

RICKMAN PROPERTY

**PRELIMINARY PLAN APPLICATION NO. 120250060 &
FINAL FOREST CONSERVATION PLAN NO. F20250160**



Application to create one (1) lot for up to 40,451 square feet of density, composed of 17,765 square feet of warehouse uses, 14,400 square feet of office uses, 5,000 square feet of light manufacturing uses, and 3,286 feet of retail uses on approximately 6.30 acres.

COMPLETED: 4/11/2025

PLANNING BOARD HEARING DATE: 4/24/2025

MCPB ITEM NO. 8

Planning Staff

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LOCATION/ADDRESS

18849 Woodfield Road, Gaithersburg, MD 20879

MASTER PLAN

2004 Upper Rock Creek Area Master Plan

ZONE

IL-1.0, H-50 & Upper Rock Creek Overlay Zone

PROPERTY SIZE

6.30 acres

APPLICANT

Potomac Valley Brick and Supply Company

ACCEPTANCE DATE

October 30, 2024

REVIEW BASIS

Chapters 19, 22A, 50, & 59

Summary:

- Planning Staff recommends **approval with conditions** of Preliminary Plan No. 120250060 including a Final Water Quality Plan and Final Forest Conservation Plan No. F20250160.
- The Application consolidates two existing unrecorded parcels into a single lot for three proposed buildings: a warehouse and showroom building, an office building, and a saw operations building for the Potomac Valley Brick and Supply Company. A future site plan is not necessary for the Subject Property.
- Planning Staff supports the Applicant's request for five additional years of Adequate Public Facilities validity as per Section 50.4.3.J.5.iv of the Subdivision Regulations, which allows "for no less than 5 and no more than 10 years after the preliminary plan is approved."
- The Application is located within the Upper Rock Creek Special Protection Area and a Water Quality Plan has been submitted with this application.
- The Project is exempt from the development standards and requirements of the Upper Rock Creek Overlay Zone because the property is zoned Industrial.
- The Application substantially conforms to the 2004 *Upper Rock Creek Area Master Plan* by providing development that is consistent with the Master Plan recommendations for the surrounding area and zoning.
- The Forest Conservation Plan meets the requirements of Chapter 22A.
- No community correspondence has been received as of the date of this Staff Report.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120250060

Planning Staff recommends approval with conditions of the Preliminary Plan to create one (1), 6.30 acre-lot, for up to 40,451 square feet of density, composed of 17,765 square feet of warehouse uses, 14,400 square feet of office uses, 5,000 square feet of light manufacturing uses, and 3,286 feet of retail uses. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120250060 as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Preliminary Plan is limited to one (1) lot for up to 40,451 square feet of density, composed of 17,765 square feet of warehouse uses, 14,400 square feet of office uses, 5,000 square feet of light manufacturing uses, and 3,286 feet of retail uses.

ADEQUATE PUBLIC FACILITIES

2. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for one hundred twenty (120) months from the initiation date (as defined in the Montgomery County Code Section 50.4.3.J.5), according to the following development schedule as shown on the Certified Preliminary Plan:

- a) Phase I – Within 60 months

The Applicant must obtain building permits for a minimum of 10,000 square feet of warehouse uses, 3,000 square feet of retail uses, and 2,500 square feet of light manufacturing uses.

- b) Phase II – Within 120 months

The Applicant must obtain building permits for the remainder of the approved square footage prior to the expiration of the 120-month (10-year) APF Validity Period, or the Applicant must apply for an APF extension.

PLAN VALIDITY PERIOD

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 4, 2025 and incorporates them as conditions of the Preliminary 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 Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letter dated March 19, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MDOT SHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its Revised Combined Preliminary and Final Water Quality/Site Development Stormwater Management Plan letter February 7, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Well and Septic Section in its letter dated March 27, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Well and Septic Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
10. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated March 20, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

TRANSPORTATION

Frontage Improvements on Existing Roads

11. Before the recordation of the plat, the Applicant must satisfy all necessary requirements of MDOT SHA to ensure reconstruction of a six-foot (6 ft) wide sidewalk with 8-foot-wide (8 ft) street buffer and 25-foot-wide (25 ft) planting strip along the Property frontage on Woodfield Road in the approved configuration (referred to in this report as the “Interim Condition” or “Interim Configuration”).
12. Before issuance of the first Use and Occupancy permit, the Applicant must construct a six-foot (6 ft) wide sidewalk with 8-foot-wide (8 ft) street buffer and 25-foot-wide (25 ft) planting strip along the Property frontage on Woodfield Road in the approved configuration (referred to in

this report as the “Interim Condition” or “Interim Configuration”) and as shown on the certified preliminary plan.

SURETY

13. Before 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 an amenity open space area, enhanced landscaping, landscape screening, and serpentine-shaped path.
 - 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 & Maintenance Agreement, including all relevant conditions.

RECORD PLATS

14. Except clearing and grading associated with the demolition of the existing building and paving, there shall be no clearing or grading of the site before recordation of the plat.
15. Before record plat approval, the Applicant must abandon the existing septic system in accordance with MCDPS standards.
16. The record plat must show necessary easements.

LANDSCAPE AND LIGHTING PLANS

17. A landscape and lighting plan must be included in the Certified Preliminary Plan with the following items:
 - a) Amenity open space area, enhanced landscaping, landscape screening, and serpentine-shaped path.

CERTIFIED PRELIMINARY PLAN

18. The certified Preliminary Plan must contain the following notes:
 - a) *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). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

- b) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*

19. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions and approval letters on the certified set.
- b) Include the approved Fire Department Access Plan.
- c) Modify the data table on the Preliminary Plan to reflect development standards approved by the Planning Board.
- d) Modify the APF Validity Phasing Table to match the staff report.

FINAL FOREST CONSERVATION PLAN F20250160

Planning Staff recommends approval of Final Forest Conservation Plan No. F20250160 (“FFCP”). All site development elements shown on the latest electronic version of the Final Forest Conservation Plan No. F20250160, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions¹:

- 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. Tree save measures not specified on the Final Forest Conservation Plan 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.
- 4. Before the start of any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must:
 - a) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for variance tree mitigation plantings credited toward meeting the requirements of the FFCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - b) Submit a cost estimate for the variance mitigation trees, five years of maintenance including invasive species management controls, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the FFCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department

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.

Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.

- c) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the variance mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FFCP.
 - d) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Great Seneca Creek or Upper Rock Creek watersheds or a Priority Area to satisfy the afforestation requirement of 1.05 acres of forest conservation mitigation credit. If no off-site forest banks exist within the Great Seneca Creek or Upper Rock Creek watersheds or a Priority Area, then the off-site requirement may be met by purchasing 1.05 acres of forest conservation mitigation credits from a mitigation bank within Montgomery County outside of the Great Seneca Creek or Upper Rock Creek watersheds or a Priority Area, 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 outside of the same watershed or Priority Area.
5. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FFCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 7.5 caliper inches, as shown on the approved FFCP. Adjustments to the planting locations of these trees are permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

SECTION 2: SITE DESCRIPTION

The Property is located on the east side of Woodfield Road (MD 124) 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 6.30 acres within the Light Industrial Zone (“Property” or “Subject Property”) (Figure 1). The Subject Property is located within the 2004 *Upper Rock Creek Area Master Plan* (“Master Plan”) and is within the Upper Rock Creek Special Protection Area and the accompanying Upper Rock Creek Overlay Zone.

