



Rickman Property: Preliminary Plan No. 120170020

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Staff Report Date: 6/15/18

Description

Rickman Property, Preliminary Plan No. 120170020:

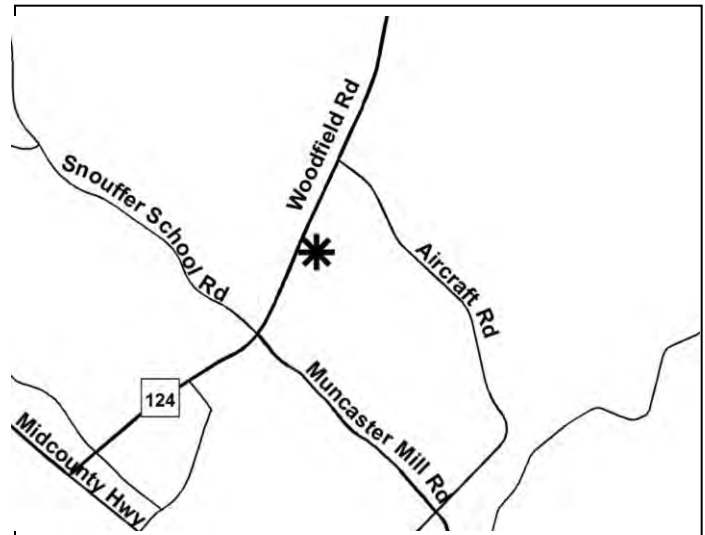
Request to create a lot from two unplatted parcels of land to construct up to 97,700 square feet of development including warehouse, office, and restaurants; located on the east side of Woodfield Road (MD Route 124) approximately 310 feet south of Lindbergh Road; 6.15 acres; IL-1.0/H-50 Zone and Upper Rock Creek Overlay Zone; 2004 Upper Rock Creek Area Master Plan.

Recommendation: Approval with conditions

Application accepted: 1/5/2017

Applicant: Rickman Construction Co., LLC

Review Basis: Chapter 50, Chapter 22A



Summary

- The Application is consistent with the recommendations of the 2004 Upper Rock Creek Area Master Plan.
- The proposed lot meets the IL (Light Industrial) zone development standards for the standard method of development.
- The Application includes a Preliminary/Final Water Quality Plan.
- The Property is exempt from the any of the requirements of the SPA as stated in the Upper Rock Creek Overlay Zone including the 8% impervious cap due to its location in an industrial zone.
- The Application includes a Preliminary/Final Forest Conservation Plan and a Chapter 22A tree variance for the impact to one tree that is 30 inches or greater diameter at breast height (“DBH”).
- Staff has not received any citizen correspondence on the Application.

RECOMMENDATION: Approval subject to the following conditions:

1. This Preliminary Plan is limited to one lot for up to 69,300 square feet of warehouse space, 22,000 square feet of general office space, and 6,400 square feet of restaurant uses (4,800 square feet of patron area) without drive-thru's.
2. The Certified Preliminary Plan must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
3. The Applicant must comply with the conditions of approval for the Preliminary/Final Forest Conservation Plan (FFCP), plan number 120170020, approved as part of this Preliminary Plan, including:
 - a. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must record in the Montgomery County Land Records a Certificate of Compliance to use a M-NCPPC approved off-site forest bank to satisfy the reforestation/afforestation requirement of 0.99 acres as shown on the approved FFCP.
 - b. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspector.
 - c. The Applicant must have all required site inspections performed by Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - d. The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated March 7, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval (Attachment 1). The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. The Planning Board accepts the recommendations of the Maryland Department of Transportation State Highway Administration ("MDSHA") in its correspondence dated June 1, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its revised Preliminary/Final Water Quality Plan and stormwater management concept letter dated March 1, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services, Fire Department Access and Water Supply Section in its letter dated June 15, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
9. The record plat must show necessary easements.
10. Prior to Certified Preliminary Plan, the Applicant must revise the landscape and lighting plan to include a detailed landscape schedule, planting details, and lighting specifications for review and approval by M-NCPPC staff (“Staff”).
11. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.
12. The Certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s) or site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

SECTION 2 – SITE LOCATION, HISTORY, AND DESCRIPTION

Site Location

The property is located on the east side of Woodfield Road approximately 1,000 feet south of Airpark Road, between the intersections of Lindbergh Road and MD 124, in Gaithersburg and is comprised of two unrecorded parcels, P860 and P925 on Tax Map GU341 consisting of 6.15 acres in the Light Industrial Zone (“Property” or “Subject Property”) (Figure 1). The Subject Property is within the *2004 Upper Rock Creek Area Master Plan* (“Master Plan”).

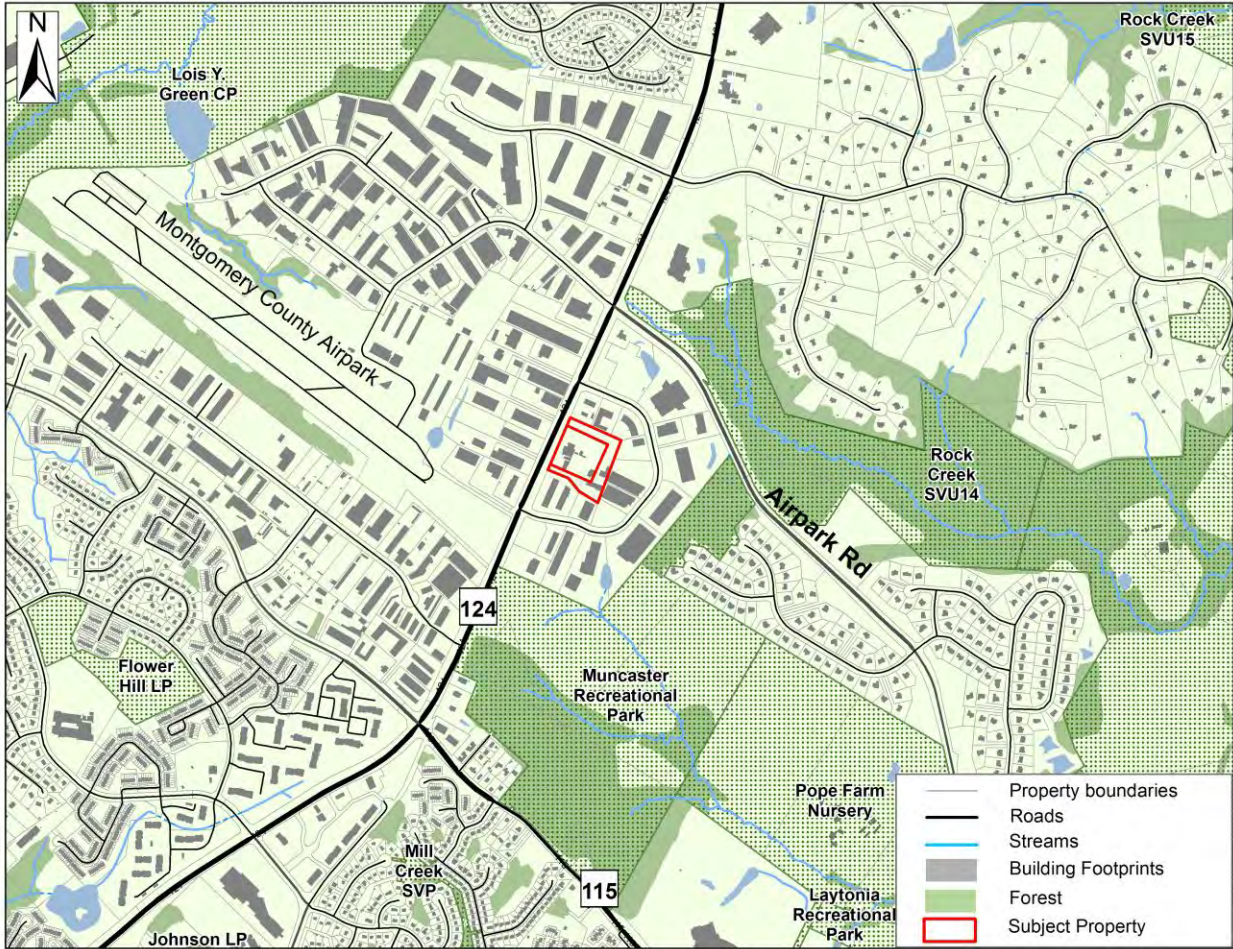


Figure 1 – Vicinity Map

Site Vicinity

The Subject Property is part of the Montgomery Airpark Business Center, a light industrial corridor along Woodfield Road adjacent to the Montgomery County Airpark (Figure 1). The properties directly abutting and confronting the Subject Property are in the Light Industrial (IL) zone and are predominately light industrial, warehouse and small retail uses. To the north is a service station and convenience store and warehouse and office buildings (IL-1.0 zone). To the west, across Woodfield Road are warehouses, packaging facility, automobile repair, medical supply, self-storage, and small retail facilities (IL-1.0 zone). East of Lindbergh Drive is a series of story brick and block buildings containing light industrial and warehouse uses (IL-1.0 zone). On the southside of Lindbergh Drive is a two-story brick and block building containing a printing company, pool supply, flooring, and a cabinet center (IM-2.5 zone). The site is served by RideOn Montgomery County Route 90. The nearest bus stops are located on Woodfield Road at the intersections with Lindbergh Drive South and Lindbergh Drive North, approximately 550 feet south of the site and 250 feet north of the site.



