



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

MCPB
Item #
7/29/10



MEMORANDUM

DATE: July 16, 2010

TO: Montgomery County Planning Board

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

FROM: Erin Grayson, Senior Planner (301-495-4598) *EG*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: 1 lot for a 35,930 square foot religious institution with associated weekday afternoon school program for up to 70 students

PROJECT NAME: Saints Constantine & Helen Greek Orthodox Church
CASE #: 120100240
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-2C, RE-2
LOCATION: Northeast quadrant of the intersection of Norwood Road and Norbeck Road
MASTER PLAN: Cloverly

APPLICANT: Saints Constantine & Helen Greek Orthodox Church
ENGINEER: Loiederman Soltesz Associates, Inc.
ATTORNEY: Shulman Rogers

FILING DATE: March 25, 2010
HEARING DATE: July 29, 2010

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 1 lot for a 35,930 square-foot church (or a place of worship) with a maximum 600 seat sanctuary, and 1 parcel that will be recorded and dedicated for parkland. The approval of the church lot includes an after-school, afternoon/evening Greek language program at the church, generally operating between 4:00 p.m. and 6:30 p.m. for up to 70 students with 7 staff members. No regular classes related to the school program may be scheduled on weekday mornings between 6:30 a.m. and 9:30 a.m.
- 2) The Applicant must provide a Public Improvement Easement (PIE) and construct frontage improvements along Norwood Road as shown on the preliminary plan and as required by the Montgomery County Department of Transportation (MCDOT). The improvements must be under permit and bond prior to the approval of the record plat by the Montgomery County Department of Permitting Services (MCDPS).
- 3) The Applicant must construct an 8-foot wide shared-use path (substituting for the master plan recommended bike lanes) along the entire Norwood Road property frontage (including the section between the proposed northern site access driveway and the northern property line) and extend the shared-use path off-site to the south to connect to the existing shared-use path along Norbeck Road Extended. This path must be shown on the certified preliminary plan.
- 4) The Applicant must locate the lead-in sidewalk proposed on the site between the shared-use path and the church sanctuary (along the northern site access driveway and an interior stormwater facility) away from the edge of the driveway curb to provide a minimum 5-foot buffer between the curb and the sidewalk, where feasible. The lead-in sidewalk must have a clear and distinct orientation to the church sanctuary from the shared-use path. The sidewalks and the shared-use path proposed as part of this development must meet ADA best practices. The final location of this sidewalk must be shown on the certified preliminary plan.
- 5) The proposed development must comply with the conditions of approval of the Preliminary Forest Conservation Plan (PFCP). The Applicant must satisfy all conditions and requirements prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s), as applicable. Conditions include:
 - a. Approval of final forest conservation plan consistent with the preliminary forest conservation plan and the FCP regulatory requirements of Section 109B – *Forest Conservation Regulations* (COMCOR 22A.00.01.09B) prior to any clearing, grading or demolition on the site.
 - b. Forest preservation and environmental buffer areas for the proposed lot and outlot, as shown on the PFCP, must be within the park dedication area for purposes of permanent protection.
- 6) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated March 31, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 7) The Applicant must comply with the conditions of the MCDOT letter dated June 4, 2010. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.

