
STAFF ANALYSIS FOR PLANNING COMMISSION

REPORT DATE: September 23, 2024

RESPONSIBLE STAFF: Kenar Johnson
Planner I

PUBLIC MEETING DATE

October 16, 2024

APPLICATION NUMBER

SP-9786-2024

SUMMARY OF REQUEST

Final Site Plan approval for a 4,959 square foot retail building for Sheetz and accessory automobile filling station

APPLICANT

John Eidberger,
Sheetz, Inc.

SUBJECT PROPERTY ADDRESS

16529 South Frederick Avenue

ZONE

C-2 (General Commercial)

EXISTING LAND USE

Retail

STAFF RECOMMENDATION

Staff recommends **THAT THE PLANNING COMMISSION, BASED ON THE EXHIBITS SUBMITTED, THE TESTIMONY IN THE RECORD, AND THE STAFF REPORT, FINDINGS AND RECOMMENDATION, GRANT FINAL SITE PLAN SP-9786-2024, FINAL FOREST CONSERVATION PLAN ENV-9843-2024 AND PARKING WAIVER APPROVAL, FINDING IT IN COMFORMANCE WITH §§ 24-170 and 24-171 OF THE CITY'S ZONING ORDINANCE, WITH THREE (3) CONDITIONS.**

Approve

Approve With Conditions

Deny

Defer

Enclosures:

Staff Comments and Location Map

Exhibits

- Exhibit #1: Application
- Exhibit #2: Annexation Agreement
- Exhibit #3: Site Plan
- Exhibit #4: Parking Lot Green Space
- Exhibit #5: Forest Conservation Plan
- Exhibit #6: Landscape Plan
- Exhibit #7: Building Elevations
- Exhibit #8: Applicant Statement Letter
- Exhibit #9: Email Correspondence from Douglas Smith
- Exhibit #10: Notifications

LOCATION MAP



STAFF ANALYSIS

I. BACKGROUND:

The Applicant, John Eidberger, of Sheetz, Inc., has submitted final site plan application, SP-9786-2024, requesting approval for a new 4,959 square foot retail building and accessory automobile filling station for Sheetz (Exhibit #1). This application is based upon the Concept Site Plan that was approved as part of Annexation Application X-9510-2023. The Annexation Application was approved by the Mayor and City Council on October 16, 2023, by Resolution R-56-23.

II. SCOPE OF REVIEW:

This application was reviewed under the Zoning Ordinance in effect at the time of submission in accordance with § 24-1.2 of the 2024 City Zoning Ordinance Update, *"Any application, including any sketch plans, schematic development plans or site development plans included therein, that is submitted prior to the effective date of the 2024 City Zoning Ordinance Update and that is deemed valid and complete and includes all application components required pursuant to the zoning code in effect at the time of the application's submission shall be reviewed by the planning division, planning commission, city council, and all other relevant city agencies pursuant to the standards of the zoning code in effect at the time of the application's submission, as long as the submission proceeds for review and approval within two (2) years of its submission."*

Site plan approval is required pursuant to § 24-168 of the Zoning Ordinance, which states:

"No building or structure shall be hereafter erected, moved, added to or structurally altered under circumstances which require the issuance of a building permit under this chapter, nor shall any use be established, altered or enlarged under circumstances which require the issuance of a use and occupancy permit under this chapter, upon any land, until a site development plan for the land upon which such building, structure or use is to be erected, moved, added to, altered, established or enlarged has been approved by the city planning commission."

As part of this application, the Applicant is requesting two parking waivers for standard parking stalls that do not meet the City's required maximum seventeen (17) feet in length and maximum nine (9) feet in width. The Planning Commission has the authority to approve parking waivers pursuant to § 24-222A, which states:

“The planning commission may waive any requirement of this article, in whole or in part, which is not necessary to accomplish the objectives of this article. The waiver may be granted, after a public meeting has been conducted, only upon finding by the planning commission that such a waiver would not be detrimental to the public health, safety and general welfare. In conjunction with the granting of any waiver, the planning commission may attach such conditions or safeguards as it deems necessary to protect and enhance the public health, safety and general welfare.”

