



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APR 24 2009

MCPB No. 08-154
Preliminary Plan No. 120050870
Strathmore at Bel Pre
Date of Hearing: December 4, 2008

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on April 13, 2005, Faith Community Baptist Church ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 24,457 square feet (0.561 acres) of land located on Layhill Road west of the intersection with Middlevale Lane ("Property" or "Subject Property"), in the Aspen Hill Master Plan Area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120050870, Strathmore at Bel Pre ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated November 24, 2008, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on December 4, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 4, 2008, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Alfandre; seconded by

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, NDCPPC Legal Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

Commissioner Cryor; with a vote of 5-0, Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120050870 to create one lot on 24,457 square feet (0.561 acres) of land located on Layhill Road west of the intersection with Middlevale Lane ("Property" or "Subject Property"), in the Aspen Hill Master Plan Area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to one lot for a 10,854 square foot modular building for a private institutional use to accommodate a maximum of 30 children for the entire Faith Arts Academy School. Any increase in enrollment that results in more than 30 total peak-hour vehicle trips will require APF review and a traffic study, which may result in additional improvements and requirements.
- 2) The record plat must provide for dedication of approximately 2,907 square feet of right-of-way along the Property frontage to create a right-of-way for Layhill Road (MD Route 182) that is 75 feet wide as measured from the centerline per the Master Plan.
- 3) The proposed development is subject to conditions of the Montgomery County Department of Permitting Services (DPS) approval of the Stormwater Management Concept dated November 6, 2008, unless amended by DPS.
- 4) Any proposed church access through the M-NCPPC owned or managed property off of Layhill Road must be approved by the M-NCPPC Parks Department prior to its construction. Engineering details must be prepared by Applicant and submitted to the M-NCPPC Parks Department for approval prior to proceeding with construction. A park permit is required for construction of any church related access or grading on the park property.
- 5) The Applicant must enter into an Access Easement Agreement with the M-NCPPC that allows access to the church and related facilities through the entrance located on the M-NCPPC land. A draft Agreement must be submitted to the M-NCPPC staff for approval and execution prior to recordation of the plat.
- 6) The record plat must include a reference to the shared ingress easement over adjacent parkland.
- 7) The proposed development must comply with the conditions of the preliminary and final forest conservation plan. The Applicant must satisfy all conditions prior to certification of site plan, recording of plat(s), or DPS issuance of sediment and erosion control permits, as appropriate.
- 8) The Applicant must submit detailed engineering documents regarding alignment and construction of any proposed sewer and water lines and stormwater outfall proposed on parkland for M-NCPPC approval prior to

- construction. A park permit is required for construction of these lines and outfall.
- 9) Any necessary acceleration/deceleration lanes required by the Maryland State Highway Administration (MDSHA) on Layhill Road when the Applicant constructs its access to the park/church entrance will be the sole responsibility of the Applicant.
 - 10) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated March 29, 2006, unless otherwise amended.
 - 11) The Applicant must comply with the MDSHA letter dated July 3, 2006.
 - 12) The Applicant must satisfy provisions for access and improvements as required by MDSHA prior to issuance of access permits.
 - 13) The record plat must show necessary easements.
 - 14) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the Master Plan.

The subject site is located within the 1994 Aspen Hill Master Plan area. The property is part of the right-of-way for the former Rockville Freeway, a transportation corridor which is no longer part of the County's street and highway plan and is now the Matthew Henson State Park. This property is part of the eastern segment of the park identified in the Master Plan as Parcel 13 (page 59). To be consistent with the general goals and objectives of the Master Plan this proposal must not interfere with the future use of this park as a countywide trail network. The Master Plan has general guidance regarding a future hiker/biker trail and park facilities within this park property. The proposed encroachment for water, sewer, and stormwater management to serve the school will not interfere with the use of the park due to the proposed location of these facilities as far from the trail as possible. Likewise, the shared access for the church/school and trailhead is not in conflict, because the church/school traffic is limited to ingress only at the shared access driveway. Therefore, the Board finds that the proposed subdivision complies with the Aspen Hill Master Plan.

2. Public facilities will be adequate to support and service the area of the proposed subdivision.

Enrollment in the Faith Arts Academy is limited to 30 students. At this enrollment level, the school does not generate sufficient peak hour trips to require a traffic study. Therefore, the Application does not trigger Adequate Public Facilities Ordinance (APFO) traffic review. Other public facilities, such as police, fire and rescue, and public water and sewer are adequate to serve the site.

3. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.

The lot has been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lot is appropriate for the location within the surrounding neighborhood.

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

The Preliminary Plan was reviewed for compliance with Chapter 22A of the Montgomery County Code, the Forest Conservation law. The proposed project will impact approximately 0.20 acres of M-NCPPC park property. The off-site disturbance accommodates grading and an outfall for stormwater management, and the off-site water and sewer connections. The proposed project has a 0.25 acre reforestation planting requirement. The Applicant proposes to meet this requirement either off-site or with an in-lieu payment. The exact location or method will be determined prior to approval of the final forest conservation plan at the sediment and erosion permit stage of this development.

5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on November 6, 2008.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) 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 among the Montgomery County Land Records or a request for an extension must be filed; and

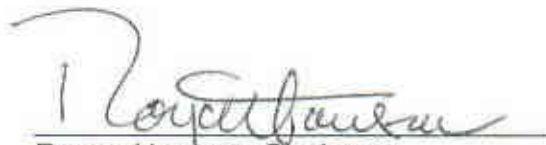
BE IT FURTHER RESOLVED, that the date of this Resolution is APR 24 2009 (which is the date that this Resolution is mailed to all parties of record); and

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).

* * * * *

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 Hanson, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley voting in favor of the motion, at its regular meeting held on Thursday, April 16, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board