

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**DATE MAILED:**

**July 7, 2025**

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:<sup>1</sup>

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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.

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 remains

**May 23, 2025**

(which is the date that the original Resolution 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 Hedrick, seconded by Commissioner Linden, with a vote of 4-0; Chair Harris, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, with Vice Chair Pedoeem being necessarily absent at its regular meeting held on Thursday, June 26, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board