



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
ITEM #9  
5/5/05

## MEMORANDUM

April 28, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*  
Development Review Division

FROM: Catherine Conlon, Acting Supervisor 301-495-4542 *CC*  
Development Review Division

SUBJECT: Request for an extension to the validity period – Preliminary Plan  
No. 1-97058E, First Baptist Church of Damascus

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**STAFF RECOMMENDATION:** Grant second extension of validity period for Preliminary Plan No. 1-97058 to January 1, 2006, pursuant to Section 50-35 (h)(3)d of the Montgomery County Code, Subdivision Regulations, subject to the following conditions:

- 1) Applicant to submit a complete record plat application a minimum of four (4) months prior to the January 1, 2006 expiration date of this extension.
- 2) Applicant is bound by all previous conditions of approval for Preliminary Plan No. 1-97058.

## **DISCUSSION**

The subject preliminary plan application was submitted on January 23, 1997 to create one lot on 15.25 acres of land in the RC zone located on the south side of Damascus Road (MD 108) in Damascus. The preliminary plan was brought before the Planning Board for a public hearing on January 25, 2001 and was approved for a house of worship with a maximum of 450 sanctuary seats, and no weekday child day-care program or weekly private school. The approval was granted subject to conditions as set forth in the Opinion of the Board mailed on March 1, 2001 (Attachment "A"). Per Condition No. 8, the preliminary plan remained valid for 37-months from the date of the mailing, or April 1, 2004, unless, prior to that date, the applicant either (1) recorded a plat among the land records of Montgomery County or (2) submitted a request to extend the validity period.

On March 31, 2004, the Applicant's engineering consultant, GLM Engineering, Inc., requested an 18-month extension of the validity period for the preliminary plan citing problems gaining approval for site access and delays associated with the design and approval of the on-site septic system (Attachment "B" is a copy of the extension request). On April 22, 2004, the Planning Board approved a 12-month extension based on staff's recommendation and extended the validity period of the preliminary plan to April 1, 2005.

A second request to further extend the preliminary plan validity period to January 1, 2006 was received on March 18, 2005. This request continues to cite delays which have been experienced in receiving County Health Department approval of the on-site septic system and State Highway Administration approval of the site entrance (Attachment "C" is a copy of the second extension request). In hindsight, given the alternative design of the on-site septic system (which is needed to reduce the area needed for a standard septic field and allow for future expansion of church uses) staff probably should have recommended the original 18-month extension.

Section 50-35 (h)(3)(d) of the Montgomery County Code, Subdivision Regulations, states that the Planning Board may grant extension of the validity period of a preliminary plan if persuaded that:

- “(i) Delays, subsequent to the plan approval by the government or some other party, central to the applicant's ability to perform the terms or conditions of the plan approval, have materially prevented the applicant from validating the plan, provided such delays are not created or facilitated by the applicant;”

Staff believes that the applicant has submitted sufficient grounds to justify the extension of the validity period for the subject preliminary plan. The need for non-standard approvals which resulted in extended review time, and subsequently affected other previously approved elements of the plan, constitute delays which prevented the applicant from validating the plan. Therefore, staff recommends extension of the validity period for an additional 9 months, which staff believes is minimally sufficient time to record the plat.

#### Attachments

Attachment A – Planning Board Opinion dated 3/1/01

Attachment B – Applicant's Original Extension Request dated 3/31/04

Attachment C – Applicant's Second Extension Request dated 3/18/05