Figure 2 – Aerial View of the Subject Property

Site Description

The Property is currently a masonry contractor’s business and storage yard containing multiple two-story buildings, a gravel parking lot, storage of construction vehicles, equipment, and materials (Figure 2). The site is accessible from Woodfield Road by individual driveways on the north and south of the Property.

The Subject Property is located in two watersheds splitting the Property. The western half of the Property drains to the Great Seneca Creek Watershed, which is classified as Use Class I-P waters by the State of Maryland. The eastern half of the Property drains to the Upper Rock Creek Watershed, a Special Protection Area (“SPA”) which is classified as Use Class III-P waters by the State of Maryland. There are no forests, streams, wetlands, 100-year floodplain, stream buffers, highly erodible soils, or slopes greater than 25 percent located on or immediately adjacent to the Property. There is one tree greater than 30” Diameter at Breast Height (“DBH”) or greater on the Subject Property.

SECTION 3 – HISTORY AND PROPOSAL

Proposal

Preliminary Plan Application No. 120170020, Rickman Property (“Application” or “Preliminary Plan”) proposes to create one lot on 6.30 acres (274,664 sq. ft.) of land for the construction of a 69,300 square foot warehouse with 22,000 square feet of office, and two freestanding eating and drinking establishments with a total gross floor area of 6,400 square feet (4,800 sq. ft. patron area) (Figure 3 & Attachment 2). All existing structures on the site will be demolished prior to construction of the new buildings.

The Property is in the IL-1.0 zone with a maximum density of 1.0 FAR and a maximum height of 50 feet. A variety of land uses are permitted in the IL-1.0 zone including the proposed use of warehouse, office, restaurant, and retail/service establishment.

The Applicant has not retained a tenant for the restaurant and retail sites at this time. However, retail/service establishment, *with drive thru's* are also allowed as limited uses in the IL-1.0 zone but would require site plan approval in order to be approved. In the IL-1.0 zone, a maximum of 35% of the mapped FAR is permitted to be developed as office, restaurant, and retail (cumulative). The lot will be served by public water and sewer which is consistent the Property’s W-1 and S-3 category. Stormwater management will be managed on-site via micro-bioretenion and a bio swale. A water storage vault is also being installed on the Property because the existing stormwater pipe under MD 124 is too small to adequately accommodate the runoff from the post development 25-year storm event.

The Application also includes a tree variance to impact one tree that is 30 inches or greater, DBH, and considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

Access, Internal Circulation, Parking

The Subject Property, located on the east side of Woodfield Road, will be accessed by two driveways, one on the north and one on the south of the Property. The northern driveway will be moved to align with the driveway across Woodfield Road, while the southern driveway will remain in its current location.

Pedestrian and bicycle access to the site will be provided via the existing sidewalk along the frontage of the Property. Primary bicycle access in the area of this project is planned to be accommodated on the opposite side of the street, as discussed in the Master Plan section below.

Internal circulation is provided through parking lot drive aisles, including a wider drive aisle for fire access that loops from one site entrance then runs adjacent to each building to the other entrance. The Applicant is providing 224 parking spaces, slightly more than the 214 required spaces.

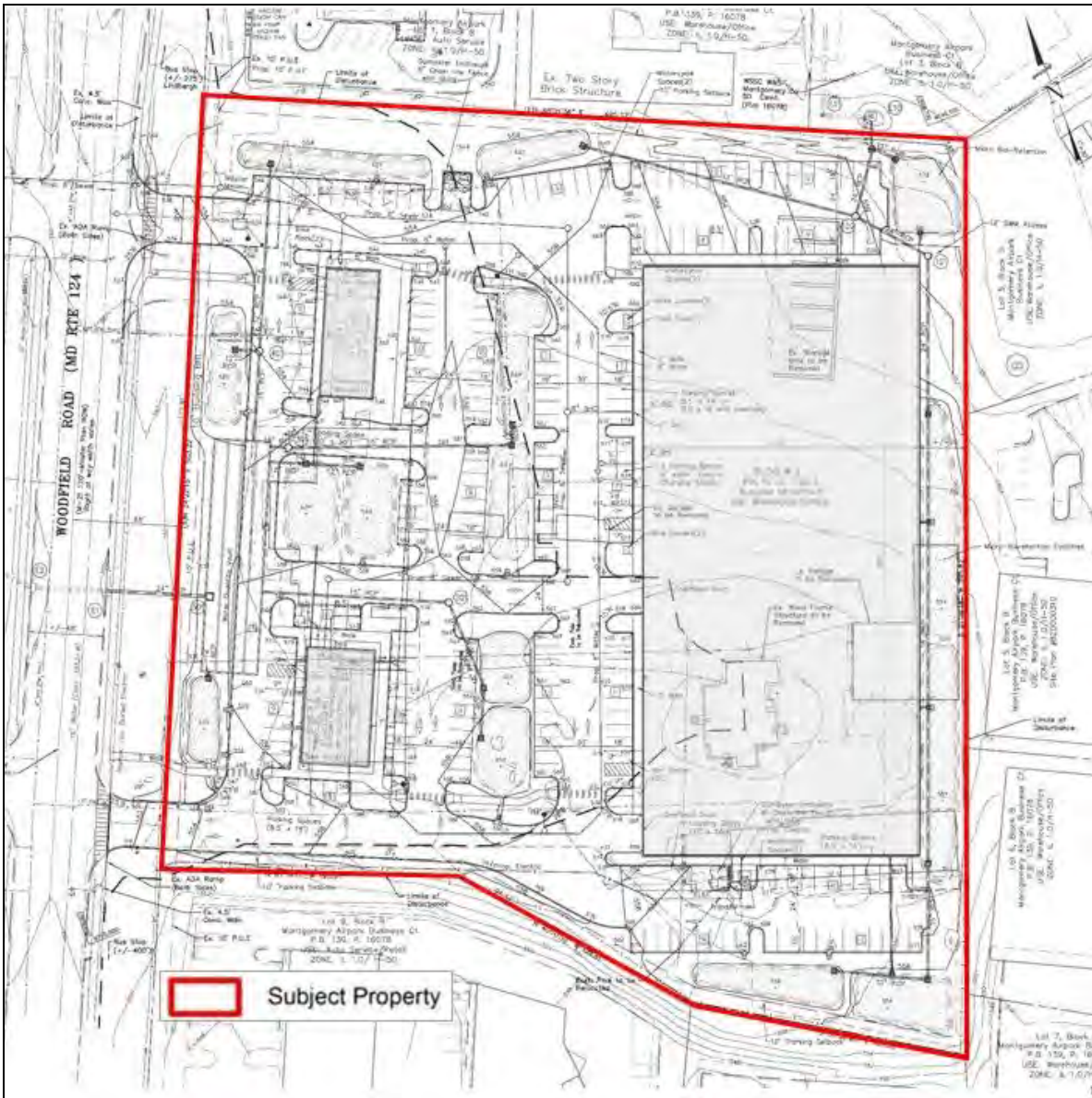


Figure 3 – Preliminary Plan No. 120170020

SECTION 4 - ANALYSIS AND FINDINGS

Conformance to the Master Plan

a. Land Use

The Preliminary Plan substantially conforms to the recommendations in the 2004 *Upper Rock Creek Area Master Plan*. The Master Plan does not make specific recommendations for the Subject Property, but as noted below, makes general land use and zoning recommendations for the area in which the Property is located. The Master Plan references the light industrial businesses found east of the

Montgomery County Airpark along Warfield Road and recommends retaining existing industrial zoning classifications. The IL-1.0 zone is intended for low-intensity light industrial uses and as a transitional industrial zone between residentially zoned areas and land classified in the I-M and I-H zones. The Preliminary Plan proposes light industrial warehouse use and office space, which are in conformance with the Master Plan. The area is within the Upper Rock Creek Special Protection Area and the accompanying Environmental Overlay Zone but is exempt from the 8% imperviousness limit included in development standards of the overlay zone, as explained in the Water Quality Section below.

b. Transportation

Woodfield Road is classified as a Major Highway (M-21) with a minimum master planned right-of-way of 120 to 150 feet. The Master Plan notes that the “current design plans for these roadways call for six lanes within a 120-foot-right-of-way. These plans should be implemented. Future subdivisions should require 150-foot rights-of-way for long-term planning purposes.” Woodfield Road currently has 130-foot right-of-way with 48 feet of pavement along the frontage of the Property. Approximately 32,887 square feet of right-of-way was previously dedicated to MDSHA to provide the current existing 65 feet of right-of-way from the centerline along the Property frontage for Woodfield Road.

