



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

MCPB

Item # _____

November 8, 2007



MEMORANDUM

DATE: October 26, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CC*
Development Review Division

FROM: Dolores Kinney, Senior Planner (301) 495-1321
Development Review *CAC for DK*

REVIEW TYPE: Preliminary Plan of Subdivision, Parcel 905, 907 and 909

APPLYING FOR: Place of worship

PROJECT NAME: Parker Memorial Baptist Church

CASE #: 120061240

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RC

LOCATION: Located on the north side of Norbeck Road, approximately 200 feet west of the intersection with Layhill Road (MD 182)

MASTER PLAN: Olney

APPLICANT: Parker Memorial Baptist Church

ENGINEER: Patton Harris Rust & Associates

FILING DATE: June 13, 2006

HEARING DATE: November 8, 2007

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one lot for a 702-seat place of worship containing 21,700 square feet with no on-site weekday educational, daycare, or school uses.
- 2) The Applicant must place forest retention and planting areas in Category I Conservation Easements. Easements shall be shown on record plats.
- 3) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan dated October 22, 2007. The Applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s), as appropriate. Conditions include, but are not limited to, the following:
 - a. Final forest conservation plan shall include the following elements:
 - i. Design and location of permanent markers (such as permanent fences or signs) to clearly identify boundaries of the Category I Conservation Easement.
 - ii. Planting details and schedule for the proposed reforestation and visual buffer.
 - b. Financial security and maintenance and management agreement to cover the plantings for the reforestation and visual buffer areas must be submitted to M-NCPPC staff for review and approval prior to the pre-construction meeting.
- 3) The Applicant must comply with conditions of Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated July 18, 2006, unless otherwise amended.
- 4) The record plat must reflect a minimum 150-foot right-of-way for Norbeck Road along the property frontage, as shown on the preliminary plan.
- 5) The Applicant must construct an eight-foot wide shared use path on Norbeck Road along the property frontage in coordination with Maryland State Highway Administration's (SHA) MD 28/MD 198 Corridor Improvement Study project. This path must be constructed prior to the release of any occupancy permit for the development.
- 6) The Applicant must provide a lead-in sidewalk to the proposed house of worship from Norbeck Road.
- 7) The Applicant must provide for access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- ~~8) The Applicant must re-align the stormwater outfall located on parkland to outfall into existing the stormwater pond if possible.~~
- 9) The Applicant must comply with the conditions of approval of the MCDPS stormwater management approval dated October 4, 2006.
- 10) The Applicant is to use best design efforts to minimize stormwater discharge onto parkland in a manner acceptable to M-NCPPC Park staff.
- 11) 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 opinion.
- 12) A landscape and lighting plan must be submitted for review and approval by technical staff. This plan must include an adequate vegetative buffer along the east side of the property to provide a visual buffer for the adjacent parkland.

13) Other necessary easements must be shown on the record plat.

SITE DESCRIPTION:

The property, identified as Parcels 905, 907 and 909 (Subject Property), is located on the north side of Norbeck Road, approximately 200 feet west of the intersection with Layhill Road (MD 182) (Attachment A). Located in the Northwest Branch Watershed, the Subject Property is surrounded by residential properties immediately to the north, west and south and parkland to the east. The Subject Property contains 8.36 acres and is zoned RC.

PROJECT DESCRIPTION:

This is a preliminary plan application for the construction of a 702-seat place of worship with a parking facility (Attachment B). The property contains a dwelling which will be removed. The Subject Property also contains forest and is subject to the forest conservation regulations. Access to the site will be directly from Norbeck Road (MD 28). Public water and sewer will serve the site.

ANALYSIS AND FINDINGS

Master Plan Compliance

The Olney Master Plan highlighted parcels recommended for changes in use and/or density, but did not specifically address the Subject Property. The master plan supports the retention and reconfirmation of existing zoning for all developed, underdeveloped, and undeveloped land in the subregion, except for those sites recommended for change. The Subject Property is not identified for change in use or density. The proposed preliminary plan consists of a permitted use on a residentially zoned property. The lot being created meets the standards of the RC zone and is in compliance with the master plan.

Transportation and Roads

Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Site Location, Access, Circulation and Transportation Facilities

The section of Norbeck Road where the site is located is built as a divided highway with two through lanes, a left turn lane and a right turn lane in the eastbound direction, and two lanes in the westbound direction that transition to a through lane and a right turn lane at Whitehaven Road/Wallingford Road. State Highway Administration (SHA) jurisdiction for Norbeck Road ends at Layhill Road. The section of the roadway between Layhill Road and New Hampshire Avenue (MD 650) to the east is under DPWT jurisdiction, and is called Norbeck Road Extended. East of MD 650, this roadway comes

back under SHA jurisdiction as Spencerville Road (MD 198). Layhill Road extends between Norbeck Road/Ednor Road to the north and Georgia Avenue to the south. Whitehaven Road is a dead-end residential street that serves approximately 42 single-family dwelling units. Wallingford Road is connected to Chester Mill Road, which is connected to Layhill Road (south of Norbeck Road). Both these roads serve the residential community of Norwood Village within the southwest quadrant of Norbeck Road/Layhill Road intersection.

