

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

April 22, 2025

MCPB No. 25-032

Administrative Subdivision No. 620240110

Darnestown Meadows

Date of Hearing: March 20, 2025

RESOLUTION

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

WHEREAS, on April 17, 2024, Vestry of St. Nicholas Parish (“Applicant”) filed an application for approval of an administrative subdivision plan of property that would create two (2) lots for one (1) new single-family detached dwelling unit and one (1) existing religious assembly, including a Subdivision Waiver of the unplatted parcel requirement in Section 50.6.1.A of the Subdivision Regulations, on 12.93 acres of land in the Rural Cluster (RC) zone, located 630 feet southeast of the intersection of Maryland 118 and Maryland 28 (“Subject Property”), in the Rural West Policy Area and 2002 Potomac Subregion Master Plan area; and

WHEREAS, Applicant’s administrative subdivision plan application was designated Administrative Subdivision Plan No. 620240110, Darnestown Meadows (“Administrative Subdivision Plan”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20240520 (incorporated herein by reference); 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 March 7, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 20, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of **4-0**; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick and Linden voting in favor with Commissioner Bartley necessarily absent.

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Approved as to
Legal Sufficiency:

/s/ Matthew Mills
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Administrative Subdivision Plan No. 620240110 to create two (2) lots for one (1) new single-family detached dwelling unit and one (1) existing religious assembly, including a Subdivision Waiver of the unplatted parcel requirement in Section 50.6.1.A., subject to the following conditions:¹

General Approval

1. This Administrative Subdivision Plan is limited to two (2) lots for one (1) single-family detached dwelling unit and one (1) existing place of worship.

Adequate Public Facilities

2. The Adequate Public Facilities (“APF”) review for the Administrative Subdivision Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

Plan Validity Period

3. The Administrative Subdivision Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded among the Montgomery County Land Records or a request for an extension filed.

Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated November 8, 2024, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
5. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letter dated November 21, 2024, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MDOT SHA if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept letter dated March 28, 2024, and incorporates them as

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.

conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of MCDPS, Well and Septic Section in its letter dated December 2, 2024, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Well and Septic Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of MCDPS, Fire Department Access and Water Supply Section in its letter dated October 4, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Administrative Subdivision Plan approval.

Transportation

9. Before issuance of any building permit or sediment control permit, the Applicant shall make a financial contribution to the Montgomery County Department of Transportation in the amount of \$41,373 towards the Capital Improvements Project (CIP) Sidewalk Program Minor Projects P506747.
10. Before release of the final use and occupancy permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan.

Record Plats

11. There shall be no clearing, or grading of the site prior to recordation of plat(s).
12. Before record plat approval, the Applicant must submit a landscaping and lighting plan for Staff review and approval.

Easements

13. The record plat must show necessary easements.

Notes and Labels

14. The record plat must reflect all areas under common ownership.
15. The record plat must show the well sites and the septic reserve areas as approved by MCDPS, Well and Septic Section.
16. The proposed well easement must be recorded prior to record plat approval.

Certified Administrative Subdivision Plan

17. The certified Administrative Subdivision Plan must contain the following notes:
 - a. *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b. *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Administrative Subdivision Plan is required to be on-site at all times.*
18. Before submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set.
 - b) Include the approved Fire and Rescue Access plan in the certified set.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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:

- 1. The Administrative Subdivision Plan meets the applicability requirements of Chapter 50, Section 6.1.A for the creation of a lot for an existing place of worship with a waiver of the unplatted parcel requirement pursuant to Section 50.9, and Section 6.1.C for the creation of a lot for a new single-family detached unit, as demonstrated below.***

Section 50.6.1.A allows for use of the Administrative Subdivision process to create a lot for, “existing facilities such as places of worship, private schools, country clubs, private institutions, and similar uses located on unplatted parcels.” In this instance, the existing place of worship is located on a platted or recorded lot (Lot 10), which was approved for subdivision to create two lots. Because the place of worship is already on a platted lot, the Applicant requests a waiver of the “unplatted parcel” requirement in Section 50.6.1.A in order to proceed with the Administrative Subdivision process.

