



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

MCPB No. 15-23
Preliminary Plan No. 11997100A
Tri-County Baptist Church
Date of Hearing: November 13, 2014

FEB 25 2015

RESOLUTION

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

WHEREAS, on June 1, 2000, the Planning Board, by Opinion mailed on July 13, 2000, approved Preliminary Plan No. 119971000, creating one (1) lot for a house of worship with no weekday child daycare on 15.56 acres of land in the Rural Density Transfer zone, located at 7821 Damascus Road in Damascus ("Subject Property"), in the Rural East Policy Area, in the Damascus master plan ("Master Plan") area; and

WHEREAS, on March 24, 2014, Tri-County Baptist Church, ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan to request a weekday child daycare use to be located within the existing house of worship on the Subject Property and to remove conservation easements that are shown on the record plat for the Subject Property; and

WHEREAS, Applicant's application to amend the previously approved preliminary plan was designated Preliminary Plan No. 11997100A, Tri-County Baptist Church ("Preliminary 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 October 31, 2014 ("Staff Report"), setting forth its analysis and recommendation for approval of the Application, subject to certain conditions; and

WHEREAS, on November 13, 2014, 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, on November 13, 2014, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Dreyfuss, seconded by Commissioner Fani-Gonzalez with a vote of 3-0, Commissioners

Approved as to
Legal Sufficiency

Christina Sext 2/11/15

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Anderson, Dreyfuss, and Fani-Gonzalez, voting in favor with Commissioners Presley and Wells-Harley absent.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 11997100A to allow a weekday child daycare use within the existing house of worship on the Subject Property and to remove conservation easements shown on the record plat for the Subject Property subject to the following conditions:¹

Amend the Planning Board Opinion for Tri-County Baptist Church, dated July 13, 2000 as follows:

Amend Condition 1 to read as follows:

- (1) Approval under this Preliminary Plan is limited to a House of Worship with a maximum of 642 seats and a weekday child day-care program with no more than 6 staff and no weekday private school. Any modifications to these uses may require further Planning Board review.

Add the following conditions:

- (11) The Applicant must submit a complete record plat application to M-NCPPC within 120 days from the Initiation Date for this Application which removes the Category I forest conservation easements from the Property.
- (12) The certified preliminary plan must be amended to show no on-site forest easements.

BE IT FURTHER RESOLVED, that all other conditions of approval for this project 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:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan. All other findings for the original preliminary approval not specifically addressed herein remain in effect.

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.

1. *Public facilities will be adequate to support and service the area of the approved subdivision.*

The daycare use is contained within the existing house of worship and uses the existing parking facility on the Subject Property to meet the parking requirements. All existing public facilities are adequate to accommodate the daycare facility including the existing septic system and no additional public facilities are required to serve the daycare use. Daycare facilities with six or less staff are specifically exempted for the Local Area Transportation Review because of the minimal number of vehicular trips that are generated by such uses.

2. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Planning Board also considered the Applicant's request to remove the forest conservation easements that were placed on record plat No. 21636 for the Subject Property to meet the forest conservation requirements for the original preliminary plan approval. The Staff Report included a properly executed Certificate of Compliance Agreement ("Agreement") which documented that the Applicant had previously satisfied all forest conservation requirements for the house of worship by using an off-site forest bank. The forest conservation plan for the Subject Property had already been amended to remove the on-site easements in accordance with the Agreement; however, the easement shown on record plat No. 21636 had not been removed. The Planning Board determined that the Application remains in conformance with Chapter 22A, the forest conservation law and no further changes are required to the forest conservation plan. The Planning Board determined that a new record plat for the Subject Property must be recorded to properly remove the conservation easements.

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 25 2015 (which is the date that this Resolution is mailed to all parties of record); and

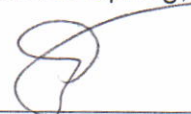
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Commissioner Presley, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Presley and Fani-González voting in favor, and Vice Chair Wells-Harley and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, February 20, 2015, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board