

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Mailing Date:

December 20, 2023

MCPB No. 23-128

Preliminary Plan No. 120230080

HBKY Metmiq Ethiopian Orthodox Tewahedo Church

Date of Hearing: November 30, 2023

## **RESOLUTION**

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

WHEREAS, on March 22, 2023, HBKY Metmiq Ethiopian Orthodox Tewahedo Church (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would consolidate four parcels and a driveway parcel into one lot for one religious assembly use, with up to 450 seats, and one existing parsonage on 5.41 acres of land in the RE-1 zone, located at 4115 Muncaster Mill Road (“Subject Property”), in the Olney Policy Area and 2005 *Olney Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120230080, HBKY Metmiq Ethiopian Orthodox Tewahedo Church (“Preliminary Plan” 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 November 17, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 30, 2023, 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 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120230080 to consolidate four parcels and a driveway parcel into one lot for one religious assembly use, with up to 450 seats, and one existing parsonage on the Subject Property, subject to the following conditions:<sup>1</sup>

---

<sup>1</sup> 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.

### **General Approval**

1. This Preliminary Plan is limited to one (1) lot for one (1) religious assembly use, with up to 450 seats, and one (1) existing parsonage.

### **Adequate Public Facilities**

2. The Adequate Public Facilities (“APF”) review for the Preliminary 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 Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in 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 June 12, 2023, and incorporates them as conditions of the Preliminary 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 Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
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 September 26, 2023, and incorporates them as conditions of the Preliminary 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 Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated August 8, 2023, 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 Preliminary Plan approval.

### **Other Approvals**

8. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.
9. Prior to recordation of the plat, the Applicant must demolish the existing attached garage on proposed Lot 1 to meet the RE-1 zone side setback.

### **Transportation**

#### Frontage Improvements on Existing Roads

10. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
  - a) All land necessary to accommodate forty (40) feet from the existing pavement centerline along the Subject Property frontage for Muncaster Mill Road.
11. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MDSHA to ensure construction of a five-foot-wide bikeable shoulder and a six-foot-wide sidewalk with a six-foot-wide street buffer along the Property frontage of Muncaster Mill Road.

### **Record Plats**

12. There shall be no clearing or grading of the site before recordation of plat.
13. The record plat must show necessary easements.
14. The record plat must reflect common ingress/egress and utility easements over all shared driveways to accommodate access and utilities to properties immediately adjacent to the north.

### **Certified Preliminary Plan**

15. The certified Preliminary 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 Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of*

*building permit. 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 Preliminary Plan is required to be on-site at all times.*

16. Before submittal of the Certified Preliminary 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.
- c) Include dedication area to the Site Data table on the certified set.
- d) Include a Landscaping and Lighting Plan, approved by Staff, and consistent with Section 59.6.5.3 for Screening for Parking Lots.

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 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 Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the building type (religious assembly) and use contemplated for the Subject Property. The Application will subdivide Parcel 867 (0.97 acres), Parcel 868 (0.49 acres), Parcel 915 (1.47 acres), Parcel 805 (2.07 acres), and the Right-of-Way Parcel (0.41 acres), with a combined total of 5.41 acres, to create Lot 1 (5.25 acres) and dedicate 0.16 acres along Muncaster Mill Road.

The lot was reviewed for compliance with the dimensional requirements for the RE-1 zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage, and can accommodate the religious assembly use, which can reasonably meet the width and setback requirements in that zone. A summary of this review is included in Table 1. The Application is approved under the standard method in accordance with Section 59.4.4.6.B of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable county agencies, all of which recommended approval.

*Table 1 - Development Standards Table - RE-1 (Standard Method)*

RE-1 Zone	Allowed / Required (Religious Assembly)	Approved by this Application (Religious Assembly)
Density	1.09 units/acre	Religious Assembly with up to 450 seats and 1 Parsonage
Minimum Lot Size	40,000 sq. ft.	228,690 sq. ft. (5.25 acres)
Front Setbacks	50 ft. min.	50 ft. min.
Side Setbacks	17 ft. min. / 35 ft. min.	17 ft. min. / 35 ft. min. <sup>2</sup>
Rear Setbacks	35 ft. min.	35 ft. min.
Minimum Lot Width at Front Building Line	125 ft.	125 ft. min.
Minimum Lot Width at Front Lot Line	25 ft.	25 ft. min.
Maximum Lot Coverage	15%	15% or less
Maximum Building Height	50 ft.	50 ft. or less
Off-street Parking	1 space / 4 seats (450 seats) 2 spaces per parsonage = 115 spaces	142 spaces
Site Plan Required	No	No

2. *The Preliminary Plan substantially conforms to the Master Plan.*

a) *Land Use*

The Property is within the “Southern Olney” plan neighborhood of the 2005 *Olney Master Plan*. The Master Plan does not have any specific recommendations for the Subject Property, and there are only general recommendations for this part of the Southern Olney plan neighborhood, mostly related to maintaining or enhancing environmental protections. The Preliminary Plan proposes a new church building and parking lot on a property with several smaller buildings already used for church purposes, which will be retained. The approved use aligns with the Master Plan’s goal of retaining the land use pattern of Olney as a satellite community. This goal discourages new commercial developments outside the town center, but a church is not a commercial use and a church can be an important part of a robust residential area.

