

## BERFGIELD TRACT

### PRELIMINARY PLAN NO. 120240130 & FINAL FOREST CONSERVATION PLAN NO. F20241050



Application for Preliminary Plan, and associated Final Forest Conservation Plan, to create a single lot from an existing 9.93-acre unplatted parcel to accommodate redevelopment of the Property with up to 412,208 square feet of industrial uses.

COMPLETED: 7/21/2025

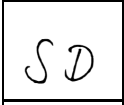
PLANNING BOARD HEARING DATE: 7/31/2025

MCPB ITEM NO. 7

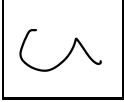
## Planning Staff



Tsaiquan Gatling, Planner III, West County Planning, [Tsaiquan.Gatling@montgomeryplanning.org](mailto:Tsaiquan.Gatling@montgomeryplanning.org), 301.495.2116



Stephanie Dickel, Supervisor, West County Planning, [Stephanie.Dickel@montgomeryplanning.org](mailto:Stephanie.Dickel@montgomeryplanning.org), 301.495.4527



Elza Hisel-McCoy, Chief, West County Planning, [Elza.Hisel-McCoy@montgomeryplanning.org](mailto:Elza.Hisel-McCoy@montgomeryplanning.org), 301.495.2115

### LOCATION/ADDRESS

8800 Brookville Road, Silver Spring

### MASTER PLAN

2017 *Greater Lyttonsville Sector Plan*

### ZONE

IM-2.5, H-50

### PROPERTY SIZE

9.93 acres

### APPLICANT

Donohoe Development Co.

### ACCEPTANCE DATE

September 12, 2024

### REVIEW BASIS

Chapter 50, Chapter 22A

### Summary:

- Staff recommends approval of the Preliminary Plan and Final Forest Conservation Plan with conditions.
- As part of the proposed redevelopment of this existing industrial site, the Applicant proposes to retain three existing radio/cellular towers onsite; these towers (which consist of antennae structures, supporting guy wires, and associated utility sheds) are owned by others and are subject to a perpetual easement.
- The redevelopment of the Subject Property is proposed to occur in two phases; one industrial building and one self-storage building will be constructed in the first phase and an additional industrial building and self-storage building is proposed to be constructed in a second phase.
- The proposal includes a request for a parking waiver to provide 252 spaces instead of 289 as required; Staff supports this request.
- This Application includes a request for an extended Adequate Public Facilities (“APF”) validity period for the structures associated with Phase 2 of the development.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS..... 3

PRELIMINARY PLAN 120240130..... 3

FOREST CONSERVATION PLAN F20241050..... 7

SECTION 2: SITE DESCRIPTION..... 9

VICINITY..... 9

PROPERTY DESCRIPTION..... 10

SECTION 3: PROJECT DESCRIPTION..... 11

PREVIOUS APPROVALS ..... 11

PROPOSAL ..... 11

SECTION 4: COMMUNITY OUTREACH ..... 20

SECTION 5: PRELIMINARY PLAN 120240130 FINDINGS AND ANALYSIS..... 20

SECTION 6: FOREST CONSERVATION PLAN F20241050 FINDINGS AND ANALYSIS..... 37

SECTION 7: CONCLUSION ..... 43

ATTACHMENTS..... 43

## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### PRELIMINARY PLAN 120240130

Staff recommends approval with conditions of the Preliminary Plan to create a single lot from an existing 9.93-acre unplatted parcel to accommodate redevelopment of the Property with up to 412,208 square feet of industrial uses, zoned IM-2.5, H-50. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120240130 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 412,208 square feet of industrial uses and three (3) existing radio/cellular towers with associated infrastructure.

#### ADEQUATE PUBLIC FACILITIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for ten (10) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5). The Applicant must obtain building permits for all buildings in Phase 1, as shown on the Certified Preliminary Plan, within five (5) years of the initiation date unless an extension is obtained. The remaining building permits must be issued prior to the expiration of the 10-year APF Validity Period unless an extension is obtained.

#### 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 January 17, 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 Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept letter dated June 25, 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.
7. 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 9, 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.

#### OTHER APPROVALS

8. Before approval of a record plat or any clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.

#### TRANSPORTATION

##### Frontage Improvements on Existing Roads

9. The Applicant must provide the following dedications and show them on the record plat for the following existing road:
  - a) All land necessary to accommodate 40 feet from the master planned centerline along the Subject Property frontage for Brookville Road, as shown on the certified Preliminary Plan.
10. Before the recordation of plat, the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a ten-foot-wide (10 ft) shared use path for pedestrians and bicyclists with an eight-foot (8 ft) buffer along the property frontage on Brookville Road, except as modified by MCDOT and/or MCDPS.

##### Off-Site Improvements/LATR

Before the issuance of the first certificate of occupancy permit the following off-site improvements must be permitted and bonded (to ensure construction) pursuant to MCDOT requirements, unless modified by MCDOT:

- a. Project 1: The Applicant will install a five-foot (5 ft) painted striped street buffer on east side Brookville Road, across from property’s frontage. A sidewalk is already associated with MDOT’s Purple Line Project.

- b. Project 3: The Applicant will install a five-foot-wide painted striped (5 ft) street buffer on Brookville Road, north of the Project and south of Lyttonsville Place (east side). A sidewalk is already associated with MDOT's Purple Line Project.
- c. Project 4: The Applicant will relocate the crosswalk on Brookville Road, south of the Site near the stop bar, with a new ramp.
- d. Project 5: The Applicant will improve ramps to ADA design standards and install crosswalk pavement marking at Brookville Road & Lyttonsville Place/Pittman Drive, N-S crossing (west side).
- e. Project 6: The Applicant will remove the existing free-right turn and reconstruct the pedestrian crossing at Brookville Road & Lyttonsville Place/Pittman Drive, N-S crossing (east side).
- f. Project 9: The Applicant will reconstruct a new crossing on Brookville Road, southeast of the Project Site (related to Project 4).
- g. Project 11: The Applicant will install an ADA curb ramp at the southern curb cut of Project.
- h. Project 12-17: The Applicant will install six curb ramps at shopping plaza, north of project.
- i. Project 18 and 19: The Applicant will install a new ADA curb ramp on the northern and southern corner of Pittman Drive & Brookville Road (related to Project 5).
- j. Project 20: The Applicant will install a new ADA curb ramp at the northeast corner of Brookville Road and Lyttonsville Place (related to Project 6).
- k. Project 22: The Applicant will install one street lamp on the existing pole located at Brookville Road, north of the Project and south of Lyttonsville Place (east side).
- l. Project 24: The Applicant will install a bus shelter and RTI (Real-time Transit Information) sign at bus stop 23746 (Lyttonsville Road & Claridge House Driveway), but is not responsible for bringing power to site or making final connections.

If, at the time the Applicant submits for permits to construct one of the required LATR Off-Site Improvements, the improvement is no longer necessary or desirable, because: i) it has been constructed or is under construction by another applicant or as part of a capital improvement project by a government agency, or, ii) the applicable sector plan has changed and no longer requires or suggests the improvement, the Applicant can propose an alternative LATR Off-Site Improvement and this alternative improvement, if reviewed and approved by Planning Staff, can be substituted and shown on a revised Certified Preliminary Plan.

## SURETY

11. Before issuance of any building permit or sediment control permit for the applicable phase, 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 plant material on-site lighting, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and streetlights.
  - 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

12. There shall be no building permits issued before recordation of plat.
13. The record plat must show necessary easements.

