



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

FEB 10 2015

**MCPB No. 15-14**  
**Preliminary Plan No. 11997023B**  
**Grace House, Parcels 4 and 717<sup>1</sup>**  
**Date of Hearing: February 5, 2015**

**RESOLUTION**

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

WHEREAS, on November 25, 1996, the Montgomery County Planning Board, approved Preliminary Plan No. 119970230, creating 1 lot on 7.1 acres of land in the RE-2/TDR Zone ("Subject Property"), located on Norbeck Road in Silver Spring in the Aspen Hill Subregion Master Plan ("Master Plan") area;

WHEREAS, on January 10, 2002 Preliminary Plan No. 11997023A that amended the previously approved preliminary plan was approved by the Planning Board to create a separate lot for the construction of Grace House, a Senior Living Facility; and

WHEREAS, on May 30, 2003, the Subject Property was partitioned into Parcels 3 and 4 through a minor subdivision; and

WHEREAS, on September 29, 2014, Victory Housing, LLC. ("Applicant"), filed an application for approval to the amend the previously approved preliminary plans to remove a total of 0.59 acres of Category I Conservation Easement from Parcel 4 and Parcel 717, an adjoining land area that was not subject to Preliminary Plans 119970230 and 11997023A, but was used to meet the forest conservation plan requirements; and

WHEREAS, Applicant's application to amend the previously approved preliminary plans and associated forest conservation plan was designated Preliminary Plan No. 11997023B ("Preliminary Plan", "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated January 22, 2015,

<sup>1</sup> Parcel 717 is not subject to Preliminary Plan 11997023B, but was used in the forest conservation plans associated with previously approved Preliminary Plans 119970230 and 119970230A to meet the forest conservation plan requirements.

Approved as to  
Legal Sufficiency

*[Signature]* 1/26/15  
M-NCPPC Legal Department

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

WHEREAS, on February 5, 2015, 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. 11997023B to remove a total of 0.59 acres of Category I Conservation Easement from Parcel 4 and Parcel 717 subject to the following conditions:<sup>2</sup>

1. Within sixty (60) days of the mailing of the Planning Board Resolution approving Preliminary Plan No. 11997023B, the Applicant must submit a complete record plat application that removes the Category I Conservation Easement from Parcels 4 & 717. The existing Category I Conservation Easement remains in full force and effect until the record plat is recorded in the Montgomery County Land Records.
2. The record plat must show the Category II Conservation easement that remains on existing Parcel 4 & 717 and must be referenced on the new record plat.
3. Within sixty (60) days of the mailing of the Planning Board Resolution approving Preliminary Plan No. 11997023B, the Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest mitigation bank to provide 1.18 acres of mitigation credit for the removal of 0.59 acres of Category I Conservation Easement.

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:

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<sup>2</sup> For the purposes of these conditions, the term "Applicants" refers to the owners of Parcels 4 and 717, or any successors in interest to those owners, jointly and severally.

1. Except as specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the previously approved preliminary plans, and all findings not specifically addressed remain in effect.
2. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County, Chapter 22A.

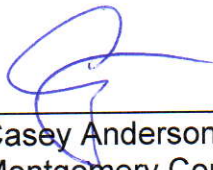
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 10 2015 (which is the date that this Resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Fani-Gonzalez voting in favor of the motion, and Commissioner Presley temporarily absent at its regular meeting held on Thursday, February 5, 2015, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board