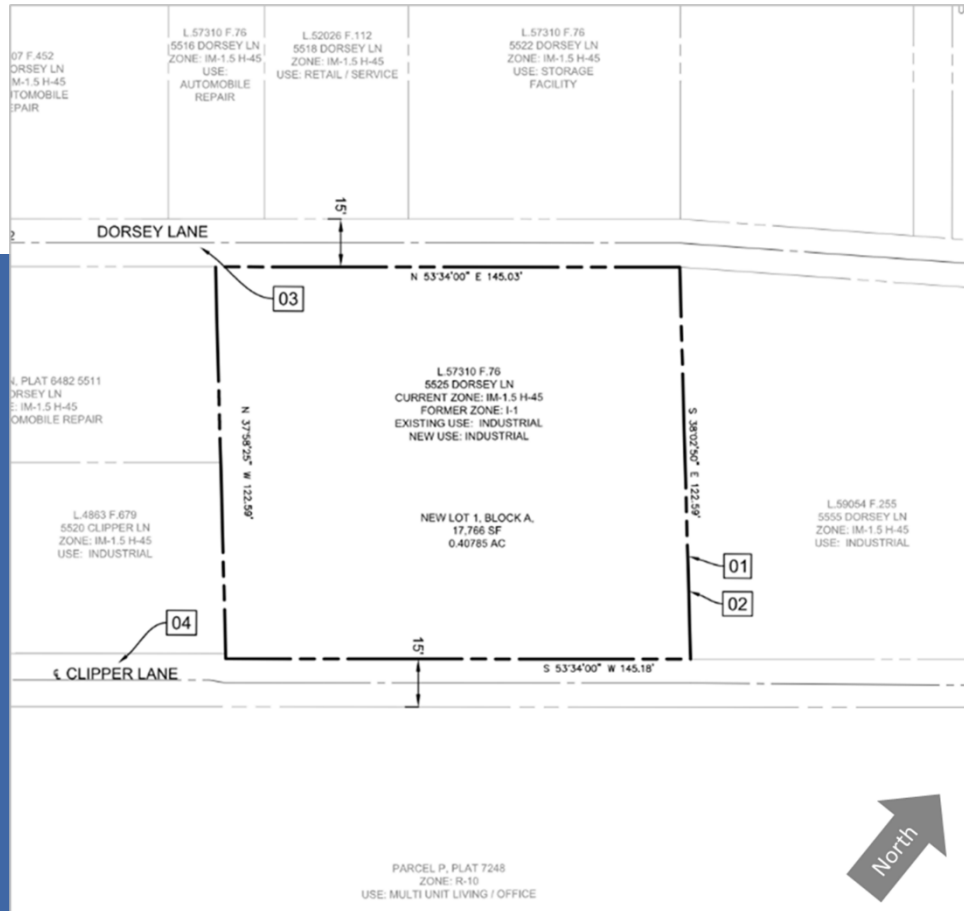


FRIENDSHIP PARCEL 210 (RIDGEWELLS CATERING)

PRELIMINARY PLAN NO. 120250110



Request to create a single lot from an existing unrecorded parcel for up to 18,805 square feet of Artisan Manufacturing and Production uses.

COMPLETED: 8/25/2025

PLANNING BOARD HEARING DATE: 9/4/2025

MCPB ITEM NO.6

Planning Staff

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LOCATION/ADDRESS

5525 Dorsey Lane, 300 feet north of the
intersection of Dorsey Lane and River Road

MASTER PLAN

2016 *Westbard Sector Plan*

ZONE

Current zone IM-1.5, H-45

I-1 Zone Development Standards of the Pre-2014
Zoning Ordinance

PROPERTY SIZE

Approximately 0.40 acres

APPLICANT

Morado Properties LLC

ACCEPTANCE DATE

February 5, 2025

REVIEW BASIS

Chapter 50

Pre-2014 Zoning Ordinance (Chapter 59)

Summary:

- The Preliminary Plan proposes to create one lot from an unrecorded parcel for up to 18,805 square feet of Artisan Manufacturing and Production uses.
- The Preliminary Plan will support the replacement of an aging 17,096 square-foot industrial building with a new, 18,805 square-foot industrial building.
- Pursuant to Sections 59-7.7.1.A.1 and C.2 of the current Zoning Ordinance, the development standards of the I-1 zone of the 2004 Zoning Ordinance apply to this Application.
- A waiver from four private roadway construction and platting requirements of the Subdivision Regulations is requested as private alleys serving the Property are existing and not owned by the Applicant. No new private road construction is proposed.
- The regulatory review period was extended at the Applicant's request twice, cumulatively from June 5, 2025 to September 4, 2025.
- Community correspondence has been received regarding the Application and is addressed below.
- Staff recommends approval with conditions.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120250110

Staff recommends approval with conditions of the Preliminary Plan to create one lot (17,766 square feet) from an unrecorded parcel for up to 18,805 square feet of Artisan Manufacturing and Production uses. All site development elements shown on the latest electronic version of Preliminary Plan No. 120250110 as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions¹.

GENERAL APPROVAL

1. This Preliminary Plan is limited to one (1) lot of 17,766 square feet square feet for development of up to 18,805 square feet of Artisan Manufacturing and Production uses.

ADEQUATE PUBLIC FACILITIES

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 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 March 17, 2025, and incorporates them in this 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. 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 March 11, 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

¹ For the purposes 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.

if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

6. 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 April 10, 2025, with revisions May 3, 2025 and August 8, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letters, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

OTHER APPROVALS

7. *Clearing/ Grading/ Demo Condition*
Before approval of a record plat or any demolition, clearing, or grading for the Subject Property, the Applicant must receive Planning Staff certification of this Preliminary Plan.

RECORD PLATS

8. There shall be no clearing or grading of the site before the recordation of plat(s).
9. The record plat must show necessary easements, including those for private alleys, loading access, and fire department access.

LANDSCAPE PLAN

10. Before issuance of a building permit, a landscape plan must be submitted to and approved by Planning Staff that includes the following minimum elements:
 - a) A minimum of two shade trees to be provided in the Property’s Dorsey Lane frontage/parking area.

PRIVATE ROADS

11. The Applicant shall maintain the existing Private Alleys, Dorsey Lane and Clipper Lane, including any existing improvements within the delineated private alley areas (collectively, the “Private Alleys”), subject to the following requirements:
 - a) The record plat will identify the existing Private Alleys.
 - b) The Private Alleys must be subjected by reference on the plat to a Declaration of Restrictive Covenant for Private Alleys recorded among the Land Records of Montgomery County, and in a form approved by the M-NCPPC Office of the General Counsel that outlines the responsibilities of the Applicant. The Covenant will include, but not be limited to the following requirements/conditions:
 - i) The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Alleys and all improvements

located within the Private Alleys, in good condition and repair for safe use and operation of the Private Alleys. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every five (5) years. The reserves must be adequate to cover the costs of needed repairs.