## CERTIFIED PRELIMINARY PLAN

14. 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.*

15. 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) Update plans and exhibits to reflect updated LOD and stormwater management concept plan.
  - d) Coordinate with Planning Staff to determine the feasibility of including solar panels and/or making the buildings solar ready.

---

#### **FINAL FOREST CONSERVATION PLAN F20241050**

Staff recommends approval of Final Forest Conservation Plan No. F20241050, which includes the development of two industrial buildings and two self-storage buildings accompanying Preliminary Plan No. 120240130. The approval is subject to the following conditions:

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 Forest Conservation Plan (FFCP) may be required by the M-NCPPC Forest Conservation Inspection Staff. Alternate methods of invasive control may be required or permitted by the M-NCPPC Forest Conservation Inspector.
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 FFCP.
4. The Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Lower Rock Creek watershed or Priority Area to satisfy the reforestation requirement for a total of 3.57 acres of mitigation credit. If no off-site forest banks exist within the Lower Rock Creek watershed or Priority Area, then the off-site requirement may be met by purchasing 4.81 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Lower Rock Creek watershed or 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

Bergfield Tract,  
120240130, F20241050 7



Applicant must install the variance tree mitigation plantings as shown on the approved FFCP.

- a. The variance tree mitigation plantings must be a minimum size of four (4) caliper inches totaling at least 99.5 caliper inches and must be native to the Piedmont Region of Maryland, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
  - b. The variance tree mitigation plantings must be at least five feet (5 ft) away from any fences, structures, paving, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements.
  - c. Must 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 all mitigation tree plantings, including variance tree mitigation plantings credited toward meeting the requirements of the FCP, and invasive plant control measures.
  - d. Submit a cost estimate for the reforestation/afforestation and other FCP requirements, which includes but is not limited to trees and shrubs, 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 FCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.
  - e. 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 any forest plantings, mitigation trees, and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
6. Before the certification of the Preliminary Forest Conservation Plan (PFCP), the Applicant must address/correct the following items:
- a. The net tract area for the forest conservation worksheet and associated plans/notes/figures must be revised to reflect the net tract area as being the area contained within the current property boundaries plus the offsite LOD.
  - b. Address invasives species management onsite and best management practices for disposal.
  - c. Perform minor clarifications/corrections to the satisfaction of staff.

## SECTION 2: SITE DESCRIPTION

### VICINITY

The 9.93-acre site, zoned Moderate Industrial (IM), is located near the southern terminus of Brookville Road. The Site is subject to the 2017 *Greater Lyttonsville Sector Plan*. The vicinity features several other industrial uses including a Montgomery County bus depot, which neighbors the Subject Property to the south, and various plazas and surface parking lots which serve the industrial/retail uses along Brookville Road.

Just west of the clustered industrial uses within the area lies a section of Rock Creek Stream Valley Park and an area of extensive forest which borders the creek. The Georgetown Branch Trail, leading to the Capital Crescent Trail further west, also lies to the south of the Property.



Figure 1 – Vicinity Map

## PROPERTY DESCRIPTION

The Subject Property (“Property” or “Site”) is located at 8800 Brookville Road in Silver Spring. The Site currently serves multiple functions as it houses an office and materials facility for a landscape company, a headquarters for a home building company, and features several telecommunication towers and associated support wires, which are maintained under approved Conditional Use (previously referred to as Special Exception) applications. The buildings onsite are served by a circular driveway to the north as well as a driveway near the south of the Property leading to the towers and materials yard in the rear.



*Figure 2 – Subject Property*

The Site contains environmentally sensitive features such as highly erodible soils, forests, and several significant and specimen trees. The forest is considered as high priority for retention because the Property is located within an area designated as containing Priority Urban Forest by the State of Maryland Department of Natural Resources (DNR). There are no known occurrences of rare, threatened, or endangered species related to the Property. The Site is located within the Lower Rock



Creek watershed, which is classified as a Use-Class I<sup>1</sup> watershed. There are no historic properties on-site. The Subject Property is relatively flat as currently developed and slopes gently downward towards the south and east up to the forested portions of the site; within the undeveloped, forested area the slopes greatly steepen downward towards the neighboring properties.

## SECTION 3: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

The Property is subject to and operating under several approved Conditional Use/Special Exception applications to allow the use of antennas, satellite dishes, and associated structures on the Property and grant modifications related to these structures<sup>2</sup>. The Project proposes to maintain the existing three Radio Towers on-site and will not modify these existing conditions. As such, a modification to the existing Special Exceptions is not necessary, pursuant to Section 3.5.2.B.2.b.ii of the Zoning Ordinance.

### PROPOSAL

The Preliminary Plan proposes to subdivide the entire Property to create a single recorded lot. After proposed dedication, the resulting net record lot will comprise approximately 9.73 acres and will feature two separate access points along Brookville Road.

Approximately 412,208 square feet of industrial uses are proposed as part of redevelopment. Four new buildings are proposed on-site—two of which will be utilized for industrial space and the other two will be used for self-storage. The existing Radio Towers located on-site will remain, and as noted are owned by others and subject to perpetual easements.

---

<sup>1</sup> WATER CONTACT RECREATION & PROTECTION OF NONTIDAL WARMWATER AQUATIC LIFE

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, and industrial water supply.

<sup>2</sup> Case No. 466/July 1945, Case No. 563/1946, Case No. 968/1960, Case No. 1400/1963, Case Nos. CBA-1400-A and A-1108 /1983 and 1985, Case No. CBA 1400-B/1994, Case No. CBA-1400-B/2001



*Figure 3- Preliminary Plan Diagram - Phase 1 (left), Phase 2 (right)*

The Project consists of two phases of development. The approximately 207,424 square feet of self-storage and industrial uses will proceed as Phase I. Phase II will follow construction and operation of Phase I. Depending on market conditions in the Brookville Road Industrial District submarket, the Applicant may initiate Phase II A or Phase II B subsequent to the completion of Phase I.

As part of this proposal, the Applicant is requesting a phased adequacy of public facilities (APF) validity period approval to accommodate the Project's phased development and has included an analysis of conformance with Section 50-4.3.J.5.d of the Zoning Ordinance for approval of a longer period than the five year minimum Preliminary Plan; this analysis will be described as part of the Preliminary Plan findings below.



*Figure 4 – Illustrative Preliminary Plan*

Figure 4 above illustrates the proposed site design following completion of Phase 2. The bulleted list below summarizes the timing of improvements included as part of Phase 1 and Phase 2:

**Phase 1**

- New Self Storage Building, S-1 (120,000 SF)
- New Industrial Flex Building, IF-1 (85,334 SF)
- Associated frontage improvements

**Phase 2A**

- New Self Storage Building, SS-2 (115,950 SF)

**Phase 2B**

- New Industrial Flex Building, IF-2 (86,184 SF)