The Applicant does not propose to dedicate additional right-of-way for conformance with the ultimate right-of-way. Although 150 feet of right-of-way is preferred, Staff finds that the existing 65 feet of dedication from centerline for a total of 130 feet total right-of-way (if mirrored on the other side) will be sufficient for future right-of-way needs over the next twenty years for the following reasons:

- Woodfield Road from Midcounty Highway to Airpark Road, adjacent to the Subject Property, is currently included as Phase II in a 3-phase MDSHA corridor project to widen and increase capacity along Woodfield Road along a four-mile section. Although the proposed improvements of this phase consist of widening the currently four-lane road to three through lanes in each direction with a raised median and on-street accommodations for bicycles, recently collected traffic data and traffic projections suggest vehicle travel patterns have changed since the opening of the Intercounty Connector. The traffic analysis conducted by MDSHA concludes that with geometric improvements and signal optimization, the reduced four-lane typical section would operate efficiently through 2040. Therefore, MDSHA has put this project on hold. The Planning Department’s Functional Policy and Planning Group has analyzed and verified that based on recent traffic volumes and projected volumes through 2040, the additional lanes are not warranted.
- A total of 130 feet of right-of-way (65 feet on each side) could still accommodate the ultimate three through lanes in each direction with a raised median and a shared use path on one side of the street. Although this section has not been designed with stormwater management taken into account, which would require a facility plan and further engineering design, the road is typically a closed section road where stormwater is not treated in swales that would require additional right-of-way.

Given this information, Staff supports the proposed plan without additional right-of-way dedication.

The 2005 *Countywide Bikeways Functional Master Plan* designated Woodfield Road as a dual bikeway, which includes a signed shared roadway and a shared use path on the opposite (west) side of the road. The 2018 *Bicycle Master Plan Public Hearing Draft* reconfirms the need for a shared use path on the west side of Woodfield Road, but based on high traffic volumes on the road removes the recommendation for a signed shared roadway. Since the recommended bicycle facilities are on the opposite side of the street from the Subject Property, no bicycle facility frontage improvements are incorporated in the proposed project.

Adequate Public Facilities Review (APF)

The Preliminary Plan was reviewed using the 2012–2016 Subdivision Staging Policy in effect through December 31, 2016. Although the official acceptance date for the Preliminary Plan was not until January 5, 2017, other elements of the submission including the transportation and other APF review documents were scoped by Staff in 2016 and the Application was granted an exception by the Planning Director to be reviewed under the old Subdivision Staging Policy. The changes in the Subdivision Staging Policy between 2016 and 2017 have minimal effect on the review of the Application, because the development size would have still required a traffic study for review; the congestion thresholds in the impacted Policy Areas remained the same; and the project will not generate enough pedestrian, bicycle, or transit trips to require further mode analysis required within the 2016-2020 Subdivision Staging Policy and subsequent *Local Area Transportation Review (LATR) Guidelines*.

As an application subject to the 2012–2016 Subdivision Staging Policy that is estimated to generate more than 30 peak-hour vehicle trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) or evening (4:00 p.m. – 7:00 p.m.) peak periods, a traffic study was prepared and submitted for the subject application.

Trip Generation

A site trip generation summary, provided in Table 1, shows that the project is estimated to generate 405 peak-hour person trips during the weekday morning peak period and 183 peak-hour trips during the weekday evening peak period using the Institute of Transportation Engineer’s publication *Trip Generation Manual, Ninth Edition*.

**Table 1
Summary of Trip Generation**

Use and Square Footage (SF)	ITE Code	Morning Peak Hour			Evening Peak Hour		
		IN	OUT	TOTAL	IN	OUT	TOTAL
Fast Food Restaurant: 3,000 SF*	933	79	53	132	25	23	48
Fast Food Restaurant: 3,400 SF*	933	89	60	149	28	27	55
Warehouse: 69,300 SF	150	53	14	67	12	35	47
Office: 22,000 SF	710	50	7	57	6	27	33
TOTAL		271	134	405	71	112	183

*Fast food trip generation excludes 30% evening pass-by trips. Fast food trip generation does not include drive-thrus. (Source: Street Traffic Studies, Ltd. Traffic Study for the Rickman Property dated February 1, 2018)

**Table 2
Summary of Capacity Calculations**

Intersection	Traffic Conditions			
	Existing*		Future	
	AM	PM	AM	PM
Woodfield Road at Airpark Road	1009	1071	1034	1161
Woodfield Road at Lindbergh Drive South	579	696	712	746
Woodfield Road at Muncaster Mill Road (MD 115)	956	1109	1123	1233

*Although existing traffic counts were collected in 2016, traffic counts were escalated by a conservative 3% for the future condition to account for traffic counts being over one year old by the time the project was presented to the Planning Board. (Source: Street Traffic Studies, Ltd. Traffic Study for the Rickman Property dated February 1, 2018)

Local Area Transportation Review

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hour periods, presented in Table 2, shows that the total future condition will remain within the Rural East Policy Area congestion standard of 1350 CLV. Based on the analysis presented in the traffic study, the Application satisfies the LATR requirements of the APF Review.

The Preliminary Plan has been evaluated by Staff and MDSHA, which supports the transportation elements of the Preliminary Plan as indicated in correspondence dated June 1, 2018 (Attachment 3). The proposed access to the Subject Property, as shown on the Preliminary Plan, is adequate to serve the development.

Other Public Facilities and Services

The Subject Property is in sewer category S-3 and water category W-1 which is consistent with the Applicant’s proposal to connect to public water and sewer which are available and adequate to serve the development. A new 8-inch water line will tie into the existing 16” water main in MD 124 and an 8-inch sewer line will be extended pipe behind an adjacent building on the west side of Woodfield Road. The existing electrical service provided by PEPCO will be upgraded to serve the proposed uses.

The Application has been reviewed by the MCDPS Fire Department Access and Water Supply Section, which determined that the Property has adequate access for fire and rescue vehicles by transmittal dated June 15, 2018. (Attachment 4).

Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the 2016-2020 Subdivision Staging Policy.

Environment

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420162020 for the Subject Property was approved on June 22, 2016. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The Subject Property is divided approximately in half draining into

two watersheds. The western half of the Property drains into the Great Seneca Creek Watershed which is classified as a Use I-P stream. The eastern half of the Property drains into the Upper Rock Creek Watershed which is classified as a Use III-P stream and lies within the Upper Rock Creek Special Protection Area. The Subject Property contains no forest, streams, stream buffers or other environmentally sensitive features.

