

"Federation Corner" column  
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### **Wheaton Costco gas station update**

by Donna Savage

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On February 4, 2010, Westfield Corp. announced that it had signed a deal with Costco to come to Westfield Wheaton. Below is a short history of the 3 years since that announcement and a summary of the current situation.

History - Costco declared it would only come to Wheaton if it could build a gas station – while skipping the normal approval process. (In Montgomery County, all proposed gas stations must go through a Special Exception (SE) process with multiple public hearings and reviews by the Planning Board and the Office of Zoning and Administrative Hearings.)

The Kensington Heights Civic Association (KHCA) – approximately 730 homes surrounding Westfield Wheaton mall on the west and south opposed Costco's demand for a special waiver. Although Costco said "we won't come without our gas station," KHCA's advocacy prevailed at the County Council. Costco's proposed Zoning Text Amendment was dropped, and Costco agreed to build its warehouse whether or not the gas station was approved through the normal SE process. Win #1! The Costco warehouse opened on April 10 of this year and is doing just fine – without a gas station.

Costco submits its application for a gas station - In late 2011, Costco finally submitted its application to build a proposed 16-nozzle station to sell an estimated 12 million gallons of gasoline per year. (An average gas station sells only about 1.5 million gallons.) Costco proposed to site the gas station in the southwest corner of the mall, less than 200 feet from the Kenmont Swim & Tennis Club, approximately 1,200 feet from the Stephen Knolls School for the County's most severely disabled children, and within 125 feet of the nearest homes. (KHCA's opposition has always been to the specific siting of the gas station and KHCA has tried to help Costco find an alternative location away from these sensitive uses.)

Subsequently, Kensington Heights residents and others supported the bill proposed in the County Council to pass County-wide legislation requiring mega gas stations (defined as those pumping at least 3.6 million gallons per year) to be sited at least 1,000 feet from schools and outdoor recreation areas. The final legislation, though, reduced the buffer zone to only 300 feet from those uses. Win #2 (sort of)!

Since their original proposal put the gas station less than 300 feet from Kenmont, Costco re-worked their proposed plan by moving the gas station a short distance east, wedging it into the parking lot next to the warehouse loading dock, and re-filing their Special Exception application in November 2012.

The next step was to have the County's professional Planning Staff review Costco's application. On February 15, 2013, following an extensive review, the Staff recommended denying Costco's application because of potential health concerns – to nearby residents, to the Kenmont families, and for the disabled children attending the Stephen Knolls School. Win #3!

Next, a public hearing was held before the County's Planning Board, on February 28, 2013. The Planning Board also voted to recommend denial of Costco's gas station application because the proposed station would not comply with the Wheaton Sector Plan, a long-range planning document for Wheaton's redevelopment approved in January 2012. Win #4!

In particular, the Wheaton Sector Plan talks about the importance of Wheaton as a public transportation hub and recommends making Metrorail and Metrobus the centerpiece of Wheaton's redevelopment. The proposed Costco gas station, a vehicle-focused business drawing users from all over the County and proposed to be less than 1/3 of a mile from the Wheaton Metrorail platform, was precisely the opposite of the type of development recommended in the Wheaton Sector Plan.

Support from other groups - At its December 2012 meeting, MCCF passed a resolution that reads, in part, "The Montgomery County Civic Federation ... urges Costco to withdraw Special Exception application S-2863." The Sierra Club of Montgomery County, the Coalition for Smarter Growth, and the Audubon Naturalist Society also oppose this gas station proposal.

Why this proposal is a bad idea - A wide variety of environmental issues are of greatest concern to residents near this gas station, as well as to the families of students who attend the Stephen Knolls School and those who use Kenmont's outdoor facilities. Lack of adherence to the recently passed Wheaton Sector Plan also is key. And there is no need for this gas station in light of the 25 other gas stations within a 7-minute driving radius.

Where are we now? - The gas station application is in its most critical stage, with the hearing before the County's Hearing Examiner currently underway. We've had 4 days of testimony so far, another 8 days (if necessary) are scheduled for June 4, 17, 19; July 8, 11, 30, 31; and August 2. One of these dates will be set aside for public testimony.

KHCA has hired a lawyer to help us fight this gas station proposal: Michele Rosenfeld, Esq., of Potomac. The money collected for the KHCA Legal Defense Fund pays her fees along with the fees of an expert witness on health effects. Many individuals, within Kensington Heights and living elsewhere, have put hundreds (thousands in some cases) of dollars and volunteer hours of research, advocacy, media contact, and meeting attendance into defeating this gas station proposal. We are working toward Win #5!

What can you do? - For more information, you can go to [www.kensingtonheightsmd.org](http://www.kensingtonheightsmd.org) and click on JOIN KHCA at the top left to get the KHCA e-newsletter and updates. Everyone can also go to the web site of the Stop Costco Gas Coalition ([www.stopcostcogas.org](http://www.stopcostcogas.org)) and look at the wealth of information posted there.

Anyone can donate to the KHCA Legal Defense Fund to fight this Special Exception application which, if approved, will set the precedent of allowing mega gas stations next to residential neighborhoods. Send your contribution to: KHCA Legal Defense Fund, c/o Karen Cordry, Treasurer, 10705 Torrance Drive, Silver Spring, MD 20902

*The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800 to 1000 word column for consideration, send as an email attachment to [montgomerycivic@yahoo.com](mailto:montgomerycivic@yahoo.com)*