- ii) The Applicant must post and retain signage to notify the public that the Private Alleys are not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Alleys.

PARKING AND LOADING

12. Prior to certification of the Preliminary Plan, an offsite parking agreement meeting the applicable requirements of Section 59-E.3.4 of the 2004 Zoning Ordinance shall be executed and recorded in the Land Records of Montgomery County for the 18 offsite parking spaces necessary to serve the Subject Property. The executed parking access agreement shall be referenced on the plat.
13. An access easement must be executed and recorded in the Land Records of Montgomery County for the purposes of ensuring safe and functional loading access to the Subject Property from the abutting property (5520 Clipper Lane). The executed access easement shall be referenced on the plat.

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 must 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(s).
 - c) Include the executed offsite parking agreement.
 - d) Show the minimum 1,777 square feet of required green area.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property is located in the middle of an established, narrow block of small industrial and commercial buildings, in-between Dorsey Lane and Clipper Lane, approximately 300 feet north of River Road, in the North River District of the 2016 *Westbard Sector Plan* area. Existing development surrounding the Property generally consists of one- to two-level light industrial and commercial buildings and associated uses to the north, east, and west in the IM-1.5, H-45 zone. To the north of this neighborhood is the Washington Episcopal School and right-of-way for Little Falls Parkway. To the south there is a high-rise multifamily building (Kenwood Condominium) in the R-10 zone, the Macedonia Baptist Church (R-60 zone) and River Road.

Dorsey Lane and Clipper Lane are dead-end private alleys that provide access from River Road to the Subject Property and those surrounding it. Both Dorsey and Clipper Lanes were established over 100 years ago, predating the County's Subdivision Regulations and road standards. The existing rights-of-way of each alley are approximately 15 feet wide. The Land Records of Montgomery County describe Dorsey and Clipper Lanes as common means of access to the Subject Property (and others fronting on the roadways) but, uniquely do not show a clear ownership history to the land comprising the rights-of-way themselves. Dorsey and Clipper Lanes have never been dedicated to public use and have and continue to function as private alleys serving the limited number of properties dependent upon them for access to River Road (Attachment C).



Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Property is described as “Parcel P210” of the Friendship Tract by deed in the Montgomery County Land Records at Liber 57310 Folio 76 and Tax Map HM23. It is a rectangular parcel with a tract area of 17,766 square feet (approximately 0.4 acres) that is developed with a 17,096 square-foot light industrial building (constructed in 1973) used by Ridgewells Catering as its kitchen and food production facility with associated surface parking along Dorsey Lane and loading areas on Clipper Lane as shown in Figure 2 and Figure 3. The Property is located in the middle of an existing block of industrial properties with frontage on Dorsey Lane to the northwest and Clipper Lane to the

southwest. The existing configuration of the parcel aligns with the Zoning Ordinance definition of a “through lot”².

The Subject Property and several adjacent to it are owned by the Applicant (Morado Properties LLC) and/or Ridgewells Catering and collectively serve as the home of the long-standing local catering business. The current building on the Subject Property is functionally obsolete and needs to be replaced with a more modern facility.



Figure 2 – Subject Property

² Section 59.1.4.2 of the Zoning Ordinance defines a Through Lot as “an interior lot fronting on two streets, excluding a corner lot”.



Figure 3 – Existing Conditions Photos as viewed from existing private alleys

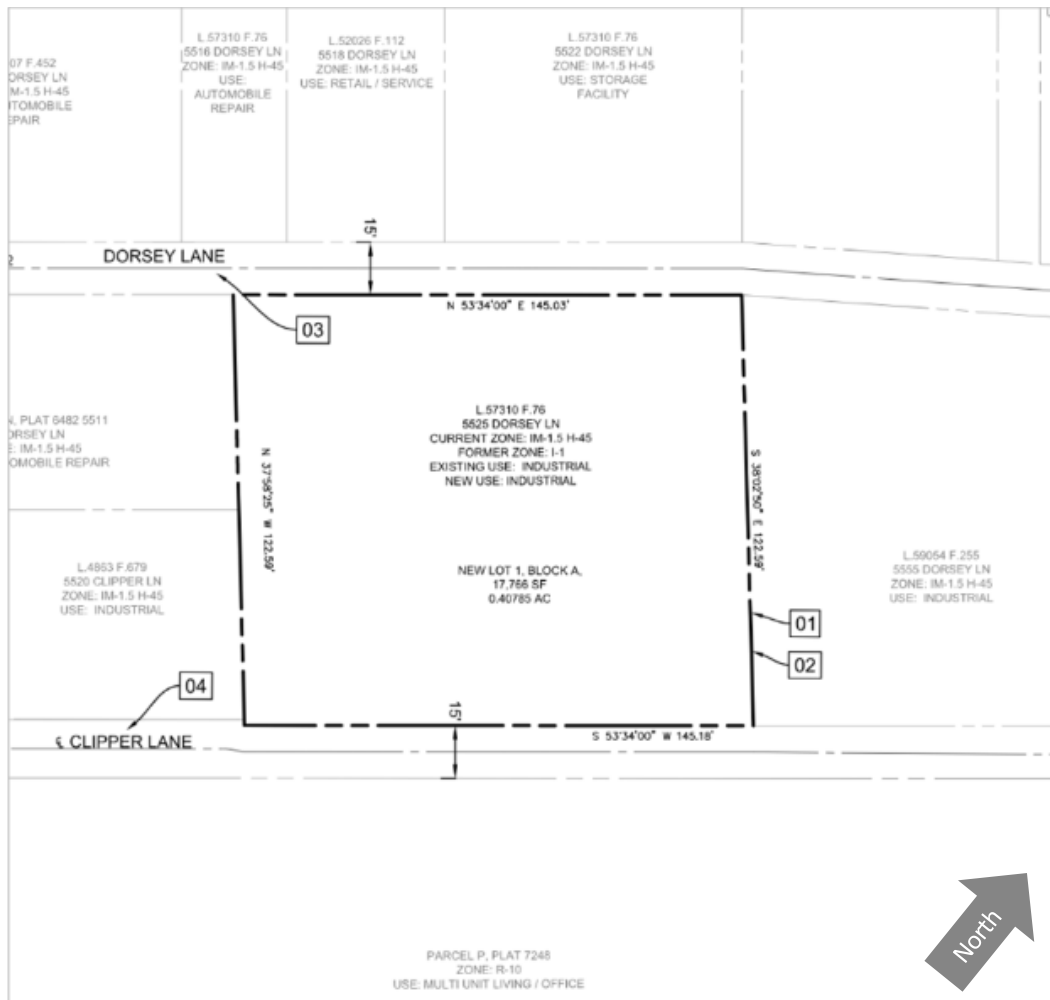
SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

There are no prior subdivision or zoning approvals associated with the Property.