## OPEN SPACE

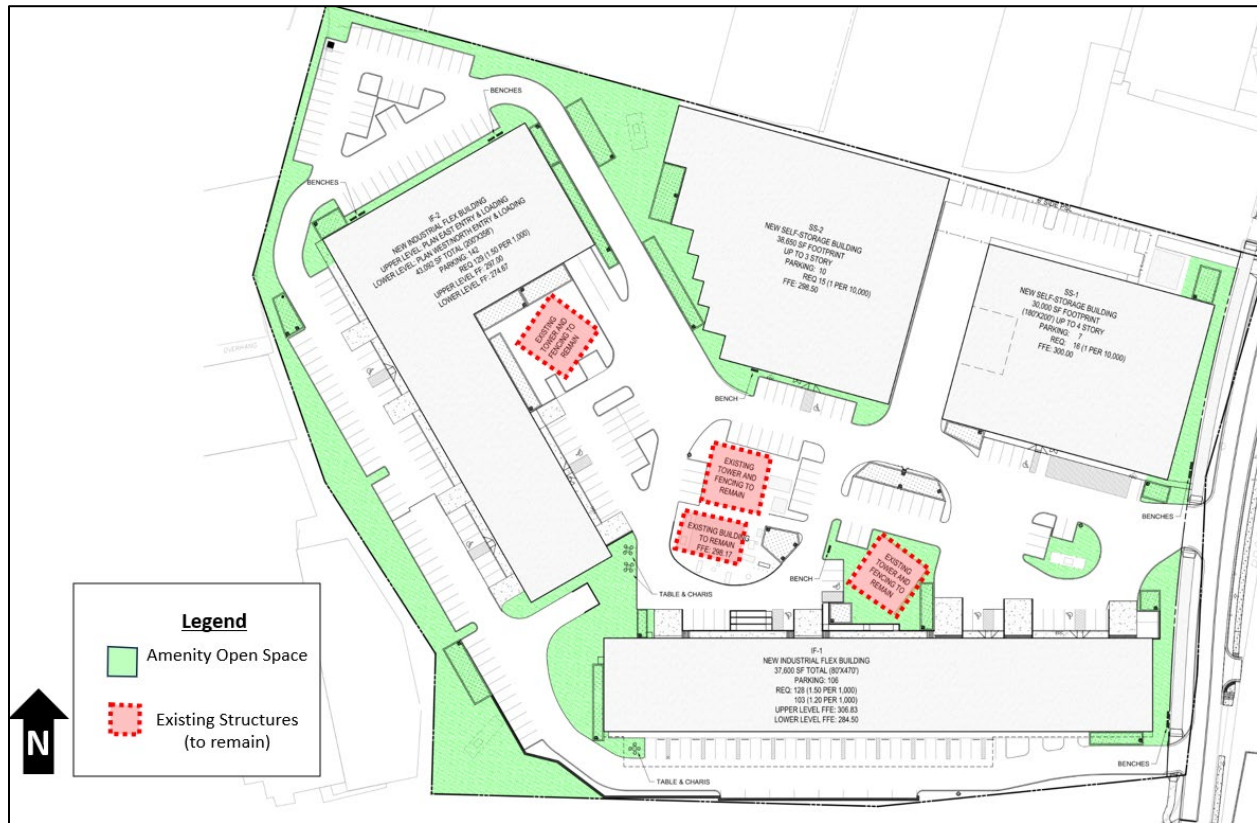


Figure 5 – Amenity Open Space

With the proposed development, pursuant to Section 4.8.3.A.1, the Applicant is required to provide 10% of the Site Area as Amenity Open Space, or 42,362 SF of amenity open space to serve the patrons and employees onsite. The submitted proposal shows the proposed open space provided throughout the site with accompanying site furniture to include outdoor benches, tables, and chairs.. The Applicant proposes to meet, and exceed, the required 10% of amenity open space onsite as shown on in figure 5 above. While the full area of required amenity open space onsite is proposed, the Applicant is unable to meet the design requirements under Section 4.8.3.A.1 due to site constraints.

Section 4.8.3.A.1 of the Zoning Ordinance provides that amenity open space is subject to design requirements including "The minimum width for any required amenity open space is 15 feet except for a sidewalk, pathway, or trail". As can be seen in Figure 5, the site is encumbered by both the existing telecommunication towers and the limited space to accommodate the loading and circulation required for the proposed uses and cannot meet the required 15 foot minimum.



As such, the Applicant is requesting alternative compliance for the dimensional requirements of the amenity open space.

Specifically, the design requirements state that “Amenity open space must provide space for pedestrian circulation, landscaping, seating, shade, water features, artwork, or recreation.” In addition to the inherent operational nature of the proposed industrial and self-storage uses, which require extensive paved drive areas for loading, parking, and circulation of large vehicles, the Property presents unique challenges that significantly impact its ability to meet the standard method amenity open space requirements; these challenges largely relate to the existing, and required, radio towers and associated guy wires onsite and environmental/grading constraints which limit the developable area.

The Applicant currently proposes 63,902 SF (15%) amenity open space on site, above the 10% minimum, and requests approval for Alternative Compliance to satisfy the design elements of the minimum 10% amenity open space requirement ( $\pm 42,362$  square feet). Analysis of compliance with the required findings for approval of an Alternative Compliance is provided in the findings in Section 5 of this staff report.

## TRANSPORTATION

The Project is located on Brookville Road, within the *Greater Lyttonsville Sector Plan*, oriented between Lyttonsville Place to the north and a dead-end street leading to the MCDOT Brookville Maintenance Facility Transit Shop to the south. Brookville Road is a two-way road with a centerline to separate the lanes of traffic. There are no sidewalks or designated bicycle facilities along this section of Brookville Road.

### Access and Circulation

Multi-modal access to the Site will be provided on Brookville Road, with two curb cuts on the frontage for truck, vehicle, and bicycle access as well as pedestrian access from the Site’s frontage to buildings SS-1 and IF-1 (Figure 6).





*Figure 6 – Access and Circulation Map*

There is also a driveway apron on the north end of the Site that will be restricted to maintenance vehicles. During Phase 1, the small driveway apron will be used for access to a small existing building in between self-storage building SS-1 and the existing industrial building to remain in the first phase. It will also be used for maintenance access to the small utility building on the north side of SS-1. After Phase 1, the Applicant has stated the driveway apron will only be used to access the small utility building. The driveway apron access is expected to be very infrequent, with a pickup truck being the largest expected vehicle.

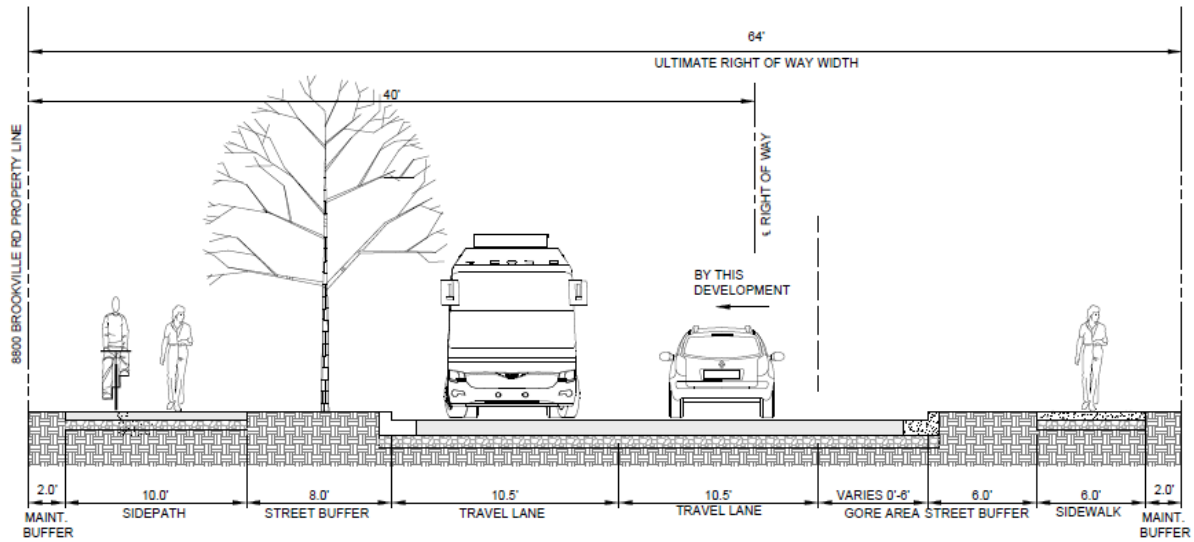
The access point will not be a traditional vehicular curb cut, similar to a driveway, but a small concrete apron, perhaps with a mountable curb. The apron will “ramp up” to the sidewalk elevation so there will not be any interruption to the pedestrian environment. The Applicant has noted that the project would likely use concrete instead of asphalt.