There are no transit services in the area. Land use in the vicinity of the site is predominantly residential.

Master Plan Roadway and Pedestrian/Bikeway Facility

Norbeck Road (MD 28) is recommended in the Olney Master Plan as a four-lane divided major highway (M-18) with a minimum right-of-way width of 150 feet between Layhill Road to the east and Muncaster Mill Road to the west. A dual bikeway is recommended for Norbeck Road along its north side in this section.

SHA Consolidated Transportation Program (CTP) currently includes the MD 28/MD 198 Corridor Improvement Planning Study. SHA is anticipating a Record of Decision on the project in late 2007. The study is currently funded for project planning only. Staff recommends that the applicant continue working with SHA on a suitable location for a shared use path and construct this path in a satisfactory manner prior to the release of an occupancy permit for the development.

Local Area Transportation Review

Under Section 50-35(k) (6) of the Montgomery County Code, a place of worship is not subject to Adequate Public Facilities (APF) review, unless child day-care centers or private educational institutions are proposed on the site. The Parker Memorial Baptist Church preliminary plan as currently proposed does not include the uses listed above. Therefore, Local Area Transportation (LATR) review is not required.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed dwelling unit(s) or use.

Environmental

Forest Conservation

The County Forest Conservation Law (Chapter 22A of the Montgomery County Code) was recently amended by the County Council on July 31, 2007 (see Attachment D) to define a religious institution as a use within an "institutional development area". This amendment changes the forest conservation requirements for a religious institution from meeting the requirements applicable to the base zone in which the institution is located, to meeting requirements of an "institutional development area." The effective date of this

amendment is November 8, 2007. Therefore, the amended provision of the law that applies to religious institutions applies to the subject plan and any other forest conservation plan approved on, or after, this date.

The preliminary forest conservation plan (FCP) proposes to retain 2.59 acres of the 4.63 acres of existing forest on the subject site. The FCP uses the institutional use category to calculate the afforestation and conservation thresholds that apply to the site. These calculations are consistent with the amended provision of the Forest Conservation Law. The proposed forest retention area exceeds the project's break-even point of 2.26 acres. Therefore, no forest planting is required.

Although not required by the Forest Conservation Law, the FCP proposes a small area of planting (0.08 acre) adjacent to a property owner who has requested that the church provide this planting. Staff recommends that this planting area, in addition to the forest retention area, be placed within a Category I conservation easement.

There are three trees on the site that are at least the same size as the County champions of the same species. A 64-inch bitternut hickory is located within the forest that is proposed for protection. Two other hickories (50-inch bitternut hickory and 55-inch mockernut hickory) are located along the eastern property boundary, but are either dead or in poor condition. These two trees should not be preserved.

With the above recommendations by Staff, the proposed Preliminary Forest Conservation Plan meets the requirements of the County Forest Conservation Law.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, and the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lot and use. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the RC zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table I. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Community Outreach

This plan submittal pre-dated any requirements for a pre-submission meeting with neighboring residents, however, written notice was given by the applicant and staff of the plan submittal and the public hearing. As of the date of this report, two citizens' letters have been received. One letter was received from Teion Kirkland who had concerns pertaining to parking issues, adverse impacts on the environment, traffic safety and infrastructure improvements, and building height. Staff responded by indicating that the plan appears to adequately address the specific concerns and complies with development

regulations. A copy of Staff's response is attached.

Another letter was from Jonathan Williams who expressed support of the preliminary plan. No response to Mr. William's letter was required from Staff.

CONCLUSION:

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance, and complies with the recommendations of the Olney Master Plan. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Preliminary Plan
Attachment C	Forest Conservation Changes
Attachment D	Correspondence

