

## **15700 Shady Grove Dash In Revised Conditions**

The Staff Report had two #5 conditions which affected the remaining corresponding numbers as well as the Applicant requesting some minor changes. The numbers have been corrected below and the requested Applicant conditions are shown in red.

### Conditional Use No. CU202604

Staff recommends approval of Conditional Use No. CU202604, for a Filling Station, subject to the following conditions:

1. The use is limited to Filling Station use, with accessory automatic car wash (one bay) and a convenience store.
2. Maximum of 6 multiple-product (fuel) dispensers (12 fueling positions).
3. Maximum of one single-bay automatic car wash.
4. Construct a convenience store as an accessory use to the Filling Station.
5. The Filling Station must dispense less than 3.6 million gallons of fuel per year.
6. The Applicant must request to vacate Site Plan No. 819760190 prior to building permit issuance for the Conditional Use.
7. Except for issuance of demolition permits and related activities, prior to issuance of any building permit or sediment control permit, whichever comes first, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond or other form of surety, with the following provisions.
  - a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
  - b. The cost estimate must include, but is not limited to, all onsite landscaping, lighting, sidewalks, paths, picnic tables, benches, etc.
  - c. Completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
  - d. The bond or surety for each item shall be clearly described within the Surety and Maintenance Agreement, including all relevant conditions.
8. The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Montgomery County Department of Permitting Services (DPS) responsible for Conditional Use Plan conformance and compliance. The pre-con must occur before any site development work commences and before any work covered by the surety and maintenance agreement. The Applicant, along with its representatives, must attend the pre-con with DPS Staff. A copy of the approved Conditional Use Plan, along with any subsequent amendments, is required to be on-site at all times during construction.

9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated **March 17**, 2026, and incorporates them as conditions of the Conditional Use Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT, if the amendment does not conflict with any other conditions of the Conditional Use Plan approval.
10. Before the issuance of the first above-grade building permit or right-of-way permit (whichever comes first) for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
11. Before the issuance of the first above-grade building permit or right-of-way permit (whichever comes first), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a ten-foot (10 ft) wide sidepath along the Property frontage on Shady Grove Road.
12. Before the release of any above-ground building permit, the Applicant will record **one (1)** a ten-foot (10 ft) wide **overlapping** Public Improvement Easement (PIE) and Public Access Easement (PAE) along the Property frontage on Shady Grove Road by deed.
13. Before the release of any above-ground building permit, the following off-site improvements must be permitted and bonded (to ensure construction) pursuant to MCDOT and/or MDOT SHA requirements:
  - a. Installation of **up to** seven (7) off-site pedestrian lights attached to existing power poles **or other similar configurations (subject to MCDOT approval)** along Shady Grove Road. The preliminary estimated cost, including utilities, MOT, engineering, and contingencies, is estimated at approximately \$99,750. These lights will be installed up to the Proportionality Guide Limit amount of \$124,695, and proof of expenses will be provided to MCDOT.
  - b. If, at the time the Applicant submits for permits to construct one of the required LATR Off-Site Improvements, the improvement is no longer necessary or desirable, because:
    - i) it has been constructed or is under construction by another applicant or as part of a capital improvement project by a government agency, or, ii) the applicable master plan has changed and no longer requires or suggests the improvement, the Applicant can propose an alternative LATR Off-Site Improvement from the priority list of improvements provided in the subject Staff Report that is of similar value, and this alternative improvement, if reviewed and approved by Planning Staff.