*Figure 7 – Example of Driveway Apron on MD-108 in Olney*

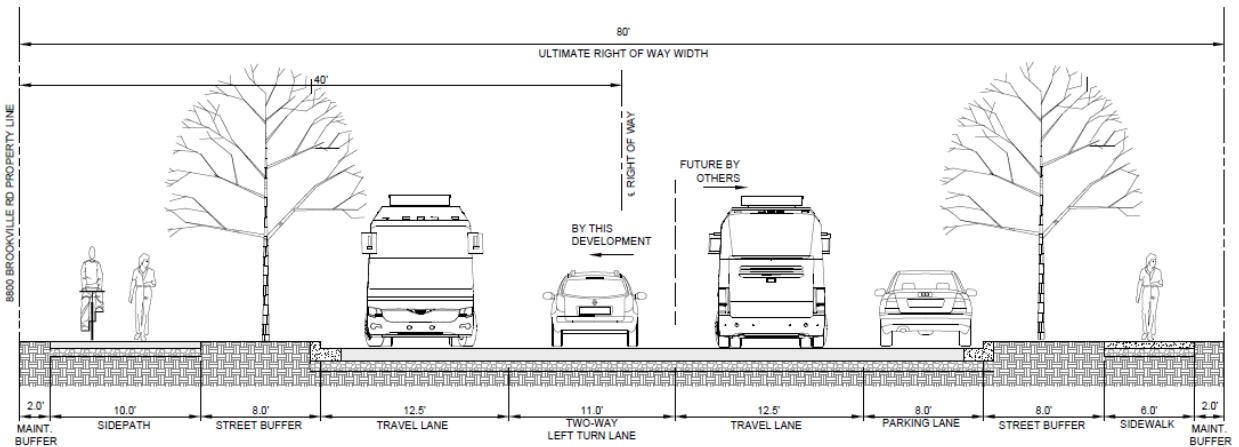
### Bicycle and Pedestrian

The *Greater Lyttonsville Sector Plan* calls for connectivity and accessibility within the Brookville Road Industrial District that will “contribute to the functionality of successful industrial properties.” While this section of Brookville Road does not have specific recommendations in the *Greater Lyttonsville Sector Plan*, there will be significant improvements to bicycle and pedestrian access with a ten-foot (10 ft) shared use path and eight-foot (8 ft) street buffer along the Site’s frontage in accordance with the 2023 *Complete Streets Design Guide* (Figure 8/9). As it stands, the final occupants for the industrial buildings are not yet finalized. Within the IM zone, the bicycle parking requirement is dependent on the use/occupant of the structure. Should the use of the industrial buildings be determined to require bicycle parking, the applicant will work with the Department of Permitting Services to provide the required bicycle parking required by the County Code at the time of permit review.



*Figure 8– Brookville Road Interim Cross Section*

The interim cross section (Figure 8) displays how this section of Brookville Road will look once the applicant has completed the project, while the final cross section (Figure 9) displays the final condition of the road. The interim cross section includes the frontage improvements to be constructed by the applicant along the Project Site. The completion of final cross section of Brookville Road is dependent on another developer or entity developing the land across the street from the Site or through the County’s Capital Improvement Program.



*Figure 9 – Brookville Road Final Cross Section*

As recommended in the Sector Plan, the intersection of Brookville Road and Lyttonsville Place will be enhanced as part of the Local Area Transportation Review mitigation projects. This will include improved ramps, new and reconstructed crossings, and the removal of a free right turn on the east side, North-South crossing.



Figure 10 – Brookville Road Industrial District  
Greater Lyttonsville Sector Plan, Page 43

### Transit Access

The Site is within a half-mile of the future Lyttonsville Purple Line Station and Capital Crescent Trail (currently closed for construction). Existing transit to and from the Site area includes Ride On's Route 2, which travels between the Brookville Maintenance facility and the Silver Spring Transit Center. There is one bus stop in each direction on this section of Brookville Road, with one being directly across the street from the Site.

### Parking and Loading

All vehicular and loading access to the Site will be provided on Brookville Road. The size and land uses of both industrial park and self-storage require a combined minimum of 304 parking spaces: 264 for the industrial park land use and 40 for the self-storage land use including 15 additional spaces per employee. The Applicant is proposing a total of 262 parking spaces, 232 for the industrial park land use and 30 for the self-storage land use. In total, the applicant is proposing 42 fewer parking spaces



than required by the County Code for the Site and requests a waiver with this proposal. Staff is in support of the requested waiver.

Loading will be accessible within the Site from the two proposed curb cuts on Brookville Road. All vehicles are expected to approach the Site north of Brookville Road via East-West Highway coming from the I-495 Beltway, 16<sup>th</sup> Street, and Colesville Road. Loading facilities will be provided at multiple locations within the Site to serve multiple tenants throughout the new development.

## ENVIRONMENT

The Property is subject to Chapter 22A, the Forest Conservation Law. The Applicant plans to remove the onsite forest, which necessitates a reforestation requirement that will be fulfilled through purchase of forest mitigation bank credits or payment of a fee-in-lieu as applicable. Further discussion on the overall forest conservation requirements will follow. Onsite, there are ten trees measuring a 30-inch diameter at breast height (DBH) or greater, and 14 significant trees with diameters between 24 inches and 30 inches DBH. A variance is requested for the impacts and removal of specimen trees, as discussed in Section 6 of the Forest Conservation Plan Findings and Analysis.

## SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and a pre-submittal public meeting was held on March 20, 2024. As of date of this Staff Report, no correspondence has been received.

## SECTION 5: PRELIMINARY PLAN 120240130 FINDINGS AND ANALYSIS

The Preliminary Plan would create one (1) lot, measuring approximately 423,624 square feet or 9.73 acres of Site area, for a maximum density of up to 218,567 square feet of industrial uses. 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.***

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

The block design is existing and appropriate for the proposed development and use. The length, width, and shape of the block are compatible with the development patterns in this industrial area.

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

The Preliminary Plan reflects that the size, width, shape and orientation of the proposed lot will be appropriate for the location of the proposed subdivision and in compliance with Section 50.4.3.C of the Subdivision Regulations. The proposed one-lot subdivision is suitable for the proposed industrial uses and has adequate provisions for pedestrians, vehicular circulation, parking, deliveries, and truck maneuvering. Furthermore, the dimensions of the proposed subdivision accommodate the proposed buildings and other infrastructure deemed necessary to serve the lot.

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

**i. Master Planned Sites**

The Subject Property is not specifically identified in the Master Plan for a site-specific recommendation. However, as described more fully below, the proposed Application complies with all applicable Sector Plan recommendations.

**ii. Local Recreation**

Pursuant to Section 4.8.3.A.1, the Applicant is required to provide 42,362 square feet of amenity open space. The Applicant proposes to meet, and exceed, the required 42,362 square feet of amenity open space onsite by providing 15% (63,902 square feet). While the full area of required open space onsite is proposed, the Applicant is unable to meet the design requirements under Section 4.8.3.A.1 due to site constraints.