<sup>2</sup> As conditioned, part of the existing parsonage will be demolished before record plat to meet the minimum side setback.

*b) Environment*

The Subject Property is within the Upper Rock Creek watershed. The Master Plan only has general recommendations for properties in this area, such as encouraging reforestation and protecting wetlands. The Master Plan recommends new developments use “environmentally sensitive development techniques” such as minimizing impervious surfaces and the use of bioretention areas. There is a stream and a forested area at the rear of the Property that the Application protects with a forest conservation easement and stormwater will be managed by five landscaped bioretention areas.

*c) Transportation*

The Master Plan recommends an expanded sidewalk and bicycle network to help reduce air pollution. The Master Plan recommends bikeable shoulders along Muncaster Mill Road and the 2018 *Bicycle Master Plan* confirms this recommendation. The Application approves a new sidewalk along Muncaster Mill Road, which is in keeping with the Master Plan recommendation to improve the sidewalk network. Five-foot bikeable shoulders are also approved per Master Plan recommendations. The Master Plan recommends Muncaster Mill Road as an 80-foot arterial, now called an Area Connector per the 2021 *Complete Streets Design Guide*. The Applicant intends to dedicate the required property frontage for the right-of-way. See public facilities review in the next section for details.

The Application supports the Master Plan goal of retaining the land use pattern of Olney as a satellite community and Southern Olney primarily as a residential area. It provides appropriate environmental protections and required transportation improvements. The Application substantially conforms with the recommendations of the Master Plan.

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

*a) Roads and Transportation Facilities*

- i. Existing Facilities:* Muncaster Mill Road is a two-lane Area Connector with a master planned right of way of 80 feet. The 52 Ride-On bus operates along the road, with an existing stop at the southeast corner of the Property. There are no existing bicycle or pedestrian facilities on the road.
- ii. Proposed public transportation infrastructure:* The Application approves constructing a five-foot-wide bikeable shoulder and a six-foot-wide sidewalk with a six-foot-wide street buffer along the frontage on Muncaster Mill Road.

- iii. Proposed private transportation infrastructure: The subject Property will be accessed by a private driveway running along the eastern edge of the Property boundary. The driveway makes a 90-degree turn midway through the middle of the property where it then runs to the west. An access easement is provided to accommodate access to existing properties to the north of the Subject Property along this driveway.

b) *Local Area Transportation Review (LATR)*

For Applications with Transportation Exemption Statements:

The Subject Property is currently used by an existing 2,600 square foot church. This use will be expanded to 22,600 square feet of religious assembly use, which is estimated to generate a net increase of 8 person trips in the morning peak hour and a net increase of 13 person trips in the evening peak hour. The 2020-2024 Growth and Infrastructure Policy (GIP) requires a transportation impact study for any project that is estimated to generate a net increase of 50 or more person trips in either the morning or evening peak hours. As that is not the case for this Application, the LATR review is satisfied with a transportation exemption statement. A summary of the trip generation analysis is provided in Table 2 below.

*Table 2: Trip Generation Analysis*

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Olney Policy Area		Total Person Trips	
		AM	PM	AM	PM	AM	PM
Existing	2,600 sf Church	1	1	1	1	1	1
Proposed	22,600 sf Church	7	11	7	11	9	14
Net Change						8	13

*Source: Transportation Exemption Statement from Lenhart Traffic Consulting, Inc., January 19, 2023, modified by staff.*

c) *Schools*

The Application is approved to create a new lot for a religious assembly use, while maintaining the existing buildings on the Subject Property, consequently there is no impact on schools.

*d) Other Public Facilities and Services*

Other public facilities and services are available and adequate to serve the approved lot. The Preliminary Plan is in the W-1 and S-1 water and sewer service categories, respectively, and will utilize existing public water and sewer lines.

The Preliminary Plan Amendment was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Department Access Plan was approved on August 8, 2023. The Fire Department Access Plan indicates that fire access will be provided from Muncaster Mill Road and a 20-foot-wide fire lane. 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 2020-2024 Growth and Instructure Policy in effect at the time that the Preliminary Plan was accepted.

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

The approved Preliminary/Final Forest Conservation Plan satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Refer to the Preliminary/Final Forest Conservation Plan No. F20230140 (MCPB Resolution No. 23-129) for the analysis and findings.

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

The approved Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on September 26, 2023. The Application will meet stormwater management goals through the use of micro-bioretenction facilities.

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 Preliminary Plan. The Subject Property is not included in the Montgomery County Cemetery Inventory. While there is a cemetery located directly adjacent to the Subject Property, the Subject Property was researched and evaluated by Staff and determined to not include any burials sites.



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

There are no other applicable provisions specific to the Preliminary Plan that 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

December 20, 2023

(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 the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0, Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, December 7, 2023, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board