PROPOSAL

The Preliminary Plan proposes to create one lot (“Lot 1”) from the existing unrecorded parcel as shown in Figure 4 to facilitate the redevelopment of the Property. The lot will have the same area (17,766 square feet) and configuration as the existing, unrecorded parcel. There are no right-of-way dedications or other allocations of land for public use required, and none are proposed.



Creation of the new lot is a necessary step to allow for building permits to be issued for the redevelopment of the Property³. Upon recordation of a plat, the Applicant intends to demolish the existing 17,096-square-foot industrial building⁴ and construct a new 18,805-square-foot industrial building for a new kitchen facility for Ridgewells Catering. Because the proposed building will only expand the floor area of the existing building by 1,709 square feet, or ten percent, it can be accomplished pursuant to the legacy provisions of Chapter 59, Section 59-7.7.1.C.2. This Section provides that “Existing development in a Commercial/Residential, Employment or Industrial zone may expand by up to the lesser of ten percent of the gross floor area approved for the site on October 30, 2014 or 30,000 square feet. . . Any expansion must satisfy Section 7.7.1.C.1.”

³ A lot is a contiguous area of land that is described by a plat recorded in the land records for which a building permit can be issued.

⁴ The existing gross floor area was determined by architectural analysis of the existing building.

Pursuant to Section 59-7.7.1.C.1, because the building has existed since 1973 and the proposed redevelopment will expand it by no more than ten percent, it will comply with the procedures and standards of the Property's zoning on October 29, 2014 (which was the I-1 zone). In addition, it will not exceed the height and density of the prior I-1 zone, will not be any closer to any property in a residential detached zone, and is not required to obtain a Site Plan approval under the old I-1 zone.

The uses of the Property for Artisan Manufacturing and Production must and do comply with the current IM zone. As discussed further in the Findings Section, while the prior I-1 zone does not require a Site Plan for this development it establishes the development standards such as setbacks, height and minimum green area. These standards must be satisfied prior to issuance of a building permit and are reviewed generally as part of this Preliminary Plan process.

BUILDING/ARCHITECTURE

Preliminary Plans define lot boundaries and do not locate buildings. Therefore, architectural plans are not required for review with a Preliminary Plan. The building design will be reviewed by DPS through the building permit process. However, to demonstrate that the lot design provides adequate circulation and meets the standards of Chapter 59 of the 2004 Zoning Ordinance, the Applicant provided an illustrative building design.

As illustrated in Figure 5, the building layout has a gross floor area of 18,805 square feet, which is 1,709 square feet (ten percent) larger than the existing building. The building will include a partial second floor, rooftop amenity space, and green roof area. It will be limited in height to no more than 42 feet by the I-1 zone development standards of the 2004 Zoning Ordinance. Primary pedestrian, vehicle, and parking access is maintained from Dorsey Lane. Loading access is maintained from Clipper Lane and shifted slightly from its existing location to the southwestern corner of the building.

