
 - e. Provide a site access at Snouffer School Road permitting all movements with adequate deceleration and acceleration lanes.
 - f. Provide right-of-way and construct adequate pavement width to provide a five-lane cross-section on Snouffer School Road between Goshen Road and the site access, to include a separate:
 - 1) Eastbound left-turn lane from Snouffer School Road into the site.
 - 2) Westbound left-turn lane from Snouffer School Road to Goshen Road.
 - g. Coordinate all access and adjacent roadway improvements with the Montgomery County Department of Public Works and Transportation (DPWT). Regarding the Recommendation No. 3.f. above, DPWT would provide the pavement marking along Snouffer School Road between Goshen Road and the site access.
4. Dedicate for 120 feet of right-of-way along Goshen Road and for 80 feet of right-of-way along Snouffer School Road in accordance with the *Gaithersburg Vicinity Master Plan*.

along the frontage of the property

on to westbound Wightman Road.

DISCUSSION

Prior County Council Actions

For the subject site, Zoning Case No. G-467 was previously approved as town sector zoning in accordance with the *Gaithersburg Vicinity Master Plan*. At that time, the possible land uses indicated within the town sector zoning were general office use of 142,000 square feet and up to 40 office-townhouse units or residential townhouses. For 142,000 square feet of office use, the general office use would generate 233 (total and new) peak-hour trips during the morning peak period and 224 (total and new) peak-hour trips during the evening peak period. Alternatively, 40 office-townhouse units (using 1,500 square feet per unit) would generate 109 peak-hour trips during the morning peak period and 94 peak-hour trips during the evening peak period. As 40 residential

townhouses, site-generated traffic would be 19 peak-hour trips during the morning peak period and 33 peak-hour trips during the evening peak period.

Master Plan Roadways

According to the *Gaithersburg Vicinity Master Plan* as amended on July 1990, the adjacent roads are classified as follows:

1. Goshen Road is classified as a major roadway, M-25, with a 120-foot right-of-way.
2. Snouffer School Road is classified as an arterial, A-16, with an 80-foot right-of-way.
3. East Village Avenue is classified as an arterial with an 80-foot right-of-way.

Local Area Transportation Review

A traffic impact study is required to satisfy LATR since the proposed land uses generate 50 or more total peak-hour trips during the weekday morning and evening peak periods. The "total" trips consist of pass-by, diverted, and new trips. For typical general retail uses, about one-half of the vehicle trips are for secondary ("pass-by" or "diverted") shopping trips on the way to or from another primary (or "new") trip-purpose, and about one-half of the trips are new shopping trips. For a typical automobile filling station, most vehicle trips are pass-by or diverted trips to purchase fuel or food items or wash their car on the way to or from another "new" trip-purpose. Only a small percentage of the trips are "new" trips to purchase fuel or food or to get a car wash.

Based on the revised traffic study (submitted on March 11, 1998), the proposed development would generate 280 total (154 new) peak-hour trips during the morning peak period and 828 total (282 new) peak-hour trips during the evening peak period. The proposed retail development would generate 79 fewer new peak-hour trips during the morning peak period and 58 more new peak-hour trips during the evening peak period compared to the traffic generated by the possible general office development associated with the prior Zoning Case No. G-467.

The site-generated traffic was determined based on trip-generated rates developed from current driveway counts at the nearby Goshen Crossing Shopping Center which contains 75,051 square feet of retail uses with a chain food store, an automobile filling station with 12 pumping positions, and a bank. For the automobile filling station, the percentage of pass-by, diverted, and new trips was based on survey data from the Park and Planning Department and the applicant's transportation consultant.

