

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

May 9, 2025

MCPB No. 25-047  
Mixed-Income Housing Community Plan No. E20250010  
Tevis Place  
Date of Hearing: April 17, 2025

## **RESOLUTION**

WHEREAS, under Section 59-7.3.7 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review mixed-income housing community plan applications; and

WHEREAS, on February 12, 2025, TM Associates Development (“Applicant”) filed an application for approval of a mixed-income housing community (“MIHC”) plan for 154 dwelling units in a 190,000 square foot multi-unit building, with a minimum of 50% MPDUs on 1.56 acres of CR-3.0, C-1.5, R-2.5, H-200 zoned-land, located at 11800 Nebel Street (“Subject Property”), in the North Bethesda Policy Area and 2010 *White Flint Sector Plan* (“Sector Plan”) area; and

WHEREAS, the MIHC plan application for the Subject Property was designated MIHC Plan No. E20250010, Tevis Place (“Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20250410 and Administrative Subdivision No. 620250090; 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 7, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 17, 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 Commissioner Linden, with a vote of 3-0; Vice Chair Pedoeem, Commissioners Hedrick, and Linden, voting in favor, with Chair Harris and Commissioner Bartley necessarily absent.

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Approved as to  
Legal Sufficiency:

/s/ Matthew Mills

M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves MIHC Plan No. E20250010 for 154 dwelling units in a 190,000 square foot multi-unit building, with a minimum of 50% MPDUs, on the Subject Property, subject to the following conditions:<sup>1</sup>

**Density, Height & Housing**

1. Density

- a) The MIHC Plan is limited to a maximum of 190,000 square feet of residential uses, for up to 154 multifamily dwelling units.
- b) The MIHC must include at least 150,000 square feet of residential development and 30 dwelling units.

2. Height

The development is limited to a maximum height of 80 feet, as measured from the building height measuring point, as illustrated on the MIHC Plan.

**Facilities and Amenities**

3. Facilities and Amenities

Before issuance of the final use and occupancy certificate, the Applicant must construct the streetscape improvements along the Property's frontage on Nebel Street, as shown on the certified MIHC Plan.

4. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines*.

- a) Transit Proximity for the Property location within one-half (0.5) mile of the North Bethesda Metro Station.
- b) Diversity of Uses and Activities
  - i) Affordable Housing/MPDUs
    - a. The development must provide a minimum of 50% MPDUs, or Montgomery County Department of Housing and Community Affairs (MCDHCA)-approved equivalent, that are affordable to households earning 60% or less of Area Median Income (AMI) consistent with the requirements of Chapter 25A.<sup>2</sup> The Applicant is receiving a 20,437.50 square foot density bonus for providing 50% MPDUs or MCDHCA-approved equivalent.
    - b. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
    - c. The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated March 12, 2025, and incorporates them as conditions of the

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

<sup>2</sup> Although the Applicant intends to provide 100% of the units as MPDUs, the Planning Board conditions the approval on the minimum affordability requirement for the MIHC under Section-3.3.4.A.1, rather than 100% MPDUs, to allow flexibility for changes with respect to other relevant considerations, including, but not limited to, financing, etc.

MIHC Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the MIHC Plan approval.

c) Quality Building and Site Design

- i) With the exception of two surface parking spaces located in the driveway, the Applicant must provide all vehicle parking spaces within a below-grade garage.

5. Recreation Facilities

The Applicant must provide the required recreation facilities as shown on the Certified MIHC Plan.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, paving and landscaping on the Property along Nebel Street.

**Environment**

7. Noise Attenuation

- a) Before issuance of the first above-grade building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. Any noise impacted units must be identified on the Certified MIHC Plan.
- b) If any changes occur to the MIHC Plan which affect the validity of the noise analysis dated March 4, 2025, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- c) Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

**Transportation & Circulation**

8. Transportation

Before the issuance of any building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).

9. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 74 long-term and 6 short-term bicycle parking spaces.

- b) The long-term bicycle parking spaces must be in a secured, well-lit bicycle room on the ground floor of the building or bicycle cage in the parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified MIHC Plan.
- c) The Applicant must provide one bicycle repair station.
- d) Before issuance of the final Use and Occupancy Certificate, the Applicant must provide the following master planned pedestrian and bicycle facilities along the Nebel Street Property frontage, the exact location, design and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations:
  - i. A ten foot-wide (10 ft) sidewalk; and
  - ii. A five-foot-ten-inch-wide (5 ft 10 in) separated bike lane (existing) with a three and a half (3.5 ft) foot-wide buffer from the street and six-foot-wide (6 ft) buffer from the sidewalk.

#### 10. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated January 28, 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 amendments do not conflict with other conditions of MIHC Plan approval.