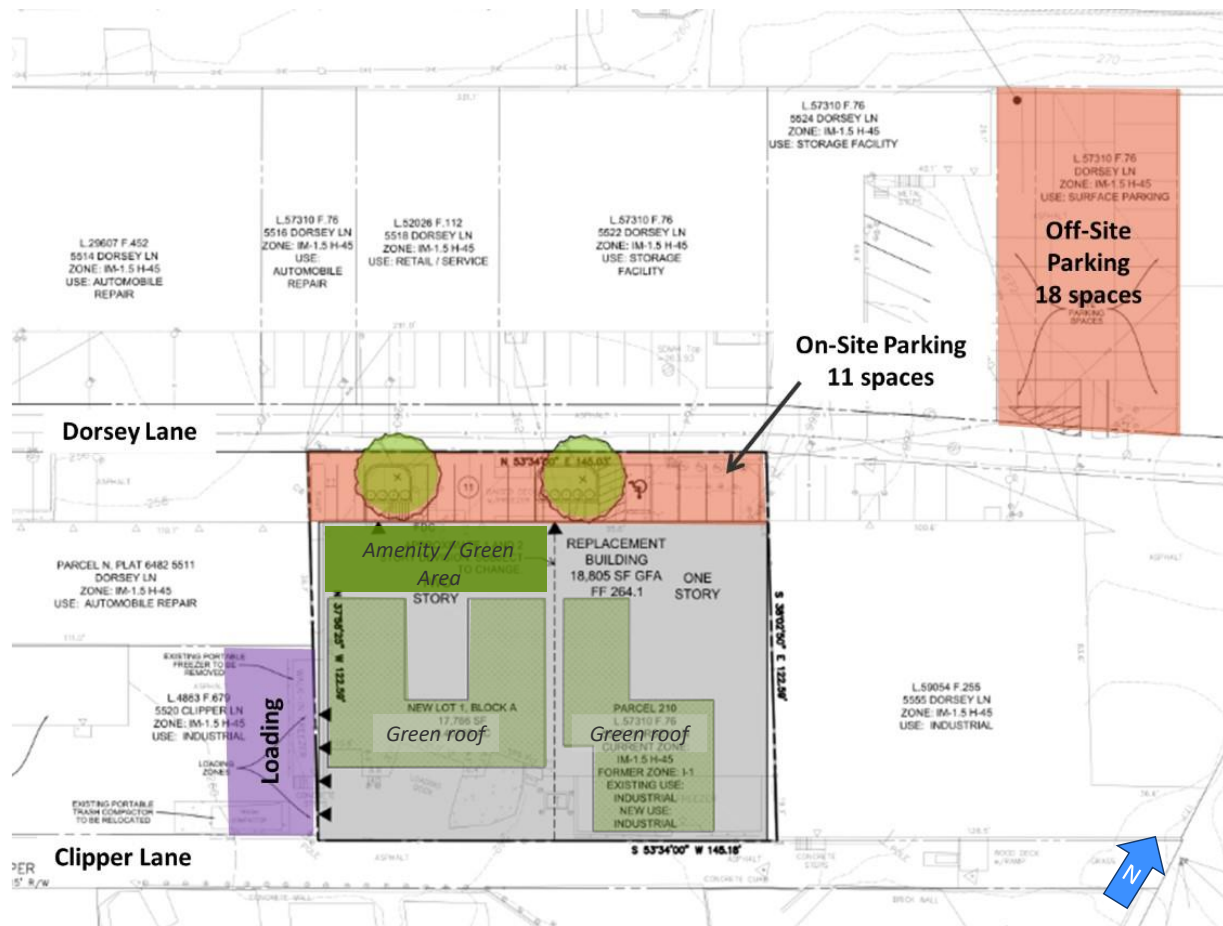


Figure 5 - Illustrative Redevelopment Plan

GREEN AREA

A minimum of ten percent of the tract area (1,777 square feet) is required to be provided as green area, pursuant to 59-C-5.3.2 of the 2004 Zoning Ordinance. The Proposal provides 1,777 square feet of green area as an amenity space on the roof of the proposed building. This green area is exclusive of the area used for storm water management as shown in Figure 5. In addition to the green area requirement, two shade trees are proposed for installation on the Property's Dorsey Lane frontage, in line with recommendations of the *Westbard Sector Plan*.

TRANSPORTATION

The Preliminary Plan continues the existing access and loading arrangement of the Property. Pedestrian and vehicular access to the Property will remain from Dorsey Lane and loading access will remain from Clipper Lane. The Preliminary Plan does not propose modifications to Dorsey Lane or Clipper Lane. The Preliminary Plan proposes Artisan Manufacturing and Production use of the Property and proposes a ten percent increase in floor area (+1,709 square feet) above the existing

condition. The proposed use is similar to the existing food production and warehouse use of the Property, with each correlating to light industrial uses for the purposes of the transportation analysis. This increase in building area for a light industrial use results in two (2) new net peak hour vehicle trips to/from the Property. As the expanded use will generate less than 50 net new peak hour vehicle trips, the Preliminary Plan is exempt from LATR requirements.

Existing Private Alleys – Dorsey Lane and Clipper Lane

Dorsey and Clipper Lanes are existing private alleys serving the Subject Property and those in the vicinity. The owners of properties fronting on Dorsey and Clipper Lanes share non-exclusive access rights and maintenance responsibilities for the private alleys. Dorsey Lane and Clipper Lanes were built to design standards that differ than current requirements. The historic ownership and access arrangement for Dorsey and Clipper Lanes, as well as their existing physical layout, preclude this Preliminary Plan from fully conforming with certain private road design and platting requirements of the Subdivision Regulations. As such, the Application includes a request to waive conformance with those requirements and to implement alternative measures that ensure the Preliminary Plan complies with the intent of all requirements. The waiver request is further discussed in the Findings Section of this Report.

Loading

As required by the I-1 zone development standards, sufficient space is provided for loading operations to the new building from Clipper Lane. Existing loading bays open to Clipper Lane. As illustrated in Figure 5 above, the proposed loading bays are accessed from the abutting property to the southwest, which is owned by Ridgewells Inc., and already utilized as part of Ridgewells existing catering operation. An access easement/covenant will be required to ensure viable long-term loading access to the Subject Property. This relocation of the loading bays will shield some of the loading activities from the neighboring Kenwood Condominiums.

Parking

The Preliminary Plan provides the minimum 29 vehicle parking spaces required in accordance with the applicable parking requirement of Section 59-E.3.7 of the 2004 Zoning Ordinance for the development contemplated. Of these spaces, 11 spaces will be provided onsite, and 18 spaces will be provided in an existing off-site, surface parking lot adjacent to the Property, as shown in Figure 5. The offsite parking area is owned and operated by the Applicant (Morado Properties LLC). An offsite parking agreement is necessary, in accordance with Section 59-E.3.4 of the 2004 Zoning Ordinance, and recommended for implementation as a condition of approval, to ensure adequate parking for the new Ridgewells Catering kitchen facility is maintained. The offsite parking agreement is conditionally required to be in place prior to certification of the Preliminary Plan.

ENVIRONMENT AND SUSTAINABILITY

The existing Property contains no trees or stormwater management controls. A Forest Conservation Exemption, designated as NRI/FSD No. 42025040E (Attachment B), was confirmed for the Property on October 21, 2024. While the Application is subject to Chapter 22A Forest Conservation Law it is exempt from the requirement to submit a Forest Conservation Plan, as discussed in the Findings Section.

The Preliminary Plan includes two shade trees proximate to Dorsey Lane and provides for stormwater management to the extent practicable in the form of an eight-inch-thick green roof as shown above in Figure 5. MCDPS approved the stormwater management concept plan (SWM File No. 296065) in March 2025 (Attachment C).

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submission and noticing requirements, and a pre-submittal public meeting was held on October 28, 2024. No community members attended the meeting (Attachment D).

Correspondence regarding the Preliminary Plan was received during the regulatory review period from multiple residents of the Kenwood Condominium building (Attachment F). The Kenwood Condominium property confronts the Subject Property across Clipper Lane. Most correspondence included opposition to approval of the Preliminary Plan, noting concerns with existing noise, odors and pest control, which are operational issues of the current use. The County's Noise Ordinance is enforced by MCDEP. Other sections of the County Code that address various potential nuisance issues, are generally enforced by MCDPS. Planning staff has shared the comments received with the Applicant and with DPS, so applicable parties are aware of the concerns shared.

Some correspondence suggested that any redevelopment of the Subject Property should relocate any loading and service activities, as well as any potential noise, light or odor generating activities associated with Ridgewells' business to the Dorsey Lane side of the Ridgewells Property, as far from the Kenwood Condominium building as possible. The Preliminary Plan maintains the existing Property access and parking configuration and proposes to modify the existing loading configuration to make it less obtrusive to the neighboring Kenwood Condominium. This is appropriate as the Property is within a well-established neighborhood, with multiple properties sharing non-exclusive rights to utilize Dorsey and Clipper Lanes. Details regarding the location and design of any new exterior lighting, venting, mechanical equipment, etc., for Ridgewells planned new building are not part of the Preliminary Plan review and will be addressed at the time of building permit by DPS.

Some correspondence requests that a Site Plan application should be required for the proposed redevelopment of the Property. As detailed in Section 3 and Section 5 of this Report, Section 59-

7.7.1.C of the current Zoning Ordinance allows for up to a ten percent increase in building area for this Property in accordance with the procedures and standards of the Property's zoning under the pre-2014 Zoning Ordinance. Subject to the conditions of approval recommended herein, this Preliminary Plan conforms with the applicable I-1 zone standards and procedures of the 2004 Zoning Ordinance, which does not require Site Plan review.

