

May 14, 2003

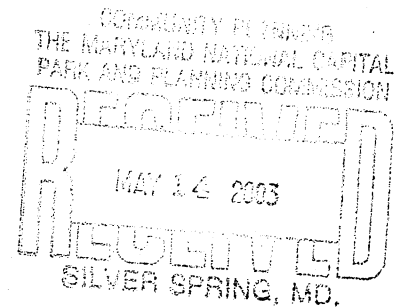
**MEMORANDUM**

TO: William Barron, Team Leader  
Eastern Montgomery Team  
Community-based Planning Division

VIA: Daniel K. Hardy, Supervisor *DKH*  
Transportation Planning  
County-wide Planning Division

FROM: Cherian Eapen, Planner/Coordinator *CE*  
Transportation Planning  
County-wide Planning Division

SUBJECT: Special Exception Case No. S-2476  
Safeway Automobile Filling Station  
New Hampshire Avenue and Cloverly Street  
Cloverly Policy Area



This memorandum presents the Transportation Planning staff's Adequate Public Facilities (APF) Ordinance review of the above Special Exception case for an automobile filling station with 12 fueling positions (which would replace a previously existing bank with one drive-through window) and a separate parking area with 44 spaces on Lot N5 within the Cloverly Policy Area, which is currently in a moratorium for non-residential development.

**RECOMMENDATIONS**

The Transportation Planning staff recommends the following conditions as part of the transportation related requirements for this Special Exception case:

1. Limit the land-use on Lot N5 to:
  - a. An automobile filling station with 6 pumps or 12 fueling positions and no convenience store, car wash, or service bays, and

- b. A separate parking area with 2 parking spaces for the automobile filling station employees and 41 parking spaces to serve the adjoining Safeway store per Site Plan No. 8-99004 (Safeway at Cloverly).
2. Coordinate with the adjoining property to the east (Cloverly Town Center) to address future traffic and pedestrian circulation, connecting driveways and sidewalks, and streetscaping through the properties, as well as grading for Cloverly Street.
3. Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) and the Maryland State Highway Administration (SHA) regarding site access from Cloverly Street and New Hampshire Avenue (MD 650), respectively.
4. Revise Preliminary Plan No. 1-98001 and amend Site Plan No. 8-99004, Safeway at Cloverly, to reflect the different land use on Lot N5.

## **DISCUSSION**

### Site Location, Access, and Circulation

The site, Lot N5, is located within the southeastern quadrant of MD 650 and Cloverly Street, and to the northeast of the MD 650 intersection with Briggs Chaney Road. The development proposal on the site consists of an automobile filling station with 12 fueling positions, which would replace a previously existing bank on the lot. Additionally, a separate parking area with 2 parking spaces for the automobile filling station employees and 42 parking spaces for the adjacent Safeway store/supermarket is also provided on the lot. The parking area is separated from the automobile filling station area with an island that extends between the Safeway driveway and Cloverly Street.

Based on the Special Exception site plan dated April 23, 2003, for the proposed use, the automobile filling station has one access point off Cloverly Street and one access point off an existing driveway to the adjacent Safeway store (located to the south of Cloverly Street). Both access points are located approximately 100 feet east of MD 650. An additional connection is provided between the Safeway driveway and Cloverly Street (approximately 160 feet east of MD 650) through the parking area on the lot.

Compared to existing conditions and site plans previously submitted, the on-site vehicular circulation as shown on the current site plan has several refinements that improve traffic circulation within the lot, to Cloverly Street, and to the adjacent Safeway store. Internally, within the lot, vehicles can easily access the fuel pumps via the 30-foot, two-way drive-aisle, which extends between the Safeway parking area and Cloverly Street. The site plan provides for future improvements to overall traffic circulation within the Cloverly Commercial Area as envisioned in the Cloverly Master Plan through coordination with adjacent properties (refer to the attached page 25 from the Master Plan).

In addition to the existing five-foot sidewalks along Lot N5 and Safeway frontage on MD 650, the site plan provides for a four-foot sidewalk along the southern property line

(adjacent to the Safeway parking area) and a five-foot sidewalk along the northern property line (along the south side of Cloverly Street) of Lot N5 for on-site pedestrian connectivity and possible future pedestrian connections to the adjacent Cloverly Town Center property. Designated pedestrian crosswalks are marked across internal driveways between the different sidewalk paths to minimize pedestrian-vehicular conflicts.