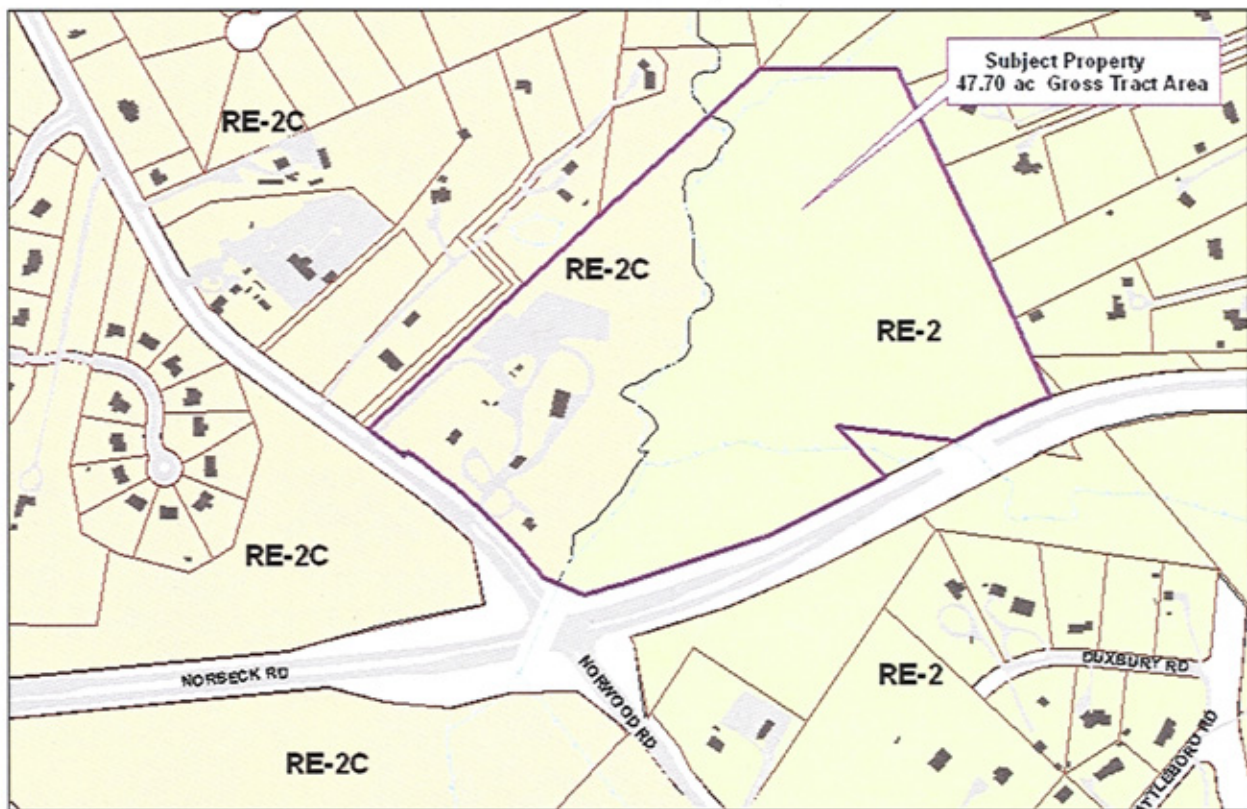
- 8) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 9) The Applicant must submit a final landscape and lighting plan that must be reviewed and approved by MNCPPC Site Plan Review staff prior to approval of the record plat(s).
- 10) The Applicant must dedicate and convey to M-NCPPC in fee simple the 10.63 acre portion of land located along the eastern side of the Subject Property. This portion must be conveyed in fee simple by deed in a form acceptable to M-NCPPC staff, and conveyed at time of record plat. Dedication area park boundaries must be straight and easy to delineate in the field as acceptable to M-NCPPC Department of Parks staff. Trash, unnatural debris and any structures located on dedicated areas must be removed by the Applicant prior to land transfer.
- 11) The Applicant must provide a natural surface trail connection from the Norbeck Road trail tunnel where it enters the Subject Property to the sidewalk/trail that currently exists along the west side of Norbeck Road. This connection must be made provided M-NCPPC acquires or controls the land adjacent to the Applicant's property that is necessary to accommodate the trail's construction. Trail must be adequately signed and constructed in a manner acceptable to M-NCPPC Department of Parks staff.
- 12) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 13) Other necessary easements must be shown on the record plat.

SITE DESCRIPTION

The site of this preliminary plan application is a 47.70-acre property zoned RE-2C and RE-2 and located at 601 Norwood Road. The majority of the property lies within the northeast quadrant of the intersection of Norwood Road and Norbeck Road. Approximately 3.53 acres of the property is located in the southeast quadrant of the intersection of Norwood and Norbeck Roads, as the property is bisected by Norbeck Road. The Applicant is the contract purchaser of approximately 17.72 acres of the RE-2C zoned portion of the overall property, and this is the "Property" or "Subject Property" included in the current application. Currently, the Property contains a residential structure, office buildings, trailers, sheds, and a large gravel parking area associated with a commercial landscaping business.