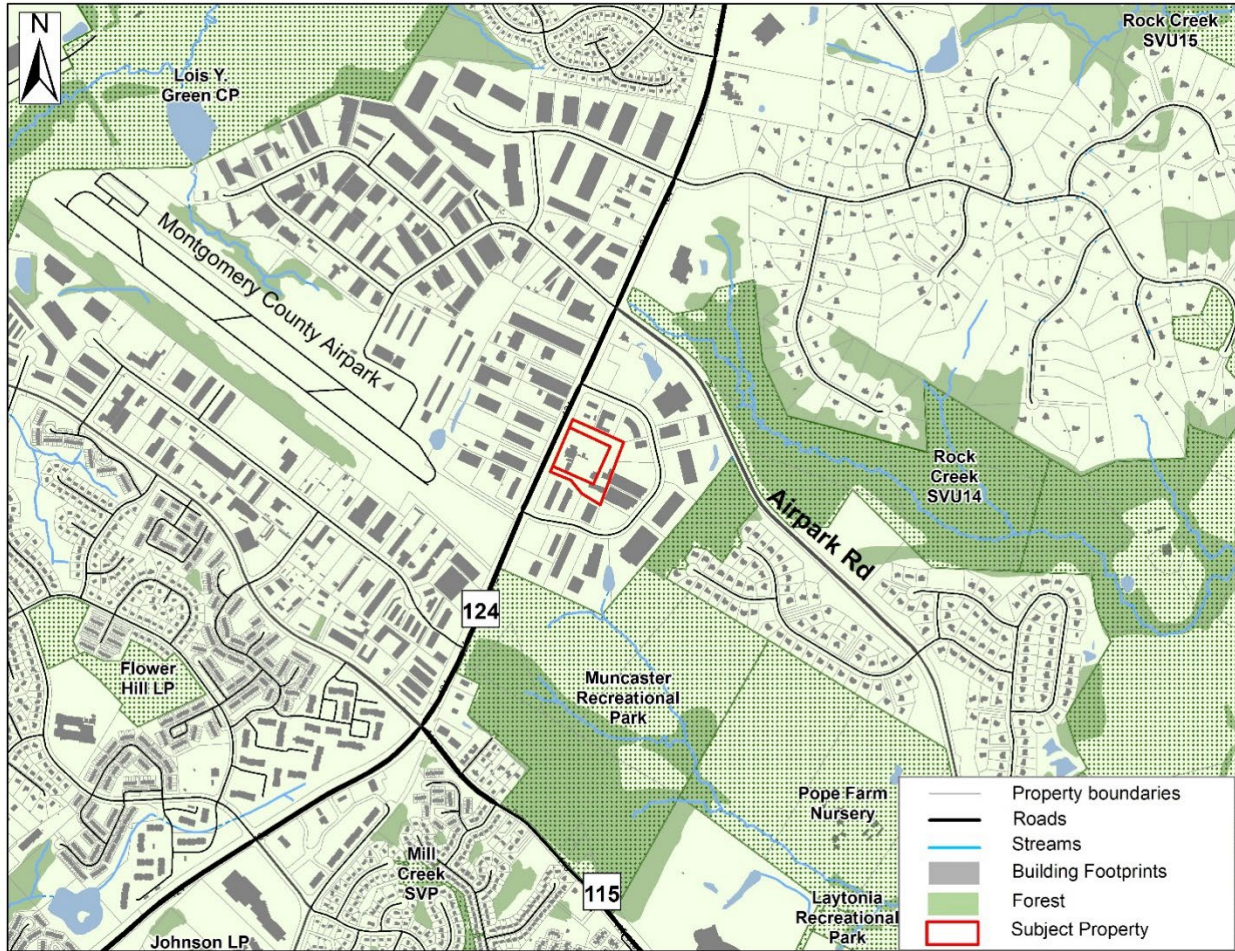


Figure 1 - Vicinity Map

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 with a convenience store and warehouse and office buildings (IL-1.0 zone). To the west, across Woodfield Road are warehouses, a packaging facility, automobile repair, medical supply, self-storage, and small retail facilities (IL-1.0 zone). East of Lindbergh Drive is a series of single-story brick and block buildings containing light industrial and warehouse uses (IL-1.0 zone). On the south side 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 Montgomery County Ride On Bus 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

PROPERTY 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 split between two watersheds. 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 % located on or immediately adjacent to the Property. One tree is 30 inches or greater in Diameter at Breast Height ("DBH") on the Subject Property.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Preliminary Plan No. 120170020

On July 16, 2018, the Planning Board approved Preliminary Plan No. 120170020, Rickman Property, to create 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 retail or restaurant uses on 6.15 acres. Since the approval, the Preliminary Plan has expired, the lots were never recorded, and the Property has changed ownership.

Preliminary Plan No. 12017002A

A Preliminary Plan Amendment was filed on September 7, 2023, and was subsequently withdrawn.

PROPOSAL

Preliminary Plan 120250060

The Subject Application proposes to subdivide two unrecorded parcels, P860 and P925, to create one 6.3 acre-lot for up to 40,451 square feet of density, consisting of 17,765 square feet of warehouse uses, 14,400 square feet of office uses, 5,000 square feet of light manufacturing uses, and 3,286 feet of retail uses within the IL-1.0, H-50 Zone and the Upper Rock Creek Overlay Zone (Figure 3). The existing buildings will be demolished. The proposed development is for a large warehouse and showroom building, an office building, and a saw operations building for the Potomac Valley Brick and Supply Company. The Preliminary Plan is subject to the 2004 *Upper Rock Creek Area Master Plan*. Approval of a future site plan application is not required because the proposed uses are permitted, and the abutting properties are zoned as IL and IM.

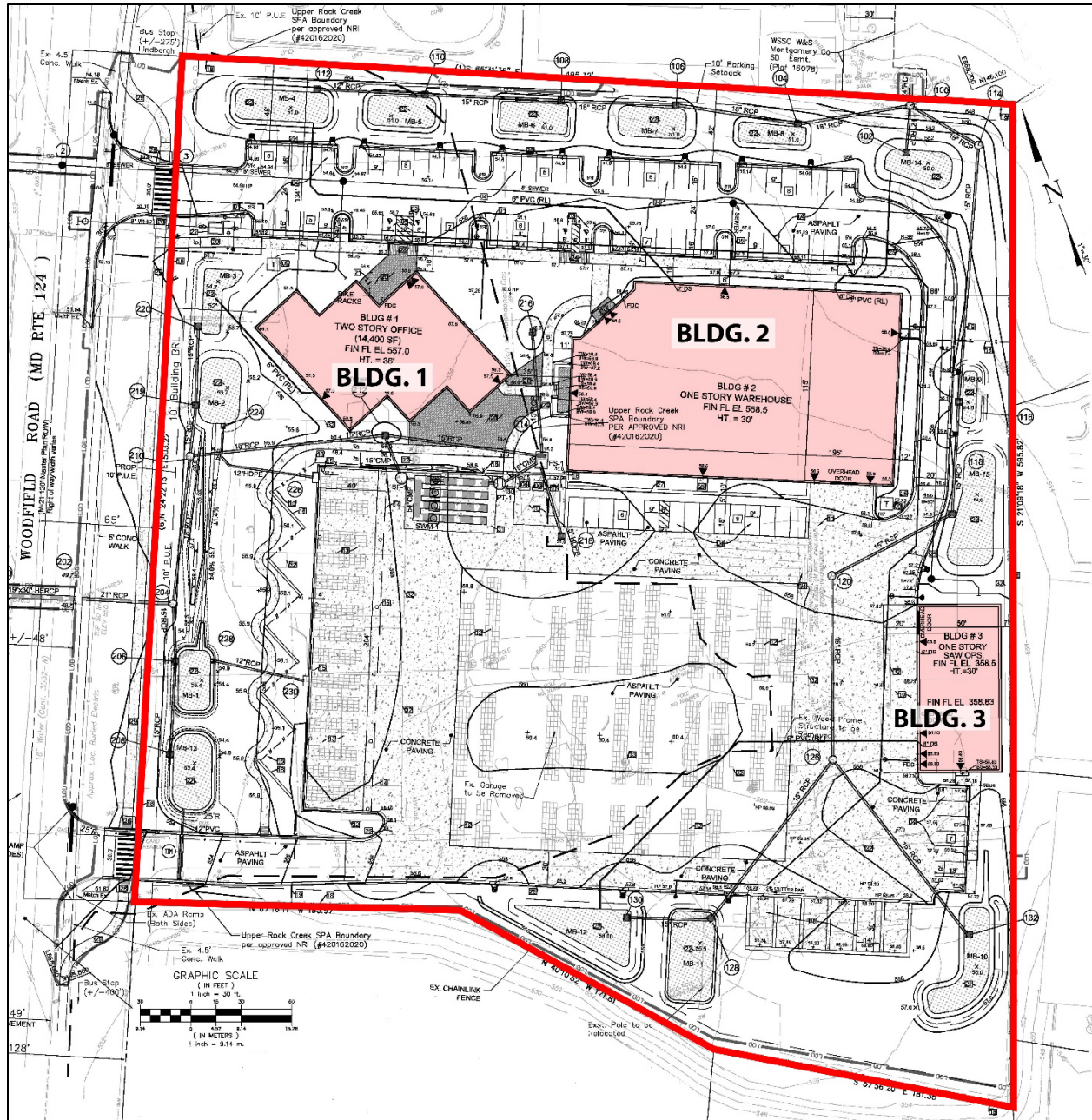


Figure 3 - Preliminary Plan Layout

BUILDING/ARCHITECTURE

The Application proposes development of three (3) buildings on the Subject Property. Building No. 2 is a single-floor warehouse and showroom building, consisting of up to 17,765 square feet of warehouse uses and up to 3,286 square feet of retail uses (Figures 3 and 4). Building No. 3 is a single floor saw operations building that consists of up to 5,000 square feet of light manufacturing uses (Figure 3). Building No. 1 is a two-floor office building, consisting of up to 14,400 square feet of office

uses (Figures 3 and 5). The Application proposes a 10-year buildout for the site and building by phasing the construction into Phase I and Phase II (Figure 13). Phase I will occur within the first five years and focus on the construction of the warehouse and showroom (Building 2), the saw operations building (Building 3), and overall site improvements (Figures 3 and 13). Phase II will occur within a second five-year period, thus requiring the extended APF period, and focus on the construction of the office building (Building 1), walkways, and a stormwater management facility (Figures 3 and 13). Access and parking for the three buildings is provided by an existing driveway located on the north side of the Property. A second driveway is located to the south, providing access for the brickyard and loading. Both access points are accessible from the east side of Woodfield Road and are to be improved.



