

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-032
Preliminary Plan No. 120230010
Hillcrest Ave
Date of Hearing: April 13, 2023

MAY 02 2023

RESOLUTION

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

WHEREAS, on **August 16, 2022**, **Hanes Properties Maryland, LLC** ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create **one** lot on 0.59 acres of land in the CRT 2.0 C-1.0 R-1.0 H-70 zone, located at **18201 Hillcrest Ave in Olney** ("Subject Property"), in the Olney Policy Area and **2005 Olney Master Plan** ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120230010, **Hillcrest Ave** ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated **March 31, 2023**, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on **April 13, 2023**, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Pedoeem, seconded by Commissioner Bartley, with a vote of 4-0; Commissioners Bartley, Hedrick, Pedoeem and Vice Chair Piñero voting in favor, with Chair Zyontz being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120230010 to create **one** lot on the Subject Property, subject to the following conditions:¹

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

General Approval

1. This Preliminary Plan is limited to one (1) lot for 11,058 square feet of medical office use.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

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 prior to 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 November 29, 2022 and amended March 8, 2023 (Attachment C) 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 November 15, 2022 (Attachment D) 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 MCDPS, Fire Department Access and Water Supply Section in its letter dated Dec 1, 2022 (Attachment E) 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 demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.
9. Except clearing and grading associated with the demolition of building and paving, there shall be no clearing or grading of the site prior to recordation of plat(s).

Public Open Space

10. Before issuance of the first above grade building permit, the Applicant must contribute \$35,000 to the Maryland-National Capital Park & Planning Commission ("M-NCPPC" or "Commission") Montgomery County Department of Parks (Montgomery Parks) towards the ongoing renovation of the nearby Greenwood Local Park in lieu of providing on-site public use space.

Transportation

Frontage Improvements

11. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing road:
 - a. All land necessary to accommodate thirty-five (35) feet from the existing pavement centerline along the Subject Property frontage for Hillcrest Avenue for a total master-planned width of 70 feet.
12. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDOT to ensure construction of the following road cross-section, as measured from the building front to the existing pavement centerline for Hillcrest Avenue:
 - a. two-foot minimum paved (concrete) maintenance buffer
 - b. eight-foot sidewalk
 - c. eight- foot grass strip
 - d. six-foot tree panel buffer
 - e. curb
 - f. eleven-foot-wide travel lane (maintained from existing)
13. Before the issuance of the first above grade building permit or right-of-way permit (whichever comes first), the Applicant must make a de minimis payment of \$17,510.40 (\$115.20 x 152 linear feet, or the lot width at front building line) to MCDOT towards the construction of bikeway improvements in the Olney Policy Area. The payment will be inflated based on the Federal Highway Administration's National Highway Construction Cost Index from the mailing

date of the Planning Board Resolution to the date of the first above grade building permit or right-of-way permit (whichever comes first). Proof of payment is required.

14. Before the certification of the Preliminary Plan, the Applicant shall add a notation adjacent to the sidewalks shown along the Property frontage to state "Future bikeway improvements to be built by others. De minimis payment to be provided by the Applicant".

Record Plats

15. The record plat must show necessary easements.

Environment

16. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff and Montgomery Parks Staff as noted on the approved Tree Save Plan ("TSP").
17. The Applicant must comply with all tree protection and tree save measures shown on the approved TSP. Tree save measures not specified on the approved TSP may be required by the M-NCPPC Forest Conservation Inspection Staff or the Montgomery County Department of Parks Staff.
18. With the exception of demolition of existing structures for any life safety issues, before the start of any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must:
 - a. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the new forest planting and landscape trees, and maintenance, including invasive species management controls.
 - b. 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 forest planting areas and landscape tree plantings. The MMA includes initial invasive species management control measures and follow up measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff and Montgomery Parks Staff. All proposed measures should be chosen with consideration of the proximity to the on-site stream and the sensitive nature of this watershed.
19. The Applicant must perform the non-native invasive species management measures within 60 days of the issuance of the first sediment control permit for the Application, or as directed by the M-NCPPC Forest Conservation Inspection Staff. The M-NCPPC Forest Conservation Inspection Staff will determine when

the non-native species management control program is complete and the forest planting may begin.