Specifically, the design requirements state that the minimum width for any required amenity open space is 15 feet except for a sidewalk, pathway, or trail." The Applicant is unable to meet the dimensional requirements because the existing towers, which are required to remain, paired with the circulatory needs of vehicles servicing the proposed industrial uses create pinch-points at areas which otherwise qualify as Open Space; while these points are minimized, their presence necessitates the request for alternative compliance. In addition, the design requirements state that "Amenity open space must provide space for pedestrian circulation, landscaping, seating, shade, water features, artwork, or recreation."

The inherent operational nature of the proposed industrial and self-storage uses, which require extensive paved drive areas for loading, parking, and circulation of large vehicles, the Property presents unique challenges that significantly impact its ability to meet the standard method amenity open space requirements; these challenges largely relate to the existing, and required, radio towers and associated guy wires onsite and environmental/grading constraints which limit the developable area.

The Applicant requests approval for Alternative Compliance to satisfy the design elements of the minimum 10% amenity open space requirement ( $\pm 42,362$  square feet).

The Planning Board may approve an alternative compliance with any requirement of Division 6.1 and Division 6.3 through Division 6.6 if it determines that there is a unique site, a use characteristic, or a development constraint, such as grade, visibility, an existing building or structure, an easement, or a utility line. The Planning Board must also determine that the unique site, use characteristic, or development constraint precludes safe or efficient development under the requirements of the applicable Division, and the alternative design will:

**1. *Satisfy the intent of the applicable Division;***

The Project and proposed Alternative Compliance satisfy the intent of the development standards. Pursuant to Section 6.5.7.A.2, amenity open space is defined as “an outdoor area providing recreational and natural amenities for the use and enjoyment of employees and visitors.” Due to the Project’s proposed self-storage and industrial nature, its location within the larger Brookville Road Industrial District, and significant site constraints such as topography and existing development—the proposed outdoor seating areas, canopy, landscaping and new streetscape satisfy the intent of the Code. Since the majority of the square footage will be improved as self-storage, the employee counts are anticipated to be relatively low at any one time. Moreover, customers/patrons of both uses generally make infrequent visits to the Property that are limited in duration (i.e. site visits exclusively for the purpose of drop-offs and/or pick-ups at self-storage or the industrial space).

Considering the limited on-site activity, challenging topography, and existing Radio Towers and associated guywires, the Applicant proposes to maximize available open space for landscaping and improved stormwater management on-site while also providing amenities in the areas which are most central to

the proposed buildings and unencumbered by the existing telecommunications towers.

**2. *Modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;***

The Project proposes to utilize limited on-site open space with landscaping and Environmental Site Design to maximize the functional results as it relates to the development's sustainability and environmental impacts. These improvements, which are located within the larger areas of open space around the perimeter of the site are more suited for such environmental enhancements given the proximity to slopes adjacent to the property and the overall spatial constraints found elsewhere throughout the Property. Within the central areas of the site, the Applicant proposes to provide site furnishings to meet the requirements of amenity open space, however the Applicant must reduce the dimensional requirements of areas being 15 feet in width due to the circulatory requirements of the proposed uses and the spatial constraints created by topography, and existing infrastructure which must remain.

**3. *Provide necessary mitigation alleviating any adverse impacts; and***

The Project mitigates potential adverse impacts by providing greater than the minimum amount of open space, incorporating Environmental Site Design and improved stormwater management systems, to the extent practicable, to compensate for impermeable surface within the larger Brookville Road Industrial District, and providing site furnishings within proximity to the proposed buildings. As conditioned, the Application will also explore the implementation of solar panels to provide additional environmental benefit. Further, strategic landscaping proposed within surface parking areas and along the site perimeter will also aid providing shade to create a comfortable environment and mitigating urban heat island effects at this inner-beltway Property.

**4. *Be in the public interest.***

There is a significant need for industrial development in Montgomery County and this "inside the beltway" location, given the very limited amount of industrially zoned land in this area the County. As noted, the Applicant



proposes to provide tree canopy, address stormwater management through an MCDPS-approved stormwater management concept plan, and install streetscape improvements along Brookville Road to maximize the utility of limited open space opportunities on-site.

The unique conditions of the Property—specifically the challenging topography, grading requirements, and existing Radio Towers and encumbrances like perpetual easements—necessitate an alternative approach to meeting the amenity open space requirement. Through improved stormwater management and tree canopy that improves the overall sustainability of the site, the Project and proposed Alternative Compliance adhere closely to the intent and standards of the applicable requirements, provide necessary mitigation, and serve the public interest. As such, the intent of the amenity open space requirements are met and the proposed alternative compliance of modifying the minimum dimensional requirements while providing a greater amount of overall open space is acceptable.

iii. ***Transportation and Utilities***

As conditioned, the proposed streetscape improvements along the Site frontage comply with the transportation recommendations of functional Master Plans including the 2024 *Complete Streets Design Guide* and the 2023 *Pedestrian Master Plan*. The streetscape improvements are discussed in further detail in Preliminary Plan Finding 3 of this report.

d) ***The Lot(s) and Use comply with the basic 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 are appropriate for the zone, location and industrial use proposed for the Site. As shown in Table 1 below, the proposed lot will comply with the applicable development standards for the IM-2.5 zone.

Table 1: Bergfield Tract Preliminary Plan Data Table for IM-2.5, H-50 Zone, Standard Method, Section 59.4.8.3]

Development Standard	Permitted/ Required	Proposed – Phase 1	Proposed – Phase 2 (Total)
<b>Tract Area</b>	n/a	432,376 sf	432,376 sf
<b>Site Area</b>	n/a	423,624 sf	423,624 sf
<b>Density (maximum FAR)</b>	2.5 FAR (1,080,940 sf)	0.41 FAR (218,567 sf)	0.96 FAR (412,000 sf)
<b>Principle Building setbacks</b>			
Front	10'	10'	10'
Side	10'	10'	10'
Sum of Side	0'	0'	0'
Rear	0'	0'	0'
<b>Amenity Open Space</b>	10% (42,362 sf)	10%	10%
<b>Parking Setbacks</b>			
Front	6'	6'	6'
Side	6'	6'	6'
Rear	6'	6'	6'
<b>Building Height</b>	50'	50'	50'
<b>Parking Lot Internal Landscaped Area</b>	5%	5%	5%
<b>Parking Lot Tree Canopy</b>	25%	25%	25%
<b>Vehicle Parking Requirements</b>			
Flex Industrial	264 spaces (1.5 per 1k sf)	151 spaces	232 spaces
Self-Storage	40 spaces (25 spaces + 15 employees) (1 per 10k sf + 1 per employee)	13	30 spaces
<b>Bicycle Parking Spaces (min)s</b>	0	0	0
<b>Loading Spaces (min)</b>	4 spaces	24	32

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

**a) Land Use**

The Project substantially conforms with the goals and recommendations of the Sector Plan. The Property is specifically located within the Plan’s “Brookville Road Industrial District” and, although the Plan does not provide any property-specific recommendations, the Sector Plan and Sectional Map Amendment designate the Subject Property as IM zoning, which the proposal adheres to. The Project conforms with and advances several Sector Plan goals and recommendations regarding industrial uses, economic development, and stormwater management.

- i. ***Continue to make the industrial district affordable, accessible, and practical for traditionally industrial enterprises. (Economic Development 4.4.2 Goals and Objectives)***

The Project will improve the Property to continue to make the overall Brookville Road Industrial District more accessible and practical for industrial users located within or close to the County’s urban core. The Project will provide new industrial space, in accordance with Sector Plan recommendations for the Brookville Road Industrial District. This additional supply, in conjunction with the site improvements, will help make the Industrial District more accessible and practical to traditional industrial enterprises. To this end, the Applicant anticipates serving “small bay” industrial users who have a need for industrial space within the beltway.