Figure 4 - Rendering of the Warehouse and Showroom Building (Building 2 - Phase I)



Figure 5 - Rendering of the Office Building (Building 1 - Phase II)



Figure 6 – Rendering of Frontage along Woodfield Road (West Side – Phase I)

OPEN SPACE

The Subject Property will include a minimum of 10% of the tract area as Amenity Open Space (Figures 6 and 7). The open space will include an outdoor plaza area located between Building 1 and Building 2, connecting sidewalks and lead walks, and a serpentine walkway for masonry product displays. The proposed development will have enhanced landscaping with a mix of native plant materials (Figures 6

and 8). One of the proposed walkways will have a serpentine-shaped configuration and feature extensive landscaping and product displays for the Potomac Valley Brick and Supply Company. The plaza, foundation plantings around Buildings 1 and 2, and the parking lot area include enhanced landscaping. The existing sidewalk along Woodfield Road will be relocated and include large canopy shade trees along Woodfield Road.

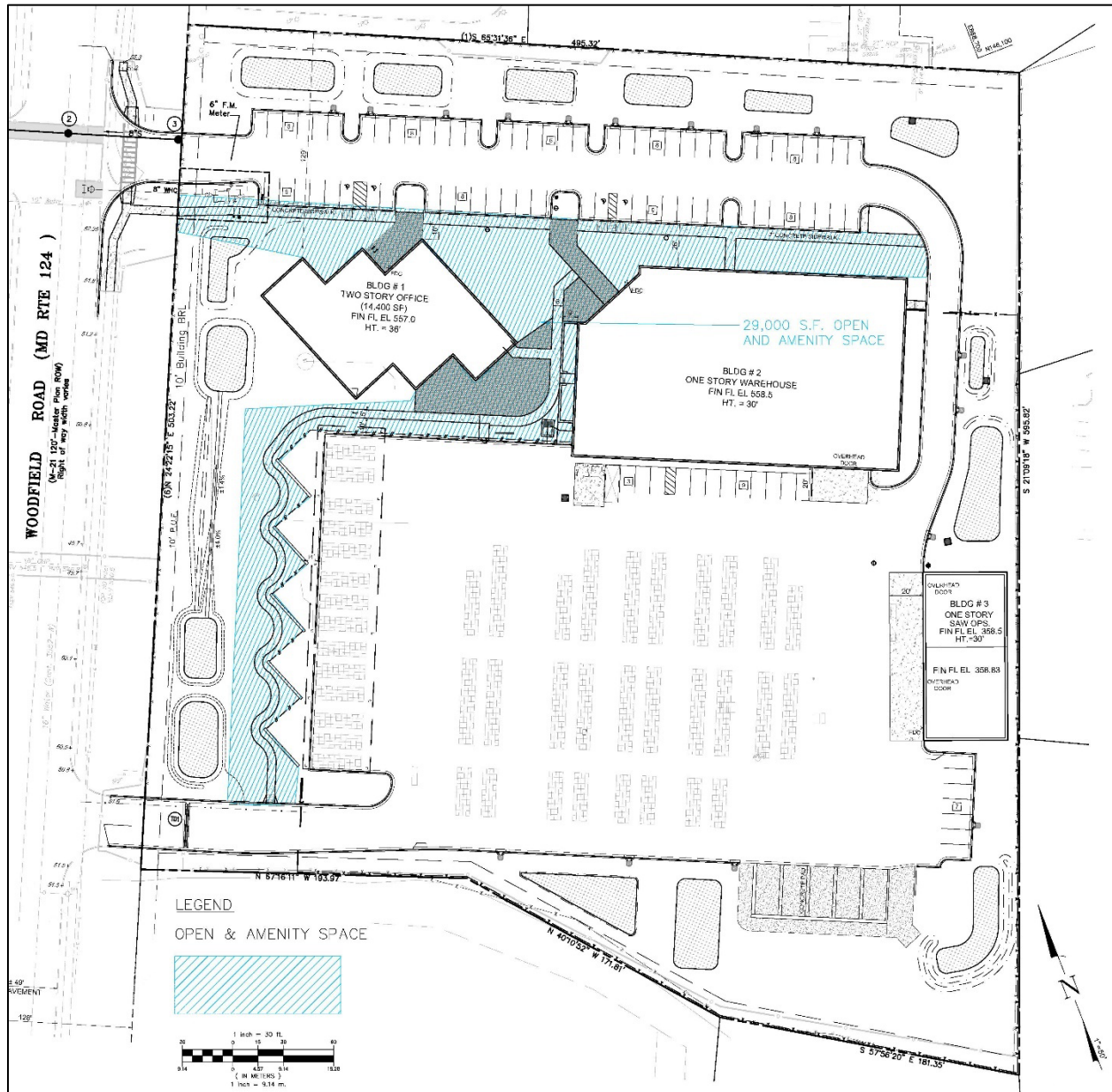


Figure 7 - Amenity Open Space Diagram



Figure 8 - Proposed Landscape Plan

TRANSPORTATION

Motor vehicle access to the Subject Property will continue to be accessed from the two existing access points off Woodfield Road (MD-124). The proposed development will improve the existing driveways. The location of the access points will not change, and the spacing will remain at approximately 380 feet. The proposed driveways have a 40-foot maximum width, an improved curb, and pedestrian crossing. The pedestrian crossing of the northern driveway will be set back further from Woodfield

Road and will reduce the crossing distance from 50 feet to 30 feet. The southern pedestrian driveway crossing is similarly moved away from Woodfield Road and has a reduced crossing distance of 30 feet. The northern driveway leads directly into the visitor and staff parking area and the southern driveway leads into the stock area and is intended for work vehicles. The Site has internal circulation behind the office and operational buildings and both driveways can accommodate larger trucks and work vehicles (Figure 9).