20. The Applicant must install the forest and tree plantings as shown on the approved TSP, within the first planting season after the invasive species management control measures are complete as determined by the M-NCPPC Forest Conservation Inspection Staff, or as directed by the M-NCPPC Forest Conservation Inspection Staff and Montgomery Parks Staff.
21. Before final inspection and acceptance of Parcel 826 through recordation of the deed of conveyance, the Applicant must install permanent Montgomery Parks property boundary markers along the perimeter of the property identified as the Park Conveyance Parcel and known as Parcel Tax Account ID 03867936 ("Park Conveyance Parcel") as shown on the approved TSP, or as directed by the M-NCPPC Forest Conservation Inspection Staff and Montgomery Parks Staff.

Parks

22. The Applicant must convey to the Commission the property identified as the Park Conveyance Parcel for Preliminary Plan No. 120230010.
 - a. Before approval of the record plat, an executed deed for the Park Conveyance Parcel, in a form and substance approved by the Commission's Office of General Counsel, must be provided to the Commission.
 - b. The Commission will hold the deed in escrow until all improvements on the Park Conveyance Parcel are complete and all conditions of the TSP and Park Construction Permit have been completed and accepted by the Commission including the completion of the MMA, at which time the deed will be recorded in the land records to transfer title of the Park Conveyance Parcel to the Commission.
 - c. Before the Commission recordation of the deed and release of any required Park Construction Permit(s) (i.e., after completion of activity pursuant to the permit), the Park Conveyance Parcel must be free of trash and unnatural debris with the boundaries adequately marked and signed to delineate between parkland and private properties. The location and design of boundary markers and signs must be approved by Montgomery Parks Staff. Any encroachments on the Park Conveyance Parcel other than approved stormwater management easements as shown on the Certified Preliminary Plan must be cured.
 - d. From approval of the Preliminary Plan until the recordation of the deed, the Applicant may not place any easements or other restrictions of record on the Park Conveyance Parcel. Any third-party use rights of the Park Conveyance Parcel must be approved in advance by Montgomery Parks.

23. Any construction activity on the Park Conveyance Parcel shall require an approved Park Construction Permit as directed by Montgomery Parks Staff, additionally:

- a. All facilities to be constructed by the Applicant on the Park Conveyance Parcel must be acceptable to Montgomery Parks staff and must meet or exceed Montgomery Parks' design standards and specifications.
- b. Landscape design and vegetative plantings on the Park Conveyance Parcel must meet Montgomery Parks standards, specifications, and native species requirements. Areas of afforestation/reforestation plantings will not be accepted until the required maintenance period is complete and deer fencing removed.
- c. A stable channel to transport proposed discharges from stormwater outfalls located on and directed towards the Park Conveyance Parcel must be provided.
 - i. No stormwater management facilities may be located on the Park Conveyance Parcel except the outfall pipe from micro-bioretenention facility #1, leading to the step-pool drainage channel shown on the approved preliminary plan or comparable sustainable design as approved by Montgomery Parks Staff.
 - ii. Discharges from the existing MCDOT 33" RCP storm drainpipe and the outfall pipe from micro-bioretenention facility #1 must be managed using a step-pool storm drainage channel or comparable sustainable design that conveys flow all the way to the receiving stream, as shown on the Certified Preliminary Plan. Proposed drainage channel designs must be approved by Montgomery Parks Staff.
 - iii. The need to convey stormwater across steep slopes must be minimized.
 - iv. Discharges from the parking lot inlets must outfall onto the project site and not cause erosive stormwater discharges onto the Park Conveyance Parcel.

Certified Preliminary Plan

24. 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 its 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.*

25. 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 and Rescue Access plan in the certified set

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision, considering the recommendations of the 2005 Olney Master Plan, and for the building use (medical office) contemplated for the Property.