The Property lies within the Northwest Branch watershed, which ultimately flows into the main stem of the Anacostia River before reaching the Potomac River. The Northwest Branch main stem runs diagonally through the property from the northeast corner down to the bridge under Norwood Road in the southeast corner. The stream serves as the dividing line between the 2 different zones on the site, with the RE-2C zoned property located west of the stream and the RE-2 zoned property to the east. The overall property contains five separate nontidal wetland areas that are located within the 100-year floodplain. Approximately 22.68 acres of environmental buffer exists on the property as well as approximately 29.86 acres of forest. The forest on the property is all located within or contiguous to the stream valley, and there are several individual significant (greater than or equal to 24 inches DBH) and specimen (greater than or equal to 30 inches DBH) trees within the forest and on unforested areas of the site.

Exhibit A: Zoning Map



PROJECT DESCRIPTION

The Applicant proposes to subdivide 17.72 acres of the overall Property to record a 7.06-acre lot to construct a building which will encompass a church and associated facilities (office, educational/meeting area, and hall), and a parking lot; and record an approximately 10.63 acre parcel that will be dedicated as parkland. The remainder of the property is not included in this application and will remain unrecorded until a future preliminary plan is submitted and approved. Access to the religious institution is proposed from Norwood Road via two driveways. The proposed northern driveway will be at the same location as an existing driveway and will be

a full-movement driveway. The proposed southern driveway will be a new driveway created by relocating an existing driveway approximately 60 feet to the south. It will operate as a right-turn in/right-turn out driveway (because of the existing median along Norwood Road). An 8 foot-wide shared use path is to be constructed by the Applicant within a 10 foot-wide public improvement easement along the Norwood Road property frontage. The parking areas are located parallel to the Norwood Road frontage and extend along the western Property boundary. An existing one-family detached dwelling unit is proposed to remain on the site as an accessory structure to the proposed church. The building will not meet setback requirements for an accessory structure, but is permitted to remain as a nonconforming structure. However, the building may not be replaced and no external additions can be constructed in the future without fully complying with the Montgomery County Zoning Ordinance.

The approximately 10.63 acres of land the Applicant proposes to dedicate to MNCPPC adjacent to the 7.06-acre lot will serve as a permanent measure of protection for the environmentally sensitive areas along the Northwest Branch main stem. The remaining 29.98 acres of the Subject Property is not proposed to be developed at this time. It is identified as Phase II on the preliminary plan, and will remain under the ownership of the current property owners.

Exhibit B: Preliminary Plan



ANALYSIS AND FINDINGS

Conformance to the Master Plan

The RE-2C zone permits the land included in this application to develop either as a cluster or non-cluster subdivision. The Cloverly Master Plan recommends the use of cluster to protect environmentally sensitive areas:

“Encourage clustering of development to provide open space that protects natural resources, provides recreation, and contributes to the rural and residential atmosphere. Cluster subdivisions should be configured to protect environmentally sensitive areas, provide forested stream buffers and forested open space along arterial and major highways, provide access and views of parkland and open space and provide a transition to similar lot sizes of adjacent subdivisions. However, there may be individual properties where cluster development does not adequately address environmental or compatibility issues and would be inappropriate.” (Cloverly Master Plan, pages 31-32)

The RE-2C portion of the site received a water and sewer category change (application no. WSCCR 03A-CLO-13) through a MCDEP Administrative Delegation Approval Action on August 25, 2004. The MCDEP action approved W-3 and S-3 with an advisory note: “The applicant is encouraged, but not required, to seek Planning Board approval of the RE-2C cluster development option for this site.” Subsequent to this action, the Planning Board approved a 6-lot residential cluster subdivision on this property (Preliminary Plan 120040920, Patton Property). That subdivision was never recorded, and the current Applicant is now the contract purchaser of the land. The proposed church, while not a residential subdivision, has been configured such that its total limit of disturbance does not exceed that of the previously approved cluster plan. Therefore, this development meets the Master Plan goals for clustering. Accordingly, it is also eligible to be served by public water and sewer under the previously granted water and sewer category change.

In addition, the Cloverly Master Plan recommends retaining the existing zoning for properties zoned RE-2 and RE-2C in the residential wedge section in which this property is located. The plan states that this area is identified in the Environmental Resources Chapter as a Regular Protection Area, and that a combination of low-density zoning, park acquisition, and standard environmental requirements to mitigate effects of new development is to be used to protect water quality. More specifically, the Master Plan recommends acquisition of parkland within this property that generally includes the floodplain and environmental buffers of Northwest Branch and enough land to “permit trail construction outside the stream buffer” (pg. 66). The proposed parkland on this site is part of the Rachel Carson Greenway Corridor that stretches from the Prince Georges County boundary to Sandy Spring. The plan also emphasizes that the ultimate watershed imperviousness for the upper Northwest Branch should remain in the 10 to 15 percent range and development with high site-imperviousness should be discouraged. There is, however, no regulatory impervious limit in this watershed.