### **Site Plan**

#### 11. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A2.01 of the submitted architectural drawings, as determined by M-NCPPC Staff.

#### 12. Lighting

- a) Before certification of the MIHC Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this MIHC Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.

- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified MIHC Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified MIHC Plan.

13. Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate (excluding core and shell), 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(s) or other form of surety in accordance with Section 59-7.3.4.K.4 of the Montgomery County Zoning Ordinance, 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 applicable elements only for facilities located on the Property (not in the public right-of-way), including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, and fencing. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a MIHC completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

14. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified MIHC Plan.

15. Validity

Per Section 59-7.3.7.H of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of the Planning Board Resolution approving the MIHC Plan. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may be extended, with Planning Board approval, by up to 18 months. If the Applicant fails to comply with any of the deadlines in this condition, the entire MIHC Plan approval shall be revoked by operation of law, but may be reinstated by the Planning Board as allowed under Section 59-7.3.7.H.

16. Certified Mixed-Income Housing Community Plan

Before approval of the Certified MIHC Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include agency approval letters, development program, and MIHC Plan resolution on the approval or cover sheet(s).
- b) Add the following notes:
  - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
  - ii. “Minor modifications to the limits of disturbance shown on the Mixed-Income Housing Community Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
  - iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Mixed-Income Housing Community Plan conformance and compliance, upon approval of the Certified Mixed-Income Housing Community Plan. The pre-con must occur before any site development work commencement and before any work that is covered by the surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS Staff. A copy of the approved Certified Mixed-Income Housing Community Plan along with any subsequent amendments is required to be on-site at all times.”
- c) Include approved Fire Department Access Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Show noise impacted units.
- g) Identify a car share parking space and motorcycle/scooter parking as required by Section 59-6.2.3.
- h) Remove the obstructing curb section on the Nebel Street sidewalk crossing.
- i) Modify public benefits points on the cover sheet to reflect the public benefit points approved by the Planning Board.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Tevis Place, MIHC Plan No. E20250010, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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 development satisfies any previous approval that applies to the site, unless exempt under Section 3.3.4 or amended.*

There are no applicable previous approvals that apply to the Site.

2. *The development satisfies the applicable use and development standards and general requirements of this Chapter.*

- a. Use Standards

A MIHC is a limited use in the CR Zone, and it must contain at least 150,000 square feet of new Multi-Unit Living uses with at least 30 dwelling units. The Application proposes 190,000 square feet of Multi-Unit Living uses with 154 dwelling units.

A MIHC must also satisfy one of the four affordability criteria listed under Section 59-3.3.4.A. The Application will satisfy the affordability requirement under Section 59-3.3.4.A.1 such that “at least 50% of the units [are] built under a government regulation or binding agreement that limits the price charged for at least 30 years, and [are] affordable to households earning 60% or less of Area Median Income (AMI).” As required by Section 59-7.3.7.B.2.a, the Applicant submitted a legally binding commitment letter, accepted by the Planning Director, that the MIHC will meet the requirements of Section 59-3.3.4. The letter indicates the Applicant’s intention to exceed the MIHC affordability requirement by designating all of the units as MPDUs,<sup>3</sup> with at least half priced as affordable to households earning under 60% AMI. In addition, the Applicant will enter into an MPDU Agreement to Build with DHCA, ensuring affordability of the MPDUs for 99 years.

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<sup>3</sup> See Note 2, *supra*.

b. Development Standards

The Subject Property includes approximately 1.56 acres zoned CR-3.0, C-1.5, R-2.5, H-200. The Application satisfies the applicable development standards as shown in the following data table:

**Data Table for CR-3.0, C-1.5, R-2.5, H-200 Zone, Optional Method, Section 59-4.5.4**

Development Standard	Permitted/ Required	Approved
Tract Area (sf)	n/a	67,825
Prior Dedication	n/a	14,315
Proposed Dedication	n/a	1,926
Site Area (sf)	n/a	51,584
Density [GFA (sf)/FAR]		
Mapped Commercial	101,737.5/ 1.5	0
Mapped Residential	169,562.5/2.5	169,562.5/2.5
Mapped Total	203,475/3.0	169,562.5/2.5
MPDU Requirement (min)	15%	50%
MPDU Bonus Density	101,737.50 /1.5 <sup>1</sup>	20,437.50/0.30
Total with MPDU bonus	271,300/4	190,000/2.80
Building Height (ft)	200	80
Public Open Space (min sf)	0	n/a
Minimum Setbacks (ft)		
Front	Set at MIHC Plan	5
Side	Set at MIHC Plan	15
Rear	Set at MIHC Plan	15
Parking		
Vehicle	0 (min) <sup>2</sup> /246 (max)	Up to 77 <sup>3</sup>
Bicycle (long term/short term)	74/3	74/6
Loading	1	1

<sup>1</sup>The Project is eligible for a 60% bonus density for providing 50% of the units as MPDUs.