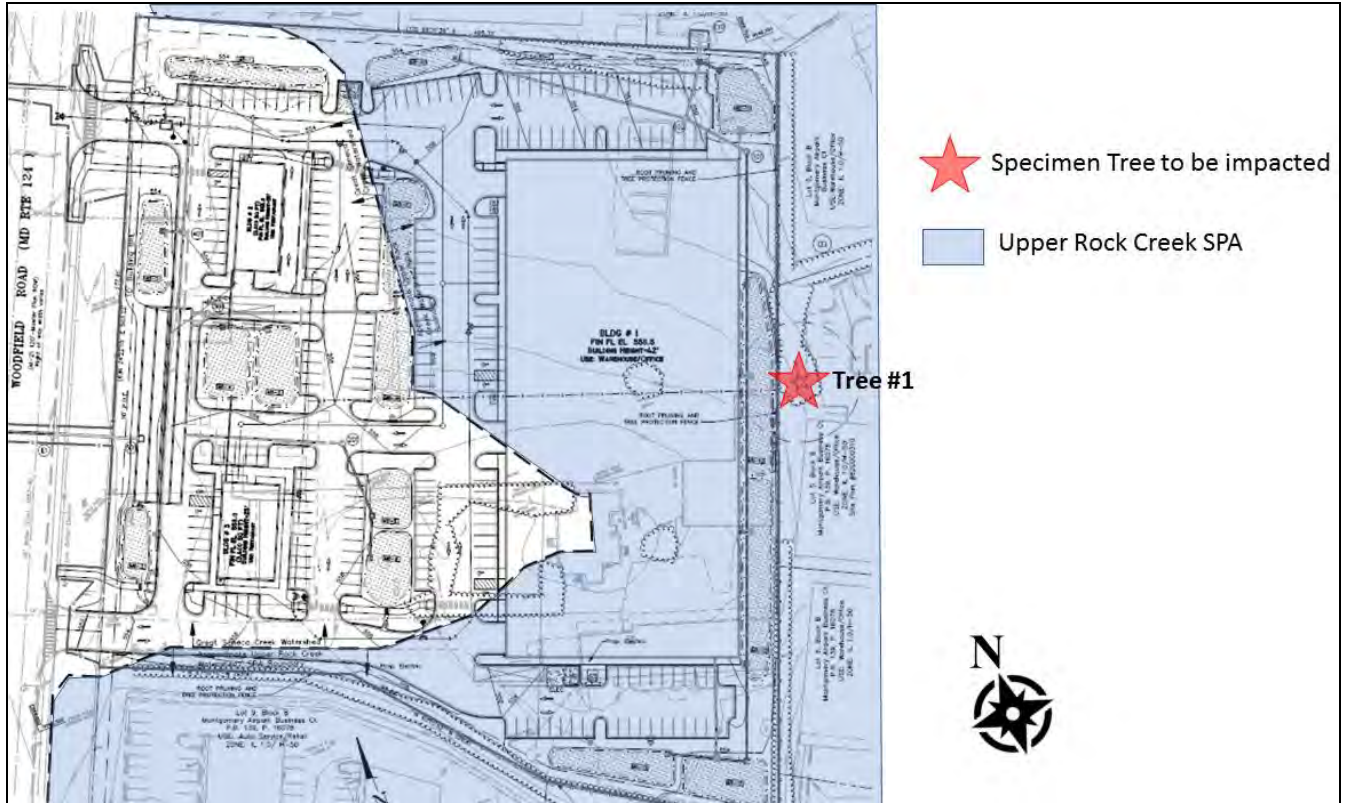


Figure 4 – Upper Rock Creek SPA

A) Water Quality Plan

The Application is in compliance with M-NCPPC Environmental Guidelines and Chapter 19 of the Montgomery County Code. This Property is partially located within the Upper Rock Creek Special Protection Area (Figure 4) and is required to obtain approval of a water quality plan under section 19-62 of the Montgomery County Code. This section of the Code states:

“(b) Privately owned property. Except as otherwise expressly provided in the Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property:

1. *who is required by law to obtain approval of a development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan;”*

As part of the requirements of the SPA law, a Water Quality Plan should be reviewed in conjunction with a Preliminary Plan. Under Section 19-65 of the Montgomery County Code, the Montgomery County

Department of Permitting Services and the Planning Board have different responsibilities in the review of a Water Quality Plan.

MCDPS Special Protection Area Review Elements

MCDPS established the performance goals for the project which include:

1. minimize storm flow run off increases,
2. minimize increases to ambient water temperatures,
3. minimize sediment loading,
4. minimize nutrient loading.

In a letter dated March 1, 2018, MCDPS has found the elements of the Water Quality Plan under its purview acceptable, which include site performance goals, stormwater management, sediment and erosion control, and monitoring of Best Management Practices.

Planning Board Special Protection Area Review Elements

The Planning Board must determine if:

1. SPA forest conservation and planting requirements are met,
2. environmental buffer protection is adequate, and
3. limits on impervious surfaces have been satisfied.

The following is an analysis of the Planning Board's responsibilities in the review of the Preliminary/Final Water Quality Plan.

1. *SPA forest conservation and planting requirements*

The Application meets the requirements of Chapter 22A of the County Code (Forest Conservation Law). The FFCP was submitted with this Application. The Subject Property contains no forest, streams or other environmentally sensitive features. As a result, there are no priority forest conservation areas to permanently protect or areas of accelerated forest plantings required.

2. *SPA Environmental Buffer Protection*

There are no environmentally sensitive features on the Subject Property or in proximity to the site, so no environmental buffer protection is required.

3. *Impervious Surfaces*

The Subject Property is zoned IL-1.0/H-50 and is also partially within the Upper Rock Creek SPA. Under normal circumstances most developments within the SPA are subject to an 8% impervious cap. However, since the Subject Property is in an industrial zone it is exempt from the any of the requirements of the SPA as stated in Chapter 59.4.9.20.B.1.f of the Upper Rock Creek Overlay Zone.

Staff has reviewed the Preliminary/Final Water Quality Plan and recommends approval of the elements of the SPA Water Quality under its purview.

B. Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the County Code. As required by the County Code, a FFCP for the project was submitted with the project Application. The total net tract

area for forest conservation purposes is 6.57 acres. The Property is zoned IL-1.0 and is considered as Commercial and Industrial Use for determining any forest planting requirements. The Subject Property contains 0.00 acres of forest and under Chapter 22A, unforested properties have a 15 percent afforestation requirement. The development of this Property results in an 0.99-acre afforestation requirement. The Applicant is proposing to meet this requirement by purchasing the appropriate amount of forest credits in an off-site forest bank.

Forest Conservation Tree Variance

Section 22A-12(b)(3) of County Code provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Code. Development of the Property requires impact to trees identified as high priority for retention and protection, therefore, the Applicant has submitted a variance request for these impacts.

Variance Request

The Applicant submitted a variance request in a letter dated June 15, 2016 (Attachment 5). There is one (1) specimen sized tree located approximately 20-feet off the eastern property line on the neighboring property (Figure 5). The Applicant proposes to impact about 27% of the tree’s CRZ.

**Table 3
Trees to be affected but retained**

Tree Number	Species	DBH Inches	CRZ Impact	Status
1	London Plane (<i>Plantanus acerifolia</i>)	31	27%	Good/Fair condition; to be impacted

Unwarranted Hardship Basis

Per Section 22A-21(a), an applicant may request a variance from Chapter 22A if the Applicant can demonstrate that enforcement of Chapter 22A would result in an unwarranted hardship. In this case, the Applicant is faced with having to impact 1 off-site specimen tree. Staff has determined that the impacts to this tree for the construction on the Subject Property are unavoidable. The site layout, the required location of the proposed Building #1 and the locations of the necessary storm water management elements have rendered impacts to this tree unavoidable.

The Subject Property is partially located within the Upper Rock Creek Special Protection Area with approximately the eastern half of the site located within this SPA. In early design and layout discussions between the Applicant, M-NCPPC Staff and MCDPS Staff the topic of moving Building #1 closer to MD 124 and out of the SPA was brought up. MCDPS decided that in this case, it is a much better option to locate the proposed building in the SPA and treat the water runoff for the roof with micro-bioretenion structures than to treat water runoff from a large area of surface asphalt parking. It was felt that the

roof run-off would be less likely to carry petroleum chemical contaminants into the SPA than the run-off from the parking lots. For this reason, the proposed Building #1 was relocated to the back of the lot at the eastern Property line and thereby necessitating impacting Tree #1.