The Master Plan also recommends considering *"a future signalized intersection at New Hampshire Avenue and Cloverly Street. With redevelopment of the east side of the Cloverly Commercial Area, more pedestrians and vehicles will be crossing, or wishing to cross, New Hampshire Avenue between the retail areas. When redevelopment of the commercial area occurs, the DPW&T and SHA should review the warrants for a traffic signal to make vehicular and pedestrian crossings easier and safer"* (refer to the attached page 45 from the Master Plan).

Future actions that may be considered to realize the above stated vision in the Master Plan and to improve traffic flow on MD 650 within the Cloverly Commercial Area could include eliminating the existing driveway to Safeway/proposed automobile filling station off MD 650 or restricting the movements at the above driveway to right-turn in/right-turn out only. Additionally, any refinements to the lot/adjacent area traffic circulation should ensure adequate accessibility for trucks that will deliver fuel to the site. These future actions would require coordination with the adjoining property to the east (Cloverly Town Center).

#### Previous Planning Board and Other Regulatory Actions

The following presents previous regulatory actions taken by the Planning Board on adjacent properties:

1. Council County Resolution No. 12-624, DOT Docket No. AB 589, adopted on April 28, 1992, the abandonment of the improved segment of Cloverly Street from New Hampshire Avenue for approximately 383 feet to the east. As a condition, a plat was to be recorded assembling the abandoned right-of-way into the adjacent properties. The adjacent property owners could not reach an agreement and no plat was recorded, and the abandonment was incomplete.
2. Preliminary Plan No. 1-98001 and Site Plan No. 8-99004, Safeway at Cloverly were approved on October 29, 1998, for a 45,400 square-foot grocery store on Lot 1 (to the east of Lot N5) and a bank on Lot N5.
3. Preliminary Plan No. 1-99051 and Site Plan No. 8-01001, Cloverly Town Center (to the east of Lot N5) were approved on June 21, 2001, under the Annual Growth Policy's Alternative Review Procedure for Expedited Development Approval. Preliminary Plan No. 1-99051 was approved for 28,000 square feet of general office use and 34,000 square feet of general retail use, which replaced the existing 1,500 square feet of general office use and 17,500 square feet of general retail use.

As part of the Planning Board's approval of Cloverly Town Center, a portion of Cloverly Street was abandoned: (a) on the south side, an eight-foot-wide abandonment extending approximately 125 feet from the AB-641 abandonment (discussed below) to the eastern terminus and (b) on the north side, an eight-foot-wide abandonment extending approximately 66 feet from the eastern terminus. With this abandonment and AB-641, the eastern segment of Cloverly Street's right-of-way would reduce the right-of-way width by 16 feet to 54 feet (from 70 feet).

4. At the September 14, 2000 public hearing, the Planning Board provided their recommendations on DPWT Docket No. AB-641, the abandonment of portion of Cloverly Street. Subsequently, DPWT held a public hearing on October 4, 2000, conducted by the Hearing Examiner and was followed by the County Executive recommendation to the County Council for final adoption. The abandonment was for a portion of the dedicated right-of-way of the improved segment of Cloverly Street, totaling 512 square feet. With this abandonment, the right-of-way width of the 64-foot long portion of Cloverly Street was reduced by 8 feet to 62 feet (from 70 feet). Access was still provided to the park at the eastern terminus of Cloverly Street, to the proposed bikeway on Gallaudet Avenue, and access for delivery trucks (i.e., to the rear doors of the businesses by connecting to Gallaudet Avenue).

#### Master Plan Roadways and Bikeways

According to the Cloverly Master Plan, the nearby master-planned roadways and bikeways are as follows:

1. Cloverly Street is designated as a commercial business district street (B-2) with a 70-foot right-of-way.
2. New Hampshire Avenue (MD 650) is designated as a major highway (M-12) with a 120-foot right-of-way south of Cloverly Street and a 100-foot right-of-way north of Cloverly Street, and with a Class II bikeway, PB-23.

#### Nearby Transportation Projects

The Montgomery County DPWT completed its Norbeck Road Extended project in December 2002 (located to the north of the site), which provided a direct connection between MD 198 to the east of MD 650 with MD 28 to the west of Layhill Road. The SHA's MD 28/MD 198 Corridor Improvement Study is currently in the Alternatives Retained for Detailed Study phase; the project is currently funded for planning only.