The Applicant is also requesting approval of Final Forest Conservation Plan application ENV-9843-2024. Pursuant to Chapter 22 of the City Code, the Planning Commission must review and approved Forest Conservation Plans.

III. SITE PLAN ANALYSIS AND FINDINGS:

In accordance with § 24-170 and § 24-171 of the City Code, the Planning Commission has the authority to review and make determinations regarding the proposed plan for the purpose of protecting the public health, safety and welfare. The required findings are reference in § 24-170 of the City Code. Accordingly, Staff provides the following comments and findings for Planning Commission’s consideration:

Location

The Subject Property is located within the Walnut Hill Shopping Center at the corner of South Frederick Avenue/MD Route 355 and South Westland Drive and is approximately 1.29 acres. The Property is zoned CD (Corridor Development).

Zoning and Site Plan History

Annexation and Zoning

The Subject Property was annexed into the City of Gaithersburg on November 30, 2023, as part of Annexation Application X-9510-2023, which was approved by the Mayor and City Council on October 16, 2023 by Resolution R-56-23. In addition to the annexation approval, the Mayor and City Council also established the C-2 (General Commercial) zoning for the Property and the concept site plan for the Sheetz retail building and accessory automobile filling station. An Annexation Agreement was also established for the Property (Exhibit #2).

Site Plan History

Staff Approval Application AFP-9696-2023 was approved on January 4, 2024, for the façade and site improvements for the shopping center. On March 6, 2024, the Planning Commission approved Site Plan application SP-9740-2024 for the comprehensive sign package for the shopping center. On April 3, 2024, the Planning Commission approved Final Site Plan amendment application AFP-9778-2024 for parking lot improvements for the shopping center.

Surrounding Land Use and Zoning

The following table summarizes the land use and zoning for the surrounding properties:

Direction	Zoning	Land Use
North	Montgomery Zoning R200	Residential
South	R-A (Low Density Residential)	Place of Worship
East	C-2 (General Commercial) CD (Corridor Development)	Commercial
West	CD (Corridor Development)	Office Commercial



Zoning Map

Adequate Public Facilities Ordinance (APFO)

Traffic Impact (§24-245):

In accordance with the City's Adequate Public Facilities Ordinance, a Traffic Impact Study is required for this development because it will generate more than thirty peak hour trips. As part of the Final Site Plan application, Traffic Impact Study application TRF-9812-2024 was submitted. As stated in the correspondence from Douglas Smith, Department of Public Works Project Engineer, Staff reviewed and approved the Traffic Impact Study. The study was also submitted to the State and County for review; at this time neither has issued approval. While Public Works Staff doesn't anticipate significant revisions, Public Works recommend that the resolution of any unresolved comments from the State and County remain as a condition of approval with the Traffic Impact Study (Exhibit #9).

Schools (§24-246):

The proposed development will be for a commercial use; therefore, it will have no impact on the school system. The proposed development is exempt from the school test of the Adequate Public Facilities Ordinance (§ 24-246).

Water and Sewer (§24-247):

The Subject Property is currently served by Category W-1 and S-1 of Washington Suburban Sanitary Commission (WSSC) services. Therefore, the application complies with the requirements of the City's APFO for water and sewer (§24-247).

Emergency Services (§24-248):

The City's Adequate Public Facilities Ordinance (APFO) requires that any development project be served by at least two fire stations within a ten-minute response time. The development is located within a ten-minute response time of the following fire stations:

- Station 3 (Rockville)
- Station 8 (Gaithersburg)
- Station 28 (Gaithersburg)
- Station 32 (Travilah)

Therefore, adequate fire and emergency services are provided and satisfy the adequate public facilities requirements for fire and emergency services (§ 24-248).