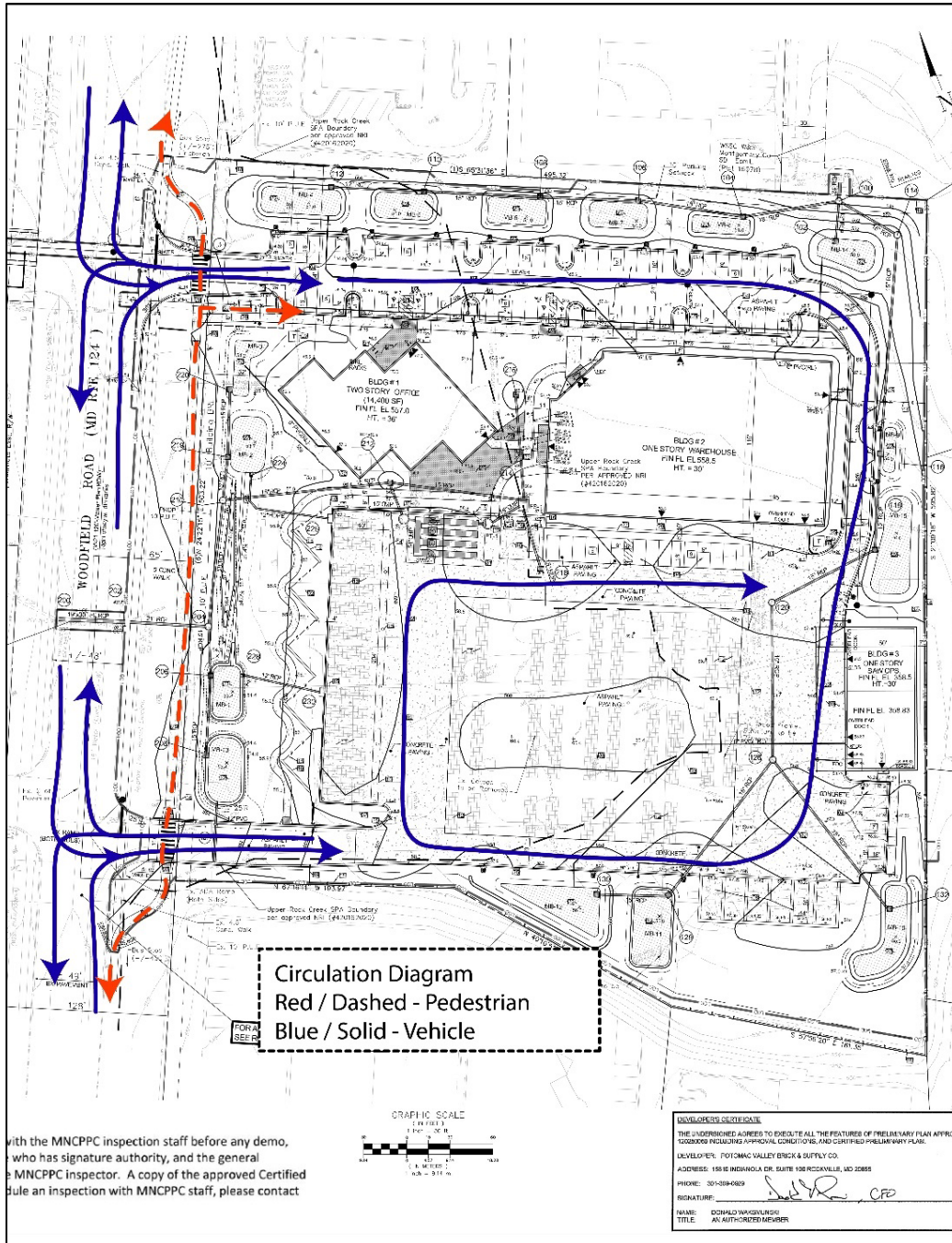


Figure 9 - Circulation Diagram

The Applicant will be responsible for making frontage improvements along Woodfield Road to the standard of a Boulevard per the 2024 *Complete Streets Design Guide* using the defined “Interim Condition” cross section as the required end-state for this Application (Figure 10). Based on the 2023 *Master Plan of Highways and Transitways*, Woodfield Road has a potential to expand from 4 lanes to 6 lanes to meet the “Final Condition” (Figure 11). The “Interim Condition” allows for a new sidewalk to be constructed today that reflects the ultimate size and location that the sidewalk will take if the additional lanes are constructed in the future. With this Application, the existing curb positions will not be impacted. The “Interim Condition” provides a safe, comfortable, and accessible walking and rolling experience and creates flexibility for future projects.

There are no master planned bicycle facilities along the east side (property side) of Woodfield Road. As conditioned, the Applicant will provide a buffered 6-foot-wide sidewalk along the Subject Property frontage connecting to the existing sidewalk portions to the north and south.

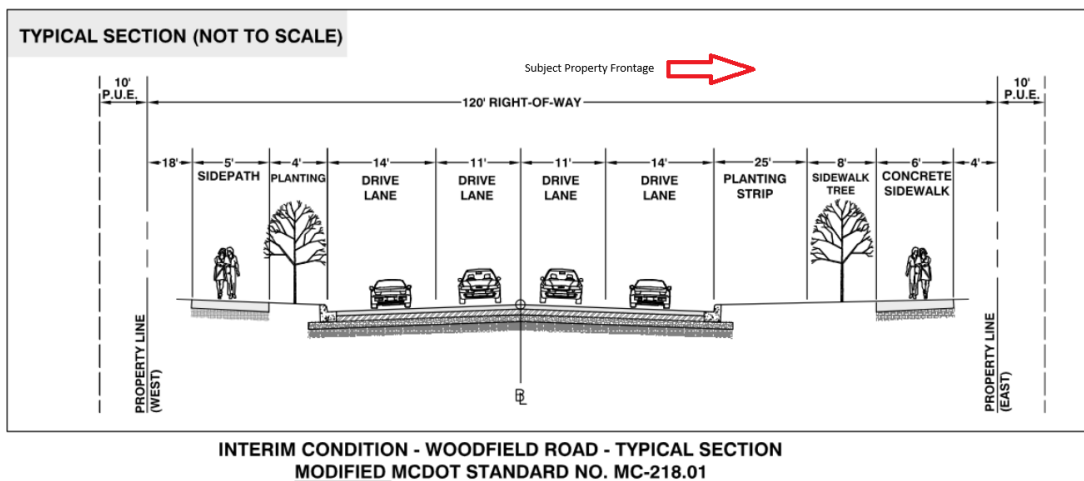


Figure 10 - Interim Condition Cross Section

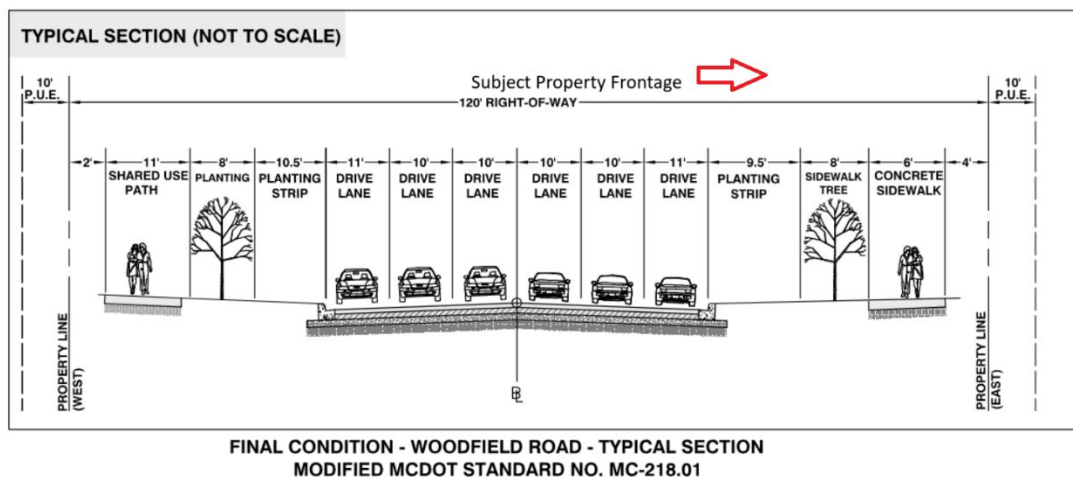


Figure 11 - Final Condition Cross Section per the 2023 Master Plan of Highways and Transitways

ENVIRONMENT

The Final Forest Conservation Plan No. F20250160 (“FFCP”) shows no forest, streams, wetlands or other environmental features on or adjacent to the Subject Property. The Site is split between the Great Seneca Creek watershed and the Upper Rock Creek watersheds with roughly 60% of the Site within the Upper Rock Creek Special Protection Area (“SPA”) and overlay zone. The Site is exempt from the SPA requirements because it is zoned in an industrial area as outlined in Section 5.5 below. The Site has an afforestation requirement of 1.05 acres either within the same watershed/Priority Area or outside the same watershed/Priority Area. The Applicant will satisfy this requirement by purchasing the appropriate credits in an approved off-site forest bank, or if no banks are available, then submitting a fee-in-lieu payment to the Forest Conservation Fund.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all application submittal, noticing, and sign posting requirements under COMCOR 50.10.01.04 of the Subdivision Regulations. The required hearing notice sign was adequately posted at the Subject Property. Written notice of the Application was mailed by the Applicant to all required parties.

A pre-submission community meeting was held virtually on GoTo Meeting on Tuesday, August 27, 2024, from 7:00 PM to 7:30 PM. A total of six (6) people attended from the Applicant Team, while no members from the community attended. The Applicant’s summary notes of the meeting can be reviewed in Attachment E.

As of the published date of this Staff Report, no community correspondence has been received.

SECTION 5: PRELIMINARY PLAN 120250060 FINDINGS AND ANALYSIS

The Preliminary Plan would create one (1) lot, measuring approximately 6.30 acres of site area, for a maximum density of up to 40,451 square feet. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies.

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the proposed density contemplated for the Subject Property.

The Application is proposed under the standard method of development in accordance with Section 59.4.8.3.A of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable County agencies, all of whom have recommended approval.

a) The block design is appropriate for the development or use contemplated

The Application is creating one (1) new lot to be located and accessed from Woodfield Road, MD Route 124. The block is appropriately designed and connected with access from Woodfield Road for a parking lot to the north and to the storage and loading area to the south. The proposed block design, layout, and size are appropriate for the proposed density.

b) The lot design is appropriate for the development or use contemplated

As conditioned, the lot size, width, shape, and orientation are appropriate to the proposed density and development. The lot can reasonably accommodate the proposed buildings, structures, parking, and utilities. Per Section 59.3.5.11.B.2.a.vii the Applicant is proposing 5.8% FAR with a combination of Office, Retail/Service Establishment uses, which does not exceed the 35% FAR maximum permitted within the IL zone.

c) The Preliminary Plan provides for required public sites and adequate open areas

The proposed development provides adequate space to accommodate the required stormwater management facilities, amenity open space, transportation requirements, and utilities. The Master Plan does not recommend any public sites for the Subject Property.

d) The Lot(s) and Use comply with the basic requirements of Chapter 59

The lot was reviewed for compliance with the dimensional requirements for the IL Zone and Upper Rock Creek Overlay Zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage, and can accommodate the three proposed buildings, that include warehouse, light manufacturing, office, and retail uses, which can reasonably meet the width and setbacks requirements within that zone. A summary of this review is included below in Table 1.