#### Local Area Transportation Review (LATR)

The applicant submitted a traffic study, dated April 3, 2001, to analyze the impact of the Special Exception use with the original proposal for 16 fueling positions. The development proposal on Lot N5 currently has an automobile filling station with 12 fueling positions (which would replace a previously existing bank with one drive-through window), and a separate parking area with 44 parking spaces for the adjacent Safeway store.

The difference in the site-generated traffic between the previously existing use and the proposed Special Exception use is presented in Table 1 for the weekday morning and evening peak-periods. The site-generated traffic was based on trip-generation rates provided in the LATR Guidelines for automobile filling stations and the Institute of Transportation Engineers' (ITE) Trip Generation for drive-in banks (ITE Land Use Code 912).

**TABLE 1  
INCREASE IN PEAK-HOUR TRIPS DUE TO THE PROPOSED SPECIAL EXCEPTION USE**

Land Use	Morning Peak-Hour Trips			Evening Peak-Hour Trips		
	New	Pass-by/ Diverted	Total	New	Pass-by/ Diverted	Total
Proposed Automobile Filling Station with 12 fueling positions (and no service bays, car wash or convenience store)	20	116	136	27	153	180
Bank with a drive-thru window	6	16	22	24	72	96
Increase in peak-hour trips	14	100	114	3	81	84

As shown in Table 1, the Special Exception use would result in an increase of 14 and three "new" peak-hour trips during the weekday morning and evening peak-hours, respectively. It should be noted that "new" trips are trips that have the subject site as its primary destination. "Pass-by" trips are trips that are attracted to the site directly from traffic passing the site on an adjacent roadway and do not require a diversion from another roadway. "Diverted" trips are trips that are attracted to the site from traffic on roadways within the vicinity of a site, without direct access to the site, that require diversion from one roadway to another to gain access to the site.

The operation of the nearby intersections for the weekday morning and evening peak-periods for existing, background, and total traffic conditions, as analyzed and presented in the traffic study for the proposed project is presented in Table 2. It should be noted that the Critical Lane Volumes (CLV) presented in Table 2 represent results of the analysis using a higher number of pumps than that currently proposed at the site (8 pumps or 16 fueling positions analyzed versus 6 pumps or 12 fueling positions currently proposed).

As shown in Table 2, the CLV at all three intersections are well below the congestion standard of 1,525 for the Cloverly Policy Area and therefore satisfy the LATR.

**TABLE 2  
SUMMARY OF CAPACITY CALCULATIONS**

Intersection	Morning Peak-Hour			Evening Peak-Hour		
	Existing	Back-ground	Total	Existing	Back-ground	Total
New Hampshire Avenue and Norwood Road	1,064	1,184	1,187	1,013	1,266	1,268
New Hampshire Avenue and Briggs Chaney Road	775	824	823*	961	1,100	1,072*
New Hampshire Avenue and Site Access Driveway	--	--	772	--	--	759

\* CLV in the Background traffic condition is higher than that in the Total (Build) traffic condition due to pass-by/diverted trips being reoriented to the non-peak direction from the peak direction.

Policy Area Transportation Review (PATR)/Staging Ceilings

Under the FY 2003 Annual Growth Policy, the Cloverly Policy Area has a net remaining transportation staging ceiling capacity of negative 49 jobs as of April 30, 2003.

In calculating the number of jobs within a Policy Area, a multiplier of 400 square feet per job is used for automobile filling stations and a multiplier of 250 square feet per job is used for banks. Since the proposed development would replace the 1,751.5 square-foot bank that existed on the site with a smaller kiosk of 419 square feet, using the generic multipliers as above will result in a net reduction of six jobs within the Cloverly Policy Area (based on a decrease to one job from seven jobs). Therefore the development satisfies the PATR test.

CE:ct

Attachments

- cc: Mary Goodman  
Wes Guckert  
Anne C. Martin, Esq.  
Malcolm Shaneman  
Ronald C. Welke  
Ed Axler  
Piera Weiss  
Calvin Nelson  
Greg Cooke  
Greg Leck



Maryland Department of Transportation  
State Highway Administration

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

*Calvin Ed*  
*F.P.I.*

June 28, 2001

Mr. Ronald Welke  
Transportation Coordinator  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Montgomery County  
MD 650 File  
Cloverly Gasoline Station

3-24-76

Dear Mr. Welke:

Enclosed are State Highway Administration's (SHA) comments on the review of the Traffic Impact Analysis Report by The Traffic Group, Inc. dated April 3, 2001 that was prepared for the proposed Gasoline Station adjacent to the existing Safeway Store in Montgomery County, Maryland. The comments and conclusions are as follows:

- Access to the 16-pump Gasoline Station is proposed from two (2) access driveways on Cloverly Street and two (2) access points from the adjacent Safeway Store (County access only).
- The traffic consultant determined that the proposed development will not cause any studied intersection to exceed the congestion standard with the Cloverly Policy Area.