Some correspondence suggests that notification of the Kenwood Condominium residents was not done appropriately and further suggested a community meeting about the Application should be hosted. All noticing requirements for this Preliminary Plan have been made in accordance with the Montgomery Planning Board Regulation on Administrative Procedures for Development Review. The Applicant held a pre-submittal meeting on October 28, 2024 and hosted a second meeting with their Kenwood Condominium neighbors in August 2025.

Noticing of the Preliminary Plan to all individual unit owners of the Kenwood Condominium building is not required. Notices of the Preliminary Plan application and associated community meetings were sent to the management company and president of the Kenwood Condominium building that are on record with the Planning Department and any individual unit owner or renter in the building who has registered to receive notices on the MNCPPC website. Regarding community meetings, the Applicant hosted a community meeting prior to submission of their Preliminary Plan in October 2024. Notes from this meeting show there were no attendees. However, after receiving feedback from Kenwood Condominium residents during the review of the Preliminary Plan, the Applicant met with a group of those neighbors in August 2025 to discuss the proposal and their concerns. Kenwood Condominiums provided updated notification contacts at that time, who were subsequently included in notification mailings about the September 4, 2025 Planning Board public hearing on the Application.

SECTION 5: PRELIMINARY PLAN 120250110 FINDINGS AND ANALYSIS

The Preliminary Plan would create one (1) lot, measuring approximately 17,766 square feet or approximately 0.4 acres of Site area, for a maximum density of up to 18,805 square feet of Artisan Manufacturing and Production uses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations and the 2004 Zoning Ordinance and current Zoning Code as applicable. 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 this Application makes no changes to it. The block design is appropriate for the proposed lot and Artisan Manufacturing and Production uses of Ridgewells Catering kitchen facility. Further, the existing non-residential block design, to be maintained, is of a suitable length and width to accommodate pedestrians, parking, deliveries, and truck maneuvering.

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

The lot design occupies the same area, shape and orientation as the existing unrecorded parcel. The proposed Artisan Manufacturing and Production use continues the Property's existing use as a food production facility for Ridgewells Catering. The Property's layout is unavoidably a through lot, an interior lot fronting on two streets. This is an unusual circumstance where the narrowness of the existing block of properties, including the Subject Property, located in-between Dorsey and Clipper Lanes, permit no other feasible way to subdivide. As such, the lot design is appropriate for the development and use contemplated.

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

i. Master Planned Sites

The Property is in the North River District of the 2016 *Westbard Sector Plan*. The Sector Plan does not include specific recommendations for public sites or open areas on the Property.

ii. Local Recreation

The Preliminary Plan does not include dedication of land for public recreation purposes. A rooftop green area will be an amenity space for employees of the facility.

iii. Transportation and Utilities

As the Property fronts on two private alleys (Dorsey Lane and Clipper Lane) no public transportation, utility, or frontage improvements are required and none are proposed with this Preliminary Plan.

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

Section 59-7.7.1.C of the current Zoning Ordinance, allows for expansion the Property's building floor area by up to ten percent, in accordance with the following criteria and in accordance with the procedures and standards of the Property's zoning on October 29, 2014 (the 2004 Zoning Ordinance). The Subject Property was zoned I-1 on October 29, 2014, and as such, the development standards of the I-1 zone apply to this Preliminary Plan.

Section 59-7.7.1.C - Expansion of Floor Area

1. Limited Rights under Zoning before October 30, 2014

Until October 30, 2039, on land that is located in a Commercial/Residential, Employment, or Industrial zone, an applicant for an amendment to an existing approval or development, or a modification of an application listed in Section 7.7.1.B.1 may increase the floor area on the site under Section 7.7.1.C.2 or 7.7.1.C.3 following the procedures and standards of the property's zoning on October 29, 2014:

The proposed redevelopment will conform to these criteria regarding expansion of floor area under the zoning applicable to the Property before October 30, 2014. In accordance with Section 59-7.7.1.C.1 and C.2, a ten percent increase in floor area over existing conditions is proposed in following the procedures and standards of the Property's zoning on October 29, 2014, which was the I-1 zone.

a. if the building does not exceed the height limits and density of the property's zoning in effect on October 29, 2014;

As illustrated in Table 1 below, the height of the proposed building will not exceed the height limit of 42 feet/3 stories and density of 18,805 square feet as prescribed by the I-1 zone.

b. if any building on the site is no closer to property in a Residential Detached zone that is vacant or improved with a Single-Unit Living use than any existing structure on the site on October 30, 2014, or satisfies the setbacks of the current zoning; and

The proposed building will occupy the same general footprint as the existing structure and be no closer to property in a residential detached zone than the existing structure. The closest residential-detached zone properties that are vacant or improved with single-unit living are located over 300 feet west of the Property, beyond Little Falls Parkway. There is a property zoned R-60 fronting on River Road but this property is owned by and operated as a religious institution.

c. when a site plan or site plan amendment is required by the property's zoning on October 29, 2014, a site plan or a site plan amendment is approved under the standards of site plan approval on October 29, 2014.

A Site Plan is not required in the I-1 zone unless a project exceeds three (3) stories (59-C-5.41 of the 2004 Zoning Ordinance). The Application is only proposing a building of up to two (2) stories and therefore does not require a Site Plan.

2. Commercial/Residential, Employment, and Industrial Zones

Existing development in a Commercial/Residential, Employment, or Industrial zone may expand by up to the lesser of 10% of the gross floor area approved for the site on October 30, 2014 or 30,000 square feet, except for properties with 2,000 square feet or less of floor area, which may expand by up to 30% of the gross floor area approved for the site on October 30, 2014. Any expansion must satisfy Section 7.7.1.C.1. The gross floor area in a pending application listed in Section 7.7.1.B.1 may be expanded up to the full amount allowed under the property's zoning on October 29, 2014, but once the application is approved, the gross floor area may expand by up to the lesser of 10% of the gross floor area or 30,000 square feet.

The Preliminary Plan proposes an expansion of gross floor area of ten percent (+1,709 square feet), from an existing floor area of 17,096 square feet to a proposed floor area of 18,805 square feet.

As shown in Table 1, a ten percent increase in development density is proposed in accordance with the terms of Section 59-7.7.1.C.1 and Section 59-7.7.1.C.2 as described in the findings above; and with the recommended conditions of approval herein, the Preliminary Plan complies with the development standards for the I-1 zone of the 2004 Zoning Ordinance.

