



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

MCPB No. 16-079
 Preliminary Plan No. 12002018A
 PEPCO Darnestown Substation (Evengelical Formosan)
 Date of Hearing (Consent): July 28, 2016

AUG 23 2016

RESOLUTION

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

WHEREAS, on April 23, 2002, the Planning Board issued its Opinion and approved Preliminary Plan No. 120020180, creating one lot for a 23,800 square foot house of worship on 4.0 acres of land in the R-200 zone, located on the northwest corner of Darnestown Road and Riffle Ford Road ("Subject Property"), in the North Potomac Policy Area and 2002 Potomac Subregion *Master Plan*) area; and

WHEREAS, the Subject Property was never developed in accordance with Preliminary Plan No. 120020180, and on February 19, 2016, the Office of Zoning and Administrative Hearings, as authorized by Section 59-7.3.1 of the Montgomery County Code conditionally approved the Conditional Use of the Subject Property as a PEPCO power substation, which approval required an amendment to Preliminary Plan No. 120020180 to change the use from a house of worship to a PEPCO power substation; and

WHEREAS, on February 24, 2106, Potomac Electric Power Company ("Applicant") filed an application for approval of an amendment to Preliminary Plan No. 120020180 for the Subject Property to change the use from a house of worship to a PEPCO power substation; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12002018A, PEPCO Darnestown Substation (Evengelical Formosan) ("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 July 15, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
 Legal Sufficiency:

Amalia 7/20/16
 MNCPPC Legal Department

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WHEREAS, on July 28, 2016, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12002018A to i) change the use of the Property associated with the Preliminary Plan, and ii) update the stormwater concept and storm drain analysis to account for the changing use, subject to the following conditions:¹

- 1.) Approval is limited to one (1) lot for an electric power substation.
- 2.) The Applicant must comply with the conditions of the approved Amended Final Forest Conservation Plan No. 12002018A.
- 3.) The Applicant must comply with conditions of Office of Zoning and Administrative Hearings in the Hearing Examiner's Report and Decision report approving Conditional Use CU 16-04.
- 4.) The Applicant must construct approximately 135 feet of the unbuilt portion of a 5-foot sidewalk on Darnestown Road across the Subject Property's frontage.
- 5.) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated July 14, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 6.) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated September 24, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 7.) Prior to Certified Preliminary Plan, the Applicant shall revise the Preliminary Plan Amendment in accordance with MCDOT's letter date July 14, 2015.

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.

BE IT FURTHER RESOLVED that, unless modified herein, all other preliminary 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 and findings of its Staff 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, and all findings not specifically addressed remain in effect.

1.) *The Preliminary Plan substantially conforms to the 2002 Potomac Subregion Master Plan.*

The Master Plan provides guidelines for design and review of Conditional Use including:

- Examination of compatibility.
- Strategic location, landscaping and screening of parking to minimize commercial appearance.
- Enhanced screening and buffering of uses as viewed from abutting residential areas and major roadways.

With regard to addressing compatibility, minimizing the commercial appearance, and enhanced screening and buffering uses viewed from abutting areas, the Planning Board finds that the conditions of approval related to Conditional Use CU 16-04 conforms with the Master Plan. The Applicant will enhance the appearance of the Subject Property's northeast corner at the immediate intersection of Riffle Ford Road and Darnestown Road by removing all weedy vegetative overgrowth throughout the area and installing appropriate shrubs and groundcover. The Applicant revised the landscape plan which was adopted into the record of the Conditional Use approval to provide adequate screening and buffering of the facility and the two-space parking lot from adjoining properties and roads.

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

Because this is an unmanned substation with no peak hour vehicle trips, no Adequate Public Facilities findings are necessary.

- 3.) *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations include the applicable master plan, and for the type of development or use contemplated.*

The Planning Board finds the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision within the Master Plan. The lot adequately accommodates proper access, stormwater management, and provides ample room within the required setbacks to locate the power substation. The Master Plan makes not specific recommendations for this use

The lot was reviewed for compliance with the dimensional requirements for the RE-1 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and open space, and the proposed structure can meet setbacks required in that zone.

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

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The Final Forest Conservation Plan was administratively approved by Staff on June 20, 2016.

- 5.) *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The MCDPS Stormwater Management Section approved the stormwater management concept on September 24, 2015.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~_____ AUG 23 2016 _____~~
(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 Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, July 28, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

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