The lot was reviewed for compliance with the dimensional requirements for the CRT zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements and can accommodate the medical office building with its width and setback requirements. A summary of this review is included in Table 1. The Application is proposed under the standard method in accordance with Section 4.5.3.C. of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable County agencies, all of which have recommended approval.

With a Site area of 25,744 square feet and frontage on one public roadway, the Applicant must provide a minimum of 10% of the Property as public open space, which is 2,803 square feet. Given the constrained size of the Property to accommodate a medical office building and associated parking, which is a desirable use in the Town Center, the Applicant will meet this requirement offsite with a financial contribution, consistent with Section 59.6.3.6.C of the Zoning Ordinance. Under the financial contribution provisions (59.6.3.6.C.2), the Applicant will make a contribution in the amount of \$35,000, which equals the cost of constructing the

same amount of public open space and associated amenities on-site. This financial contribution will be used towards the ongoing renovation of the nearby Greenwood Local Park, which is also located within the Olney Master Plan area, and which contributes to the open space, recreation, and cultural goals of the applicable master plan.

Table 1: Hillcrest Ave Preliminary Plan Data Table for CRT Zone, Standard Method, Section 59.4.5.3

Development Standards: CRT 2.0 C-1.0 R-1.0 H-70 F		Required by the Zone	Proposed for Approval
Lot Area		n/a	25,744 sq ft
Maximum Density		1.0 FAR	0.395 FAR
Commercial		(29,220 sf.)	(11,058 GFA)
Min. Open Space		10%, 2,803 sf.	Fee-in-lieu payment to Montgomery Parks ²
Principle Building, Min. Setbacks (for all lots)			
	Front	0 ft. min.	0 ft.
	Side	0 ft. min.	10 ft. and 73 ft.
	Rear	0 ft. min.	69 ft.
Parking Setbacks for Surface Parking Lots (min)			
	Front	Must be behind front building line of building in the BTA	Yes, 12 ft.
	Side	Must accommodate landscaping required under Section 6.2.9	Yes
	Rear	Must accommodate landscaping required under Section 6.2.9	Yes
Max. Building Height		70 ft.	70 ft. or less
Site Plan Required		No	No

² In accordance with Section 59.6.3.6.C of the Zoning Ordinance, the Applicant will make a financial contribution towards the ongoing renovation of the nearby Greenwood Local Park in lieu of providing on-site public use space.

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

The Subject Property is within the "Town Center" as described in the 2005 *Olney Master Plan* (Master Plan). There are no site-specific recommendations for the Property, but the broad goal of the Master Plan is to create a mixed-use, pedestrian-oriented Town Center by increasing the number of residential units while still providing retail and service businesses to serve local residents.

While the Application does not propose a mix of uses, it is not practical or necessary for all projects in the Town Center to do so. Although the Master Plan encourages development of residential uses in the Town Center, this recommendation is primarily aimed toward the redevelopment of the large shopping centers or within a consolidation of smaller parcels. There are currently very few medical offices in the Town Center, so the proposed use will add to the mix of uses.

The proposed medical office building is a two-story office building, which will further the Master Plan goal of diversifying building types because so much of the Town Center contains only single-story retail buildings, many in strip malls. The proposed site design is pedestrian-oriented, with the building entrance along the sidewalk and the parking lot to the side and rear, and the project adds to the economic health of the Town Center. The Master Plan encourages uses that generate pedestrian traffic, and a medical office building in proximity to other retail and restaurant uses in the Town Center has the potential to generate synergy and pedestrian traffic between the different uses.

The Master Plan shows potential vehicular and/or pedestrian connections to link Hillcrest Avenue to Appomattox Avenue (northeast of the adjoining shopping center) through the site, although the precise alignment of such connections is to be determined at the time development applications are being reviewed. The aim of these new connections is to create a better pedestrian experience and to make a more porous vehicular network in the Town Center, but most of the proposed connections are only practical with the redevelopment of the larger shopping center. Given the location of existing buildings with no known plans for redevelopment of the shopping center, coupled with environmental buffers behind the site, it would not be feasible for the Applicant to provide a new vehicular connection here. Pedestrian and vehicular connectivity are both currently accommodated via the parking lots and drive aisles within the adjacent shopping center.

