

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

## Date Mailed:

February 6, 2025

MCPB No. 25- 019  
Forest Conservation Plan No. F20240980  
Montgomery Auto Sales, Lot 18  
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 December 4, 2018, Final Forest Conservation Plan No. 820140140 (“Forest Conservation Plan”) was approved by the Planning Board, concurrently with Preliminary Plan No. 11985027A and Site Plan No. 820140140, to allow 155,000 square feet of automobile sales and service on approximately 3.32 acres of land located at 3130 Automobile Blvd., Silver Spring, MD 20904 (“Subject Property”); and

WHEREAS, on August 7, 2024, Auto Sites 7, LLC (“Applicant”) filed an application for approval of an amendment to the Forest Conservation Plan for concurrent review and approval with Preliminary Plan Amendment No. 11985027B and Site Plan Amendment No. 82014014A (the “Accompanying Plans”) to allow a total density of 39,900 square feet for automobile sales and service with outdoor display, car wash, and other site related improvements on Lot No. 18 of the Subject Property in the Fairland/Colesville Policy Area and the 2024 *Fairland and Briggs Chaney Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s forest conservation plan amendment application was designated Forest Conservation Plan Amendment No. F20240980 (“Forest Conservation Plan,” “Amendment” 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 December 9, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

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Approved as to  
Legal Sufficiency: /s/ Allison Myers  
M-NCPPC Legal Department

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 Amendment No. F20240980 on the Subject Property, subject to the following conditions<sup>1</sup>. These conditions supersede all previous conditions of the Forest Conservation Plan approval:

1. 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.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan Amendment. Tree save measures not specified on the Final Forest Conservation Plan Amendment may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan Amendment.
4. Before the start of any demolition, clearing, grading, or construction, whichever comes first, for the Accompanying Plans, the Applicant must:
  - a) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Anacostia River watershed or a Priority Area to satisfy the reforestation requirement for a total of 0.59 acres of mitigation credit as shown on the FFCP. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits.

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.*

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<sup>1</sup> 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.

## Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Applicant submitted a Final Forest Conservation Plan Amendment No. F20240980 (“FFCP”) for concurrent review with the development plan application for Site Plan Amendment No. 82014014A. This FFCP amends the Final Forest Conservation Plan for Lot 18 under Site Plan No. 820140140. This FFCP was submitted in order to comply with Section 22A.00.01.09.B of the Forest Conservation Regulations requiring that all new and proposed construction be shown on the FFCP. This FFCP does not revise the Total Tract Area from the original FFCP, but it does slightly increase the offsite LOD thereby increasing the Net Tract Area and the overall afforestation requirement as described below.

This application was reviewed under the C-3 zone and the zoning ordinance in place prior to October 30, 2014. As such, it is assigned a Land Use Category of Commercial and Industrial Use (“CIA”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the *Trees Technical Manual*. This results in an afforestation and conservation thresholds of 15% of the Net Tract Area.

The Net Tract Area for forest conservation purposes includes the Total Tract Area of 3.32 acres plus 0.60 acres of offsite disturbance associated with this Application. This results in a total Net Tract Area of 3.92 acres. There is no forest on the Subject Property which gives a total afforestation requirement of 0.59 acres as shown on the FFCP Worksheet. As conditioned, the Applicant will meet this afforestation requirement by purchasing the appropriate amount of credits from an off-site forest mitigation bank or, if no banks are available, then by making a fee-in-lieu payment into 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 6, 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.

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**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 5-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, January 30, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board