

**Memorandum****TO:** Artie Harris, Chair, Montgomery County Planning Board**FROM:** Jason Sartori, Planning Director *JS***VIA:** Carrie Sanders, Chief, Midcounty Planning *CS*
Amy Lindsey, Planner III, Midcounty Planning**DATE:** June 24, 2025**RE:** Correction of Resolution MCPB No. 25-051, Administrative Subdivision Plan Amendment No. 62023001A, Donner Property at Grays Lane

Attached please find the Corrected Resolution for Donner Property at Grays Lane, Administrative Subdivision Plan Amendment No. 62023001A. This resolution was adopted on May 15, 2025, at the Planning Board's public hearing and was mailed to all parties of record on May 23, 2025.

The corrected resolution herein resolves a clerical error relative to the inadvertent omission of the restatement of the deleted condition for clarity, as shown on the Staff report dated April 21, 2025, and as approved by the Planning Board. It does not alter the intent of the Planning Board's approval.

The Corrected Resolution replaces the original Resolution, will be mailed out to all parties of record, and included in the Certified Administrative Plan.

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DRAFT RESOLUTION NOT YET ADOPTED

MCPB No. 25-051

Administrative Subdivision Amendment No. 62023001A

Donner Property at Grays Lane

Date of Hearing: May 1, 2025

CORRECTED RESOLUTION

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

WHEREAS, on March 3, 2023, the Planning Board, by Resolution MCPB No. 23-010, approved Administrative Subdivision Plan No. 620230010, creating two (2) lots and two (2) parcels on 2.28 acres of land in the R-90 zone, located at 939 Grays Lane, Silver Spring (“Subject Property”), in the Kensington/Wheaton Policy Area and Kemp Mill Master Plan (“Master Plan”) area; and

WHEREAS, on June 3, 2024, Ira H. Donner (“Applicant”) filed an application for approval of an amendment to the previously approved administrative subdivision plan to remove Condition No. 26, requiring common use and access covenant for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel; and

WHEREAS, Applicant’s application to amend the administrative subdivision plan application was designated Administrative Subdivision Plan Amendment No. 62023001A, Donner Property at Grays Lane (“Administrative Subdivision Plan,” “Amendment,” 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 April 21, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on May 1, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Administrative Subdivision Plan Amendment No.62023001A to remove the requirement to record a common use and access covenant for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel, by deleting the following condition:¹

¹ 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.

~~26. The record plat must reflect a common use and access covenant for the benefit of the public over all trails, sidewalks and paths not included in a public right of way or private street parcel. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records.~~

BE IT FURTHER RESOLVED that all other Administrative Subdivision Plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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:

This Amendment does not alter the intent, objectives, or requirements in the originally approved administrative subdivision plan, and all findings remain in effect.

BE IT FURTHER RESOLVED that this **Corrected** Resolution constitutes the written opinion of the Board in this matter, and the date of this **Corrected** Resolution is **remains**

May 23, 2025

(which is the date that ~~this~~ **the original** Resolution is **was** 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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

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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 [____], seconded by Commissioner [____], with a vote of [XX-XX]; Chair [____], Vice Chair [____], and Commissioners [____], [____], and [____], voting in favor of the motion, **[if any abstaining - Commissioner _____ abstaining]** at its regular meeting held on Thursday, [____], in Wheaton, Maryland and via video conference.

Artie L. Harris, Chair
Montgomery County Planning Board