The Master Plan recommends reduced pavement widths, curbside tree panels, and other design features to help create a pedestrian-oriented streetscape and envisions a "Green Town Center" in Olney, with generous landscaping and trees. The Master Plan states that special attention should be paid to parking lots, where large shade trees and landscaping should be used to soften the visual impact of hard surfaces. The Applicant is conveying the adjacent northern parcel (P826) inclusive of a stream valley to the Commission, the Park Conveyance Parcel. The Applicant proposes a

nine-foot-wide sidewalk along the site's Hillcrest Avenue frontage to complete a missing link in the sidewalk from the adjacent property to the west and the shopping center to the east. The Applicant is providing a vegetated buffer between the street and the sidewalk and shade trees in the parking lot islands, as well as extensive reforestation plantings in the stream buffer on the Park Conveyance Parcel to help meet the Master Plan's vision. The Applicant is also exceeding landscaping requirements for adequate 20-year tree shading canopy.

The Master Plan recognizes that it would not be practical or desirable for some smaller lots to satisfy the public open space requirements onsite, and suggests that projects provide green areas, landscaping, sidewalk widening, and other amenities to satisfy any public use space requirements. Given the relatively small size of the Property and proposed medical office use in the Town Center, it is not practical for public open space requirements to be met onsite. Instead, the Applicant will meet public open space requirements via a fee-in-lieu contribution towards the ongoing renovation of Greenwood Local Park to the north on Georgia Avenue.

The proposed land use and the siting of the building along the sidewalk contribute to a mixed-use, pedestrian-oriented Green Town Center. The combination of the Park Conveyance Parcel, the proposed landscaping, the new sidewalk, and the fee-in-lieu payment for the local park meets the goals of the public use space recommendations of the Master Plan. The Application substantially conforms to the Master Plan.

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

The Adequate Public Facilities (APF) test for existing facilities, including utilities, fire and rescue services, and transportation, is satisfied under the current Growth and Infrastructure Policy ("GIP"). The Property is in the Olney Policy Area.

Roads and Transportation Facilities

Hillcrest Avenue is classified as a Town Center Street under the *Complete Streets Design Guidelines*, with a recommendation of 70 feet of right-of-way from the 2005 Olney Master Plan. The Applicant must dedicate 35 feet of right-of-way as measured from the centerline of the road. The *Bicycle Master Plan* recommends a separated bike lane to be extended along the Property's frontage. In lieu of constructing this facility, as conditioned, the Applicant will reconstruct the curb line of Hillcrest Avenue to preserve space for future construction, as illustrated in Figures 5 and 6 below. Existing travel lanes will be maintained. For the interim condition, this space will be a grass green panel.

This Application will reserve the space as this portion of planned bikeway will not be able to connect to the east or west in the near term. To the west, street parking and utilities occupy the space that would be required for the separated bike lane.

Reconstruction of this portion of road and relocation of utilities is beyond the scope of the Application. To the east, an existing parking lot and retail buildings occupy the space identified for the location of an extension of Hillcrest Ave, precluding construction at present. Without the ability to connect to a greater bike network, there is no benefit to construction of the bike lane at this time.

As conditioned, before the issuance of the first above grade building permit or right-of-way permit (whichever comes first), the Applicant must make a de minimis payment of \$17,510.40 (\$115.20 x 152 linear feet, or the lot width at front building line) to MCDOT towards the construction of bikeway improvements in the Olney Policy Area. The payment will be indexed to inflation based on the Federal Highway Administration's National Highway Construction Cost Index from the mailing date of the Planning Board Resolution to the date of the first above grade building permit or right-of-way permit (whichever comes first). Proof of payment is required.

All access to the Property is provided by consolidating the existing 2 access points into one single vehicular access point along Hillcrest Avenue at the current intersection serving the southern leg of Hillcrest Ave. at the eastern side of the Subject Property. As conditioned, public roads, access and circulation for the Property will be adequate for the proposed use.