TABLE I
Preliminary Plan Data Table and Checklist

Plan Name: Parker Memorial Baptist Church				
Plan Number: 120061240				
Zoning: RC				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: 702-seat place of worship				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	5 acres.	8.36 acres is minimum proposed		April 26, 2007
Lot Width	300 ft.	Must meet minimum		April 26, 2007
Lot Frontage	300 ft.	Must meet minimum		April 26, 2007
Setbacks				
Front	50 ft. Min.	Must meet minimum		April 26, 2007
Side	20 ft. Min./ ft. total	Must meet minimum		April 26, 2007
Rear	35 ft. Min.	Must meet minimum		April 26, 2007
Height	50 ft. Max.	May not exceed maximum		April 26, 2007
Max Resid'l d.u. or Comm'l s.f. per Zoning	1 dwelling unit	1 place of worship		April 26, 2007
Site Plan Req'd?	No	No		April 26, 2007
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes			April 26, 2007
Road dedication and frontage improvements	Yes		DPWT/SHA	July 18, 2006
Environmental Guidelines	Yes		Environmental Planning	Oct. 22, 2007
Forest Conservation	Yes		Environmental Planning	Oct. 22, 2007
Master Plan Compliance	Yes			April 26, 2007
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		DPS	Oct. 4, 2006
Water and Sewer (WSSC)	Yes		WSSC	June 19, 2006
Local Area Traffic Review	Yes		Transportation Planning	March 19, 2007
Fire and Rescue	Yes		MCDFRS	Nov. 17, 2006

TABLE I**Preliminary Plan Data Table and Checklist**

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Plan Number: 120061240

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PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	5 acres.	8.36 acres is minimum proposed	<i>Done</i>	April 26, 2007
Lot Width	300 ft.	Must meet minimum	<i>Done</i>	April 26, 2007
Lot Frontage	300 ft.	Must meet minimum	<i>Done</i>	April 26, 2007
Setbacks				
Front	50 ft. Min.	Must meet minimum	<i>Done</i>	April 26, 2007
Side	20 ft. Min./ ft. total	Must meet minimum	<i>Done</i>	April 26, 2007
Rear	35 ft. Min.	Must meet minimum	<i>Done</i>	April 26, 2007
Height	50 ft. Max.	May not exceed maximum	<i>Done</i>	April 26, 2007
Max Resid'l d.u. or Comm'l s.f. per Zoning	1 dwelling unit	1 place of worship	<i>Done</i>	April 26, 2007
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Local Area Traffic Review	Yes		Transportation Planning	March 19, 2007
Fire and Rescue	Yes		MCDFRS	Nov. 17, 2006

PARKER MEMORIAL BAPTIST CHURCH (120061240)



Map compiled on July 05, 2006 at 2:08 PM | Site located on base sheet no - 222NW02

NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

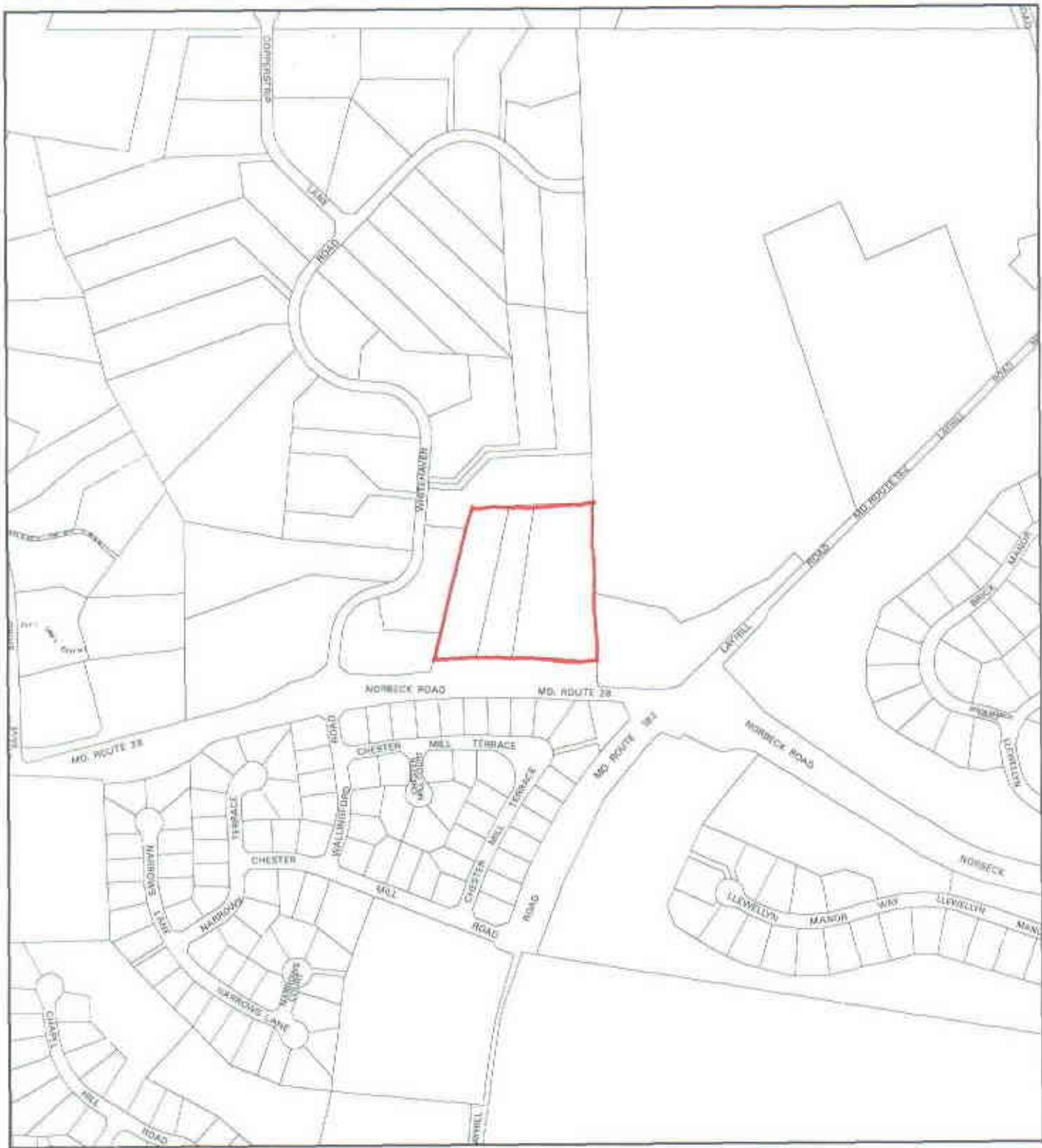
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