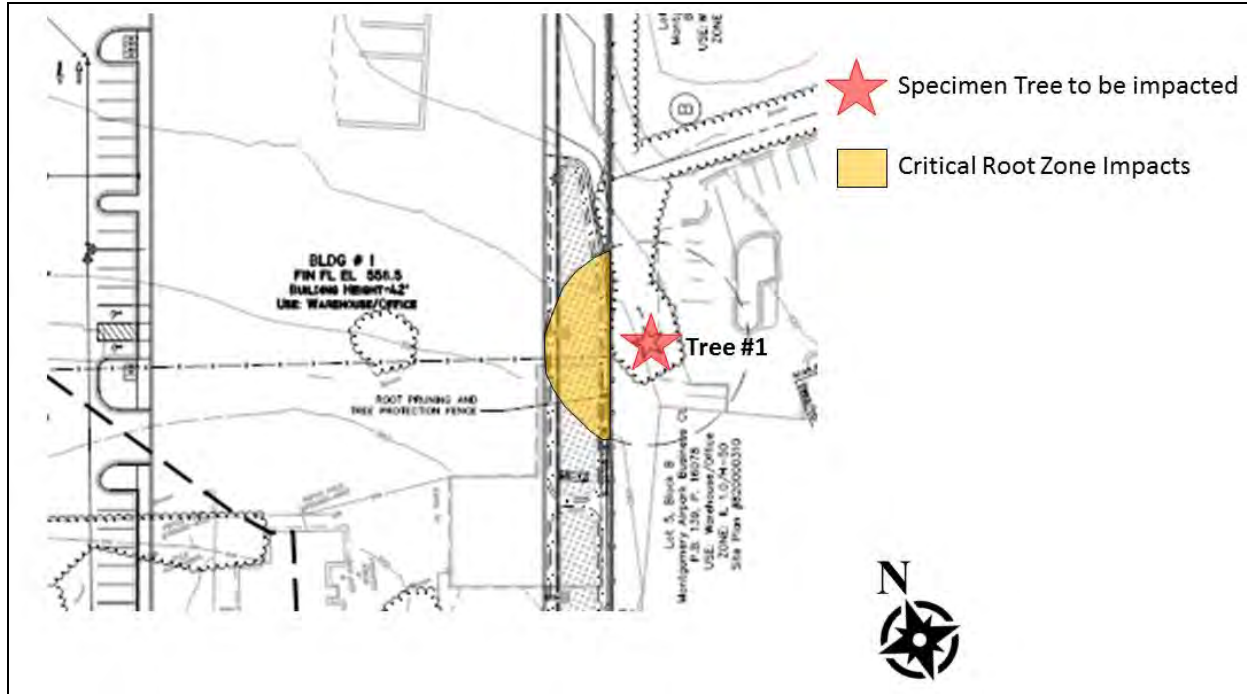


Figure 5 – Variance Trees and Site Constraints

As a result, not being able to request a variance to impact Tree #1 would constitute an unwarranted hardship on this Applicant to develop this site. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. Staff has made the following determinations based upon the required findings in the review of the variance request and the Forest Conservation Plan:

Variance Findings

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the impact to 1 off-site tree is due to the location of the tree and necessary site design requirements imposed by governmental agencies. Therefore, Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this Preliminary Plan application. The request is also based on the design requirements specified by DPS to mitigate impacts to the SPA.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen tree being impacted is not located within a stream buffer. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision

Under M-NCPPC policy, there is no mitigation required for impacts to a variance tree. Mitigation is only required for removal of specimen trees.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The County Arborist responded with a recommendation (Attachment 6) to approve the Applicant's tree variance request on February 26, 2018.

Variance Recommendation

Staff recommends approval of the variance request.

Stormwater Management and Water Quality

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a combined Preliminary/Final Water Quality Plan and stormwater management concept (revised) approval from MCDPS Water Resources Section on March 1, 2018 (Attachment 7). The Application will meet stormwater management goals through a variety of techniques including micro bioretention and a bio swale. Additionally, a quantity storage vault is proposed to control the runoff from the post developed 25-year storm event due to inadequate pipe sizing under Maryland Route 124 unless MDSHA eliminates this requirement and allows a pipe connection into the MDSHA system which would require the Applicant to upgrade the existing pipe in MD 124.

Compliance with the Subdivision Regulations and Zoning Ordinance

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision of Land. The Application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations included in the *Upper Rock Creek Area Master Plan*, and for the development of a warehouse, office, retail and restaurant uses. The Application proposes to create a single lot from two unrecorded parcels. The lot will accommodate all buildings, parking, drive aisle and other required infrastructure within any established setbacks. The lot was reviewed for compliance with the dimensional requirements for the standard method of development in the Light Industrial zone as specified in the Zoning Ordinance.

**Table 4
Preliminary Plan Data Table**

<i>Division 4.8.3. Standard Method of Development – IL-1.0 Zone</i>		
Standards	Required/Allowed	Proposed
Site		
Amenity Open Space, Site >10,000 sq. ft.	10%/ 27,466 s.f. min.	10%/ 27,466 s.f. min. ¹
Lot and Density		
Tract Area	N/A	7.05 ac/ 307,551 s.f.
Previous Dedication	N/A	0.75 ac/ 32,887 s.f.
Lot Area	N/A	6.30 ac / 274,664 s.f.
FAR (max.)	1.0 or 307,551 FAR	0.32 or 97,700 s.f.
- Light Manufacturing		
- Office/Eating & Drinking/Retail (max.)	0.35 (35%) or 107,642 s.f.	0.10 (10%) or 28,400 s.f.
Placement		
Front Setback	10 ft. min.	10 ft. min. ¹
Side Setback, abutting industrial zones	0 ft.	60 ft. ¹
Rear setback, abutting other zones	0 ft.	25 ft. ¹
Parking Setback	10 ft. min.	L&L Plan provided ¹
Height		
Principal Building	50 ft. max.	42 ft. max ¹
Section Parking		
Vehicle Spaces:	214 spaces minimum	224 spaces
Bicycle Spaces:	7 spaces	8 spaces

¹ As determined at the time of building permit.

The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 4. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Application.

Citizen Correspondence and Issues

The Application was submitted and noticed in accordance with all required procedures. Application signs were posted along the Property's frontage on Woodfield Road. The Applicant held a pre-submission meeting with the citizens at 7:00 p.m. on October 19, 2016 at the 18620 Woodfield Road, Suite C, in Gaithersburg. To date, Staff has not received any community inquiries or correspondence regarding this Application.

CONCLUSION

The proposed lot meets all requirements established in the Chapters 50 (Subdivision of Land) and Chapter 59 (Zoning Ordinance), Chapter 19 (Special Protection Areas Water Quality Plans), of the County Code and substantially conforms to the recommendations of the *2004 Upper Rock Creek Area Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified at the beginning of this report.

Attachments

- Attachment 1 – MCDOT Letter
- Attachment 2 – Proposed Preliminary Plan
- Attachment 3 – MDSHA
- Attachment 4 – MCDPS Fire Department Access and Water Supply Section (2)
- Attachment 5 – Tree Variance Request
- Attachment 6 – County Arborist Letter
- Attachment 7 – Preliminary/Final Water Quality Plan and stormwater management concept



Isiah Leggett
*County
Executive*

DEPARTMENT OF TRANSPORTATION

Al R. Roshdieh
Director

March 7, 2018

Jonathan Casey, Planner Coordinator
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120170020
Rickman Property

Dear Mr. Casey:

We have completed our review of the revised preliminary plan uploaded to eplans on February 20, 2018. A previous plan was reviewed by the Development Review Committee at its meeting on January 24, 2017. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

1. Submit storm drain study and site plan prior to submission of the record plat. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread computations in the impact analysis.
2. Provide a ten (10) foot wide Public Utility Easement (PUE) along all existing street frontages.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178

FAX

www.montgomerycountymd.gov

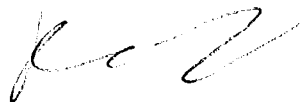
Located one block west of the Rockville Metro Station

Mr. Jonathan Casey
Preliminary Plan No. 120170020
March 7, 2018
Page 2

3. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
4. Access and improvements along Woodfield Road (MD 124) as required by the Maryland State Highway Administration.
5. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
6. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
7. We recommend that the applicant coordinate with Ms. Patricia Shepherd of our Transportation Engineering Section at patricia.shepherd@montgomerycountymd.gov or at 240-777-7231.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact myself for this project at rebecca.torma@montgomerycountymd.gov or (240) 777-2118.

Sincerely,



Rebecca Torma, Acting Manager
Development Review Team
Office of Transportation Policy

Sharepoint/transportation/director's office/development review/Rebecca/developments/upper rock creek/120170020
Rickman.docx

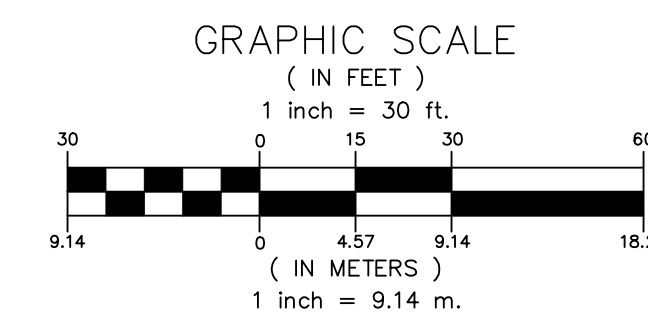
cc: Peter Chick Rickman Construction Co., LLC
Brian Donnelly Macris, Hendricks & Glascock
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Sam Farhadi MCDPS RWPR
Laura Hodgson M-NCPPC Area



PP-1.1
WSSC 226 NW 07

Tax Map GU 341



OWNER/DEVELOPER
 RICKMAN CONSTRUCTION CO., LLC
 15215 SHADY GROVE ROAD
 SUITE 201
 ROCKVILLE, MARYLAND 20850
 PH: 301-840-2011