Site Plan Analysis

The Applicant is requesting approval to construct a new 4,959 square foot retail building and accessory filling station for Sheetz (Exhibit #3). The proposed plan includes six double-sided filling stations covered with a 3,489 square foot metal canopy. The metal canopy is proposed to be located approximately setback seventy-two (72) feet from the South Frederick Avenue right-of-way (Exhibit #7). The 4,959 square foot retail building will be located to the left of the filling stations and have a

total height of approximately 22'-5" to the top of the parapet and 29'-6" feet to the top of the cupola above the building entrances. The retail building is sited approximately twenty-eight (28) feet from the South Frederick Avenue right-of-way.

The final site plan also includes:

- New east and west sidewalk connections to increase pedestrian connectivity to the Site;
- New retaining wall and fence to the east of the site; and
- New trash enclosure to the east of the property facing South Westland Drive.

In the site plan package, the Applicant provided details for the Sheetz monument signs. The signs are shown for illustrative purpose only. Per the Annexation Agreement, the Walnut Hill Shopping Center established a comprehensive sign package for the Center. The Applicant must revise the comprehensive sign package to include the Sheetz signage prior to issuance of any sign permits for Sheetz. As such, a condition of approval has been included.

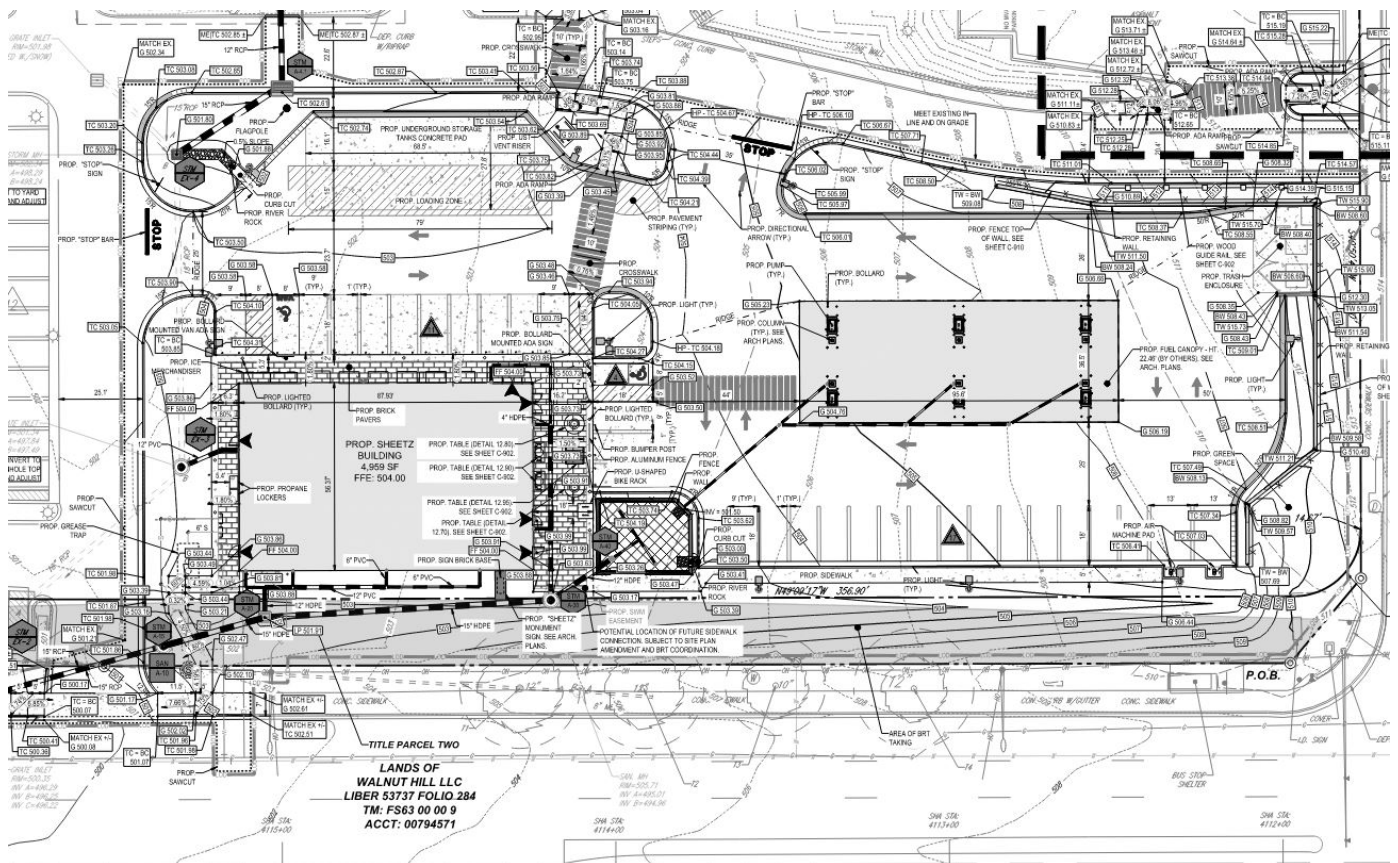


Exhibit #3: Site Plan (Sheet C-302)

Parking

Parking for the retail pad site is facilitated through surface lot parking spaces. Pursuant to § 24-219 of the City Code, the project is required to provide a total of twenty-three (23) spaces. The Applicant plans to provide a total of thirty-two (32) parking spaces, which includes two (2) ADA spaces. The Applicant also plans to provide one bike rack with two bicycle spaces, which will be located on the eastern side of the building.