At the nearby intersections, the calculated critical lane volumes (CLV) are:

Intersection	Peak Period	Traffic Condition			
		Existing	Background	Total	Total-Improved
Goshen Road and Warfield Road	Morning	903	934	957	----
	Evening	1036	1073	1116	----
Goshen Road and East Village Avenue	Morning	1170	1194	1237	----
	Evening	1085	1114	1194	----
Goshen Road and Snouffer School - Wightman Road	Morning	1536*	1559*	1570*	1269
	Evening	1384	1405	1537*	1395
Goshen Road and Rothbury Drive - Green Run Way	Morning	986	1006	1014	----
	Evening	1135	1159	1173	----
Snouffer School Road and Site Access	Morning	----	----	779	----
	Evening	----	----	740	----
Snouffer School Road and Lewis berry Drive - Chelsey Knoll Drive	Morning	1287	1296	1326	----
	Evening	1290	1297	1353	----
Wightman Road and Montgomery Village Avenue - Pleasant Ridge Drive	Morning	996	1009	1048	----
	Evening	1261	1277	1349	----

As indicated with the asterisk, the intersection of Goshen Road and Snouffer School - Wightman Road is exceeding the congestion standard (CLV of 1,500 or more) for the Montgomery Village/Airpark Policy Area. The improvements of the right-turn lanes on Goshen Road (as described in Recommendations No. 2.b. and 3.d.) would provide additional capacity and reduce the CLV below the 1,500 standard. The applicant proffered to construct the southbound right-turn lane at Goshen Road as part of Recommendation No. 3 regarding the site access. Construction of the southbound right-turn lane would increase intersection capacity during the morning peak period (or reduce the CLV from 1,570 to 1,269), but would not affect the CLV during the evening peak period. The northbound right-turn lane could be constructed with the EDA excise tax funds estimated at \$243,560. Construction of the northbound right-turn lane would increase the intersection capacity during the evening peak period (or reduce the CLV from 1,537 to 1,395).

Policy Area Review/Staging Ceiling Condition

Based on the *FY 98 Annual Growth Policy* staging ceiling capacity, there is no capacity available for jobs (negative 1,742 jobs as of February 28, 1998) in the Montgomery Village/Airpark Policy Area. Policy area review would be satisfied by making the EDA payment of the excise tax.

EA:cmd

cc: Craig Hedberg

98035.WPD



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MEMORANDUM

TO: Sue Edwards, Community Based Planning Division

VIA: Mary Dolan, Environmental Planning Division *MD*

FROM: Michael Zamore, Environmental Planning Division *MZ*

DATE: September 23, 2002

SUBJECT: Special Exception Request No. S-2524
Goshen Oaks Automobile Filling Station

The Environmental Planning staff has reviewed the Special Exception Request referenced above. Staff recommends approval of this request with the following conditions:

- Reconfirmation of the stormwater management concept plan by Montgomery County Department of Permitting Services (DPS), to ensure full quality control for the proposed use.
- Fuel storage tank and fuel pump installation and use, must comply with the control guidelines and air quality permitting requirements of the Maryland Department of the Environment (MDE). In particular, the applicant must properly install, maintain and use Stage I and Stage II Vapor Recovery systems and a Vapor balance line, and must obtain applicable air quality permits to construct.
- Fuel storage tanks must meet required technical standards and must comply with all county, state and federal permitting requirements.
- A new landscaping plan must be submitted if impacts to the existing landscaping are proposed.

Background

All installations that are potential sources of air pollution (including stationary sources such as gasoline storage tanks, fuel pumps, etc. in automobile filling stations) are regulated and require permits of approval from county and state authorities. Applicants first submit architectural drawings and review plans to the Montgomery County Department of Permitting Services and if approved, a Permit to Build is issued. Regular inspections are conducted. Once the facility passes final inspection DPS issues a certificate to conduct business at that site. The actual installation and operation of the facility is also regulated by the Maryland Department of the Environment, which issues permits for construction, movement, and alteration of all stationary gasoline storage tanks.

State regulations (COMAR 26.11.24 and COMAR 26.11.13.04C) require the use of both Stage I and Stage II systems. Stage I vapor recovery systems trap gasoline vapors emitted during refilling of storage tanks by a tank truck, while Stage II vapor recovery systems capture gasoline vapors emitted during vehicle refueling. Using Stage I with Stage II recovery creates a closed system that recovers all gasoline vapors and returns them to the gasoline storage tank for eventual return to the fuel processing plant.




MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Memo

To: Sue Edwards, I-270 Team Leader

From: Fred Peacock, Master Researcher, Research & Technology Center 

Date: September 16, 2002

Subject: Goshen Oaks 7-11 Gas Station Review of Need

I have reviewed The Sherwood Consultancy's May 14, 2002 needs analysis final report on the gas station at the 7-11 convenience store in the Goshen Oaks shopping center.

The Setting

There is one other gas station at this intersection of Goshen Road and Snouffer School/Wightman Road. In addition to this station there are three other existing stations and one approved proposed station within a mile-and-a-half of the applicant's proposed station: two at Montgomery Village Center, one on Snouffer School just beyond Centerway and the proposed station at Snouffer School and Centerway. Within a three-mile radius there are a number of additional stations.

Zoning Ordinance Requirements

The Montgomery County Zoning Ordinance (Section 59-G-1.24) requires applicants for an automobile filling station to demonstrate: "...from a preponderance of the evidence of record that, for the public convenience and service, a need exists for the proposed use for service to the population in the general neighborhood, considering the present availability of such uses to that neighborhood."

Public Convenience and Service, Research Staff Analysis

It is the judgment of the Research staff, that after weighing all the factors, this application for a filling station meets the requirements for convenience and service to the general neighborhood as stated in the zoning ordinance based on weighing the factors discussed below.

Although households in this neighborhood have a number of opportunities to buy gasoline, the applicant's station will increase the convenience and service to the neighborhood. Convenience and service to the neighborhood would be increased by the choice of another brand of gasoline

and another station at which to fill up. The increase from one to two stations at this intersection will increase competition, which may result in lower prices for customers. Customers will have more choices for ingress, egress, and combined shopping at this intersection.

The three existing shopping centers at this intersection will draw traffic to this intersection including customers for gasoline.

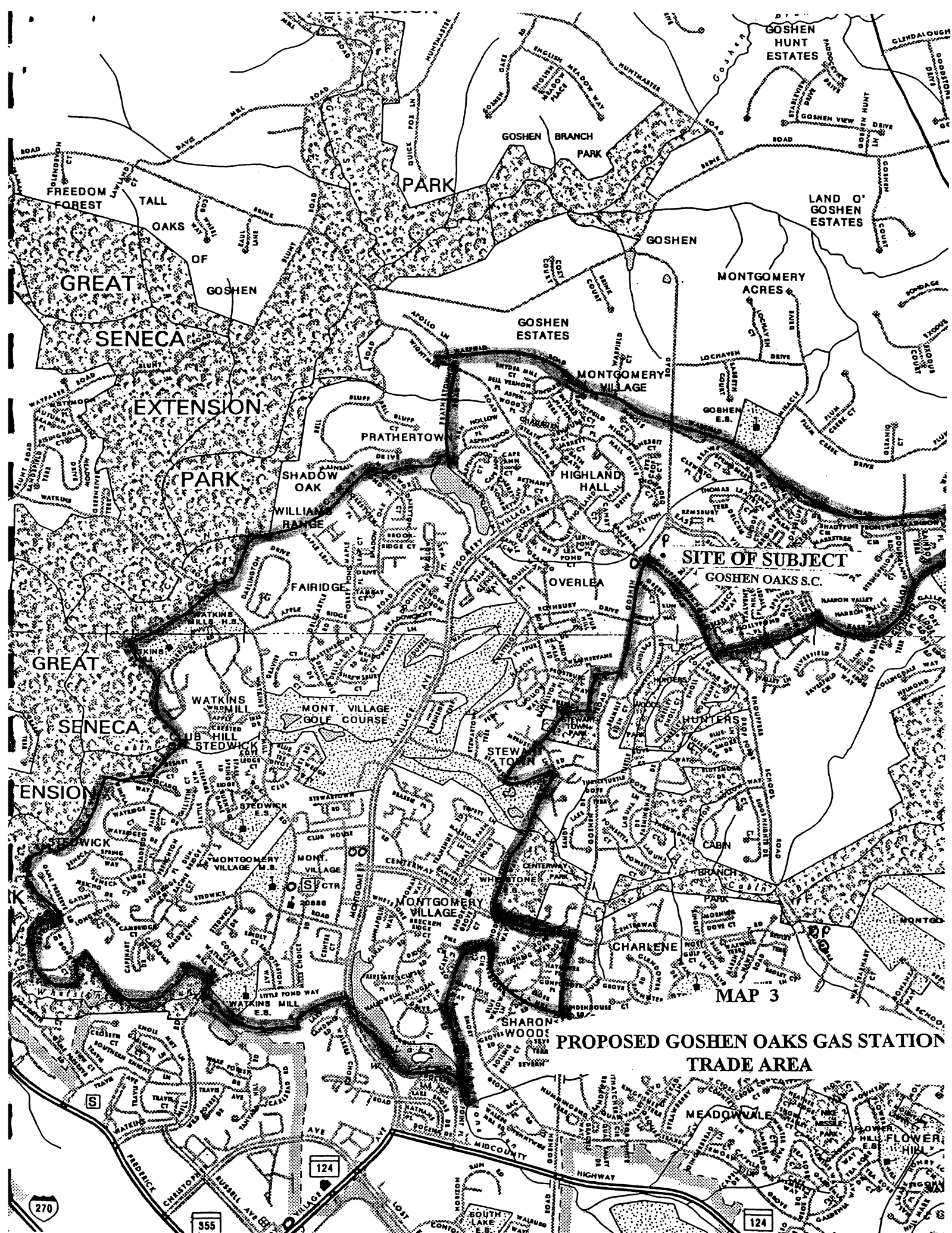
The existing Mobil station at this intersection is said to be selling much higher gallonage than attributed to it in the market/need study. The existing station is probably able to handle all of the gasoline customers at this intersection without inconveniencing the neighborhood customers because service stations have capacities to sell well above average volumes of gasoline. This contradicts the logic of the need study that strong sales mean that there is less left over for the new station to sell. However, in reality, the existing station's high sales indicate strong demand for gasoline at this intersection and that an additional station is also apt to do well.