Table 1: Rickman Property Preliminary Plan Data Table for IL-1.0, H-50 Zone & Upper Rock Creek Overlay Zone, Standard Method, Section 59.4.8.3.A

Development Standard	Permitted / Required	Proposed
Tract Area	N/A	7.06 acres / 307,551 sq. ft.
Prior Dedication	N/A	0.76 acres / 32,887 sq. ft.
Lot Area	N/A	6.30 acres / 274,664 sq. ft.
Density, FAR (max.)	1.0 / 307,551 sq. ft.	0.13 (13%) / 40,451 sq. ft.
Warehouse	N/A	0.058 (5.8%) / 17,765 sq. ft.
Light Manufacturing	N/A	0.016 (1.6%) / 5,000 sq. ft.
Office, Retail	0.35 (35%) / 107,642 sq. ft.	0.058 (5.8%) / 17,686 sq. ft.
Amenity Open Space (min.) Site > 10,000 sq. ft.	10% / 27,466 sq. ft.	10% / 27,466 sq. ft. or greater
Principle Building Setbacks (min.)		
Front	10 ft.	10 ft. or greater ²
Side, Abutting Industrial Zones	0 ft.	0 ft. or greater ²
Rear, Abutting Industrial Zones	10 ft.	10 ft. or greater ²
Parking Setback	10 ft.	10 ft. or greater ²
Principle Building Height (max.)	50 ft.	50 ft. or less ²
Parking		
Vehicle Spaces	91 spaces	91 spaces
Bicycle Spaces	3 spaces	3 spaces
Site Plan Required	No	No

2. The Preliminary Plan substantially conforms to the Master Plan.

a) Land Use

The Subject Property is located within the 2004 *Upper Rock Creek Master Plan*, which supports light industrial businesses where the Property is located. The Master Plan recommends retaining industrial zoning classification for the area. Furthermore, due to the Subject Property's proximity to the Montgomery Airpark, and the associated noise impacts from aircraft take-offs and landings, the Master Plan encourages maintaining non-residential land uses in the area surrounding the airpark to avoid potential noise impacts. The proposed light industrial warehouse and office uses are in conformance with the planned land use character and noise susceptibility recommendations of the *Upper Rock Creek Master Plan*.

b) Environment

Due to the topography of the Subject Property, a portion of the Property fronting Woodfield Road (MD 124) is in the Middle Seneca Creek watershed and a rear portion of the Property is in the Upper Rock Creek watershed. The portion within the Upper Rock

² As determined at the time of building permit.

Creek watershed is also located within the Upper Rock Creek Special Protection Area and Upper Rock Creek Overlay Zone, which were established to protect the water quality and quantity and biodiversity of a northern section of the Upper Rock Creek watershed and to regulate the amount and location of impervious surfaces to control the quantity and quality of stormwater runoff.

Since the Subject Property is zoned for Industrial, the Project is exempt by code from the development standards of the overlay zone (Sec. 59-4.9.21.B.1.f). However, as part of a required Water Quality Plan, stormwater management systems are planned such that full Environmental Site Design volumes will be treated onsite through micro-scale practices including the use of micro-bioretention facilities and bio-swale facilities.

c) *Transportation*

The *Upper Rock Creek Master Plan* identifies Woodfield Road (MD 124) as a major highway (M-21) with a master planned width of 120 feet total and recommends a 6-lane highway on Woodfield Road (M-21) between Muncaster Mill Road and Warfield Road. The master planned 120-foot right-of-way width is acquired along the Subject Property's segment of Woodfield Road, yet the roadway is built as a four-lane roadway today. Additional right-of-way dedication should not be required of the proposed project since adequate right-of-way is already reserved.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

a) *Roads and other Transportation Facilities*

i. *Existing Facilities*

The Subject Property fronts solely on Woodfield Road (MD-124). The current configuration of the roadway has two (2) travel lanes per direction contained within a fifty (50) foot curb-to-curb width. There is a Ride-On bus stop approximately 250 feet north of the Property at the intersection of Woodfield Road and Lindbergh Drive.

At present, a 4-foot sidewalk exists along the Subject Property frontage along Woodfield Road with a 3-foot buffer from the outside travel lane.

As shown on the preliminary plan, the required 60-feet of dedication from the centerline along Woodfield Road has been accommodated, and no additional dedication is required.

ii. *Proposed public transportation infrastructure*

The Subject Property fronts solely on Woodfield Road (MD-124), identified as a Boulevard in the 2023 *Technical Update of the Master Plan of Highways and*

Transitways. Woodfield Road is planned for a minimum right-of-way of 120 feet total with a maximum of three (3) travel lanes per direction (Final Condition). Per the 2024 *Complete Streets Design Guide (CSDG)*, the pedestrian and bicycle facilities for the designated street type are an 11-foot shared use path (on the west side, opposite the Subject Property) and a 6-foot sidewalk (on the east side, along the Site frontage).

The Application proposes a 6-foot sidewalk with a 33-foot-wide buffer, along the Property’s Woodfield Road frontage – connecting to the existing northern and southern sidewalk sections. This configuration conforms with the “Interim Condition” that that the Applicant is responsible for as a part of this Application. On the Subject Property’s side of the Woodfield Road centerline, the “Interim Condition” consists of an 11-foot drive lane, a 14-foot drive lane, a 25-foot planting strip, an 8-foot buffer, a 6-foot sidewalk, and a 4-foot utility buffer. This configuration places the sidewalk in its final position within the right-of-way and allows for future expansion of Woodfield Road to its maximum width of 6 travel lanes without disturbing the buffer and sidewalk that is being constructed with this Application.

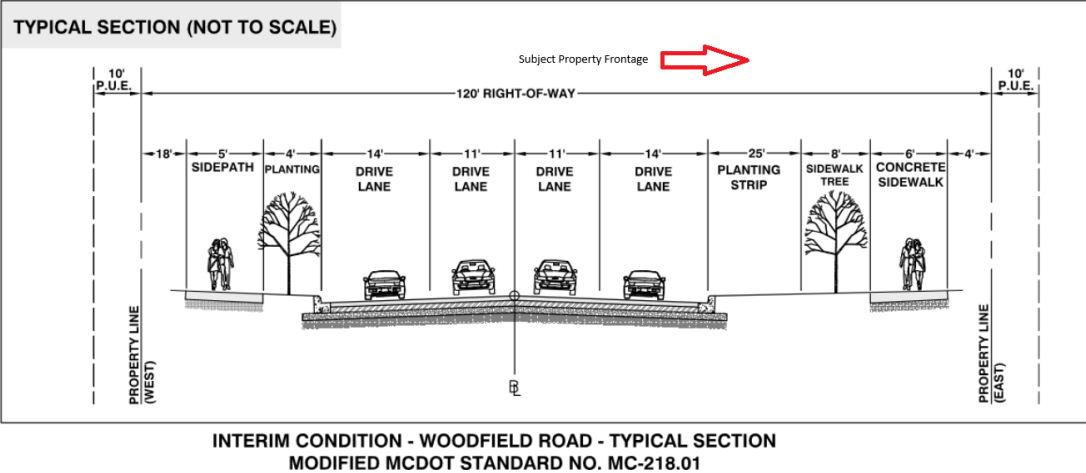


Figure 12 - Final Condition Cross Section

The sidewalk that is being provided is a significant improvement over the existing facility in the following ways: it increases the width to 6 feet, which improves accessibility and comfort, it increases the distance from vehicle traffic which improves safety, and it provides safer crossings of both driveways that access the Subject Property.

iii. **Proposed private transportation infrastructure**

Private infrastructure includes internal sidewalks linking structures within the facility to the sidewalk along Woodfield Road as well as doubling as a product display.

b) Local Area Transportation Review (LATR)

For Applications with Transportation Exemption Statements:

The proposed development is for a large warehouse and showroom building, an office building, and a saw operations building for the Potomac Valley Brick and Supply Company. The existing uses on the Subject Property are all related to the Potomac Valley Brick and Supply Company. The Site currently hosts a warehouse (22,915 square feet), sawmill (4,850 square feet), and showroom (4,800 square feet). The Project will replace the existing warehouse with a new 17,765 square foot warehouse and replace the existing saw operation and showroom with new facilities of the same size. Additionally, 14,400 square feet of general office is proposed. The proposed changes to the mix of uses are estimated to generate a net increase of 39 person trips in the morning peak hour and a net increase of 40 person trips in the evening peak hour. The 2020-2024 *Growth and Infrastructure Policy* requires a transportation impact study for any project that is estimated to generate a net increase of 50 or more person trips in either the morning or evening peak hours. As that is not the case for this application, the LATR review is satisfied with a transportation exemption statement. A summary of the trip generation analysis is provided in Table 2 below.