Local Area Transportation Review (LATR)

The Application proposes 11,058 square feet of medical office building which is estimated to generate 28 net new morning and 46 net new evening peak-hour person trips based on the ITE trip generation rates and adjusted according to the 2022 LATR Guidelines. The Applicant is exempt from providing a Transportation Impact Study as it is estimated to generate fewer than 50 weekday net new peak-hour person trips per the LATR Guidelines.

Table 2: Hillcrest Property Medical Office Peak-Hour Trip Generation

AM Peak-Hour				PM Peak-Hour					
Non-Motorized	Auto Driver	Auto Passenger	Transit Trip(s)	Person Trips	Non-Motorized	Auto Driver	Auto Passenger	Transit Trip(s)	Person Trips
1	21	6	0	28	2	35	9	0	46

Source: STS Consulting Traffic Exemption Statement dated July 30, 2022

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

Forest Conservation

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code. The Applicant submitted a request for a Forest

Conservation Plan Exemption which included a plan that identified the existing features on the Subject Property and the proposed development. The Property is located within the Hawlings River watershed, which is classified by the Maryland Department of the Environment as Use IV-P waters. The Hawlings River is a tributary to the Patuxent River. The entire Property is located within the Patuxent River Primary Management Area (PMA), which includes the land within 660 feet of the offsite stream located north of the Subject Property as defined in the Planning Board approved *Environmental Guidelines*. Based on the zoning of the Property (density greater than RE-2), this Application is subject to the "nonconformance requirements". The Application meets these requirements through the Tree Save Plan, which proposes the restoration and reforestation of the offsite stream valley located on the adjacent property to the north and is discussed in more detail below. There is no forest on the Subject Property; however, there are two significant trees located on or immediately adjacent to the Property. The Subject Property does not contain any highly erodible soils or slopes greater than 15 percent.

In a letter dated October 27, 2022, Staff confirmed that this project is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), under Section 22A-5(s)(1) because the activity is being conducted on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet (Attachment F). Therefore, a Forest Conservation Plan is not required. Since the project will impact significant trees, the Application requires a Tree Save Plan per Section 22A-6(a) of the Forest Conservation Law. The Tree Save Plan was submitted as part of the Preliminary Plan Application and is discussed below.

Tree Save Plan

A Tree Save Plan ("TSP") was submitted to fulfill the conditions of the FCP exemption, because there are specimen trees onsite, and to provide protection for trees that may be impacted by the proposed construction, including root pruning and tree protection fencing, as well as mitigation for the removal of two significant trees located on and immediately adjacent to the Property. The Application proposes to remove one 26" Diameter at Breast Height ("DBH") Norway spruce and one 24" DBH black walnut tree. Mitigation for the loss of these trees is included in the stream valley restoration and planting portion of the Tree Save Plan.

The Tree Save Plan also includes measures to restore and replant the stream valley buffer located on the adjacent property to the north, identified on the Tree Save Plan as the Park Conveyance Parcel. The Park Conveyance Parcel is almost entirely within the stream buffer of an offsite stream, a tributary to the Patuxent River. This stream buffer contains approximately 0.18 acres of forest. The remainder of this parcel contains many non-native invasive species including Bradford pear and multiflora rose, among others. The Applicant has agreed to implement a program to

remove the existing non-native invasive species and to reforest approximately one acre of stream valley buffer with species native to the mid-Atlantic region. After the restoration work is completed, including a 5-year maintenance and management period, the Applicant will convey the land to the Commission for use as parkland.

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

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on November 15, 2022 (Attachment D). The Application will meet stormwater management goals using permeable pavement and microbioretention.

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

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Burial Sites Inventory.

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

There are no other applicable provisions specific to the Property that are necessary for approval of this Application.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for three years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and that before the expiration 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 must be filed; 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 02 2023 (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 within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of **4-0-1**; Vice Chair Piñero, and Commissioners Bartley, Hedrick, and Pedoeem, voting in favor of the motion, Chair Zyontz abstaining, at its regular meeting held on Thursday, April 20, 2023 in Wheaton, Maryland and via video conference.



Jeffrey Zyontz, Chair
Montgomery County Planning Board