The Applicant is requesting two parking waivers from the City's Parking Ordinance:

- Approval to allow all thirty-two (32) spaces on the site to be 18 feet in length. Pursuant to § 24-218(e)(2), parking spaces are required to be seventeen feet in length;
- Approval to allow two (2) spaces on the site to be thirteen (13) feet in width. Pursuant to 24-218(a), parking spaces are required to be nine feet in width.

As stated in the Applicant's Statement Justification Letter, the average large SUV and pickup trucks are 18 feet, 4 inches in length. Based on its experience in other markets similar to the market of the Property, the Applicant anticipates a fair number of their patrons will be driving these types of larger vehicles. An 18-foot parking stall will increase onsite safety to both pedestrians and vehicles. The two 13-foot width parking spaces are to ensure that customers using the air pumps have adequate room to maneuver around their vehicles in a safe manner.

Staff Comments

Staff is supportive of the proposed parking layout and finds that the Site will provide adequate parking for the proposed use. Staff supports the Applicant's waiver for the 32 18-foot length parking spaces and two 13-foot width parking spaces. Staff finds that the spaces will provide vehicles more space to maneuver. Additionally, the Applicant has provided evidence that there is safe circulation for both vehicles and pedestrians on site.

Forest Conservation Plan and Landscape Plan

As part of final site plan submission, the Applicant has submitted Final Forest Conservation application, ENV-9843-2024 in compliance with Chapter 22, Trees, and Forest Conservation, of the City Code (Exhibit #5). The required afforestation of 0.22 acres will be achieved through canopy coverage credit. The canopy credit will be reached by planting 0.22 acres of trees to the north and south of the Site.