1 inch = 600 feet
 1 : 7200

PARKER MEMORIAL BAPTIST CHURCH (120061240)



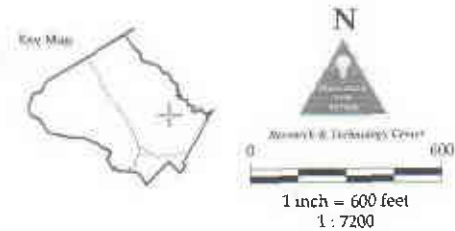
Map compiled on July 05, 2006 at 2:26 PM | Site located on base sheet no - 222NW02

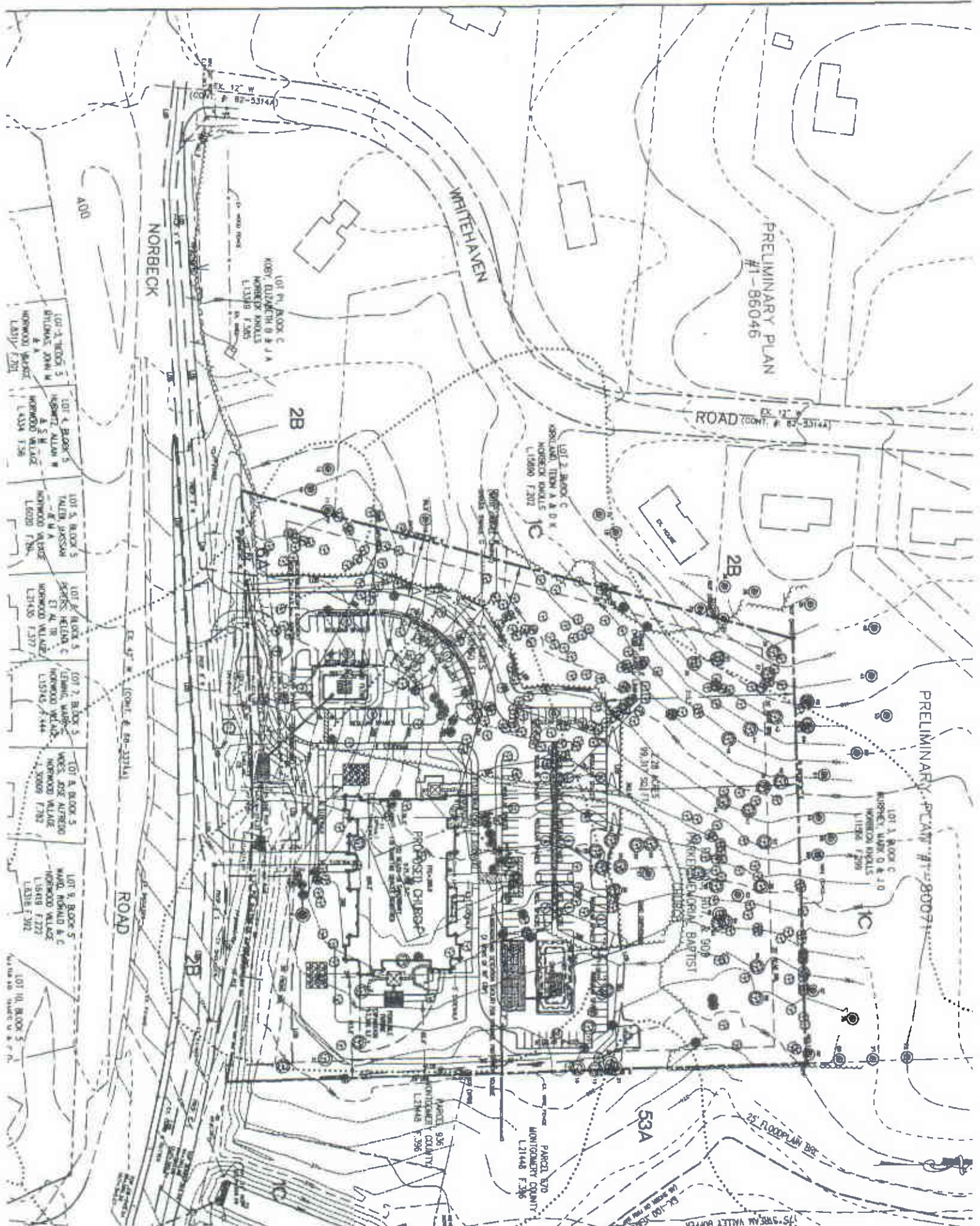
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CORRESPONDENCE