In accordance with Section 50.9, the Planning Board hereby grants a waiver from requirements of the Subdivision Ordinance subject to the following findings:

A. To grant a waiver, the Board must find that:

1. due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;

2. the intent of the requirement is still met; and

3. the waiver is:

a. the minimum necessary to provide relief from the requirements; and

b. consistent with the purposes and objectives of the General Plan.

As explained in the Applicant’s Statement of Justification, there is an unusual circumstance on this Application because the existing place of worship is already on a platted lot, which is now seeking subdivision. Typically, a subdivision of land is to create a platted lot, but in this case, the Property has been platted already. The full application of 50.6.1.A is not needed to ensure public health, safety, and general welfare. Residents are not physically impacted by the current designation of the Subject Property as a platted lot. There are no significant changes as part of this Application to the existing place of worship or assembly hall. It will be an unnecessary burden on the Applicant to render the Subject Property a parcel to subdivide the Site.

A. Existing places of worship and institutional uses. A lot may be created for existing facilities such as places of worship, private schools, country clubs, private institutions, and similar uses located on unplatted parcels if:

1. the applicable requirements for adequate public facilities under Section [4.3.J](#) are satisfied before approval of the plat;

As conditioned and discussed below, the requirement for adequate public facilities has been met.

2. ***any required road dedications, or covenants for future dedications, are shown on the record plat;***

No additional right-of-way is necessary as 60 feet between the Property line and centerline of Darnestown Road has been dedicated, per Plat 20256 (recorded among the Montgomery County Land Records). The Applicant will coordinate with County agencies to ensure that all prior dedications are shown on the plat.

3. ***forest conservation plan approval and stormwater management and environmental protection requirements, if applicable, are satisfied before approval of the plat;***

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law with Final Forest Conservation Plan (FFCP) Amendment No. F20240520, which was reviewed and approved concurrently with this Application and is incorporated herein by reference. The Applicant received a stormwater concept plan approval letter on March 28, 2024 from the Montgomery County Department of Permitting Services, Water Resources Section.

4. ***it is located in a special protection area and all applicable special protection area requirements and guidelines are satisfied before approval of the plat;***

The Subject Property is not located within a special protection area.

5. ***a landscaping and lighting plan including the parking lot layout is submitted for Planning Department Staff approval before approval of the plat; and***

As conditioned, the Applicant will coordinate with Staff to submit a landscaping and lighting plan before record plat approval.

6. ***all conditions of any conditional use approval, to which the property may be subject, remain in full force.***

The property is not subject to any conditional use approval.

The creation of a lot for one new single-family detached unit is subject to Section 50.60.1.C of the Subdivision Regulations.

B) Subdivision for creation of certain residential lots. Up to 3 lots for detached houses may be created in any residential or rural residential zone under these procedures if:

1. ***The lots are approved for the standard method of development;***

The lot is submitted for standard method development in the Rural Cluster zone.

2. ***Written approval for any proposed well and septic area is received from the Department of Permitting Services, Well and Septic Section before approval of the plat;***

The lot will be served by well and septic. MCDPS Well and Septic issued an approval letter dated December 2, 2024.

Any required road dedications and associated public utility easements are shown on the plat and the Applicant provides any required improvements;

No additional right-of-way is necessary as 60 feet between the Property line and centerline of Darnestown Road has been dedicated, per Plat 20256. The Applicant will coordinate with County agencies to ensure that all prior dedications are shown on the plat. Any required improvements have been conditions with this Approval.

The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat; and

As conditioned and discussed below, the requirement for adequate public facilities have been met.

3. ***Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.***

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law with Final Forest Conservation Plan (FFCP) Amendment No. F20240520, which was reviewed and approved concurrently with this Application.

The Application received approval of a Stormwater Management (SWM) Concept Plan from MCDPS on March 28, 2024, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that stormwater will be managed through Environmentally Sensitive Design (ESD) to the Maximum Extent Possible (MEP) using one drywell and one bioswale. There are no additional environmental protection requirements.