Table 2 - Trip Generation Analysis³

		ITE Trip Generation Vehicle Rates	ITE Trip Generation Vehicle Rates	Adj. Vehicle Rates Rural East Policy Area	Adj. Vehicle Rates Rural East Policy Area	Total Person Trips	Total Person Trips
	Use Category	AM	PM	AM	PM	AM	PM
Existing	Warehouse 22,915 ft ²	26	29	26	29	35	39
	Showroom 4,800 ft ²	8	10	8	10	11	14
	Saw Operations 4,825 ft ²	7	5	7	5	10	7
Total		41	44	41	44	56	60
Proposed	General Office 14,400 ft ²	32	33	32	33	43	44

³ Source: Transportation Exemption Statement from The Traffic Group, INC, September 29, 2023, modified by staff

	Warehouse 17,765 ft ²	26	29	26	29	35	39
	Showroom 3,286 ft ²	5	7	5	7	7	10
	Saw Operations 5,000 ft ²	7	5	7	5	10	7
Total		70	74	70	74	95	100
Net Change Person Trips						+39	+40

c) Schools

The Application proposes to create a new lot, consisting of warehouse uses, office uses, light manufacturing uses, and retail uses; consequently, there will not be an impact on schools.

d) Other Public Facilities and Services

The Property is to be served by public water and sewer and is classified within the W-1 and S-3 categories. At present, the Property utilizes existing well and septic, with the desire to discontinue usage through the development process. The Application proposes to remove the existing septic system and connect to public water and sewer. Public sewer access is available to the Subject Property along the west side of Woodfield Road. There is an existing 16-inch WSSC waterline located beneath Woodfield Road. A sewer easement will be obtained from the property owner on the west side of Westfield Road prior to approval by WSSC for service; the Sewer Extension Plan is in the final stage of approval by WSSC. Public water and sewer will be adequate to serve the proposed subdivision.

Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

Adequate Public Facilities Validity Extension Request

The Applicant is requesting an extended Adequate Public Facilities Validity period for 10 years (120 months) instead of the typical 5 years (60 months).

Under Section 50.4.3.J.5.iv, an Adequate Public Facilities determination shall be valid “for no less than 5 and no more than 10 years after the preliminary plan is approved, as determined by the Board when it approved the plan, for any plan approved after July 31,

2007, and before April 1, 2009, or after March 31, 2017.” As such, the Applicant’s request is within the allowable validity time period under the Subdivision Regulations.

The Subdivision Regulation continues under Section 50.4.3.J.5.d:

“If an applicant requests a longer validity period than the minimum specified in 5.a, the applicant must submit a development schedule or phasing plan for completion of the project in the Board for its approval.”

- i. *At a minimum, the proposed development schedule or phasing plan must show the minimum percentage of the project that the applicant expects to complete in the first 5 or 7 years, whichever is the applicable minimum, after the preliminary plan is approved.*

The phasing plan indicates that Phase I will be completed within the first 5 years (60 months) (Figure 13). As conditioned, this includes obtaining building permits for a minimum of 10,000 square feet of warehouse uses, 3,000 square feet of retail uses, and 2,500 square feet of light manufacturing uses. Phase II will be completed within another 5-year period (120 months). Within that time, the Applicant must obtain building permits for the remainder of the approved square footage prior to the expiration of the 120-month (10-year) APF Validity Period, or the Applicant must apply for an APF extension (Table 3).

Table 3 - Adequate Public Facilities Phasing

Phase	Benchmark (See Conditions of Approval for triggers)	Duration
Phase I	Obtain building permits for a minimum of 10,000 square feet of warehouse uses, 3,000 square feet of retail uses, and 2,500 square feet of light manufacturing uses. <ul style="list-style-type: none">• Implement and construct the Sewer Extension Plan.• Construct the parking lot and brickyard.• Construct the improved driveways.• Construct the relocated sidewalk along Woodfield Road in conformance with the “Interim Condition” cross section for Woodfield Road.• Construct the amenity open space and all walkways.• Installation of all landscaping.	60 months (5 years)
Phase II	Obtain building permits for the remainder of the approved square footage prior to the expiration of the 120-month (10-year) APF Validity Period. <ul style="list-style-type: none">• Construct the entrance walkway and accommodating walkways for Building 1.• Construct the SWM facility to address impervious areas.	60 months (5 years, 120 months cumulative)

- ii. To allow a validity period longer than the specified minimum, the Board must find that the size or complexity of the subdivision warrant the extended validity period and would not be adverse to the public interest. The Board must condition a validity period longer than the specified minimum on adherence to the proposed development schedule or phasing plan, and may impose other improvements or mitigation conditions if those conditions are needed to assure adequate levels of transportation or school service during the validity period.

Planning Staff is recommending approval of the Applicant's request for five (5) additional years of APF validity, to complete construction of the proposed development. Due to nature of the Applicant's small business, the complexity of constructing Phase I will require the Applicant's full attention and financial resources. The request for the additional five years of APF will allow the Applicant to finalize the design of the office building (Building 1), assemble the necessary financial resources, and ultimately construct Building 1. Considering the scope of implementing and constructing Phase I, the five additional years of APF validity requested by the Applicant is reasonable.

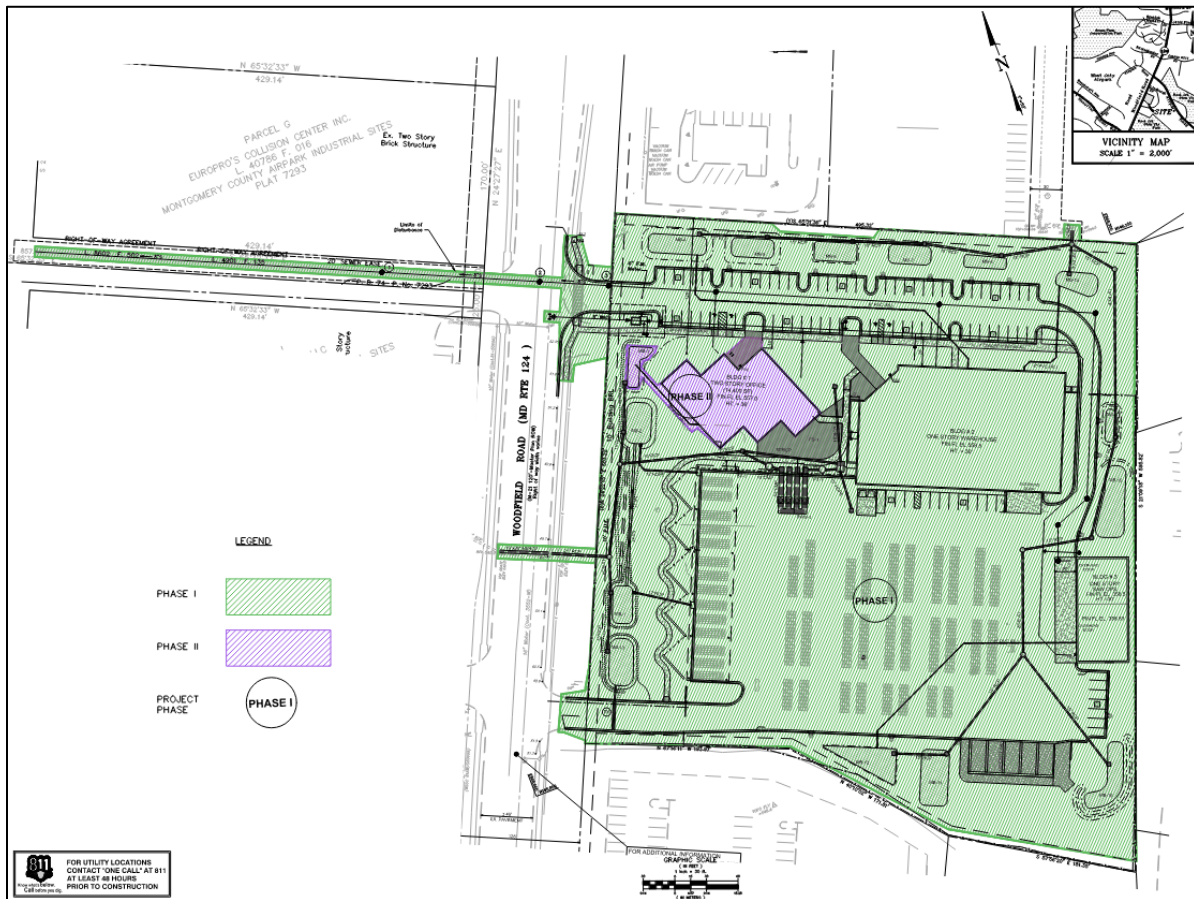


Figure 13 - APF Validity Phasing Diagram

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20250160.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

DPS found acceptable a Revised Combined Preliminary and Final Water Quality Plan/Site Development Stormwater Management Plan in a letter dated February 7, 2025. The plan proposes to meet required stormwater management goals via Environmental Site Design and one Structural Device (CMP) (Attachment D).