In conclusion, SHA concurs with the report findings. If you have any questions or comments regarding the enclosed, please contact Larry Green at (410) 995-0090.

Very truly yours,

*Kenneth A. McDonald, Jr.*  
Kenneth A. McDonald, Jr., Chief  
Engineering Access Permits Division

TRANSPORTATION PLANNING DIVISION  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION  
RECEIVED  
JUL 03 2001  
SILVER SPRING, MD

- cc: Greg Cooke – SHA Engineering Access Permits Division  
Ed Axler – M-NCPPC Montgomery County  
Larry Green – Daniel Consultants, Inc.  
Majid Shakib – SHA District 3 Traffic Engineering  
Joseph Finkle – SHA Travel Forecasting Section  
William Richardson – SHA Traffic Development & Support Division  
Wes Guckert – The Traffic Group, Inc.

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

May 14, 2003

**TO:** Calvin Nelson, Eastern Montgomery County Team  
Community-based Planning Division

**FROM:** Candy Bunnag, Environmental Planner <sup>CB</sup>  
County-wide Planning Division

**SUBJECT:** S-2476, Special Exception for Safeway Automobile Filling Station in  
Cloverly

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## RECOMMENDATION

Staff recommends approval of the proposed special exception with the following condition:

- Stormwater management concept, which DPS approved on March 9, 2001, to be reconfirmed by DPS or revised for DPS review and approval prior to submission of site plan application.

## DISCUSSION

### Site Description

The proposed special exception lies within the Northwest Branch watershed. The site, Parcel N5, covers 33,399 square feet. There is an existing bank building and parking lot on the site. There are no forests, large trees, or environmental buffers on or near the site.

### Stormwater Management

The Montgomery County Department of Permitting Services conditionally approved a stormwater management concept plan for the proposed project on March 9, 2001 (see Attachment A). The gas station site would use the existing underground stormwater management quantity and quality control structures (underground storage pipes and stormceptor) that were installed when the adjacent grocery store was re-constructed.

This approved stormwater concept will most likely have to be reconfirmed or revised because of new state and county stormwater management requirements. If a project does not have an approved sediment control permit by July 1, 2003, a previously



approved stormwater management concept becomes invalid unless DPS reconfirms its approval. If DPS does not reconfirm the concept, it must be revised to meet new criteria. For the proposed gas station, DPS would consider it a redevelopment project that would be controlled by newly constructed stormwater management facilities. According to DPS staff, the stormwater management concept would need to be re-evaluated after July 1, but there would probably be no major changes to the concept. There may be consideration of some on-site pre-treatment measures for the purposes of providing additional water quality controls. The stormwater management concept should be re-evaluated by DPS prior to site plan submission to allow for early coordination between DPS reviewers and M-NCPPC site plan reviewers.

### **Forest Conservation**

The subject site was granted an exemption from the forest conservation law under the small property provision (activity occurring on a tract no more than one acre in size where activity will not result in the clearing of more than 30,000 square feet of forest, or any specimen or champion trees, and forest planting requirements would be less than 10,000 square feet).

### **Update on Grocery Store Site**

During Planning Board hearing and discussions on the proposed special exception application in September 2001, several issues related to the grocery store site were raised by the community. Construction, stabilization, and final inspection of various components of the stormwater management system for the grocery store project were not completed even though the store had been open and operating for almost a year. Poor vehicle circulation at the back of the store resulted in vehicles driving over the grassed swale that conveys stormwater runoff and other vegetated areas, thereby de-stabilizing these areas. Water quality monitoring, as required by DPS and DEP, had not yet started. These issues were of particular concern since part of the grocery store site lies within the Upper Paint Branch Special Protection Area.

Since September 2001, Safeway has modified the back of the store (e.g., relocation of a trash compactor unit, installation of guard rails next to the grass swale and along the curbed side of the road) to improve circulation for its delivery vehicles and to prevent destabilization of the grassed swale and other vegetated areas by vehicles. All stormwater management structures have been completed and inspected, site stabilization is complete, and water quality monitoring has been initiated.



