

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

February 14, 2025

MCPB No. 25-016
Forest Conservation Plan No. F20241020
7749 Old Georgetown Road
Date of Hearing: January 16, 2025

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on June 24, 2024, VIKA, LLC (“Applicant”) filed an application for approval of a forest conservation plan for concurrent review and approval with Preliminary Plan No. 120240070 and Site Plan No. 820240090 (the “Accompanying Plans”) on approximately 0.72 acres of land located at 7749 Old Georgetown Road (“Subject Property”) in the 2017 *Bethesda Downtown Sector Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan No. F20241020, 7749 Old Georgetown Road (“Forest Conservation Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board Staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board dated January 6, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 16, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20241020 on the Subject Property, subject to the following conditions:¹

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

1. Before any clearing, grading or demolition on the site, the Applicant must certify the Final Forest Conservation Plan, which must be consistent with the approved Forest Conservation Plan and associated conditions.
2. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
3. Before the start of any demolition, clearing, grading or construction, whichever comes first for the Accompanying Plans, the Applicant must submit the forest conservation fee-in-lieu payment to the M-NCPPC Planning Department for the 0.08-acre afforestation requirement, or as shown on the certified Final Forest Conservation Plan.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A, and ensures the protection of environmentally sensitive features.*

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law, Chapter 22A of the County Code ("FCL"). Final Forest Conservation Plan No. F20241020 ("FFCP") was submitted for review and approval concurrently with Preliminary Plan No. 120240070 and Site Plan No. 820240090.

The Property is zoned CR-5.0, C-5.0, R-5.0, H-175 and is classified as Mixed-Use Development ("MDP") as defined in Section 22A-3 of the FCL and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area.

The Net Tract Area for forest conservation purposes includes the Total Tract Area of 0.56 acres plus 0.01 acres of offsite disturbance associated with this Application. This results in a total Net Tract Area of 0.57 acres. The Property contains no areas of forest; therefore, the Application is subject to an afforestation requirement of 0.08 acres. As conditioned, the afforestation requirement will be met by payment of a fee-in-lieu to the Forest Conservation Fund.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is

February 14, 2025

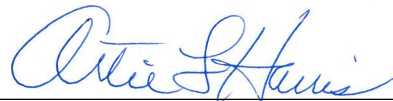
(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions .

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Pedoeem, seconded by Commissioner Linden, with a vote of 3-0; Chair Harris, Vice Chair Pedoeem and Commissioner Linden voting in favor of the motion, Commissioner Bartley and Hedrick necessarily absent at its regular meeting held on Thursday, February 6, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board