



Patricia A. Harris, Esq.
(301) 841-3832
paharris@lerchearly.com

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Via Electronic Mail

Planning Commission Chair and Planning Commission Members
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877

Re: Walnut Hill Shopping Center – Final Site Plan – Retail Pad Site to Accommodate Sheetz

Dear Chair Bauer and Members of the Planning Commission:

This letter updates our August 19, 2024 and May 23, 2024 Final Site Plan application letters and has been revised to further elaborate on the requested parking waivers discussed below in Section IV to accommodate 18 foot long parking stalls instead of the required 17 feet and an increased width of four feet for the two parking spaces providing the air pumps.

I. Introduction

On behalf of Sheetz (“Applicant”) and with the consent of Walnut Hill Propco and Granite Canyon Partners, the owner and affiliate of the Walnut Hill Shopping Center at 16531 Frederick Road (the “Property”), we submit this Final Site Plan application for the retail pad site encompassing 55,715 square feet in the southwest corner of the Property (the “Site”).

The Property was annexed into the City of Gaithersburg on November 30, 2023 and is zoned C-2. In connection with the Annexation of the Property, the City approved a concept plan for the Site (the “Concept Plan”) proposing the following:

- an approximately 57,851 square foot retail pad site in the southwest corner of the Development Property,
- a retail building containing between 4,500 square feet and 5,500 square feet of gross floor area,
- a maximum of six (6) gasoline canisters including twelve (12) pumping stations provided as an accessory use to the retail building, and
- parking spaces within the retail pad site to be allocated toward the total number of parking spaces for the Property.

As required by the Annexation Agreement approved as part of the Property’s annexation and as demonstrated below, the proposed development is substantially in accordance with the Concept Plan.

II. Development Proposal

The proposed development will include a Sheetz retail store and restaurant and accessory gas station. The proposed store and gas will operation 24 hours and there will be a maximum of eight employees on the Site during the peak shift.

The proposed development on the Site will include the following:

- Retail convenience store with a height of 26 feet (29.5 feet as measured to the top of the cupola) located in the northwest corner of the Site comprised of 4,959 square feet with entrances to the store provided on the south and north facades and at the southwest corner of the building,
- 32 parking spaces,
- Six fueling canisters to accommodate 12 pumps, covered by a canopy,
- Five underground storage tanks provide in the northeast corner of the Site
- Structured trash enclosure with roof located in the southeast corner of the Site,
Note: Improvements to the southwest corner of the Property at the corner of North Westland Drive and South Frederick Road are proposed pursuant to the Minor Site Plan for the Property filed on March 8, 2024, but are shown on the subject Site Plan for context.
- Sidewalks leading from South Frederick Road around the building and then east to the northern boundary of the pad site and crossing the existing drive aisle east of the pad site to connect to the existing sidewalk system along the eastern side of the drive aisle. The pedestrian improvements will include two painted crosswalks within the pad and two painted crosswalks outside the pad site to facilitate pedestrian movement.
- 20,592 square feet (.47 acres) of green area based on the on-site limits of disturbance and 21,865 square feet (.50 acres) of green area based on the total limits of disturbance.

(Collectively, the “Project”).

As indicated by the Traffic Impact Study, 75 percent of the anticipated customers will be pass-by trips and the Project will generate less than 100 new trips. In addition, all intersections required to be evaluated by the City operate within the 1450 critical lane volume limits. There are adequate utilities, including water, electric and gas to support the Project and the Fire Department located at 801 Russell Avenue and the Police Department located at 14 Fulks Corner Avenue are within 3 miles and 1.5 miles respectively, of the Site.

III. Compliance with Zoning Code Section 24-170

In accordance with Zoning Code Section 24-170, the Project will not:

- A. Adversely affect the health or safety of persons residing in or working on the land in question or in the neighborhood thereof.

The Project will help revitalize the Walnut Hill Shopping Center, which since the most recent grocery store vacancy in December 2020, has suffered significantly from underutilization. The Project helped to attract a new grocery to the Shopping Center and will help transform the Shopping Center to a lively commercial site that will serve the needs of the

surrounding neighborhood. The Project will not adversely affect the health and safety of persons residing and working in the neighborhood.

There are adequate public facilities, including public water and sewer, electricity, and police and fire safety to accommodate the proposed use. The Applicant has conducted a Transportation Impact Statement (“TIS”) and has concluded that there is adequate traffic capacity on the surrounding road network to accommodate the proposed development on this site. The proposed use will generate a total of 78 AM and 68 PM peak hour trips. The TIS concluded that all of the study intersections meet the City of Gaithersburg’s and MDOT SHA’s Guidelines of Critical Lane Volumes of less than 1,450 in all conditions.

- B. Be detrimental to the public welfare or adversely affect the use or development of adjacent or surrounding properties.

The Property is zoned commercial and has existed as a commercial shopping center since at least 1967. The Site is located in the southwest corner of the Property and is surrounded by the remaining portions of the shopping center to the north and east and by a commercial use to the south across South Westland Drive. The only noncommercial use abutting or confronting the Site is the church located to the west across South Frederick Road, more than 100 feet away from the Site. The use is a permitted use in the C-2 and given the surrounding uses and location of the Site, it will not be detrimental to the public welfare or adversely affect the use or development of the adjacent and surrounding properties.

- C. Constitute a violation of any provisions of this chapter or any other applicable law, regulation or ordinance.