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

July 18, 2006

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan #1-20061240
Parker Memorial Baptist Church

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 06/13/06. This plan was reviewed by the Development Review Committee at its meeting on 07/17/06. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show/label all existing planimetric and topographic details specifically driveways adjacent and opposite the site on the preliminary plan.
2. Necessary dedication for Norbeck Road in accordance with the Master Plan.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6320 to discuss the parking lot design.
5. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than twenty four (24) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes. This pavement width will permit an inbound lane width of fourteen (14) feet and an exit lane width of ten (10) feet.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

6. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. However Driveways curb returns should not cross the property lines. Also provide proper spacing between the driveways curb returns and public utilities features.
7. The parking lot travel lanes are to be designed to allow a WB-50 truck to circulate without crossing the centerline nor the curbline.
8. The applicant needs to submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules.
9. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy.
10. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
11. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
12. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
13. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
14. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
15. In accordance with Section 50-35(n) of the Montgomery County Code, we recommend the Montgomery County Planning Board require the applicant to construct a eight (8) foot bike path along Norbeck Road (MD 28) and a leadwalk to connect with interior sidewalk.
16. Access and improvements along Norbeck Road (MD 28) as required by the Maryland State Highway Administration.
17. This site is located in the vicinity of one of the alignments under consideration for the Inter County Connector project. The applicant is advised to contact the ICC Project Office in Baltimore (1-800-548-5026) to assess the potential impact of that roadway on this site.

Ms. Catherine Conlon
Preliminary Plan No. 1-20061240
Date July 18, 2006
Page 3

18. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20061240, Parker Memorial Baptist Church.doc

Enclosures ()

cc: Guy Williams Sr., Parker Memorial Baptist Church
Nat Ballard, Patton, Harris & Rust Associates
Mark Viani, McGuire Woods
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Raymond Burns, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book



RECEIVED

OCT 06 2006

Patton Harris Rust & Associates, pc
Columbia, Maryland

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

October 4, 2006

Mr. John Clapsaddle
Patton Harris Rust & Associates, PC
8818 Centre Park Drive
Columbia, MD 21045

Re: Stormwater Management **CONCEPT** Request
for Parker Memorial Baptist Church
Preliminary Plan #: 1-06124
SM File #: 224865
Tract Size/Zone: 8.36 acres / RC
Total Concept Area: 8.36 acres
Lots/Block: N/A
Parcel(s): 905, 907, 909
Watershed: Northwest Branch

Dear Mr. Clapsaddle:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via construction of four Montgomery County Sand Filters (MCSF's) and other nonstructural measures; and onsite recharge via dry wells and disconnections. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Bio Filtration may be substituted for any or all of the proposed sand filters. Bio filtration facilities may be more appropriate to the site design.
5. A stormwater management maintenance easement and covenant is required for all stormwater management items, including nonstructural elements.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.



This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,

Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm mce

cc: C. Conlon
S. Federline
SM File # 224865

QN -ON; Acres: 8.36
QL - ON; Acres: 8.36
Recharge is provided

Kinney, Dolores

From: Teion Kirkland [tekirkland@verizon.net]
Sent: Wednesday, July 19, 2006 7:30 PM
To: Conlon, Catherine
Cc: Kinney, Dolores; debbiekirkland@verizon.net
Subject: RE: Parker Memorial Subdivision 1-20061240

Ms. Conlon,

Thank you for the quick response. We are very concerned about the developments with Parker Memorial and look forward to the review by Ms. Kinney's team.

