

PRE-HEARING STATEMENT
CLARKSBURG TOWN CENTER
WEIS FILLING STATION
CONDITIONAL USE NO. CU 202502

Applicant is submitting this Pre-Hearing Statement as a supplement to the materials already submitted and in the record, including Exhibits 1-34.

The application and exhibits now on file provide justification for approval of this Conditional Use application and include the necessary evidence to support each of the required Conditional Use findings. In addition to applicant's submitted materials, Park and Planning Commission staff prepared a staff report dated December 9, 2024, and the Montgomery County Planning Board reviewed the matter at its hearing on December 19, 2024 and recommends approval. Applicant anticipates having both the staff report and the Planning Board's recommendation submitted to OZAH prior to the January Conditional Use hearing. The staff report reviews each of the required Conditional Use findings and recites the supporting evidence to justify approval of the Conditional Use. Applicant is prepared to adopt the staff's evaluation as part of applicant's testimony in order to simplify the hearing process. If required, applicant and its experts will be prepared to reiterate those findings at the hearing.

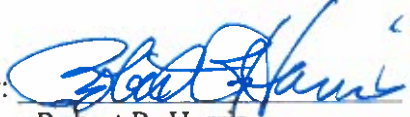
Applicant has made one minor revision to the proposed operating conditions in order to address a request by Weis Markets. More specifically, the statement submitted with the application indicated that the gas pumps would be operated "typically" between 7 a.m. and 11 p.m. At the time of that submission, CTC Retail, LC, misunderstood Weis Markets' intentions. In further discussions with Weis Markets, CTC Retail understands the normal hours of operation for Weis Markets' gas pumps is from 5 a.m. until 12 p.m. The earlier opening is particularly

appropriate in areas more distant from central cities where residents routinely leave for work earlier and may want to fuel up before leaving. Employees who work at the store, both before it opens and after it closes find these hours to be helpful as well. This difference will not affect the operations of any of the other retail near the Weis Markets, will not affect traffic generation, and will better accommodate the needs of area residents. Additionally, given the location of the gas pumps within a commercial shopping center area, well separated from neighboring residents, there will be no other impact. The Park and Planning Staff and the Planning Board support his revision.

Applicant's initial application statement (Exhibit 3) identifies witnesses that applicant is prepared to call. Based on the written materials already submitted, including the staff's detailed analysis, applicant does not believe it will be necessary to call each of these witnesses to testify. Rather, Kate Kubit will testify on behalf of applicant at the hearing and will have the others available to testify if necessary. To date, applicant is not aware of any opposition to this application. Assuming this remains the case at the Planning Board hearing and at the OZAH hearing, rather than requiring the potential 4-6 hours identified in the application, applicant anticipates the hearing requiring no more than 1 hour.

Finally, the application was initially filed on behalf of CTC Retail, LLC, c/o Elm Street Development although applicant identified the anticipated user as Weis Markets. Subsequent to submittal of the application, applicant submitted a Motion to clarify the intent for the Conditional Use application to be granted on behalf of both CTC Retail and Weis Markets, given that CTC Retail is the current property owner and Weis Markets is the contract purchaser of the property and is intended to be the operator of the grocery store and related gas pumps.

Lerch, Early & Brewer, Chtd.

By: 
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