Table 1: Friendship Parcel 210 (Ridgewells Catering) Data Table for the I-1 Zone, Standard Method, Section 59-C.5.3 of the 2004 Zoning Ordinance⁵

Development Standard	Permitted/ Required	Proposed
Tract Area⁶	n/a	17,766 sf (0.407 acres)
Prior Dedication	n/a	0
Proposed Dedication	n/a	0
Site Area	n/a	17,766 sf (0.407 acres)
Density⁷	n/a	18,805 sf (1.06 FAR)
Minimum Lot Area	n/a	17,766 sf (0.407 acres)
Building Setbacks⁸	n/a	0 ft

⁵ The development standards of the I-1 zone of the 2004 Zoning Ordinance apply to this Preliminary Plan in accordance with the provision of Sections 59-7.7.1.C.1 and 2 of the 2014 Zoning Ordinance.

⁶ As Dorsey Lane and Clipper Lane are both private alleys, no dedication of rights-of-way for public use is required.

⁷ The proposed development density of 18,805 square feet is no more than 10 percent greater than the existing development density of 17,096 square feet (+1,709 square feet).

⁸ Section 59-C.5.33 of the 2004 Zoning Ordinance only requires a 10-foot building setback from lot lines from a street right-of-way, and a "street" is defined as a "public or dedicated way 30 feet or more in width." Clipper

Development Standard	Permitted/ Required	Proposed
Green Area (min. % tract area)	10%	10% (1,777 sf) ⁹
Building Height (max)	42 ft or 3 stories	42 ft / 3 stories or less
Site Plan Required	No	No
Vehicle Parking	29 spaces	29 ¹⁰ spaces
Bicycle Parking	0 spaces	0 spaces
Loading	TBD ¹¹	4 spaces

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

a) Land Use

The Property is in the North River District of the 2016 *Westbard Sector Plan*. The Sector Plan recommends retaining the industrial land uses for the Property and other existing industrial properties along Dorsey Lane and Clipper Lane. The Preliminary Plan proposes to continue the existing industrial food production and warehouse uses of the Property, now classified as Artisan Production and Manufacturing under current Zoning Ordinance definitions, associated with Ridgewells Catering operation.

b) Environment

The Sector Plan does not include specific environmental recommendations for the Property. However, it does recommend planting of shade trees in parking lot islands and perimeter areas, and for the implementation of stormwater management improvements that apply to the Proposal.

The Property currently contains no trees or other vegetation and lacks any stormwater management features. The Proposal adds two shade trees to parking lot islands along the Property's Dorsey Lane frontage. The Plan also includes a stormwater management

Lane and Dorsey Lane are only 15 feet wide and would not qualify as a "street". Therefore, no setback is required.

⁹ Green area is provided on the rooftop of the proposed building, which will be finalized at the time of building permit.

¹⁰ Eleven (11) spaces provided on-site and eighteen (18) spaces provided in an existing off-site, surface parking lot adjacent to the Property that is owned and operated by the Applicant (Morado Properties LLC). An offsite parking agreement in accordance with Section 59.E.3.4 of the 2004 Zoning Ordinance is necessary for the 18 offsite parking spaces.

¹¹ Section 59.E.3.7 of the 2004 Zoning Ordinance does not provide numerical criteria for necessary loading spaces for industrial, manufacturing establishment or warehouse uses, instead it requires "sufficient area to provide for loading and unloading of trucks".

concept plan that has been approved by MCDPS. Stormwater management consisting of an eight-inch-thick green roof atop the new building is proposed.

c) Transportation

The Sector Plan does not include transportation recommendations that are applicable to the Property. The Preliminary Plan makes no changes of significance to the existing access, loading, or parking arrangements to serve the Property. As shown in Table 1, a total of 29 vehicle parking spaces are required. This quantity of parking spaces is provided, with 11 spaces on-site, along the Property's Dorsey Lane frontage, and 18 spaces in an existing, adjacent off-site parking lot, across Dorsey Lane. The existing, offsite parking lot is owned and operated by the Applicant. As conditioned, an offsite parking agreement meeting the applicable requirements of Section 59-E.3.4 of the 2004 Zoning Ordinance shall be executed and recorded in the Land Records of Montgomery County for the 18 offsite parking spaces necessary to serve the Subject Property, prior to certification of the Preliminary Plan.

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

a) Roads and other Transportation Facilities

i. Existing Facilities:

Dorsey Lane and Clipper Lane are private alleys serving the limited number of existing buildings and uses fronting on them.

Dorsey and Clipper Lanes both access River Road, MD-190, a major public thoroughfare. The County's Ride On Bus Route 23 and WMATA Bus Route T2 serve the River Road corridor, with bus stops located within walking distance of the Property.

ii. Proposed public transportation infrastructure:

As the Property fronts on two private alleys, no dedication of public right-of-way area is required, and none is proposed. No other improvements are required or proposed to public transportation infrastructure.

iii. Proposed private transportation infrastructure:

Section 50-4.3.E.4 – Additional Standards for Private Roads

The Preliminary Plan proposes to maintain use of Dorsey Lane and Clipper Lane, both existing private alleys, to provide access to the Property. While the Preliminary Plan proposes no physical changes to the existing configuration and condition of the private alleys, this Section of the Subdivision Regulations requires the Applicant to

justify the use of the private alleys (in lieu of public roads) for the proposed subdivision, and to provide a list of design elements for the private alleys that fall below current public road standards. Where Dorsey and Clipper Lanes are established and existing, a waiver from certain technical and platting criteria of Section 50-4.3.E.4 generally associated with the creation of private new roads is requested in accordance with the waiver provisions of Section 50-9 of the Subdivision Regulations.

a. Designating Private roads.

In general, except when a private road is identified in a master plan, the creation of public roads is preferred; an applicant must justify the use of a private road based upon the criteria below and the specific compelling circumstances of the property being developed.

This is a unique, specific, compelling circumstance in which both Dorsey and Clipper Lanes are existing, dead end, private alleys that were established over 100 years ago as common means of access to River Road for the limited number of properties fronting on these private alleys. Neither alley was previously dedicated to public use, and both are maintained and operated by the owners of properties fronting on them. In this circumstance, MCDOT does not recommend nor request Dorsey Lane or Clipper Lane be dedicated to public use and it would be highly disruptive for all properties fronting on Dorsey and Clipper Lanes for the use of the private alleys to be discontinued.

b. Justification for a private road:

A subdivider who proposes a private road must provide a list of proposed design elements that do not meet public road standards, including context-sensitive road design standards or a previously approved Design Exception, and justify why those design elements are necessary for the proposed development. The justification for a private road must not be based solely on the installation of non-standard amenities that could be addressed under a Maintenance and Liability Agreement with the County.