ATTACHMENT A

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

March 9, 2001

Robert C. Hubbard  
Director

Lynn M. Beamon  
Bohler Engineering, P.C.  
22630 Davis Dr., Suite 200  
Sterling, VA 20164

Re: Stormwater Management **CONCEPT** Request  
for Safeway Gasoline Station  
SM File #: 203363  
Tract Size/Zone: 0.77 Ac/C-1  
Total Concept Area: 0.77 Ac  
Tax Plate: JS-61  
Parcel(s): N057, N059  
Liber/Folio: 14564/217  
Montg. Co. Grid: 31F2  
Watershed: Northwest Branch

Dear Ms. Beamon:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quantity and quality control via existing stormwater management facilities on the adjacent Safeway Grocery Store property (SWM File # 200497).

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

- All impervious areas must drain to the existing stormwater management facilities. It may be necessary to install trench drains at the drive entrances on Cloverly Street in order to achieve this.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,

Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:enm mce



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

TO: Calvin Nelson  
Planner Coordinator  
Community Based Planning Division

FROM: Gary Goodwin, Research Coordinator 646  
Research & Technology Center

Date: May 5, 2003

RE: **Safeway Gas Station – Automobile Filling Station Proof of Need  
Analysis - 15421 New Hampshire Avenue, Cloverly, MD**

Findings: **Applicant’s analysis shows market need for another Cloverly  
automobile filling station**

#### **Introduction**

Research & Technology Center staff has reviewed the proof of need analysis for a Safeway Gas Station (Exhibit J) at 15421 New Hampshire Avenue, Cloverly. We conducted this review to determine if the applicant’s report complied with Montgomery County Zoning Ordinance (59-G-1.24), which requires an applicant to prove neighborhood need when seeking a special exception for an automobile filling station.<sup>1</sup>

Staff reviewed the applicant’s proof of need analysis, conducted a field visit to the applicant’s proposed site and surrounding areas, and met with Community Based Planning staff to gain additional information on the dynamics of the Cloverly area.

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<sup>1</sup> Montgomery County Zoning Ordinance (59-G-1.24) states “...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, 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...”

### **Review of Proof of Need Analysis**

The applicant's analysis utilizes several methods commonly employed by real estate market analysts. Most of these methods use industry-wide data or historical sales trends at the County level to approximate likely sales potential at the local level. Review of these methods and the applicant's calculations show no remarkable errors, omissions, misinterpretations, or mischaracterizations. Calculations show a potential market for additional filling stations within the neighborhood area.

### **Field Observations**

The proposed filling station would be part of an established retail cluster lining the east and west sides of New Hampshire Avenue from the intersection of New Hampshire Avenue and Briggs Chaney Road to New Hampshire Avenue and Bryants Nursery Road. The majority of the commercial space is occupied by neighborhood shopping establishments such as a supermarket, a dry cleaner, restaurants, a convenience store, a hair salon, and a florist. The attached map shows the location of the applicant's site within this cluster.

Also shown on the map are two existing filling stations situated about 200 and 900 feet from the proposed site, and on the same side of New Hampshire Avenue. Cloverly Auto Care is immediately adjacent to the applicant; farther to the north is a Citgo service station. Not shown is an existing but closed service station about one mile from applicant's site at the intersection of New Hampshire Avenue and Route 198/Spencerville Road (northeast quadrant). Exxon had sought and received a special exception on this site but has let it lapse.