<sup>2</sup>Off-street parking is not required for a MIHC within a red policy area (in this case, the North Bethesda Metro Station).

<sup>3</sup>The Applicant requests flexibility to provide fewer than 77 parking spaces, with the exact amount determined at building permit.

c. Optional Method Public Benefits

Section 59-4.7.1 typically requires Optional Method Projects in the CR Zone to provide 100 public benefit points from four categories. However, per Section 59-4.7.3.D.6.e, a project that provides a minimum of 20% MPDUs is not required to satisfy any other public benefit category. Although this Project is providing at least 50% MPDUs and is not required to provide benefits in any other category, the Planning Board approves 499 public benefit points from three categories.



<b>Public Benefits</b>		
<b>Public Benefit</b>	<b>Maximum Points Allowed</b>	<b>Approved</b>
<b>Transit Proximity</b>	50	30
<b>Diversity of Uses and Activities</b>		
Moderately Priced Dwelling Units	N/A	450
<b>Quality Building and Site Design</b>		
Structured Parking	20	19
<b>Total Points</b>		<b>499</b>

i) Transit Proximity

The Property qualifies for 30 public benefit points for its location between ¼ and ½ mile of the North Bethesda Metro Station (Level 1 transit proximity).

ii) Diversity of Uses and activities

MPDUs

The Project is eligible for 450 points for providing 50% MPDUs with the following calculation:

$$\begin{aligned}
 &= (\% \text{ MPDUs provided} - \% \text{ MPDUs required}) * 12 \\
 &= (50 - 12.5) * 12 \\
 &= 450 \text{ points}
 \end{aligned}$$

iii) Quality Building and Site Design

Structured Parking

The Project is entitled to 19 points for providing all vehicle parking spaces in a below-grade parking garage, except for two surface parking spaces near the driveway entrance, per the calculation below.

$$\begin{aligned}
 &= (\text{Below grade spaces} / \text{Total Spaces}) * 20 \\
 &= (75 / 77) * 20 \\
 &= 19 \text{ points}
 \end{aligned}$$

d. General Requirements

i. *Site Access*

Vehicle access to the Property is consolidated from two existing driveways into one driveway on the Property's northern corner. The residential entrance for pedestrians is located on Nebel Street, just south of the midpoint of the building.

ii. *Parking, and Loading*

Except for two surface parking spaces located near the driveway entrance, vehicle parking is provided in a below-grade structured parking garage. One loading space is available on the west side of the building.

The Project's geothermal equipment is provided in the garage level, but final location and sizing have yet to be determined. For these reasons, the Planning Board approves flexibility to reduce the number of parking spaces without requiring an amendment since the Project does not have a minimum vehicle parking requirement.

Short-term bicycle parking spaces are provided adjacent to the building's pedestrian entrance, and long-term bicycle parking is provided in a bicycle room on the first floor of the building with direct access onto Nebel Street.

iii. *Open Space and Recreation*

Based on the Property's tract area and the number of street frontages, the Project is not required to provide any public open space under Section 59-4.5.4.B. However, the Project provides an entrance plaza with pavers, an enhanced streetscape, and landscaping along the building's Nebel Street frontage.

The Project satisfies the Recreation Guidelines with a bikeway along the Property frontage, an indoor community space and a fitness room, a tot lot, and an interior courtyard/garden.

iv. *General Landscaping and Outdoor Lighting*

The Project provides appropriate landscaping at the base of the building along Nebel Street, along the driveway, in the interior courtyard, and in the amenity area to the rear of the building. As conditioned, the lighting is in conformance with the Zoning Ordinance.

3. *The development satisfies the applicable requirements of:*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on April 1, 2025. The plan will meet stormwater management requirements using use of micro-bioretenion and green

roof. A partial waiver has also been requested.

b. Chapter 22A, Forest Conservation

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 F20250410, which are included in a separately approved resolution and are incorporated herein.

4. *The development provides safe, well-integrated parking, circulation patterns, building massing, and site amenities.*

Vehicle access is provided from a driveway on Nebel Street from the northern corner of the Property. The majority of vehicle parking is located within a structured garage with the exception of two surface parking spaces for short term parking needs near the driveway entrance. Pedestrian access to the building is provided from the lobby entrance on Nebel Street. From the bicycle lane along the Property frontage, bicyclists can park in short term spaces adjacent to the building entrance and residents can park bicycles in the long-term bicycle storage room with direct access from Nebel Street.