PRELIMINARY PLAN OF SUBDIVISION
 MONTGOMERY AIRPARK BUSINESS CENTER
RICKMAN PROPERTY
 Parcels P860 and P925
 1st ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

811
 Know what's below.
 Call before you dig.
FOR UTILITY LOCATIONS CONTACT "ONE CALL" AT 811 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION

MNCPPC Preliminary Plan Note
 The building footprint(s) shown on the Preliminary Plan are illustrative. Final building locations will be determined during the building permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

NO.	DATE	DESCRIPTION	BY

MHG Macris, Hendricks & Glascock, P.A.
 Engineers • Planners
 Landscape Architects • Surveyors
 9220 Wightman Road, Suite 120
 Montgomery Village, Maryland
 20886-1279
 Phone 301.670.0840
 Fax 301.948.0893
 www.mhgpa.com

Proj. Mgr. B.J.D.	Designer R.J.B.
Date 04-01-16	Scale 1"=30'
Project No. 08.167.31	Sheet 2 of 3

From: Brian Donnelly <bdonnelly@mhgpa.com>
Sent: Friday, June 01, 2018 8:52 AM
To: Casey, Jonathan <Jonathan.Casey@montgomeryplanning.org>
Cc: Peter Chick <pchick@wrickman.com>; Mike Nalepa <mnalepa@streettrafficstudies.com>
Subject: FW: Rickman Property

Jonathan-

See email below from SHA removing the requirements for an acceleration/deceleration lane. The frontage improvements will be limited to reconstruction of the driveway, new utility connections, and pedestrian connections to the site. Please let me know if you need anything from the applicant for the upcoming Planning Board. When is the project scheduled for the Board?

Brian Donnelly, RLA, LEED AP
Macris, Hendricks and Glascock, P.A.
Engineers • Planners • Landscape Architects • Surveyors
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279
Phone: 301-670-0840 Ext.1020
Fax: 301-948-0693
WEB: www.mhgpa.com



From: Kwesi Woodroffe [<mailto:kwoodroffe@sha.state.md.us>]
Sent: Friday, June 01, 2018 8:27 AM
To: 'Mike Nalepa' <mnalepa@streettrafficstudies.com>
Cc: Brian Donnelly <bdonnelly@mhgpa.com>; 'Hodgson, Laura' <laura.hodgson@montgomeryplanning.org>
Subject: RE: Rickman Property

Good morning Mike,

My recommendation for accel./decel. lanes was based on the number of peak hr. right turns into and out of the site and what is required in the Access Manual. However, since during the review of the traffic study, accel./decel. lanes were not recommended by any of the reviewers (who have more expertise in these areas than I do) I will withdraw my recommendation.

Thank you.

Kwesi Woodroffe
Maryland Department of Transportation
State Highway Administration
District 3 Access Management
Regional Engineer
9300 Kenilworth Avenue, Greenbelt, MD
301-513-7347
KWoodroffe@sha.state.md.us

From: Mike Nalepa <mnalepa@streettrafficstudies.com>
Sent: Friday, April 27, 2018 1:38 PM
To: Kwesi Woodroffe <kwoodroffe@sha.state.md.us>
Cc: Brian Donnelly <bdonnelly@mhgpa.com>
Subject: FW: Rickman Property

Kwesi,

Attached are 4 locations along SHA roadways which have significant turning volumes with no accel/decel lanes. The posted speed limit on MD 124 in front of the site is 45 MPH. Map A and B are both along this section of MD 124. Map A is at the intersection with MD 115-Snouffer School Road and the access points serve a Pizza Hut, Wendy's, Taco Bell and Exxon gas station. Map B is at the intersection with Lindbergh Drive. Neither location has accel/decel lanes.

Map C is along MD 124 further south between MD 117 and I 270. As shown on the map, the access points from MD 124 serve a large retail center and no accel/decel lanes are provided. The posted speed limit along this section of MD 124 is 40 MPH.

Map D is along MD 185 near MD 97. As shown on the map, the access points from MD 185 serve a large retail center and no accel/decel lanes are provided. The posted speed limit along this section of MD 185 is 45 MPH.

I am sure there are many more locations where accel/decel lanes are not provided along multilane roadways in Montgomery County and SHA maintained roads. The point is that accel/decel lanes on multilane roadways are not as critical as **they are** along 2 lane roadways where removing turning vehicles from the travel lane is more desirable.

Look this over and let me know what you think.