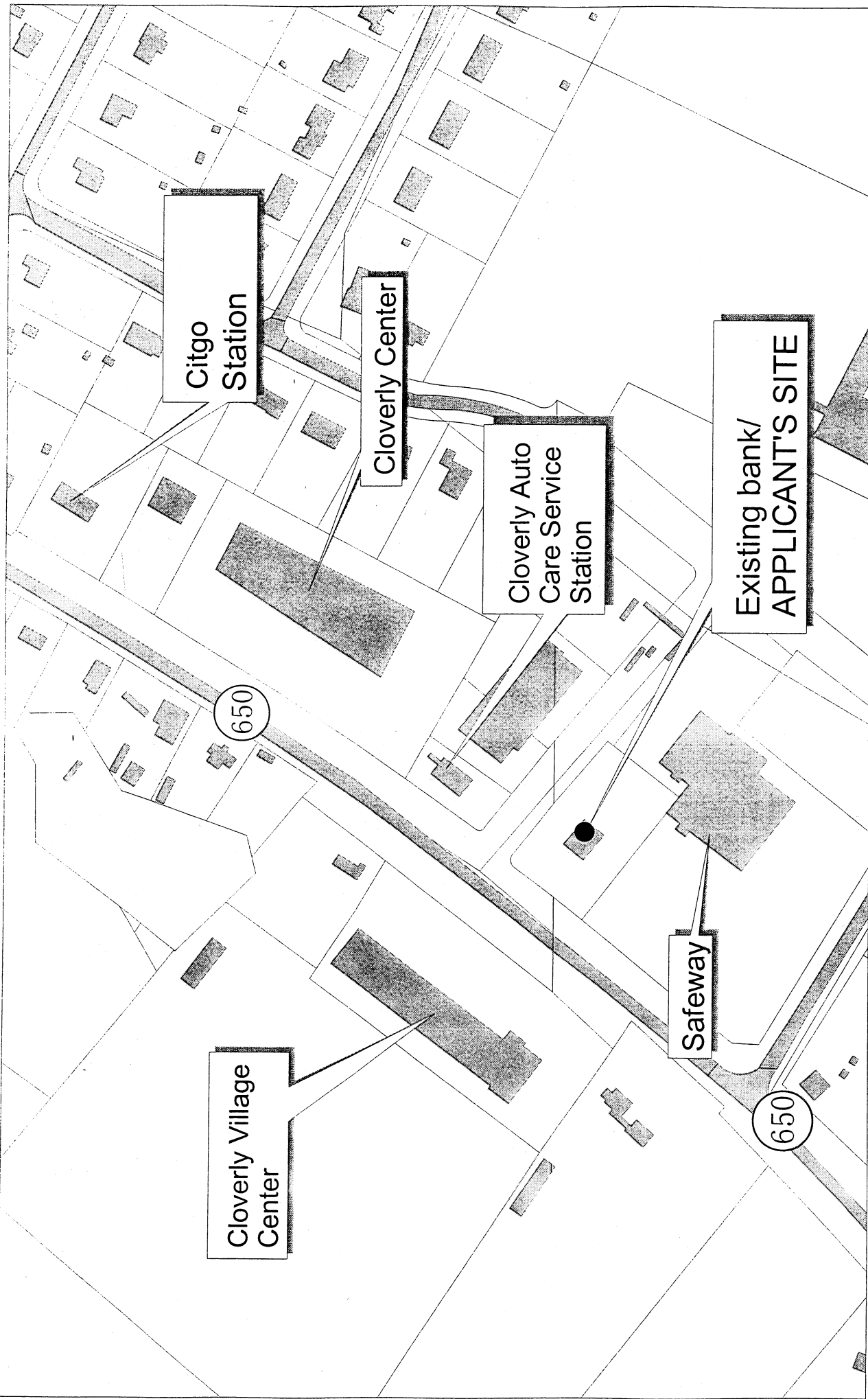
The consultant's report is based on the economic characteristics of the area surrounding the Safeway site (see page 3, map 1, Giegerich & Associates report). This area matches closely the geography of what MNCPPC Community Based Planning Division staff considers to be the Cloverly neighborhood. As was noted earlier, special exceptions for filling stations require that proposed stations meet neighborhood need. Although some special exception applicants define sales areas well beyond that which could be considered the applicable neighborhood, this is not the case here.

To the south of the Safeway site but beyond the neighborhood area are more filling stations. The first is found at about 1.8 miles near the intersection of New Hampshire and Cape May Road (west side of New Hampshire). Three more stations (Excel and two Exxons) are located at the intersection of New Hampshire Avenue and Randolph Road (2.4 miles from the applicant's site).

Some applicants also depend heavily upon sales produced not by neighborhood residents but by commuters. In this case, unmet market support from the neighborhood is \$3.2 million, 15 percent greater than what the petroleum industry sets as a sales target for the type of station the applicant is proposing, a high volume, "pumper one" station.

**Conclusion**

If constructed, the applicant's station will fit into the overall retail environment already existing on New Hampshire Avenue in Cloverly. It will bring an additional brand of gasoline to the area and could expand price options. It will be competing with two other nearby stations, and with those stations found on major commuter paths to the south of Cloverly. However, all of the commonly used measures used to determine potential demand for gasoline sales indicate that another filling station can be supported in Cloverly.



**Applicant's Site & Immediate Vicinity  
Cloverly, Maryland**

Source: Research & Technology Center, M-NCPPC.