The building height is appropriately scaled at 80 feet and provides a step down from the adjacent 17-story building to the northwest to the lower scaled uses on abutting and confronting properties.

Site amenities include streetscape improvements, a small plaza and landscaping along the Nebel Street frontage and private amenities for the residents including a courtyard, tot lot and various indoor amenity spaces.

5. *The development substantially conforms with the intent of the applicable master plan, existing and approved or pending adjacent development, the requirements of this Chapter, and any guidelines approved by the Planning Board that implement the applicable plan.*

a) Sector Plan

The Project aligns with the goals and recommendations of the 2010 *White Flint Sector Plan* (Sector Plan) which envisions the transformation of the area from an auto-oriented suburb into an urban center of residences and businesses where people walk to work, shops, and transit (p.6). The Property is located in the Sector Plan's Metro East District, North Bethesda Center Block 1. The Sector Plan recognizes the

proximity of the Metro station to this area, and recommends rezoning the Property, and two nearby properties along Nebel Street, to allow for assembly or independent redevelopment (p. 30). The Project advances the overall Sector Plan vision and Metro East District recommendations by replacing the existing, outdated two-story commercial building with an affordable multifamily community within walking distance of the North Bethesda Metro Station, a grocery store, and other area amenities. The redevelopment of the Subject Property with 154 affordable multifamily units and a variety of unit types (ranging from 1-4 bedrooms) helps achieve the Sector Plan goal to accommodate a variety of households with different unit types and sizes (p. 25).

The Sector Plan's key sustainability goals are to minimize carbon emissions and to create a healthy, livable environment by improving air and water quality (p.49). The Project helps further the Plan's sustainability goals by redeveloping with a compact building footprint, pursuing PHIUS Zero certification, increasing tree canopy coverage, and improving the Property's stormwater management capabilities.

The Sector Plan recommends a transit focused, multi-modal mobility system, with improved pedestrian and bicyclist access to reduce automobile use (p.50). The Project's frontage improvements will enhance the pedestrian and bicyclist experience along Nebel Street. The frontage improvements will also contribute to the Plan's envisioned Recreation Loop (pages 59 and 61), a signed pathway connecting important area locations.

#### b) Noise Guidelines

The Project will be subject to noise impacts from Nebel Street and the CSX railway to the northeast of the Property and the County's Noise Guidelines must be addressed. The Applicant's noise analysis demonstrates that noise impact on the building will exceed 65 dBA LDN, up to a maximum of 68 dBA LDN.

Inside the proposed building, noise impact is fairly consistent at 68 dBA Ln across the Northeast façade. Residential buildings exposed to noise levels above 65 dBA Ldn require further analysis to determine whether the proposed building construction will be capable of reducing exterior noise to an interior level of 45 dBA Ldn or less. The Applicant will conduct Building Shell Analysis once architectural plans are fully developed and, depending upon the noise level specific to each impacted unit, modifications may include increased window/door STC ratings. Other facades will not be impacted by transportation noise exceeding 65 dBA Ldn. The private outdoor amenity areas for the residents are located on the opposite side of the building from the CSX railway, and thus noise levels will not exceed 65 dBA in these areas.

c) Other Requirements

MIHC Plan finding no. 1 demonstrates that the Project satisfies the requirements of Chapter 59. The Project is an appropriately scaled multifamily building that fulfills the Sector Plan's vision for the Metro East District, and is designed to be respectful to adjacent properties, representing an appropriate stepdown in height from the approximately 17-story Aurora at North Bethesda Center building adjacent to the Property to the northwest, to the lower height adjacent uses on Nebel Street as well as those confronting the Property.

6. *If on a property in a master plan area that requires staging based on Non-Auto Driver Mode Share (NADMS), the development is exempt from the staging requirement if:*
- a. *the applicant agrees to enter into a Transportation Demand Management plan that provides an action plan for substantial achievement of the applicable NADMS goal;*
  - b. *parking below the minimum required under Section 6.2.4 is provided; and*
  - c. *transit, bicycle, and pedestrian infrastructure required by the applicable stage of the master plan is funded in the Capital Improvements Program or Consolidated Transportation Program, or provided by the applicant; and*

The Project is subject to the staging requirements of the Sector Plan, but there is ample capacity (over 3,000 dwelling units allowed) within Phase 1 to allow the Project to proceed.

7. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

Administrative Subdivision Plan No. 620250090, approved concurrently with the Subject Application and incorporated herein by reference, established that the development will be served by adequate public services and facilities.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this MIHC Plan shall remain valid as provided in Montgomery County Code § 59-7.3.7.H; and

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 9, 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 Vice Chair Pedoeem, with a vote of **3-0-2**; Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Chair Harris and Commissioner Bartley abstaining, 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