The dedication of 10.63 acres to MNCPPC will ensure permanent protection of environmentally sensitive resources in the Northwest Branch watershed. It also provides an opportunity for MNCPPC to extend, in the future, a natural surface trail connection north along the stream valley in the dedicated parcel. Development for the church includes 15.5% imperviousness over the 17.72 acres that is considered the gross tract area. While this half of the larger property will exceed 15% imperviousness, the remaining acres will be developed under septic limitations and will likely include much less impervious development. Thus, the average imperviousness for the entire site is not likely to exceed the Cloverly Master Plan goal for the ultimate limit in the Northwest Branch watershed. The preliminary plan substantially conforms to the master plan goals for environmental resources and site-imperviousness.

Public Facilities

Roads and Transportation Facilities

Master Plan Roadways and Pedestrian/Bikeway Facilities

The Approved and Adopted 1997 *Cloverly Master Plan* includes the following nearby master-planned roadway, bikeway, pedestrian and trail facilities:

1. Norbeck Road Extended, as an east-west four-lane divided major highway (M-18) with a minimum recommended right-of-way width of 150 feet between Layhill Road to the west and New Hampshire Avenue (MD 650) to the east, with a proposed rural streetscape and a Class I bikeway (PB-33; also as dual bikeway DB-21 [shared use path and bike lane] in the Approved and Adopted March 2005 *Countywide Bikeways Functional Master Plan*). The roadway connects Norbeck Road (MD 28) with Spencerville Road (MD 198).
2. Norwood Road, as a northwest-southeast four-lane arterial (A-51) with a minimum recommended right-of-way width of 80 feet between Ednor Road/Layhill Road to the northwest and New Hampshire Avenue to the southeast, with a proposed rural streetscape and bike lanes (PB-38; also BL-21 in the *Countywide Bikeways Functional Master Plan*).

The Applicant is providing a shared-use path along the entire Norwood Road property frontage in place of the bike lanes recommended in the master plan, which staff believes is appropriate for the rural streetscape recommended for Norwood Road. The proposed shared-use path will also enhance the regional off-road bicycle/pedestrian/hiker experience through connections to the Rachel Carson Greenway Trail (which traverse through the subject site), the existing shared-use path along Norbeck Road Extended (which connects to the shared-use path along Layhill Road and to Matthew Hensen Trail), and the Underground Railroad/Trail at Woodlawn Cultural Special Park. There is no existing transit service in the vicinity of the site.

Adequate Public Facilities Review of Traffic Impacts

The Saints Constantine and Helen Greek Orthodox Church development proposed on the site, as a religious institution or a place of worship, does not require an APF test. However, this application includes a Greek language afterschool program that will operate twice weekly between 4:00 p.m. and 6:30 p.m. It is anticipated that total enrollment in the Greek language program will be approximately 70 students. The program is anticipated to have 7 staff members

as well. The Applicant indicates that, typically, parents bring children to the classes and remain on the site until the classes are over to avoid multiple trips. Due to the after-school Greek language program proposed at the church, an APF traffic test is required for the development. The program is anticipated to generate 30 or more peak-hour trips during the typical weekday evening (4:00 p.m. – 7:00 p.m.) peak period. A traffic study was, therefore, required for the subject application according to the *Local Area Transportation Review (LATR)/Policy Area Mobility Review (PAMR) Guidelines*. The development did not require analysis of traffic conditions during the morning peak period because the church is exempt from APF and, on a typical day, will not open prior to 9:30 a.m. In addition, the after-school Greek language program will only operate in the afternoon/evening.

The consultant for the Applicant submitted a traffic study (dated June 24, 2010) that determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods. A summary of the study findings are discussed below.