Thank you again

Teion Kirkland

From: Conlon, Catherine [mailto:Catherine.Conlon@mncppc-mc.org]
Sent: Wednesday, July 19, 2006 4:20 PM
To: tekirkland@verizon.net
Cc: Kinney, Dolores
Subject: RE: Parker Memorial Subdivision 1-20061240

Mr. or Ms. Kirkland,
I want to acknowledge our receipt of your comments and let you know that we will fully consider your concerns in our review of the plan. I have forwarded them to the lead reviewer for the plan, Ms. Dolores Kinney, and asked her to work with the applicant and other agencies to address them and reply to you. Our review is ongoing, so it may be a few weeks or more before you hear anything. Ms. Kinney can be reached directly at 301-495-1321 or dolores.kinney@mncppc-mc.org.

Cathy Conlon
Subdivision Supervisor
Development Review Division
Phone: 301-495-4542
Fax: 301-495-1306
email: catherine.conlon@mncppc-mc.org

-----Original Message-----

From: Teion Kirkland [mailto:tekirkland@verizon.net]
Sent: Tuesday, July 18, 2006 8:38 PM
To: Conlon, Catherine
Cc: tekirkland@verizon.net; debbiekirkland@verizon.net
Subject: Parker Memorial Subdivision 1-20061240

Ms. Conlon,

My name is Teion Kirkland and I am very concerned about the purchase and request for subdivision (1-

7/28/2006

20061240) by the Parker Memorial Baptist Church:

1601 Norbeck Rd
Silver Spring, MD
Parcels P905, 907 & 909

I currently reside at:

16205 Whitehaven Rd
Silver Spring, MD 20906

which borders the recent purchase by Parker Memorial Baptist. The intended purpose of the purchase of the 3 lots is to build a new church. The subdivision will create one lot from the three existing lots.

I understand that Parker Memorial has bought and sold several lots in the area in the past. I also understand that they have not been above playing the "race card" when meeting with opposition to their requests. As an African-American, I certainly hope this will not play a factor in any decision-making process.

After looking over their plans as the next-door neighbor, my concerns are as follows:

- church parking lots too close to the property line
- impermeable surface runoff will cause ground water contamination
- destruction of trees in back of lot and near property line will affect noise control and disrupt local wildlife
- sewer plan will cause additional destruction of local natural resources
- impact of water access to the surrounding property and local environment
- overflow parking on local streets that have no curbs will cause additional traffic and damage to property borders
- concern that increased street traffic would pose a threat to my two children's safety as well as the safety of others who walk our local streets
- concern about height of the church structure, as well as future infrastructure additions should Parker Memorial secure their subdivision approval

With the volume of construction that is scheduled to take place in the Olney area (to also include the destruction of Indian Springs Country Club for the massive new 700+ home development by Winchester Homes, the Giant Food store renovation at Plaza del Mercado and the ICC development), we are very concerned about the potential environmental damage, human safety concerns and property valuation that the approval of the Parker Memorial subdivision (1-20061240) will set into motion. As a neighbor to this effort, I implore your planning team to seriously consider the consequences and impact of your approval to both the environment and the local residents.

Thank you very much for both your time and consideration.

Teion Kirkland
16205 Whitehaven Rd.
Silver Spring, MD 20906
301-924-7479
tekirkland@verizon.net



July 28, 2006

Teion Kirkland
16205 Whitehaven Road
Silver Spring, MD 20906

RE: Parker Memorial Baptist Church
Preliminary Plan #120061240
1601 Norbeck Road, Parcel 905, 907, 909

Dear Teion Kirkland:

Thank you for participating in the development review process. This is in response to your e-mail letter expressing concerns pertaining to the preliminary plan for the Parker Memorial Baptist Church, #120061240. The subject preliminary plan was submitted on June 13, 2006 and is currently under review by the Maryland National Capital Park and Planning Commission (MNCPPC).

The property subject to the preliminary plan review is located at the northwest quadrant of the intersection of Norbeck Road and Layhill Road (MD 182). It contains 8.36 acres and is zoned Rural Cluster (RC).

It is my understanding that you are the property owner of Lot 2, which is located immediately west of the Subject Property, and you have the following concerns:

- a) church parking lots too close to the property line
- b) impermeable surface runoff will cause ground water contamination
- c) destruction of trees in back of lot and near property line will affect noise control and disrupt local wildlife
- d) sewer plan will cause additional destruction of local natural resources
- e) impact of water access to the surrounding property and local environment
- f) overflow parking on local streets that have no curbs will cause additional traffic and damage to property borders
- g) concern that increased street traffic would pose a threat to my two children's safety as well as the safety of others who walk our local streets
- h) concern about height of the church structure, as well as future infrastructure additions should Parker Memorial secure their subdivision approval

I will attempt to respond to your concerns individually.