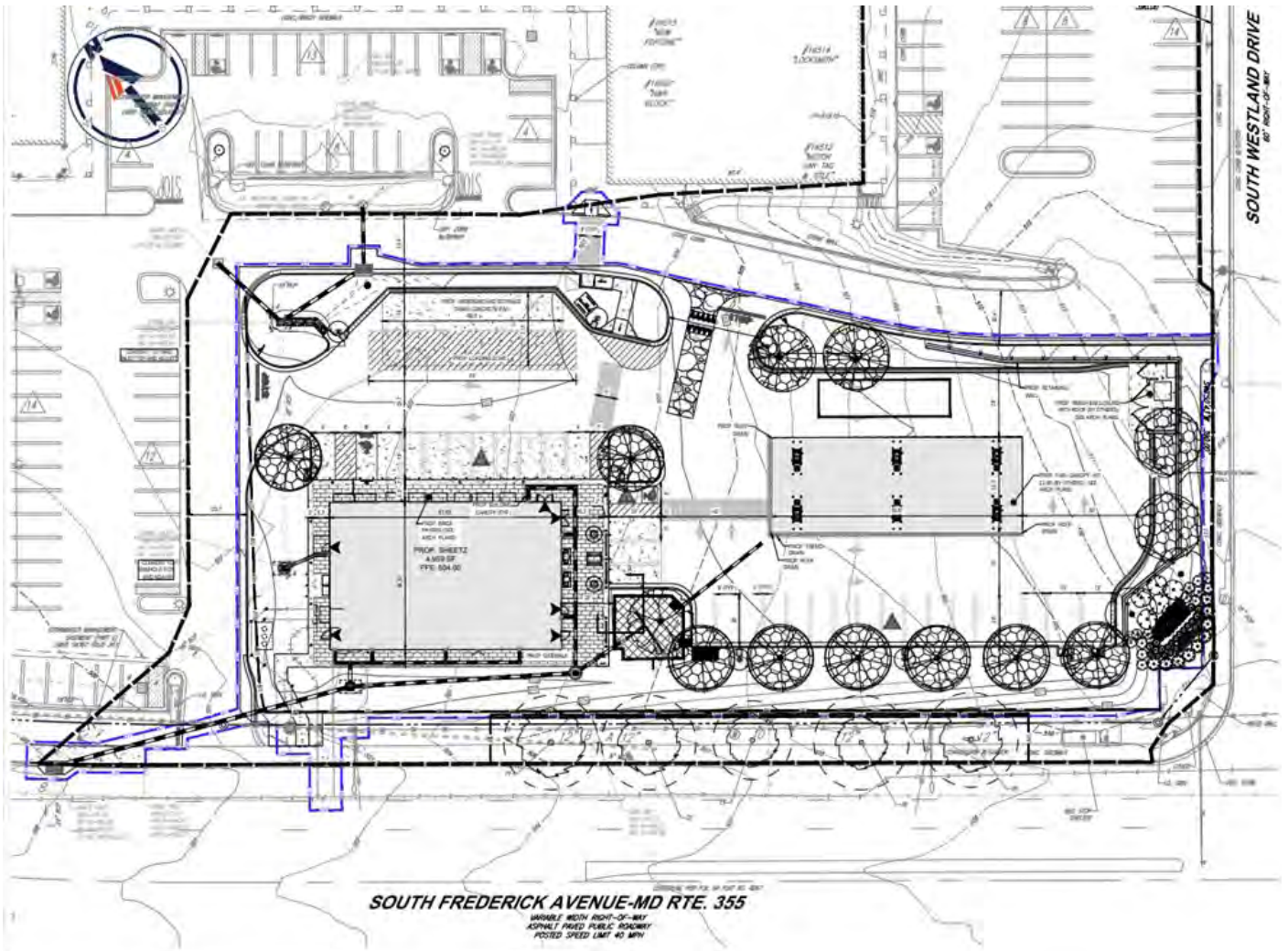


Exhibit #5: Forest Conservation Plan (Sheet L-103)

AFFORESTATION PLANT LIST								
QTY	KEY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	B&B / Cont.	CANOPY AREA	TOTAL CANOPY (AC)
6	PXAB		PLANTANUS X ACERIFOLIA	LONDON PLANE TREE	2.5-3" CAL. 12-14' HT.	B&B	0.016	0.096
2	GTI		GLEDTISIA TRIANCANTHOS	HONEYLOCUST	2.5-3" CAL. 12-14' HT.	B&B	0.016	0.032
1	AC		ACER RUBRUM	RED MAPLE	2.5-3" CAL. 12-14' HT.	B&B	0.016	0.016
5	QPH		QUERCUS PHELLOS	WILLOW OAK	2.5-3" CAL. 12-14' HT.	B&B	0.016	0.08
TOTAL ON-SITE TREE								0.22
AFFORESTATION REQUIREMENT								0.22
TOTAL AFFORESTATION PROVIDED								0.22