- **Trip Generation**

The peak-hour trip generation estimate for this application was based on trip generation rates/recommendations included in the *LATR/PAMR Guidelines* and the Institute of Transportation Engineers (ITE) *Trip Generation*. A summary of site trip generation estimate for the proposed development is provided in Table 1 below.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED SAINTS CONSTANTINE AND HELEN GREEK ORTHODOX CHURCH**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed 35,930 SF Church (ITE Land Use Code 560, Church)	--	--	--	9	11	20
Proposed after-school Greek language program (LATR/PAMR Guidelines Child Daycare Center rates; Trips per staff)	--	--	--	15	15	30
“New”/“Diverted” Trips (88 percent)	--	--	--	13	13	26
“Pass-by” Trips (12 percent)	--	--	--	2	2	4
Total “New” Trips	--	--	--	22	24	46
Total “Pass-by” Trips	--	--	--	2	2	2
Total Trips	--	--	--	24	26	50

Source: Street Traffic Studies, Ltd. Traffic Impact Analysis; June 24, 2010.

As shown in Table 1, the proposed development was estimated to generate approximately 50 total trips during the weekday evening peak-hour.

- **Local Area Transportation Review**

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the intersections included in the traffic study for the weekday morning and evening peak-hours is presented in Table 2 below.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED SAINTS CONSTANTINE AND HELEN GREEK ORTHODOX CHURCH**

Intersection	Traffic Conditions					
	Existing		<i>Background</i>		Total	
	AM	PM	AM	PM	AM	PM
Norwood Rd/Norbeck Rd Extended	1,273	1,194	1,273	1,194	1,273	1,198
Norwood Rd/Layhill Rd/Ednor Rd	1,550	1,374	1,550	1,374	1,550	1,380
Norwood Rd/Site Access (North Driveway)	--	--	--	--	642	770

Source: Street Traffic Studies, Ltd. Traffic Impact Analysis; June 24, 2010.

Note: Cloverly Policy Area Congestion Standard: 1,450 CLV

As shown in Table 2, the Norwood Road intersections with Norbeck Road Extended and with the Northern Site Access Driveway are projected to operate below the Cloverly Policy Area congestion standard (1,450 CLV) under Total (i.e., Build) traffic conditions. However, the intersection of Norwood Road and Layhill Road/Ednor Road is projected to exceed the congestion standard during the weekday morning peak-hour. Although the intersection is operating above the Cloverly Policy Area congestion standard, the proposed development will not adversely impact this intersection during the morning peak-hour because, on a typical day, the church will not open prior to 9:30 a.m. and the after-care program will not commence until 4:00 p.m. Based on the analysis presented in the traffic study, the subject preliminary plan satisfies the LATR requirements of the APF test.

- **Policy Area Mobility Review**

As part of APF review, arterial roads and transit must be analyzed in a wider geographic area, or a policy area. The Subject Property lies within the Cloverly Policy Area, and the Cloverly Policy Area is currently operating under “acceptable” conditions for PAMR and does not require mitigation of any “new” site-generated peak-hour trips. As a result, the preliminary plan satisfies the PAMR requirements for APF review.

Other Public Facilities and Services

The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services, are operating within the standards set by the Growth Policy Resolution currently in effect. The Property will be served by public water and sewer, and gas, electric, and telecommunications facilities are also available to serve the site.

Environment

Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420100690 for the overall property was approved on February 9, 2010. The NRI/FSD identified approximately 29.86 acres of forest, as well as an additional 3.53 acres of forest that was previously cleared without authorization and is accounted for in this application as explained in more detail below. There are 121 trees on the subject property which are large (24 inches or greater DBH). Of these, 61 trees are 30 inches or greater DBH. As previously noted in this report, the Northwest Branch bisects the property, flowing in a southwesterly direction before exiting the property under Norwood Road. There are also two tributary streams on the Property. The property also contains several wetland areas, 100-year floodplain, and an associated environmental buffer area. There are steep slopes on the site, some of which are constructed slopes created as a result of the commercial operation occurring on the site.

Forest Conservation

The 29.86 acres of existing forest on the property covers the entire property with the exception of the western corner along Norwood Road, where the church development is proposed. An additional 3.53 acres of forest located on the smaller portion of the property, on the south side of Norbeck Road, is included on the forest conservation worksheet for future Phase II because this forest was previously cleared without authorization. While this area of unauthorized forest clearing has been included in the forest conservation worksheet for future Phase II, it is also subject to the enforcement provisions of the Forest Conservation Law (Chapter 22A).