A. The church parking lots are too close to the property line.

Pursuant to Section 59-E-2.8 of the Zoning Ordinance entitled Parking Facilities Within or Adjoining Residential Zone, where a parking facility is within a residential zone or adjoins land in a residential zone that is neither recommended for commercial or industrial use on an approved and adopted master or sector plan, nor used for public or private off-street parking, nor in a public right-of-way that is 120 feet or more in width, all parking surfaces, spaces and driveways must be set back a distance not less than the applicable front, rear or side yard setback required for the property in the residential zone that adjoins or confronts the applicable boundary of the parking facility.

In essence the side, front or rear setback of the parking facility/lot must be set back a distance equal to distance of the same side, front or rear distance as the adjacent lot. The properties to the west of the Subject Property are zoned RE-2 and require a minimum of 17 feet for the side yard setback. The preliminary plan shows that the parking area for the proposed site is at a minimum of 25 feet from the side property line and exceeds the minimum required per the Zoning Ordinance.

B. Impermeable surface runoff will cause ground water contamination

Per county law, a new land development project must include water quantity and quality controls to minimize the negative effects of stormwater runoff generated by the development. These controls reduce water quality pollutants that leave the development site and maintain stormwater runoff at non-erosive rates. The Montgomery County Department of Permitting Services (DPS) reviews and acts on stormwater management and sediment and erosion control plans. According to our records, DPS denied the stormwater management concept plan for this preliminary plan on June 26, 2006. Approval of the storm water management concept is a prerequisite to the approval of the preliminary plan. For more information regarding the review of the stormwater management concept, you should contact Mark Etheridge with DPS at (240) 777-6300.

C. Destruction of trees in back of lot and near property line will affect noise control and disrupt local wildlife.

The preliminary Forest Conservation Plan depicts 4.63 acres of existing forest. The plan proposes to retain 2.78 acres of forest, to be located on the northern and western portions of the site. The proposed forest retention area, which would be protected in a conservation easement, would help to screen the proposed church and parking lot from existing houses to the west and north of the site. In addition, the applicant proposes to plant an area adjacent to a portion of your lot (Lot 2,

- F. *Overflow parking on local streets that have no curbs will cause additional traffic and damage to property borders.*

Section 59-E-3.7 of the Zoning Ordinance requires a minimum of 1 space for 4 seats for churches. The preliminary plan proposes a 702-seat church. A minimum of 176 parking spaces will be required and is proposed with the plan. The applicant is responsible for providing only the minimum number of parking spaces as required.

The evaluation of traffic volumes or Local Transportation Area Review (LATR), is not required for this plan because the church proposes to operate during non-peak hours with no weekday activities which would generate 30 or more peak-hour trips. A traffic statement has been submitted by the applicant indicating that no weekday school, child daycare facility or other such land uses that would generate weekday peak-hour trips is proposed. Therefore, it appears that the proposed number of onsite parking spaces will be adequate to serve the church. Any overflow of parking is outside of the scope of this plan review. Any damage to private property as a result of overflow parking becomes a civil matter.

- G. *Concern that increased street traffic would pose a threat to children's safety as well as the safety of others who walk our local streets.*

The subject preliminary plan will require frontage improvements to enhance safety and improve circulation. Transportation Planning Staff has evaluated the subject preliminary plan and has requested improvements such as lead in sidewalks, handicapped ramps, widened travel lanes, the construction of an 8-foot-wide shared-use bike path and signage. In particular, the sidewalks, ramps and widened travel lanes are anticipated to improve existing pedestrian and vehicular circulation.

- H. *Concern about height of the church structure as well as future infrastructure additions should Parker Memorial secure their subdivision approval.*

The height of a structure in the RC zone is regulated by Section 59-C-9.47 of the Zoning Ordinance, which requires a maximum height of 50 feet, with the exception of agricultural buildings, and those features described in Section 59-B-1, Exemptions from Height Controls. Any violation of the height limitation is subject to corrective action.

We welcome your comments regarding the subject preliminary plan. Please note that your e-mail letter will become part of the official record for the preliminary plan file for Parker Memorial Baptist Church. I trust this information will be helpful. Should you

Teion Kirkland
Parker Memorial Baptist Church
July 28, 2006
Page 5

need further assistance or additional information, I encourage you to contact me at (301) 495-1321.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dolores Kinney".