2. The Administrative Subdivision Plan meets the technical review requirements of Chapter 50, Section 4.3.

1. ***The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***

The size, shape, width, and orientation of the lots are appropriate considering the recommendations of the 2002 Potomac Subregion Master Plan, the existing lot pattern of surrounding properties, and both the residential use contemplated and the existing religious assembly use permitted on the Property.

a) *The block design is appropriate for the development or use contemplated (50.4.3.B)*

The block design is appropriate for development as it is a reconfiguration of previously approved lots within a subdivision, and there is no meaningful change to the block design.

b) *The lot design is appropriate for the development or use contemplated (50.4.3.C)*

The design of the lots is appropriate for the existing place of worship and the new single-family detached dwelling unit. The lot design accounts for enough space for the new dwelling unit's septic field without disturbing the church's existing infrastructure. The size also helps to maintain the rural character of the area.

c) *The Administrative Subdivision Plan provides for required public sites and adequate open areas (50.4.3.D)*

i. *Master Planned Sites*

The 2002 Potomac Subregion Master Plan does not include any master planned sites (park, playground, school, or other public use) on the Subject Property.

ii. *Local Recreation*

Not required.

iii. *Transportation and Utilities*

The Application will not impact existing utilities or transportation infrastructure. The Applicant will be paying a fee in lieu of constructing frontage improvements.

d) *The Lot(s) and Use comply with the basic requirements of Chapter 59*

The lots and uses both comply with the basic requirements of Chapter 59. The new single-family residential and existing religious assembly uses meet all the standard method development requirements for the RC Zone. The residential and religious assembly uses are permitted in the RC Zone. A summary of this review is included in Table 1. The Application is approved under the standard method in accordance with Section 59.4.3.4 of the Zoning Ordinance. The Administrative

Subdivision Plan has been reviewed by other applicable County agencies, all of which have recommended approval.

Table 1 – Standard Method Development Standards for the RC Zone

Development Standard	Required/Permitted	Approved Lot 9 Single-Family Detached Dwelling Unit	Approved Lot 10 for Existing Religious Assembly
Lot size, min.	5 Acres	6.49 Acres	6.44 Acres
Lot width at front building restriction line, min.	300 feet	333 feet	476 feet
Lot width at front lot line, min.	300 feet	333 feet	325 feet
Lot coverage, maximum	10%	10%	10%
Front setback, min.	50 ft.	50 feet	50 feet
Side setback, min.	20 feet	77 feet	85 feet
Rear setback, min.	35 feet	494 feet	100 feet
Building height, max.	50 feet	50 feet	24.6 ft
Minimum Parking	<u>Single Unit Living:</u> 2 Spaces <u>Religious Assembly:</u> 1 Space/ 4 Persons Seated in Main Auditorium ² (35 Spaces)	2 Spaces	42 Spaces (140 Seats)

²The Applicant is applying the 2004 Zoning Code's development standards for the existing church via Section 7.7.1.B.2 (Exemptions). The existing church was built prior to the 2014 Zoning Code enactment and meets the 2004 Zoning Code. Minimum parking is calculated using main auditorium seating under Chapter 59 Section 59-E-3.7, which calculates the number of parking spaces based on the number of seated persons in an auditorium. All other standards for the religious assembly are reviewed under the current zoning code.

2. *The Administrative Subdivision Pan substantially conforms to the Master Plan.*

a) *Land Use*

The Administrative Subdivision Plan substantially conforms to the 2002 Potomac Subregion Master Plan. The Subject Property is in the Darnestown Planning Area, which is the westernmost area in the Potomac Subregion. Darnestown is described as having rural character and a very strong sense of community. The plan recommendations are designed to preserve, protect, and enhance Darnestown's unique residential and community character. While the Master Plan does not specifically identify the Subject Property, the Application proposes the creation of two record lots from a total area of 12.93 acres, thus maintaining the lower-density rural setting as desired by the Master Plan.

b) *Environment*

The 2002 Potomac Subregion Master Plan environmental recommendation is to "maintain and reaffirm a low-density residential 'green wedge' for most of the Subregion." With this consideration, the proposal for one additional residential unit is in substantial conformance with the Master Plan.

c) *Transportation*

The 2002 Potomac Subregion Master Plan recommends the preservation of the Subregion's existing rural character by establishing a two-lane road policy and a rustic road program, while calling for efforts to create a comprehensive transportation system that can serve residential centers and preserve the Subregion's physical character. The superseding 2018 Bicycle Master Plan recommends bikeable shoulders, but the Subject Property qualifies for a fee-in-lieu of constructing the recommended improvements per M-NCPPC Policy 2022-01A, as described in the following section.