Thanks,

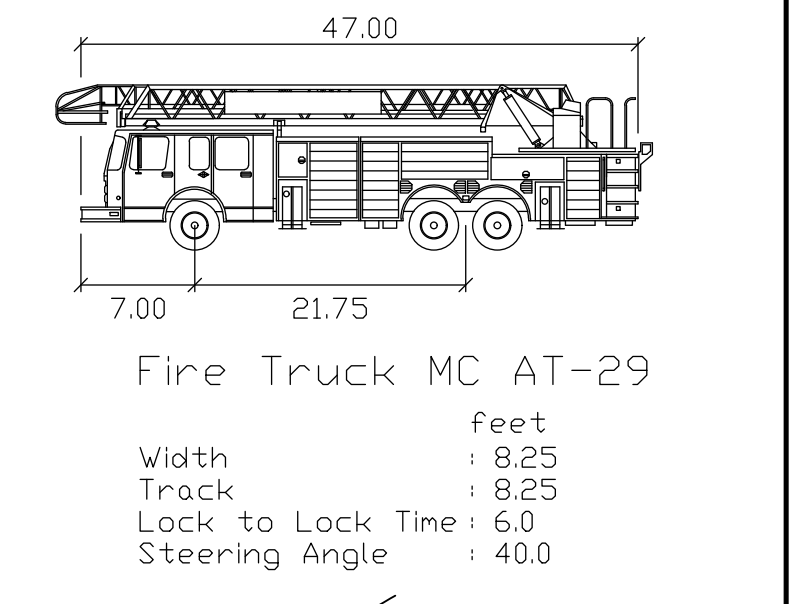
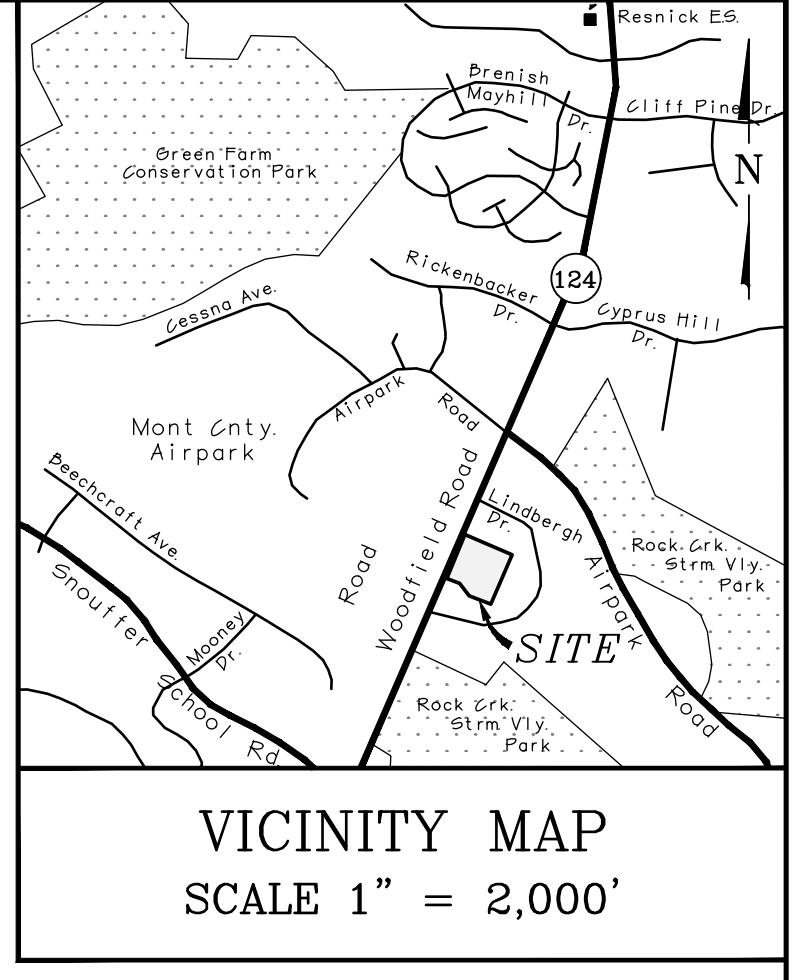
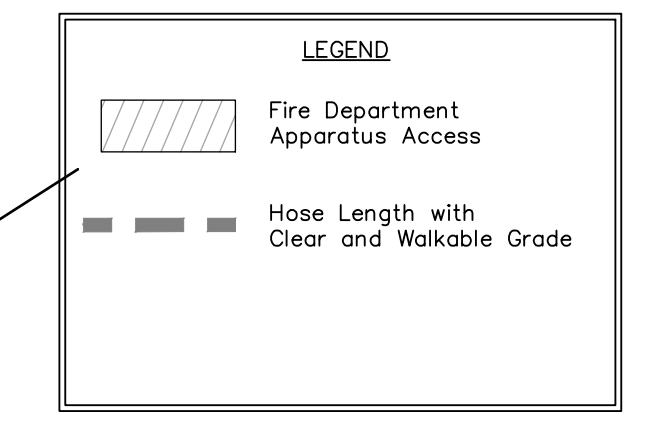
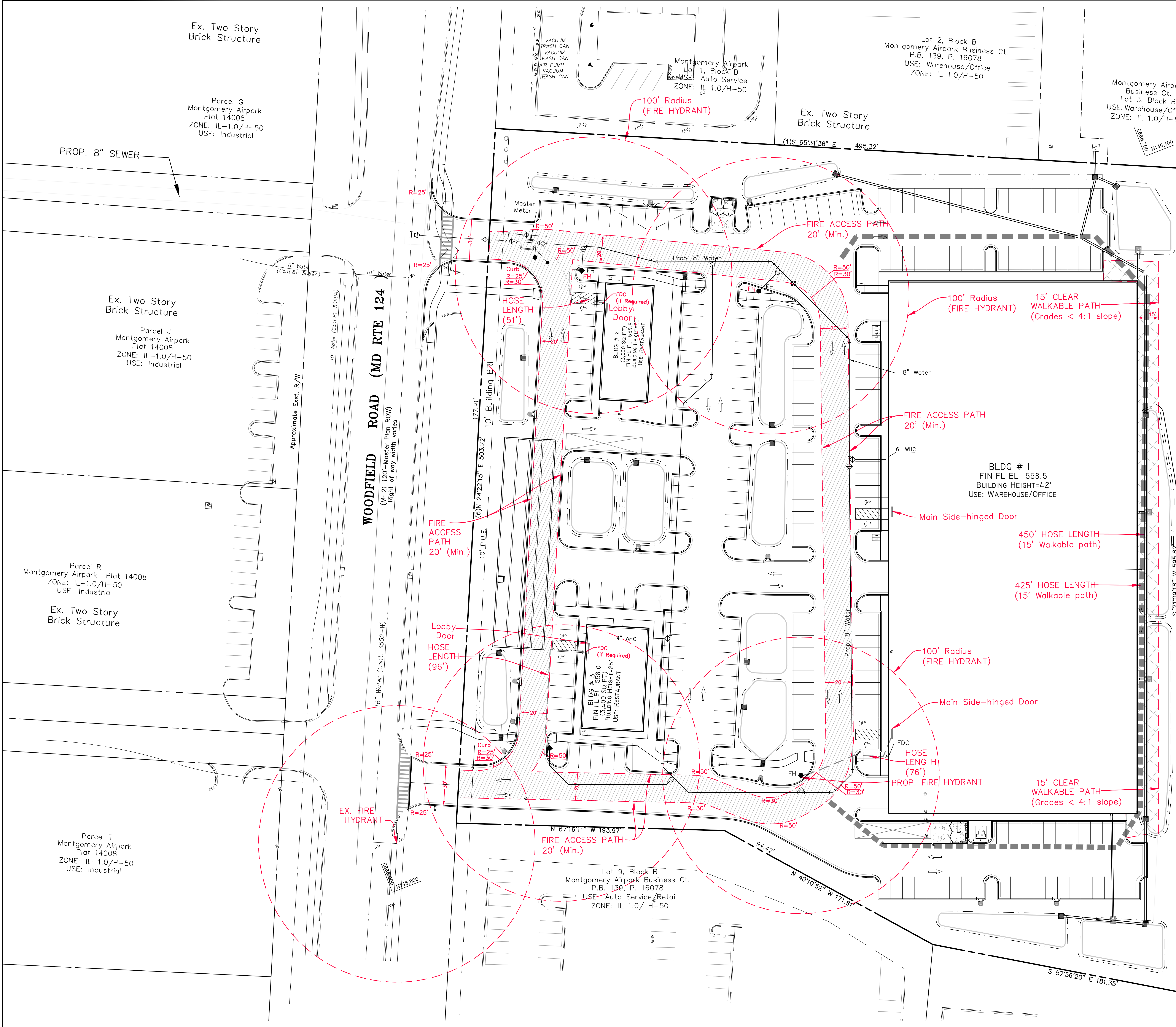
Mike

Casey, Jonathan

From: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>
Sent: Friday, June 15, 2018 12:04 PM
To: Casey, Jonathan
Subject: Re: Rickman Property MNCPPC #120170020
Attachments: 13-FDA-120170020-001.pdf; ATT00001.htm

The fire department access and water supply plan (attached) received by email on June 12, 2018 is acceptable.

S Marie LaBaw PhD, PE
Department of Permitting Services
Montgomery County, MD

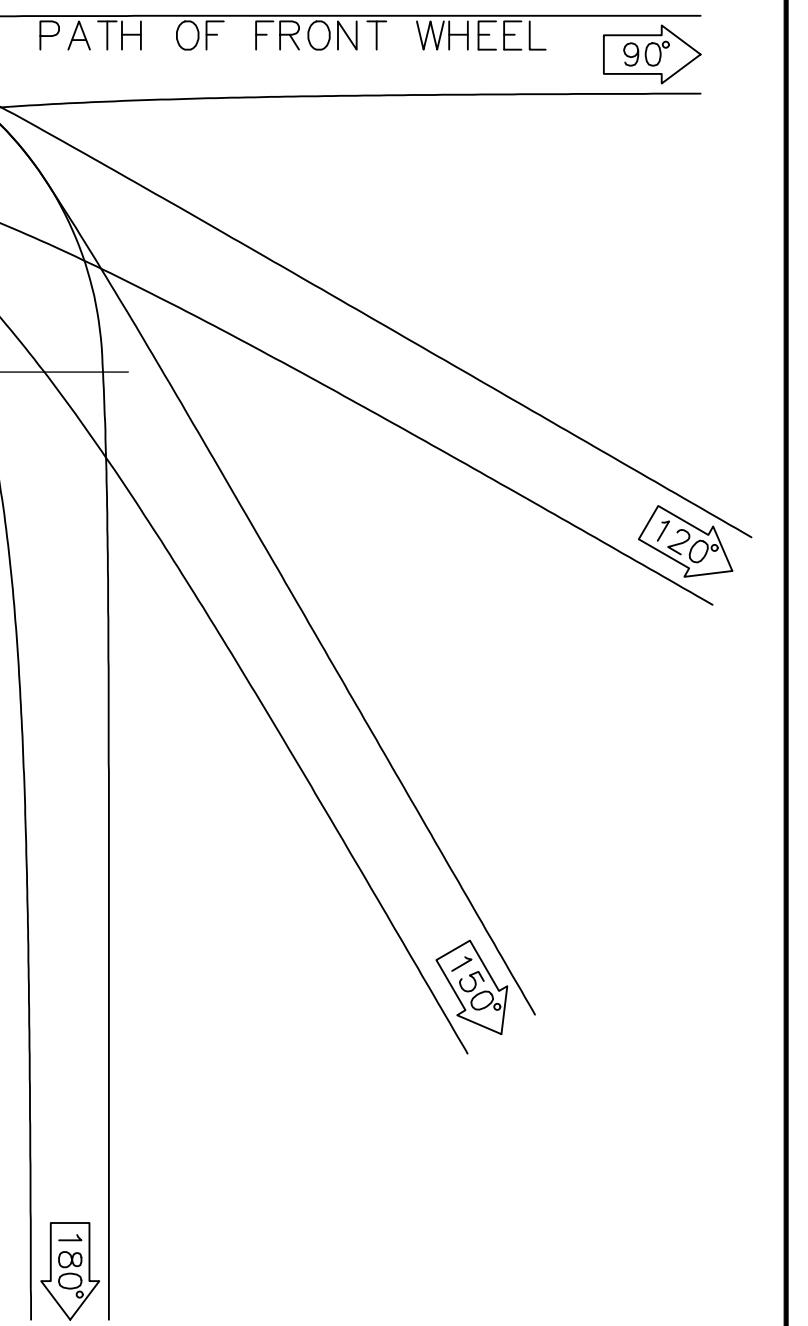


Lot 5, Block B
Montgomery Airpark
Business Ct.
USE: Warehouse/Office
ZONE: IL 1.0/H-50