- ii. ***Preserve the industrial community along Brookville Road, Warren Street and Linden Lane, and the Moderate Industrial (IM) zoning of these areas where appropriate. (Land Use and Zoning 2.2.1 Goals).***

The Project proposes to redevelop the existing industrial site with high-quality, improved industrial uses in the Brookville Road Industrial District. There are approximately 115 acres of industrially zoned land inside the beltway in Montgomery

County. The Project is improving the approximately 10-acre site – approximately 9% of Montgomery’s industrially-zoned land inside the beltway - to provide necessary, community-serving industrial uses. Both the proposed industrial and self-storage uses are permitted by-right in the IM Zone. Accordingly, the Project is preserving the industrial community at this location by improving the site beyond its existing conditions while continuing to meet demand for these much-needed industrial uses.

**b) Environment**

i. ***Reduce quantity and improve quality of stormwater runoff. (Water Quality 2.4.1 Goals)***

The Project will both reduce quantity and improve quality of stormwater runoff. Environmental Site Design ("ESD") is employed on-site to address quantity and quality through the use of micro-bioretenion, modular wetland systems, and underground structural facilities. No stormwater management facilities are currently provided on-site. As such, the Site does not presently treat either water quality or water quantity beyond the passive stormwater benefits provided by the wooded areas onsite. The proposed stormwater management concept provides onsite treatment of all stormwater management requirements in Phase 1 though Phase 2 of the project included limited waivers due to the impact of site constraints as described throughout this report. Overall, the development aims to balance the applicable Sector Plan water quality goals with the Sector Plan goals related to the continued provision of industrial uses in the area.

ii. ***Prioritize street tree planting along connecting streets with proposed bicycle lanes, sidewalks and stormwater management facilities. (Ecology 2.4.2 Recommendations)***

The Applicant is proposing streetscape improvements along Brookville Road that includes street trees, pedestrian infrastructure, and implementation of stormwater

management facilities. Specifically, the Project is providing a 10-foot-wide sidewalk and up to an eight-foot-wide tree panel/street buffer along the Property's frontage on Brookville Road, exceeding the Sector Plan recommendations.

- iii. ***Strive to achieve a minimum canopy cover per zone as follows: "10-15 percent canopy cover within industrial zones." (Ecology 2.4.2 Recommendations)***

The Project complies with the Sector Plan recommendation to provide between 10-15% tree canopy cover for the overall site area within the industrial IM Zone. The Project also provides the required 25% tree canopy cover for proposed surface parking.

**c) *Transportation***

While Brookville Road along the Site frontage is not a master-planned road in the *Greater Lyttonsville Sector Plan*, the Plan does call for connectivity and accessibility within the Brookville Road Industrial District that will "contribute to the functionality of successful industrial properties. "The Applicant will dedicate right-of-way and construct a shared-use path on Brookville Road in compliance with the 2023 *Complete Street Design Guide*. Further discussion of the improved streetscapes on the Site's frontage is provided in Finding 3.

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

**a) *Roads and other Transportation Facilities***

- i. ***Existing Facilities:*** There is no existing right-of-way dedication along the Site frontage on Brookville Road. There are no sidewalks along the Site's frontage and on the opposite side of the street there is an incomplete sidewalk where a Ride On bus stop is located. There are four Ride On bus stops in close proximity to the Site that operate between the Brookville Maintenance Facility and Silver Spring Transit Center. There are also no designated bicycle facilities along this section of Brookville Road.
- ii. ***Proposed public transportation infrastructure:*** As conditioned, the Applicant will dedicate right-of-way along its frontage on Brookville Road. The Applicant will construct a ten-foot-wide (10 ft) shared use path for pedestrians and bicyclists with an eight-foot (8 ft) street buffer along the property frontage on Brookville Road.

- iii. **Proposed private transportation infrastructure:** No private roadways or trails are proposed in the Subject Application.

As a proposed development with 412,208 square feet, the Project is estimated to generate 102 total peak hour person trips in the morning and 120 total peak hour person trips in the evening. After accounting for peak hour person trips currently associated with the existing 22,323 square feet on the Site, (46 morning peak hour person trips and 55 evening peak hour person trips), the Project is estimated to generate 56 net new morning peak hour person trips and 65 net new evening peak hour person trips. Since the Project is estimated to generate more than 50 net new peak hour person trips, a Transportation Impact Study (TIS) was submitted to satisfy the Local Area Transportation Review (LATR).

*Table 2 – 8800 Brookville Road Estimated Person Trip Generation*

Land Use	Morning Peak Hour	Evening Peak Hour
Existing (credit)		
Specialty Trade Contractor	46	55
Proposed		
Self-Storage	28	46
Industrial Park	74	74
<b>Total</b>	<b>102</b>	<b>120</b>
Net New Person Trips	56	65

Source: Transportation Impact study by Gorove Slade dated August 28, 2024, revised on December 2, 2024

**Travel Mode Adequacy Test**

The 2020-2024 *Growth and Infrastructure Policy* requires evaluation of all transportation modes, including: auto-driver, transit, walking and biking. Mode-specific adequacy tests are required for any project estimated to generate 50 or more net new peak hour person trips. The only exception is projects within Red Policy Areas, such as the Lyttonsville Policy Area. Bergfield Tract is located within the Lyttonsville Policy Area and not required to be evaluated for motor vehicle adequacy. The adequacy tests for transit, pedestrians, and bicyclists are still required for this project. The mode split of the total person trips for the Project are summarized by travel mode in Table 3. The Project’s estimated transportation impact necessitates that the Transportation Impact Study evaluate three (3) of the four (4) travel mode adequacy tests.

*Table 3 – 8800 Brookville Road Trip Estimate by Mode*

	Total Person-Trips	Auto-Driver	Transit	Pedestrian <sup>3</sup>	Bicycle
Morning Peak Hour	102	62	13	22	9
Evening Peak Hour	120	73	15	26	11

Source: Transportation Impact study by Gorove Slade dated August 28, 2024, revised December 2, 2024

- As the Site is located within the Lyttonsville Policy Area, a motor vehicle adequacy test is not required for the Project.
- Transit system adequacy was evaluated by inventorying two bus stops located within 500 feet of the Property. Where shelters and associated amenities are not provided, the Applicant must install the standard amenities in coordination with MCDOT.
- Pedestrian system adequacy was evaluated within 400 feet of the Property. Mitigation will be required to achieve a Pedestrian Level of Comfort (PLOC) greater than 2 (Somewhat Comfortable), and/or deficiencies identified for streetlamps within the scoped boundary. The Pedestrian system adequacy also requires mitigation for ADA deficiencies identified within 200 feet of the Property.
- Bicycle system adequacy was evaluated by analyzing bikeways within 400 feet of the Property. Mitigation will be required to achieve a Level of Traffic Stress 2 (LTS-2) or lower, consistent with the Bicycle Master Plan.

Under Section 8 of 2023 *Local Area Transportation Review Guidelines* (LATR Proportionality Guide), the maximum cost of mitigation improvements the Applicant is required to construct or fund for a project consisting of 412,208 square feet is not to exceed \$2,256,839 (see calculation below).

$$\text{LATR Proportionality Guide} = (\text{Extent of Development}) (\text{LATR Proportionality Guide Rate}) (\text{LATR Proportionality Guide Adjustment Factor})$$

$$\$2,256,839 = (412,208 \text{ square feet}) (\$10.95) (50\%)$$

---

<sup>3</sup> Pedestrian trips are calculated by adding non-motorized and transit trips.