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

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations. The Property is located in the Rural West Policy Area, which is categorized as a Green Policy Area under the 2020 – 2024 Growth and Infrastructure Policy (the "GIP"). As demonstrated in the Applicant's transportation exemption statement, dated December 14, 2023, the Administrative

Subdivision generates fewer than 50 net new peak-hour person trips and is therefore exempt from Local Area Transportation Review under the GIP. Therefore, roads and transportation facilities are adequate to support the Application.

a) *Roads and other Transportation Facilities*

i. *Existing Facilities*

Per the 2018 Highways and Transitways Master Plan, Darnestown Road is classified as a Country Connector with 120 feet of right-of-way. The Application currently shows 60 ft of right-of-way from the roadway centerline to the property line, so no additional right-of-way is needed. Furthermore, this dedication is confirmed on Plat 23819. Darnestown Road currently has bikeable shoulders, but no existing pedestrian facilities. There are no bus stops along the site frontage, but the RideOn Route 76 has a stop nearby, approximately 300 feet from the Property on Darnestown Road.

ii. *Proposed public transportation infrastructure*

The 2018 Bicycle Master Plan recommends a sidepath in addition to the existing bikeable shoulders for Darnestown Road. Instead of constructing this facility, as conditioned, the Applicant will contribute \$41,373 to the Montgomery County Department of Transportation (for the Capital Improvements Project Sidewalk Program Minor Projects P506747) towards a Sidewalk Capital Improvement project. Per M-NCPPC Policy No. 2022-01A, this project qualifies for the fee in-lieu of constructing frontage improvements because it is a project with less than three residential units and the frontage qualifies as an “excessive length” under the policy definition. This fee in-lieu contribution was also reviewed and agreed to by MCDOT.

d) *Local Area Transportation Review (LATR)*

The one new single-family dwelling unit will generate fewer than 50 new person trips in the morning and evening peak hours. As a result, the Application is not subject to further Local Area Transportation Review (LATR) analysis.

b) *Schools*

The Administrative Subdivision Plan is subject to the Updated FY25 Annual School Test, approved by the Planning Board on December 19, 2024, and effective January 1, 2025.

School Adequacy Test

The Property is served by Darnestown Elementary School (ES), Lakelands Park Middle School (MS) and Northwest High School (HS). Based on the FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2. FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Darnestown ES	413	429	103.9%	-16
Lakelands Park MS	1,154	1,068	92.5%	+86
Northwest HS ²	2,268	2,171	95.7%	+97

Table 3. FY2025 School Test Results

School	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Darnestown ES	No UPP	58	76	129
Lakelands Park MS	No UPP	206	317	490
Northwest HS	No UPP	257	551	891

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. Under the FY25 Annual School Test, Darnestown ES, Lakelands Park MS and Northwest HS do not require any UPP as identified in Table 3.

² Projected enrollment is modified to estimate the impact of Crown HS (CIP P651909), reflecting the scope of the boundary study approved by the Board of Education on March 19, 2024. Due to the delay of the Damascus HS Major Capital Project (CIP P652102), some of the boundary changes are able to be implemented in phases.

Based on the school capacity analysis performed, using the FY2025 Annual School Test, this Application does not require a Utilization Premium Payment.

c) Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the lot. The Property is not served by public water and sewer and is classified in the W-6 and S-6 categories. The Property will be served by a private well and septic system, which will be adequate to serve the subdivision. Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses, and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law and is in compliance with the Montgomery County Planning Department's Environmental Guidelines with Final Forest Conservation Plan (FFCP) Amendment No. F20240520, which was reviewed and approved concurrently with this Application.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

The Administrative Subdivision application received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on March 28, 2024.

6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

There is no evidence, actual notice, or constructive notice of a burial site within the Property. The Subject Property is not included within the Montgomery County Inventory.

7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

As previously explained, a subdivision waiver is needed and has been granted. There are no other applicable provisions specific to this Administrative Subdivision Plan which are necessary for approval of this Application.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

April 22, 2025

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Hedrick, seconded by Commissioner Linden, with a vote of 3-0; Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Chair Harris and Commissioner Bartley being necessarily absent, its regular meeting held on Thursday, April 17, 2025, in Wheaton, Maryland and via video conference.

Mitra Pedoeem

Mitra Pedoeem, Vice Chair/Presiding Officer
Montgomery County Planning Board