



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

NOV 12 2012

**MCPB No. 12-126**  
**Preliminary Plan No. 120100250**  
**First Baptist Church of Wheaton**  
**Date of Hearing: September 8, 2011**

## RESOLUTION

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 March 3, 2010, First Baptist Church of Wheaton ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 14.4 acres of land in the RNC zone, located at 3110 Emory Church Road ("Property" or "Subject Property"), in the Olney Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No.120100250, First Baptist Church of Wheaton ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated August 25, 2011, 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 September 8, 2011, the Planning Board held a public hearing on the Application; and

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

WHEREAS, on September 8, 2011, at the conclusion of the hearing, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Anderson; seconded by Commissioner Presley; with a vote of 5-0,

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, NMCPPC Legal Department, Silver Spring, Maryland 20910

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Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor; and

WHEREAS, on February 9, 2012, the Planning Board issued Resolution No. 11-76 approving the Application; and

WHEREAS, several parties filed a petition for judicial review of Resolution No. 11-76 in the Circuit Court for Montgomery County; and

WHEREAS, the Circuit Court docketed the judicial review proceeding as *Southeast Olney Rural Civic Association, et al. v. The Montgomery County Planning Board*, Civil No. 360396-V; and

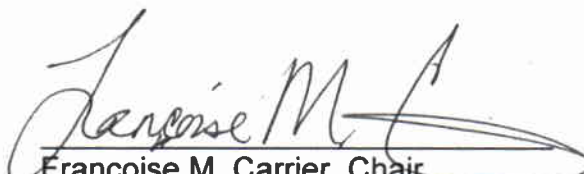
WHEREAS, on September 10, 2012, after the filing of briefs and hearing oral argument, the Circuit Court entered a memorandum opinion and order reversing Resolution No. 11-76 and remanding this matter to the Planning Board for issuance of a resolution consistent with the Court's findings;

NOW, THEREFORE, BE IT RESOLVED, that, as required by the Circuit Court's September 10, 2012 order, and for the reasons stated in the memorandum opinion, in *Southeast Olney Rural Civic Association, et al. v. The Montgomery County Planning Board*, Civil No. 360396-V, the Montgomery County Planning Board hereby DENIES Preliminary Plan No. 120100250.

\* \* \* \* \*

**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 Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, October 25, 2012, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board