For this Preliminary Plan, the cost of construction and/or mitigation payments for mitigation projects is not to exceed \$2,256,839. After evaluating the adequacy of each of the required transportation modes, the Applicant identified a comprehensive list of deficiencies, by which a prioritized list of mitigation improvements was submitted to Planning and MCDOT Staff for review. In compliance with the 2023 LATR Guidelines, the final list of 18 prioritized projects was finalized by the reviewing agencies and construction of these projects are now conditioned for approval of the Preliminary Plan. The final list of projects is included in Table 4 and a map of the projects is provided on Figure 11 below.

**Table 4: 8800 Brookville Road LATR Mitigation Project List**

Map ID	Project Location	Project Description	Construct/ Mitigation Payment	Project Cost
5, 6, 18, 19, 20	Intersection of Brookville Road, Lyttonsville Place and Pittman Drive	Improve and install new curb ramps, install crossing, remove free-right turn	Construct	\$82,644.39
12, 13, 14, 15, 16, 17	North Side of Brookville Road, Immediately North of Project Site	Install curb ramps	Construct	\$37,701.79
4, 9, 11	North side of Brookville Road, Immediately South of Project Site	Relocate and reconstruct new crossings and install curb ramp	Construct	\$ 51,869.59
1, 3	South side of Brookville Road, Between Lyttonsville Road to South end of Project Site	Install street buffer	Construct	\$153,365.76
24	Lyttonsville Road & Claridge House Driveway  MCDOT Bus Stop ID: 23746	Install bus shelter and RTI (Real-time Transit Information) at bus stop 23746 (Lyttonsville Rd & Claridge House Driveway).	Construct	\$57,536.81
22	Streetlight on Brookville Road	Install one street lamp on existing pole at Brookville	Construct	\$10,000.00



		Road north of the Project and south of Lyttonsville Place (east side).		
			Construction Subtotal	\$393,118.34
			Permitting Costs	\$62,285.57
			Bonding Costs	\$9,827.96
			<b>Total</b>	<b>\$465,231.87</b>
			Proportionality Guide	\$2,256,839



Figure 11 – Map of Off-site LATR Mitigation Projects identified in the Transportation Impact Study  
 \*Projects 7, 8, 10, and 21 are either being built by the Purple Line or not desired by MCDOT

As conditioned, all off-site mitigation projects must be permitted, bonded for construction before the issuance of the first above grade building permit or right-of-way permit.

Montgomery County Planning and MCDOT staff reviewed the TIS and approved the mitigation project list. Therefore, the Applicant has satisfied the requirements of the LATR, and the public transportation facilities are adequate for the Site.

**b) Schools**

Not Applicable – the Application does not include residential units; therefore no school impacts are expected.

**c) Other Public Facilities and Services**

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.

**d) Adequate Public Facilities Validity Period**

Pursuant to Section 50-4.3.J.5 of the Subdivision Regulations, the Applicant is requesting a phased APF approval to accommodate Phase II of the Project. Specifically, the Applicant is requesting an APF validity period of five years for Phase I— which is the typical APF validity period for approval of a Preliminary Plan—and 10 years for Phase II. These validity periods would give the Applicant sufficient time to construct and operate Phase I—including ±121,051 square feet of self-storage (SS-1) and ±85,373 square feet of industrial uses (I-1)— prior to initiating Phase II. This phasing and additional time will allow for the Applicant to fully assess the demand and market capacity for additional industrial and self-storage capacity in the Brookville Road Industrial District submarket.

Notably, the record plat for the entire Property will be recorded within the customary validity period for the Preliminary Plan, and Phase I is anticipated to have building permits filed within 5 years of the Preliminary Plan approval. Therefore, it is only the APF approval for Phase II that is subject to this phasing request, to allow building permits for Phase II to be issued within 10 years of Preliminary Plan approval. The Applicant has submitted a development schedule, outlining the proposed phasing of the Project, along with the subject subdivision application. Analysis of conformance with Section 50-4.3.J.5.d is as follows:

***If an applicant requests a longer validity period than the minimum specified in Subsection 4.3.J.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.***

Approximately 207,424 square feet of the total ±412,208 square feet of the Project are included as part of Phase I. The Applicant intends to complete Phase I of the Project within five years from the date of Preliminary Plan approval; construction may start as soon as 2025.

The Project will implement the Sector Plan's recommendations for this Property and is intended to enhance and increase the Brookville Road Industrial District's light industrial capacity to meet growing demand for industrial and self-storage space inside the Beltway. There is minimal industrially zoned land inside the Beltway – and this project will provide much needed industrial development in this area of the County. The proposed development schedule—allowing for an initial build out of half of the overall Project in Phase I—will ensure strategic and efficient implementation of both proposed phases and help ensure that Phase II of the development is implemented when the market will support and 'absorb' the development. Phase II is expected to begin 5–10 years after approval, dependent upon delivery and lease-up speed of Phase I. For the above reasons, the Applicant is confident that there is demand for the proposed uses, but the entire absence of new supply in the vicinity makes accurately predicting the speed of leasing difficult.

- 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.***

Due to the scale of the Project and the potential redundancy of proposed light industrial uses included in Phase I and Phase II, the Applicant will need additional time to assess market demand for additional industrial and self-storage buildings proposed as part of Phase II. Approximately 207,424 square feet of industrial and self-storage uses are proposed as part of Phase I, which the Applicant plans to complete within five years from Preliminary Plan approval. The sizeable  $\pm 122,051$  square foot SS-1 building and  $\pm 85,373$  square foot I-1 building in Phase I will add 16% to the non-institutional square footage within the existing light industrial market in the Brookville Road Industrial District – a significant increase that will take time to absorb. The Applicant intends to construct and lease Phase I to further assess submarket demand for an additional  $\pm 204,784$  square feet of self-storage and industrial uses before constructing Phase II. Accordingly, the scale of the overall Project—relative to the size of the Brookville Road Industrial District submarket—requires an extended validity period to fully assess market demand for additional light industrial uses at this location.

The Project proposes several streetscape and off-site improvements to satisfy adequacy standards. The Project is required to mitigate up to \$2,256,839 in off-site improvements consistent with the GIP. The Applicant is meeting all GIP required mitigation without excluding any improvements due to the proportionality guide. As detailed in the LATR, the Applicant has coordinated with MCDOT and Planning Staff to prioritize specific deficiencies and satisfy off-site adequacy with a package of improvements to increase pedestrian connectivity and accessibility, bicycle connectivity, and promote transit use. Moreover, all of these improvements are proposed as part of Phase I, which represents half of the overall Project. Accordingly, extending the validity period for Phase II to 10 years will not adversely impact the public's interest and Staff supports this request.

**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 F20241050.

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

DPS approved a Stormwater Management Concept on June 25, 2025. The plan proposes to meet required stormwater management goals via the use of microbioretention, planter box micro-bioretention, modular wetland system, CMP storage, and Stormfilter facilities, or other DPS approved equivalent stormwater management practices. A partial waiver of stormwater management requirements was granted due to site constraints.

