



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-22
Preliminary Forest Conservation Plan for
Special Exception #S-2751
Victory Oaks at St. Camillus
Date of Hearing: January 14, 2010

MAR 26 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 15, 2009, Victory Housing, Inc., ("Applicant"), filed an application for approval of a preliminary Forest Conservation Plan on 16.15 acres of land located at the east side of Beacon Road (extended) at the St. Camillus Church site on the west side of Avenel Road, Silver Spring. The overall site ("Property" or Subject Property") is located in the East Silver Spring Planning Area. The Special Exception S-2751 request concerns only a portion of the Property, approximately 1.93 acres bordered by an identified "lease line"; and

WHEREAS, the property within S-2751 is referred to as the Victory Oaks at St. Camillus site and is subject to Montgomery County Code Chapter 22A. The proposal includes a preliminary Forest Conservation Plan submitted in Special Exception S-2751 for regulatory review ("Forest Conservation Plan" or "Application") by the Planning Board; and

WHEREAS, Staff issued a memorandum to the Planning Board, dated January 4, 2010, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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 January 14, 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 January 14, 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 Pressley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board APPROVES a preliminary Forest Conservation Plan in No. S-2751 on 16.15 acres of land located on the east side of Beacon Road (extended) at the St. Camillus Church Property on the west side of Avenel Road, Silver Spring. The property in the preliminary Forest Conservation Plan S-2751 is referred to as the Victory Oaks at St. Camillus site, located in the East Silver Spring Planning Area; 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 condition of approval, that:

- 1. The proposed development must comply with the conditions of the preliminary Forest Conservation Plan (PFCP) as stated in the Environmental Planning approval letter. 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

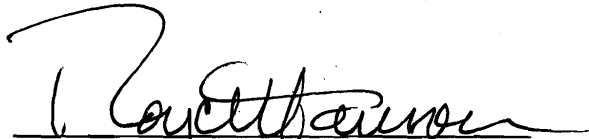
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Wells-Harley, seconded by Commissioner Dreyfuss, with Commissioners Hanson, Wells-Harley, and Dreyfuss voting in favor of the motion, and with Commissioners Alfandre and Presley absent, at its regular meeting held on Thursday, March 11, 2010, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board