The Applicant's Needs Analysis

The study submitted by the applicant is inadequate because of a trade area that does not follow the standard patterns of how people shop. The needs analysis from The Sherwood Consultancy (TSC) is based on a market study that seems to ignore these basic consumer behavior patterns. Shoppers for convenience goods, including gasoline, typically buy these goods while on the way to another destination. Consumers in the area of Montgomery Village and to the north would typically be traveling from their homes to the south and southeast to the shopping and employment opportunities in Gaithersburg and the I-270 corridor in general. Therefore the market area for a gasoline station would extend much farther to the north and northwest to include households that would pass this gas station in their daily and weekly trips. It would extend only slightly to the south and east, as most of these households would have to backtrack from their normal routes to purchase gasoline at this station. This pattern would be modified a little by the existence of the shopping centers at this intersection but not, in the opinion of the Research staff, nearly to the extent shown in the TSC report. A copy of TSC's trade area map is on the next page; the chosen trade area only goes a short distance to the north and west and extends much farther to the south, past Lake Whetstone. Research staff regards this trade area as invalid and therefore does not accept the numerical analysis based on this trade area. The TSC study uses an ideal of Montgomery Village self-sufficiency to justify this unusual market area. This ideal does little to affect the way people actually shop and the Village seems thoroughly integrated commercially into the greater Gaithersburg and upper I-270 areas.

Another flaw in the TSC report is that it attributes a sizeable part of the demand for gasoline to transients. Transient demand is not a measure of convenience and service to the general neighborhood. TSC's report estimates that transients, who neither live nor work in the area, buy 10 percent of the gasoline in the trade area.

However, staff regards the applicant's analysis as moot because there is a presumption of adequate demand for gasoline at this station based on the applicant's willingness to invest in the new filling station.



SITE OF SUBJECT
GOSHEN OAKS S.C.

MAP 3

**PROPOSED GOSHEN OAKS GAS STATION
TRADE AREA**

270

355

124

124