



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

MCPB No. 13-113  
Preliminary Plan No. 11994084A  
Manor Oaks, Lot 21  
Date of Hearing: July 18, 2013

**JUL 26 2013**

**RESOLUTION**

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

WHEREAS, by Resolution mailed on November 23, 1994 the Planning Board approved Preliminary Plan No. 119940840, creating three hundred seventy-five lots (375) on 242.16 acres of land in the RE-2/TDR-2 zone, located on Abbey Manor Circle, 500 feet east of Owens Road and Georgia Avenue ("Subject Property"), in the Olney Master Plan ("Master Plan") area; and

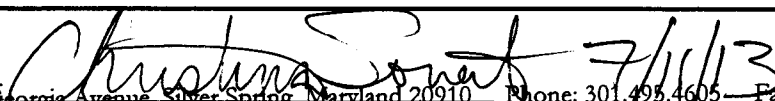
WHEREAS, on March 4, 2013, Malik Imam & Nazish Salahuddin ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan and final forest conservation plan to remove the full 2,490 square feet of Category I conservation easement on lot 21, block A of the Subject Property ("Lot 21"), and mitigate the easement removed at a ratio of 2:1 in an M-NCPPC approved forest conservation bank within Montgomery County; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11994084A, Manor Oaks, Lot 21 ("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 May 30, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 18, 2013, 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

Approved as to  
Legal Sufficiency:

  
7/18/13

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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 Preliminary Plan No. 11994084A to remove 2,490 square feet of Category I conservation easement subject to the following conditions:<sup>1</sup>

1. Applicant must submit a complete record plat application within ninety (90) days from the mailing date of the Planning Board Resolution approving the limited amendment to the Preliminary Plan. The existing easement remains in full force and effect until the new record plat is recorded.

2. Prior to Planning Board approval of the record plat, the Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest mitigation bank within ninety (90) days of the mailing date of the Planning Board Resolution approving Preliminary Plan No. 11994084A. The Certificate of Compliance must provide a minimum of 4,980 square feet of mitigation credit. The Certificate of Compliance must be approved by the M-NCPPC Office of the General Counsel and then be recorded in the Montgomery County Land Records by the Applicant.

BE IT FURTHER RESOLVED, that all other conditions of Preliminary Plan No. 119940840 that were not modified herein, as contained in the Planning Board's Resolution mailed November 23, 1994, remain valid, unchanged and in full force and effect.

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 Plan, and all findings not specifically addressed remain in effect.
2. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

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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.

The Applicant is mitigating the removal of 2,490 square feet of Category I conservation easement at a 2:1 ratio. The Applicant will purchase credits in an off-site forest conservation bank to satisfy the mitigation requirement.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for sixty 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

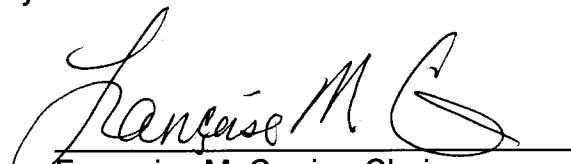
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 26 2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, July 18, 2013 in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
Montgomery County Planning Board