Exhibit #5: Afforestation Plan List (Sheet L-103)

The Applicant plans to incorporate a variety of landscaping throughout the Property (Exhibit #6). As shown on the landscape plan, the Applicant plans to provide a variety of landscape such as shrubs, beds, and ground cover. The landscape plan includes the following landscape types:

Canopy Trees

- Thornless Honey Locust
- London Plane Tree
- Red Maple
- Willow Oak

Shrubs

- Afterglow Winterberry
- Inkberry Holly

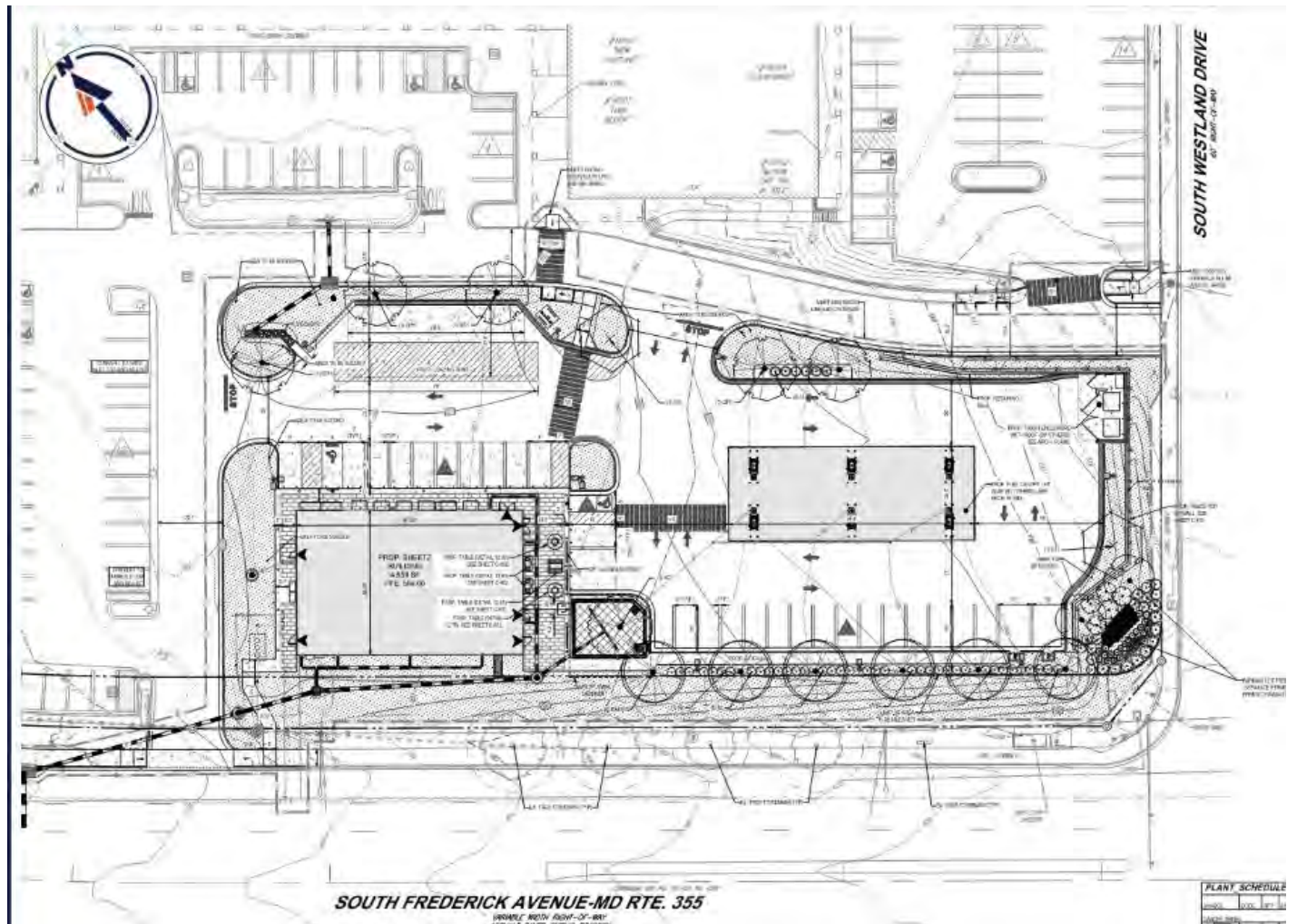


Exhibit #6: Landscape Plan (Sheet L-101)