Lot 6, Block B
Montgomery Airpark Business Ct.
P.B. 139, P. 16078
USE: Warehouse/Office
ZONE: IL 1.0/H-50
Site Plan #22000310

Lot 7, Block B
Montgomery Airpark Business Ct.
P.B. 139, P. 16078
USE: Warehouse/Office
ZONE: IL 1.0/H-50

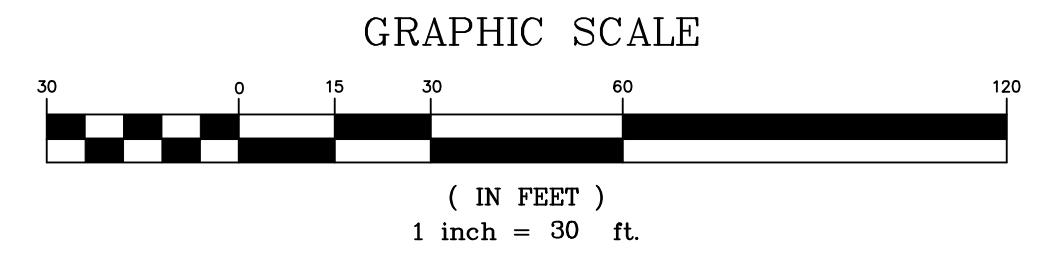
Lot 9, Block B
Montgomery Airpark Business Ct.
P.B. 139, P. 16078
USE: Auto Service/Retail
ZONE: IL 1.0/H-50



Fire Truck MC AT-29
Custom [ft]
(c) 2016 Transoft Solutions, Inc.
All rights reserved.
0FT 10FT 20FT

Property Information
Montgomery County Airpark
Parcel 860-18849 Woodfield Road, Gaithersburg, MD (per Tax Records)
Parcel 925-18845 Woodfield Road, Gaithersburg, MD(per Tax Records)
P.B. 95, P. 10452
Property Address: Per
Zoning = IL 1.0/H-50 (Formerly I-4)
Proposed Use = Light Manufacturing/Retail/Office/Eating-Drinking

This plan assumes that buildings 2 and 3 will not require automatic fire suppression systems. In the event that Buildings 2 or 3 require an automatic fire suppression system; the access, fire hydrant location, and placement of a fire department connection shall be in accordance with the current Fire Safety Code- Building Construction.



MNCPPC Preliminary Plan Note
The building footprint(s) shown on the Preliminary Plan are illustrative. Final building locations will be determined during the building permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

OWNER/DEVELOPER
RICKMAN CONSTRUCTION CO., LLC
15215 SHADY GROVE ROAD
SUITE 201
ROCKVILLE, MARYLAND 20850
PH: 301-840-2011

NO.	DATE	DESCRIPTION	BY

Tax Map GU 341 WSSC 226 NW 07

FIRE DEPARTMENT APPURATUS EXHIBIT
MONTGOMERY AIRPARK BUSINESS CENTER
RICKMAN PROPERTY
Parcels P860 and P925
1st ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

 Macris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors	9220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279 Phone 301.670.0840 Fax 301.940.0893 www.mhga.com	Proj. Mgr. BJD Designer bjd Date 08/09/16 Scale 1"=30' Project No. 08.167.31 Sheet 1 of 1
	Professional Certification I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland License No. 16905. Expiration Date: 04/21/2020	



June 15, 2016

Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Rickman Property
MHG Project No. 08.167.31

To Whom It May Concern:

On behalf of Rickman Construction Co., the applicant of the above referenced Forest Conservation Plan, we hereby request a variance for the impact of one tree as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code. In accordance with Chapter 22A-21(b) of the Montgomery County Code, the proposed impact of one tree would satisfy the variance requirements.

1. *Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

The subject property has a total tract area of 6.15 acres and does not have any forest on-site. Per the applicable zoning, the applicant is proposing to develop the property. The subject tree is a 31" London Planetree and is in Good/Fair condition. Due to the associated stormwater requirements, parking requirements, proper grading, and the fact that the critical root zone of the subject tree extends into the buildable are of the property, impacts to the tree cannot be avoided. All necessary stress reduction measures will be provided and administered by an ISA certified arborist in order to protect this tree. The property is being developed per zoning and development standards and therefore, given that the proper protection measures will be provided to save the tree, not allowing the impact would reduce the development of the site and would be an unwarranted hardship.

2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*

The critical root zone of the affected tree is located within the buildable area on the property. The inability to impact the subject tree would limit the development of the property. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process especially given that we are providing the necessary protection measures.

3. *Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;*

A Stormwater Management Concept plan has been submitted for the proposed improvements. Approval of this plan will confirm that the goals and objectives of the current state water quality standards are being met.

4. *Provide any other information appropriate to support the request.*

Pursuant to Section 22A 21(d) Minimum Criteria for Approval.

(1) The Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available by any other applicants.

The variance will not confer a special privilege because the impact is due to the development of the site. As explained above, the critical root zone of the subject tree is within the buildable area of the property.

(2) The variance request is not based on conditions or circumstances which result from the actions of the applicant.

The requested variance is not based on conditions or circumstances which are the result of the applicant outside the norm of a development application allowed under the applicable zoning and associated regulations. The variance is based on the proposed site layout that is utilizing the only areas that are available for development.

(3) The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.

The requested variance is a result of the proposed site design and layout on the subject property in accord with zoning and subdivision requirements and not as a result of land or building use on a neighboring property.

(4) Will not violate State water standards or cause measurable degradation in water quality. Full ESD stormwater management will be provided as part of the proposed development.

The variance will not violate State water quality standards or cause measurable degradation in water quality. We are confident that the Montgomery County Department of Permitting Services will find the storm water management concept for the proposed project to be acceptable even if conditionally approved.

A copy of the Forest Conservation Plan and a variance tree spreadsheet has been provided as part of this variance request. The impacted tree will receive stress reduction measures (i.e. tree protection fence, root pruning, and fertilization) performed by an ISA certified arborist.

Please contact me via email, at fjohnson@mhgpa.com, or by phone, at (301) 670-0840 should you have any additional comments, concerns, or if any other information is necessary to support this request.

Thank you,

Frank Johnson



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Patty Bubar
Acting Director

February 26, 2018

Casey Anderson, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Rickman Property, ePlan 120170020, NRI/FSD application accepted on 6/6/2016

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

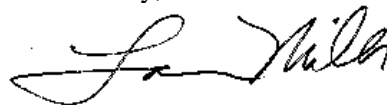
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon meeting all 'conditions of approval' pertaining to variance trees recommended by Planning staff, as well as the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

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

Sincerely,



Laura Miller
County Arborist

cc: Doug Johnsen, Senior Planner



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

March 1, 2018

Mr. Pearce Wroe, P.E.
Macris Hendricks and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886

Re: **REVISED COMBINED PRELIMINARY/FINAL
WATER QUALITY PLAN AND SITE
DEVELOPMENT STORMWATER
MANAGEMENT PLAN** for
Rickman Property
Preliminary Plan #: 120170020
SM File #: 282140
Tract Size/Zone: 6.15 acres/I-4
Total Concept Area: 6.15 acres
Lots/Block: N/A
Parcel(s): P860 and P925
Watershed: Upper Rock Creek/Great Seneca Cr

Dear Wroe:

Based on a review by the Department of Permitting Services Review Staff, the Revised Preliminary/Final Water Quality Plan and stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via micro bioretention and a bio swale. Additionally, a quantity storage vault is proposed to control the runoff from the post developed 25 year storm event due to inadequate pipe sizing under Maryland Route 124 unless MSHA eliminates this requirement and allows a pipe connection into the MSHA system. This would require upgrading the existing pipe in MD 124.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
4. If structures are to be connected there needs to be a solid connecting pipe with a separate perforated underdrain pipe tying into the solid pipe.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Pearce Wroe, P.E.
March 1, 2018
Page 2

This list may not be all-inclusive and may change based on available information at the time.

The performance goals that were established at the pre-application meeting are to be met through the implementation of the Final Water Quality Plan. They are as follows:

1. Minimize storm flow run off increases.
2. Minimize sediment loading.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**. A stream monitoring fee for the site area in the Upper Rock Creek Special Protection Area (SPA) and a BMP monitoring fee for the disturbed area in the SPA is required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: lmg

cc: N. Braunstein
SM File # 282140

ESD: Required/Provided 34,088 cf / 35489 cf
PE: Target/Achieved: 2.2"/2.29"
STRUCTURAL: 0 cf
WAIVED: 0 ac.