Upper Rock Creek Special Protection Area Water Quality Plan

The Application is in compliance with M-NCPPC Environmental Guidelines and Chapter 19 of the Montgomery County Code ("Chapter 19"). This Property is partially located within the Upper Rock Creek SPA (Figure 14) 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 and/or Site Plan. Under Section 19-65 of the Montgomery County Code, the Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of a Water Quality Plan. MCDPS has reviewed and 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.

MCDPS Special Protection Area Review Elements

MCDPS established the performance goals for the project which include:

- a. minimize storm flow run off increases,

- b. minimize increases to ambient water temperatures,
- c. minimize sediment loading,
- d. minimize nutrient loading.

In a letter dated February 7, 2025, MCDPS found their portion of the Preliminary/Final Water Quality Plan under its purview acceptable, including 1) stormwater management facilities, 2) sediment and erosion control measures and 3) Best Management Practices (BMP).

Planning Board Special Protection Area Review Elements

Section 19-65(a)(2)(A) of Chapter 19 states:

- (A) In acting on a preliminary or final water quality plan, the Planning Board has lead agency responsibility for:*
 - (i) Conformity with all policies in the Planning Board's Environmental Guidelines which apply to special protection areas;*
 - (ii) Conformity with any policy or requirement for special protection areas, including limits on impervious area, in a land use plan, watershed plan or the Comprehensive Water Supply and Sewer System Plan; and*
 - (iii) Any other element of the plan in which the Planning Board has primary lead agency design, review, and approval responsibility.*

The Planning Board must determine the: 1) the Application's conformance to the Environmental Guidelines including environmental buffer protection, 2) the Application's conformance to impervious surface limitations, and 3) the Application's conformance to Montgomery County Code, Chapter 22A, Forest Conservation.

The following is an analysis of the Planning Board's responsibilities in the review of the Final Water Quality Plan. The Planning Board must determine if: 1) Conformance to the Planning Board's Environmental Guidelines, 2) limits on impervious area, and 3) Forest Conservation.

1. Conformance to Environmental Guidelines

There are no environmentally sensitive features on the Subject Property or in proximity to the site, so no environmental buffer protection is required. The Site is exempt from the Upper Rock Creek Overlay Zone as per Sec. 4.9.21(B)(1) of the Zoning Ordinance. As such, the Site complies with the Environmental Guidelines.

2. Limits on Impervious Area

The Subject Property is zoned IL-1.0/H-50 and is also partially within the Upper Rock Creek SPA. Most developments within the SPA are subject to an 8% impervious cap. However,

the Subject Property is exempt from any of the requirements of the SPA per Section 4.9.21(B)(1)(f) of the Zoning Ordinance for the Upper Rock Creek Overlay Zone. In part, Section 4.9.21(B)(1) states:

1. The following are exempt from Section 4.9.21:

f. Development in any Industrial or Commercial/Residential zone.

As stated above, the Subject Property is exempt from the impervious surface requirements of the Upper Rock Creek SPA because it is located in IL-1.0/H-50, an industrial zone. Even though the Site is exempt from the impervious surface requirements of the Overlay Zone the Site is not exempt from submitting a Water Quality Plan per Sec. 19-62(b) of Chapter 19 of the Montgomery County Code. As such, Planning Staff has reviewed the Final Water Quality Plan and recommends approval of the elements of the SPA Water Quality Plan under Planning Board purview.

3. Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County 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 forest conservation areas to permanently protect, or areas of accelerated forest plantings required.

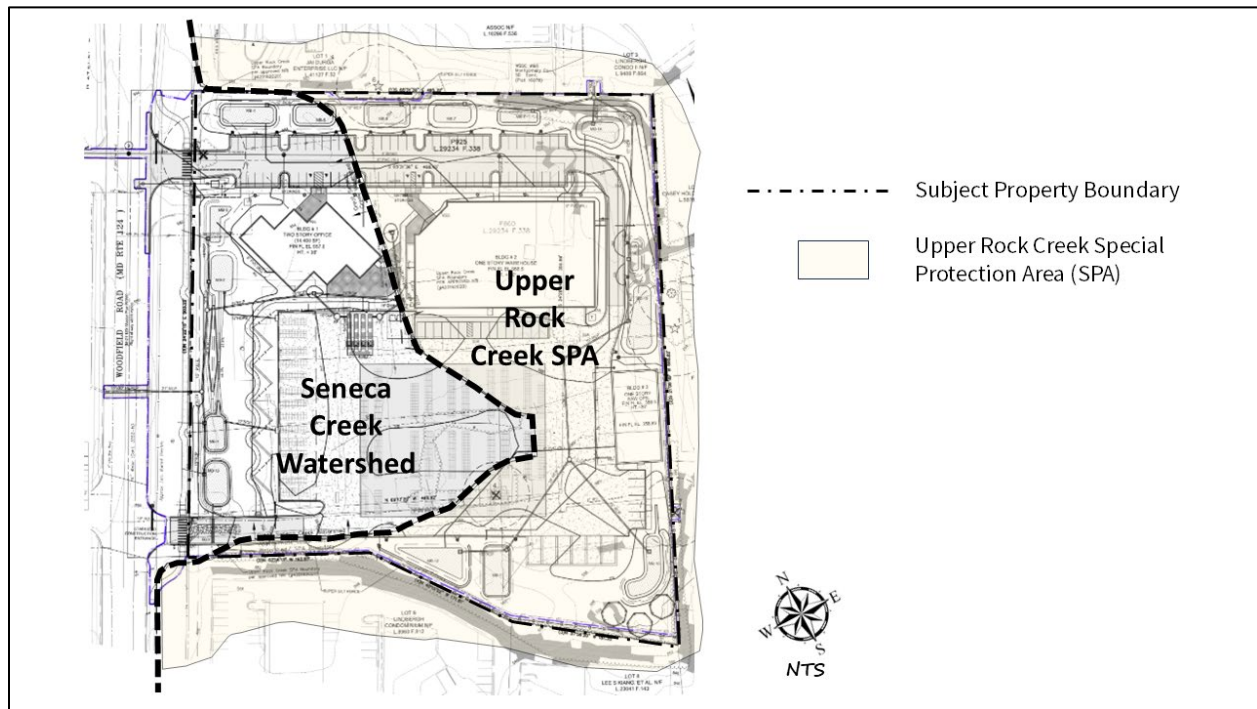


Figure 14 - Upper Rock Creek Special Protection Area

6. ***Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.***

This finding is not applicable, as the Applicant has no actual or constructive notice of any burial site on the Property.

7. ***Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.***

No other provisions apply to the Subdivision.

SECTION 6: FINAL FOREST CONSERVATION PLAN F20250160 FINDINGS AND ANALYSIS

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Final Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and described further below. Included with the Final Forest Conservation Plan is a request for a tree variance for impacts to subject trees greater than 30-inches diameter breast height (DBH) per Section 22A-12(b)(3)(C).

Natural Resource Inventory/Forest Stand Delineation Plan

A Natural Resource Inventory/Forest Stand Delineation Plan No. 420242770 (“NRI/FSD”) was approved for the Subject Property on August 27, 2024. The 6.30-acre site is located in the IL Zone and contains several one- and two-floor buildings, equipment storage, gravel parking and material storage areas. The Property has no forest, streams, stream buffers or other environmentally sensitive areas. There are three (3) trees that measure 30-inches or greater DBH on and immediately adjacent to the Site. The Site is split between two watersheds. Approximately a third of the Site lies in the Great Seneca Creek watershed and the remainder lies within the Upper Rock Creek watershed. Approximately 3.5 acres or 60% of the Site lies within the Upper Rock Creek SPA and overlay zone.

Environmental Guidelines

There are no environmentally sensitive features on the Subject Property or in proximity to the site, so no environmental buffer protection is required. The Site is exempt from the Upper Rock Creek Overlay Zone as per Sec. 4.9.21(B)(1) of the Zoning Ordinance. As such, the Site complies with the Environmental Guidelines.