The remaining forest encompasses the streams and environmental buffers on the property. Approximately 0.06 acres of forest clearing is proposed as part of this application to allow for the connection of a sewer line from the proposed church to the existing sewer on the site. There is no forest planting requirement as part of this application. The 8.0 acres of retained forest within the 17.72 acres portion of the site included in this application will be protected through dedication to the M-NCPPC Parks Department.

Forest Conservation Variance

Section 1607(c) of the Natural Resources Article, MD Ann. Code, identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of or disturbance within a tree's critical root zone (CRZ), requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the Montgomery County Code. The law requires the

retention and protection to the greatest extent possible of all trees that measure 30" DBH or greater; any tree designated as the county champion tree; trees with a DBH 75% or greater than the diameter of the current State champion for that species; any trees that are part of an historic site or associated with an historic structure, and any plant identified on the U.S. Fish and Wildlife Service or the Maryland Department of Natural Resources list of rare, threatened and endangered species. Since this project did not obtain approval of a Preliminary Forest Conservation Plan prior to October 1, 2009, and the Applicant is proposing to remove seven (7) trees and impact the critical root zone of one (1) tree greater than 30 inches DBH, a variance is required. The Applicant has requested a variance to remove the following eight trees as shown on the preliminary forest conservation plan:

- Tree #2 - 37" DBH pin oak (*Quercus palustris*) – fair condition
- Tree #3 - 36" DBH pin oak (*Quercus palustris*) – very poor condition
- Tree #4 - 37" DBH silver maple (*Acer saccharinum*) – good condition
- Tree #11 - 30" DBH hemlock (*Tsuga Canadensis*) – good condition
- Tree #12 - 43" DBH sweet cherry (*Prunus avium*) – fair condition
- Tree #13 - 33" DBH silver maple (*Acer saccharinum*) – good condition
- Tree #17 - 39" DBH silver maple (*Acer saccharinum*) – good condition
- Tree #18 - 59" DBH silver maple (*Acer saccharinum*) – fair condition

Exhibit C: Preliminary Forest Conservation Plan



The Applicant proposed to save Tree #4, but a determination must be made in the field by the MNCPPC forest conservation inspector as to whether or not this tree can in fact be saved. If the tree must be removed, it is accounted for in the mitigation proposed by the Applicant.

In accordance with Montgomery County Code, Section 22A-21(c), the Planning Board referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a written recommendation prior to acting on the request. The County Arborist has 30 days to comment. In this case, the variance request was referred to the Montgomery County Arborist on July 6, 2010. The County Arborist has recommended a finding that the Applicant qualifies for a variance "conditioned upon mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law." The County Arborist recommends requiring mitigation based on the area of the critical root zone lost or disturbed, using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In accordance with Section 22A-21(e), Planning staff finds the following:

- 1) The Variance will not *confer on the Applicant a special privilege that would be denied to other Applicants.*

The requested variance will not confer on the Applicant any special privileges that would be denied to other Applicants. All of the affected trees are located within the buildable area on the property. They are located in the only part of the site that is outside of forest and environmentally sensitive areas, and in the area that contains existing improvements (i.e., structures, parking lot).

- 2) The Variance is not *based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is not based on conditions or circumstances which are the result of specific actions by the Applicant outside the norm of a development application allowed under the applicable zoning and associated regulations. The requested variance is based on the proposed site layout that is utilizing the only area that is not existing forest or located within other environmentally sensitive areas (i.e., environmental buffer).

- 3) The variance does not arise *from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.*

The requested variance is a result of the proposed site design and layout on the subject property in accord with zoning and subdivision requirements and not as a result of land or building use on a neighboring property.

- 4) The variance will not *violate State water quality standards or cause measurable degradation in water quality.*

The requested variance will not violate State water quality standards or cause measurable

degradation in water quality. Under Section 22A-16(d) of the County code, *“The Board or Director may treat any forest clearing in a stream buffer, wetland or special protection area as creating a rebuttable presumption that the clearing had an adverse impact on water quality.”* In this case, the large trees proposed to be removed and/or impacted are not within a stream buffer, wetland or a special protection area and as such it is presumed that the removal of these individual trees would not cause degradation to water quality. The Montgomery County Department of Permitting Services water resources section has approved the stormwater management concept.