The Project is a permitted use in the C-2 Zone and complies with all of the use and development standards and as such does not constitute a violation of any provision of the Zoning Ordinance or any other applicable law, regulation or ordinance.

- D. Be incompatible or inharmonious with other existing uses or with existing and proposed adjacent development.

As noted, given the location of the Project in the southwest corner of the Property, it is adjacent to right-of-way on the south and the east. The only adjacent development is the remainder of the shopping center Property, within which the Site is located. The Project is an appropriate and suitable use for an existing shopping center. No aspect of the Project will be incompatible or inharmonious with other existing uses or with existing and proposed adjacent development.

- E. Be inharmonious or inconsistent with the environmental standards of the city adopted by the city council pursuant to Section 20-9 of the City Code and any amendments thereto.

The Project will comply with all City environmental standards and thus will not be inharmonious or inconsistent with the environmental standards of the city.

IV. Request for Parking Waiver

Pursuant to Section 24-222A, the Applicant requests two parking waivers, as follows:

- Waiver to allow a length of 18 feet for all 32 parking spaces on the Site instead of 17 feet as required by Section 24-218(e)(2).
- Waiver to allow the two spaces that provide space for customers to use the air pump to fill their tires to be 13 feet in width instead of nine feet in width as required by Section 24-218(a).

As discussed below, the granting of the one foot waiver in length for all of the parking spaces and the four foot waiver in width for two spaces will not be detrimental to the public health, safety and general welfare.

In an effort to facilitate vehicular parking movements, the Applicant originally proposed its standard 20 foot long parking stall. However, in response to Staff's direction that the parking stall length is not a minimum but a precise standard, the Applicant reduced the length to 18 feet. The Applicant seeks the parking waiver of one foot in order to ensure a safe, functional parking lot. Most importantly, the average large SUV and pickup truck in the United States is 18 feet, 4 inches. And, while the use of large SUVs and pickup trucks may be more prevalent in some geographic areas than others, the Applicant, based on its experience in other markets similar to the market of the Property, anticipates a fair number of their patrons will be driving these types of vehicles. Moreover, 18 foot long parking spaces appears to be the common standard length in the United States¹, although some jurisdictions also provide for an alternative standard of 16 feet specifically for compact cars. Of the 32 total spaces, 17 will be standard spaces and the 15 spaces immediately surrounding the front and side of the building will include two bollard bumper posts in the two front corners of each space.

The Applicant's proposal to increase the parking space length to 18 feet is for the purpose of increasing on-site safety to both pedestrians and vehicles. The parking space dimension provides a visual cue to pedestrians and vehicles as to the area of the parking lot that is allocated to parked cars. In this way it minimizes the risk of accidents by accurately delineating the area for parked cars versus the drive aisle. Moreover, the reality is that whether the parking space is delineated at 17 feet or 18 feet, cars will park in these spaces, so it is much safer to provide a uniform parking space delineation. For all of these reasons, the requested one foot waiver actually furthers the public health, safety and general welfare.

In addition, as it relates to the parking spaces in the front and on the side of the building, the 18 foot length will also ensure adequate space for these 15 spaces. In order to protect the safety of the pedestrians walking along the sidewalk adjacent to both the building and the parking spaces, each parking space includes two bollard bumper posts at the head of the space, which reduces the overall length of the space by approximately 6 inches, thus reducing the effective length to 17 feet, 6 inches. The Applicant explored relocating the bollards to outside the parking spaces, but this would result in a reduction of the sidewalk width, which is not desirable.

The Applicant also requests a parking waiver to accommodate a width of 13 feet for the two air pad spaces located in the south west corner of the Site, as compared to the standard 9 foot width provided for the remaining spaces as required by Section 24-218(a). The additional four

¹ The standard parking space dimension pursuant to the Montgomery County Zoning Ordinance is 18 feet long.
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feet is needed to ensure that customers using the air pumps have adequate room to maneuver around their vehicles in a safe manner.

Finally, it should be noted that the waivers are the minimal necessary. With respect to the parking space length, the Applicant previously reduced the parking space width from 20 feet to 18 feet. The requested four foot waiver for the width is the minimal necessary to ensure the safety of the patrons and is limited to just the two spaces providing the air pumps.

Accordingly, the Applicant respectfully requests the Planning Commission's approval of the two waiver requests.

V. Filing Materials

The following materials are submitted in connection with the Final Site Plan:

- A. Site Plan Application
- B. Forest Conservation Plan and Application
- C. Record Plat no. 4267
- D. Final Site Plan (including existing conditions and demolition plan; area map; site plan; circulation plan; site details; exterior elevations; fuel canopy; trash corral; retaining wall and dumpster plans and details; landscape plan, landscape plan notes and details; and lighting plan and details)
- E. List of Green Building Items
- F. Approved Concept Erosion and Sediment Control Plan
- G. Approved Concept Storm Water Management Plan
- H. Site Plan Application Checklist
- I. Statement of Justification (reflected in subject letter)

Note: The Applicant's traffic engineer previously submitted a TIS Application. The Traffic Impact Study was submitted in connection with the immediately prior Site Plan submission for the Shopping Center and is not being resubmitted with the subject Site Plan.

VI. Conclusion

The proposed Final Site Plan furthers the development of the Walnut Hill and is wholly consistent with the Concept Plan approved as part of the Annexation of the Shopping Center and the requirements of the C-2 Zone. For these reasons, we respectfully request the Planning Commission's approval of the Site Plan.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Patricia A. Harris

Enclosures (previously provided)