Final Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law (“FCL”) and the Montgomery County Planning Department’s Environmental Guidelines. As required by Chapter 22A, an FFCP was submitted with the Application. The total net tract area for forest conservation purposes is 6.98 acres which includes the Subject Property of 6.30 acres, plus offsite work of 0.68 acres for offsite work within the proposed right-of-way of Woodfield Road for the installation of a sidewalk, sewer line extension, water connection and storm drain connections.

The Subject Property is zoned IL and is classified as Commercial and Industrial Use Area (“CIA”) as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. The Subject Property contains no forest. This results in a total afforestation requirement of 1.05 acres as calculated in both the Forest Conservation Worksheets. The Applicant proposes to meet this requirement by purchasing the appropriate credits in an M-NCPPC Forest Conservation Bank or if no banks are available, then submitting a fee-in-lieu payment to the Forest Conservation Fund.

Tree Variance Request

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-21 (“Variance”). Otherwise, such resources as defined under Section 22A-12(b)(3) must be left in an undisturbed condition.

This Application will require the removal and impacts to Protected Trees and requires a request for a variance from Sec. 22A-12(b)(3) of the FCL. The Applicant has made a Variance request for the removal of one (1) and the impacts to two (2) Protected Trees for the construction of three (3) mixed use buildings containing 14,400 square feet of office, 3,286 square feet of retail brick showroom, 17,765 square feet of warehouse and material storage, and 5,000 square feet of light manufacturing (Table 4 and Figure 15). Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a Variance to be granted.

Table 4 - Impact or Removed Protected Trees

Tree ID	Common Name	Scientific Name	DBH	% Impact	Status
1	Sycamore	<i>Plantanus occidentalis</i>	34 in.	31%	Offsite tree in good condition, minor impacts to CRZ; impacts only, save tree
5	Red Oak	<i>Quercus rubra</i>	30 in.	100%	Tree in fair condition, 100% impacts to CRZ, tree within LOD; remove tree
6	Black Cherry	<i>Prunus serotina</i>	30 in.	29%	Tree in fair condition, minor impacts to CRZ; impacts only, save tree

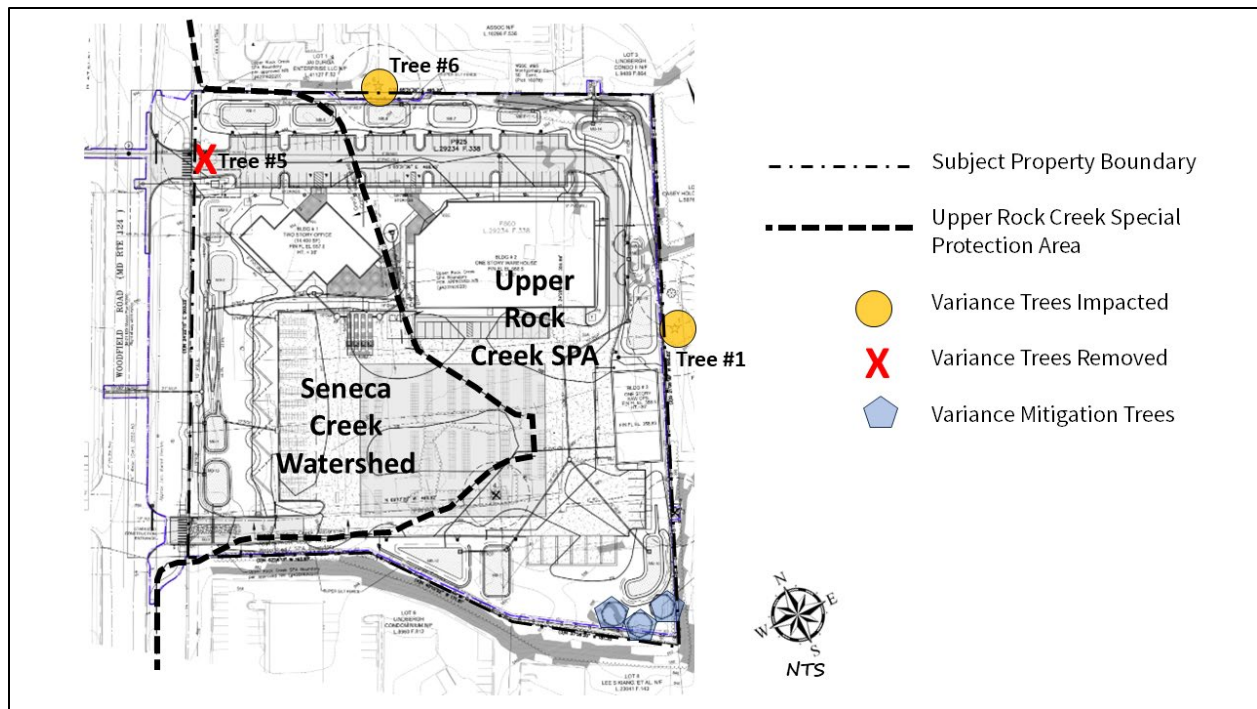


Figure 15 - Variance Trees and Mitigation Plantings

Unwarranted Hardship

In accordance with Section 22A-21(a), the Applicant has requested a Variance (Attachment G) from Sec. 22A-12(b)(3)(C) of the FCL in order to remove one (1) and impact two (2) Protected Trees. Without this variance from the FCL, the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property for the redevelopment of this site in the IL zone for the construction of three (3) mixed use buildings containing 14,400 square feet of office, 3,286 square feet of retail brick showroom, 17,765 square feet of warehouse and material storage, and 5,000 square feet of light manufacturing while meeting Montgomery County requirements. The impacts to trees #1 and #6 are the result of a DPS requirement for stormwater management structures to adequately treat stormwater runoff in the Upper Rock Creek SPA and overlay zone. The removal of tree #5 is the result of a MCDOT requirement to realign the proposed entry drive with an existing driveway on the opposite side of Woodfield Road. While redeveloping this site and addressing Montgomery County requirements, the removal and impacts these Protected Trees are unavoidable.

Tree Variance Findings

The following determinations are based on the required findings for granting of the requested variance:

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

Granting the Variance to remove tree #5 and to impact trees #1 and #6, will not confer a special privilege on the Applicant as the impacts or removals are due to necessary development requirements of providing safe and adequate entry into the site and to provide necessary stormwater management. Therefore, the granting of this Variance is not a special privilege for this Applicant and one 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 on the necessary development standards of providing safe and adequate site access, and stormwater management.

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 the required improvements, 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 two Protected Trees being impacted are not located within a stream buffer or wetland area, but are located within the Upper Rock Creek SPA. Tree #5 which is proposed to be removed is not located within the Upper Rock Creek SPA. Additionally, the required mitigation plantings for the removal of tree #5 are being installed within the SPA in the southern corner of the site adjacent to a SWM facility and thereby will provide some increased measure of water quality treatment for the Upper Rock Creek SPA.

Mitigation for Trees Subject to the Variance Provision

There is one (1) Protected Tree proposed for removal in this Variance request resulting in a total of 30 inches of DBH being removed. The FFCP includes mitigation at a rate that approximates the form and function of the tree removed. This tree will be replaced at a ratio of approximately 1-inch caliper for every 4 inches removed using trees that are a minimum of 3-inch caliper in size. This results in a total mitigation of 7.5 inches which will be met with the installation of three 3-inch caliper trees. These mitigation trees must be overstory trees native to the Piedmont Region of Maryland installed on the Subject Property outside of any rights-of-way and/or utility easements.

Recommendation on the Variance

Planning Staff recommends approval of the variance request, with individual tree mitigation plantings as conditioned to address the removal of the one Protected Tree.

SECTION 7: CONCLUSION

As conditioned, the Preliminary Plan application substantially conforms to the recommendations of the 2004 *Upper Rock Creek Area Master Plan* and satisfies the findings of the Subdivision Regulations. The Application meets all requirements and criteria as defined in Montgomery County Code Section 50.4.3.J for the Planning Board to approve the extended Adequate Public Facilities validity period for 10 years. As conditioned, the extended APF period provides the Applicant with adequate time to successfully complete both Phase I and Phase II within the 10 years of APF validity. The Final Forest Conservation Plan satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Therefore, Planning Staff recommend approval of the Preliminary Plan including a Final Water Quality Plan, Final Forest Conservation Plan, and the 10 years of extended APF with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary Plan Composite

Attachment B: Final Forest Conservation Plan Composite

Attachment C: Statement of Justification

Attachment D: Agency Letters

Attachment E: Affidavit Regarding Community Meeting and Meeting Minutes

Attachment F: Extended Adequate Public Facilities Request

Attachment G: Tree Variance Request