



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

OCT 16 2014

MCPB No. 14-92
Forest Conservation Plan No. MR2009742
Third District Police Station
Date of Hearing: October 2, 2014

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on March 8, 2011, the Planning Board, by Resolution MCPB No. 10-176, approved Preliminary Forest Conservation Plan No. MR2009742 with a Mandatory Referral to allow construction of a police station and related facilities on approximately 13 acres of R-90/TDR zoned property located at northeastern quadrant of the intersection of US 29 (Columbia Pike) and MD 650 (New Hampshire Avenue) ("Subject Property"), in the 1997 White Oak Master Plan ("Master Plan") area; and

WHEREAS, on August 23, 2013, Victory Housing Inc. ("Applicant") filed an application for an amendment to the preliminary forest conservation plan, which was designated Amended Preliminary Forest Conservation Plan No. MR2009742 ("Amendment" or "Application"), for approval of the following modifications in association with Special Exception S-2873:

1. Development of a 105-unit elderly housing facility;
2. Clearing of 0.056 acres of forest currently protected by a Category I Conservation Easement;
3. Retention of 0.104 acres of forest in a Category I Conservation Easement;
4. Planting an additional 0.05 acres of landscaping, to be protected by a Category II Conservation Easement; and
5. Disturbance related to grading inside a Category I Conservation Easement.

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 September 19, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency: W. D. [Signature] 10/3/14

WHEREAS, on October 2, 2014, 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 approved the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. MR2009742 on the Subject Property, subject to the following conditions:¹

1. Prior to any demolition, clearing, or grading on-site, the Applicant must record new Category I and Category II Conservation Easements by deeds approved by the M-NCPPC Office of General Counsel over all areas of forest and landscaping as shown on the Preliminary Forest Conservation Plan. The new easements will replace existing forest conservation easements that will be abandoned. The boundaries and liber and folio numbers of the new Category I and Category II Easements must be shown on the record plat.
2. Prior to issuance of a Sediment Control Permit from the Department of Permitting Services, the Applicant must obtain approval of a Final Forest Conservation Plan from the Planning Department. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.

BE IT FURTHER RESOLVED, that having given full consideration to 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. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and the protection of environmentally sensitive features.*

A. Forest Conservation

This Amendment permits the Applicant to clear an additional 0.056 acres of forest in order to develop an elderly housing facility. The Applicant must retain an additional 0.104 acres of forest on-site and plant an additional 0.05 acres of landscaping, as indicated on the amended Preliminary Forest Conservation Plan.

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

As conditioned, the Amendment complies with the requirements of Chapter 22A, the Montgomery County Forest Conservation Law.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is OCT 16 2014 (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 Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion at its regular meeting held on Thursday, October 2, 2014, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board