Dolores Kinney, Senior Planner
Development Review

cc: Catherine Conlon, Supervisor -Development Review Division, MNCPPC
Candy Bunnag – Environmental Planning, MNCPPC
Mark Etheridge – Montgomery County Department of Permitting Services

Jonathan B. Williams

10 Jaystone Court
Silver Spring, MD 20905
301.879.2497
jonno3835@earthlink.net

August 19, 2006

Ms. Catherine Conlon
Catherine.Conlon@mnppc-mc.org

Dear Ms. Conlon:

My name is Jonathan Williams and I am a Montgomery County resident. I am writing you in regard to the property at 1601 Norbeck Avenue. I'm aware that you have recently received some negative communication with respect to Parker Memorial and the plans for the Subdivision 1-20061240 and I would like to offer a different perspective.

As a member of Parker Memorial Baptist Church for 3 years and a Montgomery County resident for 8 years, I am committed to both being a good neighbor and having good neighbors. It is important to me that a church with which I am affiliated firmly adheres to the principles of caring for its neighbors—principles which are clearly Biblical in nature. Parker Memorial is such a church. Through various outreach activities, we have provided school supplies for needy children, served as a house of refuge for the downtrodden, and sought to treat the elderly with dignity and respect. In the wake of the devastating impact of Hurricanes Katrina and Rita, Parker has served as a collection and distribution station of goods and supplies for the displaced families in the Gulf region. In addition, we have managed the upkeep of our current facilities through the good faith efforts of the covenant community of people that make up the Parker Memorial Congregation.

You see, Ms. Conlon, Parker members care about Parker. We care about our property, we care about each other, and we care about the reputation of our congregation. We care because it is what God instructs us to do. And we care because Christianity is about loving one's neighbor. It is unthinkable that we would act in any way other than in the most respectable manner. Reports to the contrary are simply inaccurate and unfounded. Our plans to build a new church home have been done according to code and proper procedure. There are no records otherwise.

The property at 1601 Norbeck Road is prime real estate. As the owners of that property, Parker Memorial should be seen as a welcome addition to the neighborhood. In light of the new Indian Head development at Layhill; and the construction of the ICC which is proposed to have an interchange very near the Norbeck Road property; as well as the growth and development in Cloverly, such a prime location would be subject to much less desirable neighbors such as a retail establishments which would invite destroy the environment and create traffic over-burdens. Parker would seek every opportunity to serve the neighborhood in same way that we have served our current neighborhood. In fact, serving Montgomery County is written into our vision statement.

I appreciate your consideration of this letter. Parker is proud of its past in this County and and we look forward to our future.

Sincerely,

Jonathan B. Williams

[[Expedited]] Bill No. 15-07
 Concerning: Forest Conservation -
 Religious Institutions
 Revised: 7-27-07 Draft No. 2
 Introduced: June 26, 2007
 Enacted: July 31, 2007
 Executive: August 8, 2007
 Effective: November 8, 2007
 Sunset Date: None
 Ch. 10, Laws of Mont. Co. 2007

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive
and Councilmembers Leventhal and Ervin

AN **[[EXPEDITED]]** ACT to:

- (1) further define the application of certain forest conservation requirements to certain religious institutions; and
- (2) generally amend the law regarding forest conservation.

By amending

Montgomery County Code
 Chapter 22A, Forest Conservation - Trees
 Sections 22A-3 and 22A-12

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

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22A-3. Definitions

* * *

Institutional development area means land occupied by uses such as schools, colleges and universities, military installations, transportation facilities, utility and sewer projects, government offices and facilities, fire stations, golf courses, recreation areas, parks, [[and]] cemeteries, and religious institutions. [In this Chapter, *institutional development* does not include a religious institution which is a permitted use in any zone and would not require a special exception.]

* * *

22A-12. Retention, afforestation, and reforestation requirements.

(a) *Table.*

Land Use Category^{1/1}	Forest Conservation Threshold	Required Afforestation
Agricultural and resource areas	50%	20%
Medium-density residential areas	25%	20%
Institutional development areas	20%	15%
High-density residential areas	20%	15%
Mixed-use development areas	15-20% ²	15%
Planned unit development areas	15-20% ²	15%
Commercial and industrial use areas	15%	15%

13 " A religious institution must comply with the requirements that apply to the base
14 zone in which it is located.]

15 * * *

16 [[Sec. 2. Expedited Effective Date. The Council declares that this
17 legislation is necessary for the immediate protection of the public interest. This Act
18 takes effect on the date when it becomes law.]]

19 *Approved:*

20 Marilyn J. Praisner August 1, 2007
Marilyn J. Praisner, President County Council Date

21 *Approved:*

22 Isiah Leggett August 8, 2007
Isiah Leggett, County Executive Date

23 *This is a correct copy of Council action.*

24 Linda M. Lauer August 9, 2007
Linda M. Lauer, Clerk of the Council Date