As they exist as private alleys today, Dorsey and Clipper Lanes most closely relate to the service intent and design standards for public commercial alleys (as defined in Chapter 49 of the Code of Montgomery County). In comparing the existing conditions of Dorsey and Clipper Lanes with the public road standards for commercial alleys, the existing private alleys do not meet the following criteria:

(1) Minimum right-of-way width of 20' for an alley serving any non-residential zoning.

The existing rights-of-way for both Dorsey Lane and Clipper Lane are approximately 15 feet wide but generally allow for up to 20 feet of clear passage for vehicles.

(2) Maximum target speed, to be determined on a case-by-case basis.

Neither Dorsey Lane nor Clipper Lane has a posted speed limit and there are no apparent prior determinations of maximum target speeds for either road.

(3) Paving, with a primary paving section to include 8" concrete approved subgrade or an alternate paving section to include an approved subgrade of 3" bituminous concrete surface course in 2-1½" layers over a 5" bituminous concrete base.

No subsurface investigations within the private alleys were completed to determine the composition of the existing pavement sections.

While Dorsey and Clipper Lanes have adequately supported regular commercial vehicle traffic for many decades, as part of this Preliminary Plan, the Applicant intends to execute and record a restrictive covenant for the maintenance of both roadways to ensure they continue to provide access and function as intended.

c. Standards.

Private roads must be built to the construction specifications of the corresponding public road concerning paving detail and design data, including surface depth and structural design. The road must be designed in accordance with sound engineering principles for safe use, including: horizontal and vertical alignments for the intended target speed; adequate typical sections for vehicles, pedestrians, and bicyclists; compliance with the Americans with Disabilities Act; drainage and stormwater management facilities; intersection spacing and driveway locations; parking; lighting; landscaping or street trees; and utilities. The width and cross section of a private road must meet the right-of-way specified in a master plan or be equal to the corresponding public road standard unless modified by the Board. Private roads must conform to the horizontal alignment requirements of this Chapter. If a road is allowed to be a private road, the approval of the road will not require the Department of Transportation to approve a Design Exception for any aspect of the road's design.

The Applicant requests to waive this requirement. As described in the Finding above, both Dorsey and Clipper Lanes are existing private alleys that were constructed at a time prior to the existence of current roadway design requirements. This Preliminary Plan proposes to maintain the use of Dorsey and Clipper Lanes for access to the Subject Property, with no physical changes to the alleys proposed. The roads currently intersect with River Road at an acceptable grade and alignment and no changes are being proposed.

d. Road classifications.

When the Department of Transportation determines that the proposed road is not needed to maintain area circulation, provide continuous corridors to serve the general public and quasi-public needs such as communication, utility, and future potential transportation or other systemic needs that serve the public on a long-term basis, and is not needed to be part of the network modeled for area capacity, consideration will be given to making the following roads private:

- i. ***Only roads classified as either Downtown Street, Town Center Street, Industrial, Neighborhood Street, Neighborhood Yield Street, or Alley may be considered by the Board to be private. All other road classifications must be public unless specifically permitted to be a private road by a master plan.***

While Dorsey Lane and Clipper Lane are existing private alleys, the *Master Plan of Highways and Transitways* classifies the eastern-most 300-foot section of Clipper Lane as a Town Center Street. Neither the *Master Plan of Highways and Transitways* nor the *Westbard Sector Plan* provide specific classifications for Dorsey Lane and the western portion of Clipper Lane. Accordingly, they may be designated as private.

- ii. ***Private roads with improvements above or below the pavement are only allowed in projects that require site plan review and approval.***

No new private roads are proposed for construction. The Preliminary Plan proposes no improvements above or below the pavement of the existing private alleys Dorsey and Clipper Lanes. Site Plan review is not required.

- iii. ***Private roads should not be permitted if they will create a segmented road ownership pattern, unless approved by the Planning Board.***

No new private roads are proposed and no alteration of the existing ownership pattern of the rights-of-ways for Dorsey and Clipper Lanes is proposed. Dorsey and Clipper Lanes have existed as private alleys for over 100 years. Land Records generally show that properties fronting on these alleys have shared access rights to use them, but do not have any ownership interests of the land within the private rights-of-way.

- iv. ***Private roads must not be permitted if they will negatively affect development of other properties.***

No new private roads are proposed. Continuation of the existing access arrangements for Dorsey and Clipper Lane is proposed and appropriate. This maintains the existing development potential of nearby properties, which all depend on these private alleys for access to River Road, the nearest public roadway.

- v. ***Except where a Master Plan indicates that a Downtown Street or Town Center Street could be private, a Downtown Street or Town Center Street may be a private road only when it is not required to provide an adequate traffic level of service. A private Downtown Street or Town Center Street may be approved only when the proposed road is either not a connector between two higher classification roads or a road that is not planned to extend beyond the boundary of the preliminary plan.***

Dorsey and Clipper Lanes are existing private alleys that solely provide the limited number of existing properties fronting on them with access to River Road. Both Dorsey and Clipper Lanes are dead end alleys that do not provide connections between other roadways and are not required to provide an adequate traffic level of service.

- vi. ***An industrial road may be a private road only when the road is part of roads internal to the industrial site and the road is not a connector between higher classified roads.***

Neither Dorsey Lane nor Clipper Lane is classified as an industrial road and neither existing private alley is a connector between higher classified roads.

e. Certification.

Before the Board may approve a preliminary plan, the subdivider must have an engineer certify that each private road has been designed to meet the standards required by this Section; however, when a site plan is required

under Chapter 59, Article 59-7.3.4, the certification may be provided anytime before the approval of the site plan. The subdivider must then certify to the Department of Permitting Services that all construction complies with the design before release of the surety for the road.

As Dorsey and Clipper Lanes are existing and were constructed prior to the existence of the County's current road design requirements, the Applicant's engineer is not able to certify their design and construction conform with the requirements. As such, the Applicant is requesting a waiver from conformance with this requirement.

Section 50-9.3 - Subdivision Waiver – Private Road Requirements

In accordance with the Subdivision Regulations, the Applicant requests to waive the requirements of Section 50-4.3.E.4.c and Section 50-4.3.E.4.e, relative to roadway design standards and engineer certifications thereof, as discussed in the Findings above. The Application further requests to waive the requirements of Section 50-4.3.E.6.b regarding certain platting requirements for the private roadways and Section 50-4.3.E.6.d.i regarding certain required restrictive covenant language for private roadways.