Staff Comments

Staff supports the proposed forest conservation plan and landscape plan. The 0.22 acres of afforestation area will meet the forest conservation plan requirements. The combination of shrubs and trees will create a diverse and interesting landscape. While Staff is supportive of the proposed plans, Department of Public Works (DPW) Staff have noted some minor revisions related to the forest conservation plan. These comments include minor mark ups and labeling errors. While these comments must be addressed prior to final signature of the plans, Staff is of the opinion these changes are minor enough that the plans can still be approved by the Planning Commission with a condition of approval.

Architecture

The proposed materials for the commercial building include brick, stone masonry veneer, standing seam metal roof, metal canopy and aluminum storefront windows. The trash enclosure on the east side of the Site is clad in brick to match the building. The proposed materials for the filling station canopy includes metal and stone masonry veneer to match the building (Exhibit #7).



Exhibit #7: Building Elevations



4 EAST ELEVATION
1/4" = 1'-0"



1 NORTH ELEVATION
1/4" = 1'-0"



2 WEST ELEVATION
1/4" = 1'-0"

Exhibit #7: Building Elevations

Staff Comments

Staff is supportive of the proposed architecture and is of the opinion that the design of the building will be compatible with the existing buildings along the South Frederick Avenue corridor. The building will contain materials such as brick and stone, which are harmonious with other buildings found along the Frederick Avenue corridor. Overall, the proposed building will not adversely affect the character of the adjacent properties.

IV. SUMMARY OF FINDINGS:

Staff is supportive of the submitted Final Site Plan application SP-9786-2024. The proposed plan is in conformance with approved Annexation Agreement X-9510-2023. The proposed plan is compatible and harmonious with the adjacent properties. The retail building and accessory gas station will be located along a major arterial road with existing commercial uses. The proposed commercial use is similar to other commercial uses that are located along the Frederick Avenue corridor. The plan will enhance the Property to facilitate a new business in the City, which will contribute to the City's overall economic health. The project will not have any adverse impacts to the neighboring commercial uses or residential community. Staff supports the Applicant's waiver for the 32 18-foot length parking spaces and two 13-foot width parking spaces. Staff finds that the spaces will provide vehicles more space to maneuver. Lastly, Staff is supportive of Forest Conservation ENV-9843-2024 and finds that the Applicant will achieve the forest conservation requirements through canopy coverage credit.

V. STAFF RECOMMENDATION

Staff recommends **THAT THE PLANNING COMMISSION BASED ON THE EXHIBITS SUBMITTED, THE TESTIMONY IN THE RECORD, AND THE STAFF REPORT, FINDINGS AND RECOMMENDATION, GRANT FINAL SITE PLAN SP-9786-2024, FINAL FOREST CONSERVATION PLAN ENV-9843-2024 AND PARKING WAIVER APPROVAL, FINDING IT COMFORMANCE WITH §§ 24-170 AND 24-171 OF THE CITY'S ZONING ORDINANCE, WITH THREE (3) CONDITIONS:**

1. Applicant must submit revised site plans to address Staff comments related to site plan clean up, to be approved by Planning and Department of Public Works Staff, prior to final signature of the plans;
2. Applicant to revise the Walnut Hill Shopping Center Comprehensive Sign Package to include the Sheetz signage, prior to issuance of any sign permits for Sheetz; and
3. Applicant must submit revised forest conservation plans to address Staff comments related to site plan clean up, to be approved by Department of Public Works Staff, prior to final signature of the plans.