

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

May 15, 2025

MCPB No. 25- 040
Preliminary Plan No. 120250060
Rickman Property
Date of Hearing: April 24, 2025

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on October 30, 2024, Potomac Valley Brick and Supply Company (“Applicant”) filed an application for approval of a preliminary plan of subdivision to create one (1) lot for up to 41,052 square feet of density, composed of 17,116 square feet of warehouse uses, 15,650 square feet of office uses, 5,000 square feet of light manufacturing uses, and 3,286 square feet of retail uses, on 6.30 acres of land in the IL (Light Industrial) and Upper Rock Creek Overlay zones, located at 18849 Woodfield Road, Gaithersburg (“Subject Property”), in the Rural East Policy Area and 2004 *Upper Rock Creek Area Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120250060, Rickman Property (“Preliminary Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Final Forest Conservation Plan No. F20250160; 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 April 11, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 24, 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.

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Approved as to

Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120250060 to create one (1) lot for up to 41,052 square feet of density, composed of 17,116 square feet of warehouse uses, 15,650 square feet of office uses, 5,000 square feet of light manufacturing uses, and 3,286 square feet of retail uses on the Subject Property, subject to the following conditions:¹

General Approval

1. This Preliminary Plan is limited to one (1) lot for up to 41,052 square feet of density, composed of 17,116 square feet of warehouse uses, 15,650 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

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

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 MDOT SHA'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 dated 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 herein 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 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.

BE IT FURTHER RESOLVED that having considered 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 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 approved lot is appropriate for the location of

the subdivision, taking into account the recommendations of the Master Plan, and for the density contemplated for the Subject Property.

The Application is approved 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 approved block design, layout, and size are appropriate for the approved density.

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

The lot size, width, shape, and orientation are appropriate to the approved density and development. The lot can reasonably accommodate the buildings, structures, parking, and utilities. Per Section 59.3.5.11.B.2.a.vii the Applicant is approved for 6.1% of the mapped FAR for a combination of Office, Retail/Service Establishment uses, which does not exceed the maximum of 35% of the mapped FAR permitted for these uses within the IL zone.

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

The approved 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 buildings, that include warehouse, light manufacturing, office, and retail uses, which can meet the width and setbacks requirements within that zone.

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 the 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 approved light industrial warehouse and office uses are in conformance with the planned land use character and noise susceptibility recommendations of the 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 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, water 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 in an industrial zone, 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-bioretenention facilities and bio-swale facilities.

c) *Transportation*

The 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 already exists 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 is not required.

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-wide 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-wide shared use path (on the west side, opposite the Subject Property) and a 6-foot-wide sidewalk (on the east side, along the Site frontage).

The Application includes a 6-foot-wide 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 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-wide drive lane, a 14-foot-wide drive lane, a 25-foot-wide planting strip, an 8-foot-wide buffer, a 6-foot-wide sidewalk, and a 4-foot-wide 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.

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 approved 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 Application replaces the existing warehouse with a new 17,116 square foot warehouse and replaces the existing saw operation and showroom with new facilities of the same size. Additionally, the Application includes 15,650 square feet of general office uses. The approved changes to the mix of uses are estimated to generate a net increase of 41 person trips in the morning peak hour and a net increase of 44 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 1 below.

Table 1 - Trip Generation Analysis²

		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 15,650 ft ²	34	36	34	36	45	48
	Warehouse 17,116 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		72	77	72	77	97	104
Net Change Person Trips						+41	+44

c) Schools

The Application is approved 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 will remove the existing septic system and connect to public water and sewer. Public

² Source: Transportation Exemption Statement from The Traffic Group, INC, September 29, 2023, modified by staff

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 approved 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 2020-2024 Growth and Infrastructure Policy.

Adequate Public Facilities Validity Extension Request

The Applicant requested 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 to 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). 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 2).

Table 2 - 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. 	120 months (10 years)

- 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.*

The Board finds the Applicant’s request for five (5) additional years of APF validity, to complete construction of the approved development, is warranted. Due to the nature of the Applicant’s small business, the complexity of constructing Phase I requires the Applicant’s full attention and financial resources. The request for the additional five years of APF to construct Phase II allows the Applicant time 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 for Phase II by the Applicant is reasonable.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

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, which are included in a separately approved resolution and are incorporated herein.

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 will meet required stormwater management goals via Environmental Site Design and one Structural Device (CMP).

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 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 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.

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. 59-4.9.21.B.1.f 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 59-4.9.21.B.1.f, which states in part:

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, the Planning Board approves 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 as stated above and as further discussed in the findings for Forest Conservation Plan F20250160, which are included in a separately approved resolution and are incorporated herein. 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.

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 4.3.M.

This finding is not applicable, as the Applicant has no actual or constructive notice of any burial site on the Property, nor is the Property included in the Montgomery County Cemetery Inventory.

7. Any other applicable provision specific to the property and necessary for approval of the Administrative Subdivision is satisfied.

No other provisions apply to the Subdivision.

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

May 15, 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 Commissioner Hedrick, 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, May 1, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board