In accordance with Section 50-9.3.A, to grant the Subdivision Waiver, the Planning Board must find that:

To grant a waiver, the Board must find that:

(1) due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;

Section 50-4.3.E.4.c of the Subdivision Regulations generally requires that private roads be built to the construction specifications of the comparable public road type. In this case, Dorsey and Clipper Lanes are existing and were created as private alleys well before current roadway design requirements were adopted. As discussed throughout Finding 3, while Dorsey and Clipper Lanes are both most comparable to the modern public commercial alley road type, they do not fully align with those design standards. In this instance, it is not practical to require reconstruction of the existing private alleys to current standards because the Applicant does not own the roads and shares common interests in them with multiple parties, and both roads are existing, serving the businesses and residents that front on the roads.

In addition, MCDPS Fire is requiring the Applicant to record fire access easements at specific locations from Dorsey Lane and Clipper Lane to assure adequate fire access and emergency vehicle turn around space. Staff supports the waiver request.

Section 50-4.3.E.4.e of the Subdivision Regulations requires the subdivider to have an engineer certify that each private road has been designed and constructed to meet the standards required by this Section. As noted above regarding the waiver request from Section 50-4.3.E.4.c, Dorsey and Clipper Lane are existing private alleys that do not fully align with their comparable public road type requirements. Thus, the Applicant's engineer cannot certify that Dorsey and Clipper Lanes are constructed to current requirements because they were constructed prior to the adoption of the Subdivision Regulations and current road design requirements and no changes are proposed to the private alleys. Additionally, MCDPS Fire and MCDOT have reviewed the plans and recommended approval with the current private road conditions and inclusion of fire access easements. Staff supports the waiver request.

50-4.3.E.6.b of the Subdivision Regulations requires a private road to be platted as a road parcel, except as allowed by Subsection c, and remain open and unobstructed for use at all times as part of the project's common area. As determined through this Preliminary Plan, ownership of the land comprising the rights-of-way for Dorsey Lane or Clipper Lane is unknown, but Land Records show each Lane as a right-of-way providing non-exclusive access to properties that abut them. The Applicant does not have the legal authority to plat either roadway within a road parcel. As an alternative, the Applicant will include notes on their future plat regarding their access easements rights and to show the existing private alleys on the plat without including them in a road parcel. At least two other existing plats (Plats No. 12024 and No. 6482) for land in the vicinity show Dorsey Lane and/or Clipper Lane in this manner. It is the Applicant's intention for both roadways to remain open and unobstructed for use at all times, consistent with the current, existing use of the roadways. As further detailed below, the Applicant shall enter into a restrictive covenant for maintenance of the private alleys, which will further ensure Dorsey and Clipper Lanes remain open for use. Staff supports the waiver request.

50-4.3.E.6.d.i requires all private roads to be recorded with a restrictive covenant approved by the Board that shows the road is designed and constructed in a manner that satisfies the requirements of this Chapter, and the roads accommodate all requirements made by the Montgomery County Fire Marshal

for emergency access, egress, and apparatus. The Preliminary Plan does accommodate all requirements made by the Montgomery County Fire Marshall, as shown in their approval letter (Attachment C). However, as discussed in the Findings above, as the existing conditions of Dorsey and Clipper Lanes do not fully conform with road design standards of the Subdivision Ordinance, the restrictive covenant cannot specify such. The Applicant requests to waive the restrict covenant requirement regarding this certification and Staff supports the waiver request.

(2) the intent of the requirement is still met; and

The above referenced Sections of the Subdivision Regulations are generally intended to ensure the technical aspects for the construction, operation, maintenance and platting of private roads are addressed during the Preliminary Plan process. Unique to this Preliminary Plan, Dorsey and Clipper Lanes are existing private alleys, built prior to modern standards, with access rights shared amongst multiple properties. As discussed in the Findings above, where the Preliminary Plan does not fully conform with requirements, waivers are requested either due to practical necessity and/or to request to utilize an alternative means of conforming with the intent of the requirement.

(3) the waiver is:

a. the minimum necessary to provide relief from the requirements; and

b. consistent with the purposes and objectives of the General Plan.

The requested waivers are the minimum necessary to provide relief from the four specific requirements discussed above while allowing for platting and future redevelopment of the Subject Property. The redevelopment of an aging light industrial building, with a new, similar light industrial building to support the continuation of a long-standing local business is in-line with the purposes and objectives of Thrive Montgomery 2050 (the General Plan), such as those related to improvement of the County's economic health and making environmental improvements.

b) Local Area Transportation Review (LATR)

The existing light industrial uses of the Property (Artisan Manufacturing and Production use) are to remain unchanged. The proposed 1,709 square-foot increase in the density of the development is estimated to generate one (1) new vehicle trip in the morning peak hour and one (1) new vehicle trip in the evening peak hour. The 2024-2028 *Growth and*

Infrastructure Policy requires a transportation impact study for any project that is estimated to generate a net increase of 50 or more vehicle trips in either the morning or evening peak hours. This Preliminary Plan's cumulative increase of two (2) total peak hour vehicle trips per day is well below the threshold for requiring a transportation impact study. The transportation exemption statement included with the Preliminary Plan application satisfies the LATR review requirement.

c) Schools

The Proposal is relative to an industrial property and uses and will have no impact on public school capacity.

d) Other Public Facilities and Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision.

Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect. As conditioned herein, the Preliminary Plan will provide easements necessary to ensure adequate emergency vehicle access and it will provide a restrictive covenant ensuring long-term access and maintenance of the private alleys.

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

A Forest Conservation Exemption, designated as NRI/FSD No. 42025040E, was confirmed for the Property on October 21, 2024. Thus, this Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) as the activity is occurring on a tract of land less than 1.5 acres with no existing forest, no specimen or champion trees, and the afforestation requirements would not exceed 10,000 square feet.

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

DPS approved a Stormwater Management Concept on March 11, 2025. The plan will meet stormwater management goals through the use of an eight-inch-thick green roof and partial waiver of the stormwater management requirements.

- 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.***

The Applicant does not have any notice, actual or constructive, of the existence of a burial site on the Property and none are included in the Montgomery County cemetery 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 and necessary for approval of the subdivision.

SECTION 6: CONCLUSION

As conditioned, the Preliminary Plan application satisfies the findings under Chapter 50, the Subdivision Ordinance, with the granting of several waivers, the applicable development standards of the 2004 Zoning Ordinance and the current Zoning Ordinance, and substantially conforms to the recommendations of the 2016 *Westbard Sector Plan*. Therefore, Staff recommends approval of the Preliminary Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary Plan

Attachment B: FCP Exemption Letter

Attachment C: Agency Letters

Attachment D: Affidavit Regarding Community Meeting

Attachment E: Applicant's Subdivision Waiver Request

Attachment F: Community Correspondence