



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MAR 26 2010

**MCPB No. 10-21**  
**Preliminary Forest Conservation Plan**  
**Special Exception Amendment No. S-1424-A**  
**University Gardens**  
**Date of Hearing: February 18, 2010**

## MONTGOMERY COUNTY PLANNING BOARD

### RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 22A, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review forest conservation plan applications; and

WHEREAS, on October 2, 2009, Korean Community Senior Housing Corporation of Maryland, Inc., ("Applicant"), filed an application for approval of a Preliminary Forest Conservation Plan on 2.08 acres of land commonly known as University Gardens, located at 440 East University Boulevard 150 feet north of the Buckingham Drive intersection ("Property" or "Subject Property"), in the East Silver Spring master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary forest conservation plan application for the property was designated Forest Conservation Plan No. S-1424-A, University Gardens ("Forest Conservation Plan" or "Application"). The application is associated with Special Exception Amendment No. S-1424-A. The original special exception (S-1424) was not subject to forest conservation law as S-1424 pre-dated the effective date of Montgomery County Code Chapter 22A; and

WHEREAS, Staff issued a memorandum to the Planning Board, dated January 26, 2010, ("Staff Report"); setting forth its analysis, and recommendation for approval, of the University Garden Preliminary Forest Conservation Plan application subject to certain condition(s) and

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Approved as to  
Legal Sufficiency:

  
M-NCPPC Legal Department

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on February 18, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 18, 2010, the Planning Board approved the Preliminary Forest Conservation Plan subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Joseph Alfandre, Royce Hanson, Marye Wells-Harley and Amy Presley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board APPROVES Preliminary Forest Conservation Plan in No. S-1424-A on 2.08 acres of land located at 440 East University Boulevard, in Silver Spring, Maryland, located in the East Silver Spring master plan area (" Master Plan"); and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein) and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

- 1. The proposed development shall comply with the conditions of the Preliminary Forest Conservation Plan (PFCP) as stated in the Environmental Planning approval letter dated February 2, 2010 (attached). The Applicant must satisfy all conditions prior to Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.*

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 26 2010 (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).

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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 Commissioner Wells-Harley, with Commissioners Hanson, Wells-Harley, Alfandre, and Presley voting in favor of the motion, and with Commissioner Dreyfuss absent, at its regular meeting held on Thursday, March 18, 2010, in Silver Spring, Maryland.

  
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Royce Hanson, Chairman  
Montgomery County Planning Board