



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Memorandum**

**TO:** Rose Krasnow, Acting Planning Director

**VIA:** John Carter, Chief *JAC*  
Area 3 Planning Team

**FROM:** Benjamin Berbert, Senior Planner *BB*  
Area 3 Planning Team

**RE:** Correction of typographical errors on the Preliminary Plan Resolution for the Gladhill Tractor Mart, Preliminary Plan No. 12002047A

**DATE:** August 16, 2012

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Pursuant to Section 4.11.4 of the Montgomery County Planning Board Regulation on Rules of Procedure (Correcting Errors in Resolutions), typographical errors may be corrected by issuance of a corrected Resolution approved by the Planning Director.

On July 26, 2012, the Planning Board approved Preliminary Plan No. 12002047A for the Gladhill Tractor Mart. The Resolution reviewed by the Legal Department and approved by the Planning Board on July 26, 2012 contained content errors pertaining to the insertion of a new condition, where the Planning Board accepted the recommendations of the Montgomery County Department of Permitting Services, Water Resources Section (“Condition 3”). Condition 3 was added at the Board Hearing on July 26, 2012 based on testimony of the Area 3 Staff. Condition 3 was appropriately added in the list of all conditions of approval included for informational purposes, but was not added where the Planning Board approves adding the following new condition. The Planning Board adopted the Resolution assuming Condition 3 was in effect. To accommodate Condition 3 to the list of added conditions, the currently listed condition 3 needs to become condition 4. Staff recommends correction of these typographical error(s); no further changes are required or recommended.

ACCEPTED & APPROVED BY:

Rose Krasnow, Acting Planning Director

*8-16-12*

Date Approved



MCPB No. 12-100  
 Preliminary Plan No. 12002047A  
 Gladhill Tractor Mart  
 Date of Hearing: July 26, 2012

SEP 12 2012

**CORRECTED RESOLUTION**

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

WHEREAS, on April 12, 2002 the Planning Board, by Opinion No. 1-02047 approved Preliminary Plan No. 120020470, creating 1 lot on 6.48 acres of land in the RDT zone, located on the east side of Ridge Road, opposite the intersection with Kemptown Road ("Subject Property"), in the Damascus master plan ("Master Plan") area; and

WHEREAS, on December 21, 2011, Gladhill Properties Limited Partnership ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan(s) to construct a 4,200 square foot addition to the existing sales and service building on the Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12002047A, Gladhill Tractor Mart ("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 July 12, 2012, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 26, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 12002047A to construct a 4,200 square foot addition to the existing sales and service building by modifying condition 1 and adding the following

Approved as to  
 Legal Sufficiency:

*Christina Sorrento 8/16/12*

8787 Georgia Avenue, Spring, Maryland 20781 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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conditions:<sup>1</sup>

1. This Preliminary Plan is limited to 16,314 square feet of commercial uses, and 5,000 square feet of storage space.
2. The Applicant must comply with conditions of the Board of Appeals Resolution modifying Special Exception S-1896-B, adopted September 28, 2011.
3. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its letter dated May 25, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the MCDPS Letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. All other applicable conditions contained in the adopted resolution approving Preliminary Plan 120020470 remain in full force and effect.

BE IT FURTHER RESOLVED, that all other Preliminary Plan conditions of approval for this project remain valid, unchanged and in full force and effect. However all conditions of approval are included below for informational purposes:

1. This Preliminary Plan is limited to 16,314 square feet of commercial uses, and 5,000 square feet of storage space.
2. The Applicant must comply with conditions of the Board of Appeals Resolution modifying Special Exception S-1896-B, adopted September 28, 2011.
3. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its letter dated May 25, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the MCDPS Letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

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

4. All other applicable conditions contained in the adopted resolution approving Preliminary Plan 120020470 remain in full force and effect.
5. Access and improvements, including number, location and text of sign(s) limiting access to the improved main entrance, to be approved by MDSHA prior to recordation of plat(s).
6. Record Plat to reflect limitations on access along Ridge Road (MD 27) as approved by MDSHA.
7. Compliance with the conditions of the MCDPS stormwater management approval.
8. The Preliminary Plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded on all property delineated on the approved Preliminary Plan, or a request for an extension must be filed.
9. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
10. Necessary easements.

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and 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. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary, and all findings not specifically addressed remain in effect.*
2. *The Preliminary Plan substantially conforms to the Master Plan.*

The addition proposed in this Application is modest, at 4,200 square feet in size and will be attached to the existing operating business. The Property is surrounded on three sides by agricultural uses; the location and design of the proposed addition will not affect the ability of any surrounding properties to continue agricultural operations.

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

The Applicant submitted a justification stating no new vehicle trips are predicted as a result of the proposed expansion; therefore the Application is not subject to Local Area Transportation Review or Policy Area Mobility Review. The property will continue to be served by the existing septic system. Other public services are adequate.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to 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 SEP 12 2012 (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 the original mailing date, or, if the appeal relates to the corrected portions of this resolution, within thirty days of the date of this Corrected Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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**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 Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley voting in favor of the motion, with Commissioner Dreyfuss temporarily absent, at its regular meeting held on Thursday, September 6, 2012, in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
Montgomery County Planning Board

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