**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.**

Not applicable to this 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 F20241050 FINDINGS AND ANALYSIS

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

### Final Forest Conservation Plan (FFCP)

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 FCP was submitted with the Application. The Subject Property is zoned IM-2.5, H-50 and is classified as commercial and industrial Use Areas as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. The Property contains no streams, wetlands, or associated buffers. There are 2.48 acres of forest on the Subject Property. The forest is considered a high priority for retention because the Property is located within an area designated as containing Priority Urban Forest by the State of Maryland Department of Natural Resources (DNR). The Applicant proposes to remove all 2.48 acres of forest. This results in a total reforestation requirement of 3.57 acres as calculated in the Forest Conservation Worksheet if satisfied within the same watershed or priority area, or 4.81 acres if satisfied outside the same watershed or priority area.

### PRIORITY FOREST REMOVAL

The Subject Property includes 2.48 acres of forest designated as a high priority for retention, as the Property is located within a Priority Urban Forest area, as mapped by Maryland Department of Natural Resources. FCP No. F20241050 proposes clearing all 2.48 acres of forest and meeting Forest Conservation requirements off-site. Per Section 22A-12(b) of Forest Conservation Law, the forest conservation plan must retain certain vegetation and specific areas in an undisturbed condition unless specific findings are made.





Figure 12 – Proposed forest removal

#### PRIORITY FOREST REMOVAL FINDINGS

Staff makes the following recommendations regarding the findings necessary to approve removal of priority forest:

1. The development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention.

The Subject Property is zoned Moderate Industrial (IM). The 2017 Greater Lyttonsville Sector Plan recommends preservation of the industrial community along Brookville Road and to continue to make the industrial district affordable, accessible and practical for traditional industrial enterprises. (Sector Plan pages 21 and 104). The Sector Plan also sets the zoning for the property at IM 2.5 FAR. (Sector Plan page 25). The Property has a permitted FAR of 1,080,940 SF and approximately 412,000 SF is proposed, which is well under the density allowed. Furthermore, a parking waiver has been requested to reduce the parking requirements associated with the density as proposed. There are no other additional planning or zoning options that would result in greater forest retention that would substantially comply with the relevant Sector Plan goals. There are major site constraints associated with the existing radio antennas and guy wires which create numerous design obstacles. Off-sets from the towers and cables for buildings, driveways, parking lots and other features have a great impact on any proposed development for the site. For example, the typical strategy of preserving the forested perimeter of a site by concentrating development at the core is not feasible due to the central location of the existing towers along with the significant radial spans of the guy wires. Given the major site constraints and the planning and zoning designations for the site, the development proposal cannot be reasonably altered to save the priority areas and still fulfill the goals of the Sector Plan for the industrial development on the Property. As submitted, the proposal does, however, allow the preexisting radio towers to continue their function while also providing industrial uses desired by the Sector Plan minimizing the need for development at an entirely new site.

2. *Reasonable efforts have been made to protect the specific areas and vegetation listed in the plan.*

The Property has significant and unusual constraints related to the existing onsite radio/cell towers and associated infrastructure such as guy wires spanning the site. Although the project remains well under the allowable density, the layout has creatively balanced numerous constraints, and there would not be suitable areas remaining for forest retention.

3. *The development proposal cannot be reasonably altered.*

As previously mentioned, the Property contains numerous site constraints. Many design changes and planning and zoning options such as reduced density and parking waivers have already been incorporated into the proposed layout. Given the unusual site constraints and Sector Plan recommendations for the site, the development proposal cannot be reasonably altered to save the priority areas and still fulfill the goals of the Sector Plan for the industrial development on the Property.



## RECOMMENDATION ON REMOVAL OF PRIORITY FOREST

Based on the findings above, Staff recommends approval of the request to remove 2.48 acres of priority forest.

### Forest Conservation Variance

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 of ten (10) Protected Trees as identified in Table 5. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed Final Forest Conservation Plan.

*Table 5 – Variance Tree Removals*

<b>TREE ID#</b>	<b>DBH</b>	<b>Latin Names</b>	<b>Common Name</b>	<b>Disposition</b>
1	43	<i>Liriodendron tulipifera</i>	Tulip Poplar	Remove
3	30	<i>Liriodendron tulipifera</i>	Tulip Poplar	Remove
4	36	<i>Liriodendron tulipifera</i>	Tulip Poplar	Remove
6	32	<i>Liriodendron tulipifera</i>	Tulip Poplar	Remove
8	37	<i>Liriodendron tulipifera</i>	Tulip Poplar	Remove
9	43	<i>Liriodendron tulipifera</i>	Tulip Poplar	Remove
10	35	<i>Liriodendron tulipifera</i>	Tulip Poplar	Remove
18	31	<i>Liriodendron tulipifera</i>	Tulip Poplar	Remove
71	43-38	<i>Acer saccharinum</i>	Silver Maple	Remove
72	30	<i>Populus deltoides</i>	Cottonwood	Remove

### Unwarranted Hardship

In accordance with Section 22A-21(a), the Applicant requested a Variance, and Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property as desired by the Sector Plan without the Variance. The Applicant has demonstrated that the denial of the Variance request would cause an unwarranted hardship due to the major constraints interrelated with the three existing radio/cell towers to remain (which are owned by

Bergfield Tract,  
120240130, F20241050 40

others and are subject to a perpetual easement). The Radio Towers consist of the antennae structures, supporting guy wires, and associated utility sheds and the largest tower has support wires that span the width of the Property. The variance is required to balance the numerous site constraints for implementing the proposed development as desired by the Sector Plan.



*Figure 13- Variance for tree removals.*

### ***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.***

The impacts on the Protected Trees resulting from this redevelopment are necessary. The site is highly constrained, and the development cannot proceed without disturbing or removing Specimen Trees. The proposed redevelopment requires specific infrastructure improvements, such as buildings, designated parking areas, and site access, which will result in the removal of the onsite specimen trees. Therefore, the granting of this request is not a special privilege 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 existing site conditions and implementation of the Sector Plan recommendations.

**3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.***

The requested variances are a result of the proposed improvements on the Property and not 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 Protected Trees being removed are not located within a stream buffer, wetland, or a special protection area. Mitigation trees will be planted on the Subject Property to replace the form and function of Protected Trees being removed. Furthermore, a Stormwater Management Concept was prepared for the proposed improvements which include microbioretention, planter box micro-bioretention, modular wetland system, CMP storage, and Stormfilter facilities, or other DPS approved equivalent stormwater management practices. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

**Mitigation for Resources Subject to the Variance Provisions**

The FFCP includes the removal of 10 protected trees totaling 398 inches in diameter at breast height. Per Section 22A-21(e), the Applicant is planting mitigation trees at a ratio of one caliper inch replaced for every four inches of trunk diameter removed. The Applicant is proposing to plant twenty-five (25) native canopy trees, using a minimum size of 4-inch caliper tree, which will total at least 100-inch caliper.

#### Recommendation on the Variance

As a result of the above findings, Staff recommends that the Board approve, with conditions, the Applicant's request for a variance from the Forest Conservation Law to remove 10 protected trees.

## SECTION 7: CONCLUSION

As conditioned, Preliminary Plan No. 120240130, and Final Forest Conservation Plan No. F20241050, each satisfy the applicable standards of the Zoning Ordinance and the Forest Conservation Law, the findings of Chapter 50 Subdivision Ordinance, and substantially conform to the recommendations of the 2017 *Greater Lyttonsville Sector Plan*. Therefore, Staff recommends approval of Preliminary Plan No. 120240130 and Final Forest Conservation Plan No. F20241050 with the conditions specified at the beginning of this report.

---

### ATTACHMENTS

*Attachment A: Preliminary Plan*

*Attachment B: Forest Conservation Plan*

*Attachment C: Forest Conservation Variance Request*

*Attachment D: Agency Letters*