As a result of the above findings, staff recommends approval of the Applicant’s request for a variance from the County Forest Conservation Law to remove or otherwise impact specimen (and/or certain other specified) trees on-site. As requested by the County Arborist in her letter dated July 6, 2010, mitigation for the removal/impact will be provided by the planting of 64 canopy trees on the site. These trees are indicated on the Landscape and Lighting Plan and will provide mitigation for the loss of seven trees and the impact (and possible removal) to one other individual tree outside of forests that are subject to the variance provision of the Forest Conservation Law. A Planning Board action to approve the preliminary forest conservation plan will also constitute approval of the variance in this case.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on March 31, 2010. The approved concept employs the use of environmental site design credits and includes the use of micro bioretention, landscape infiltration, and rooftop disconnection.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision. Review and approval of the submitted landscape and lighting plan will be required prior to record plat approval. Due to the potential light and noise impacts to the residentially zoned and developed properties west of the Subject Property, Staff has recommended significant buffering along this shared property line to ensure harmonious development. Preservation of the rural character of the area will also be taken into account in review of the landscape and lighting plan.

The lot was reviewed for compliance with the dimensional requirements for the RE-2C 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 attached Table 3. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Citizen Correspondence and Issues

A pre-submission meeting in accordance with the procedures detailed in the development review manual was held on January 20, 2010. A sign with pertinent details of the submission was posted

on the Property on March 24, 2010, as verified in an affidavit from the Applicant's representatives. The Applicant notified adjacent and confronting property owners and applicable citizen associations of the preliminary plan submission on March 26, 2010. As of the date of this report, no citizen concerns or questions have been directed to MNCPPC staff.

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the Cloverly 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 whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Agency Correspondence

Table 3: Preliminary Plan Data Table and Checklist

Plan Name: Saints Constantine & Helen Greek Orthodox Church				
Plan Number: 120100240				
Zoning: RE-2C				
# of Lots: 1				
# of Outlots:				
Dev. Type: Standard, Institutional				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	87,120 sf	7.06 ac is min proposed	EG	7/9/10
Lot Width	Not specified for institutional use		EG	7/9/10
Lot Frontage	25 ft.	814 ft. is min. proposed	EG	7/9/10
Setbacks				
Front	50 ft. Min.	Must meet minimum ¹	EG	7/9/10
Side	17 ft. Min./ 35 ft. total	Must meet minimum ¹	EG	7/9/10
Rear	35 ft. Min.	Must meet minimum ¹	EG	7/9/10
Height	50 ft. Max.	May not exceed maximum ¹	EG	7/9/10
Parking	1 space per 4 persons	157 spaces	EG	7/9/10
Building Coverage	25%	11.4%	EG	7/9/10
Impervious Coverage		15.5%	EG	7/9/10
Site Plan Req'd?	No		EG	7/9/10
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	EG	7/9/10
Road dedication and frontage improvements		Yes	Agency letter	6/4/10
Environmental Guidelines		Yes	Staff memo	
Forest Conservation		Yes	Staff memo	
Master Plan Compliance		Yes	EG	7/9/10
Other (i.e., parks, historic preservation)				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	3/31/10
Water and Sewer (WSSC)		Yes	Agency comments	5/3/10
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	5/3/10
Well and Septic		N/a	EG	7/9/10
Local Area Traffic Review		N/a	Staff memo	7/12/10
Policy Area Mobility Review		N/a	Staff memo	7/12/10
Transportation Management Agreement		No	Staff memo	7/12/10
School Cluster in Moratorium?		N/a	EG	7/9/10
School Facilities Payment		No	EG	7/9/10
Fire and Rescue		Yes	Agency letter	6/24/10
Other (i.e., schools)				

¹ As determined by MCDPS at the time of building permit.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

March 31, 2010

Carla Reid
Director

Ms. Amy Quant
Loiederman Soltesz Associates, Inc.
2 Research Place, Suite 100
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Sts. Constantine and Helen Greek Orthodox
Church
Preliminary Plan #: 120100240
SM File #: 237349
Tract Size/Zone: 17.72 acres / RE-2
Total Concept Area: 17.72 acres
Lots/Block: N/A
Parcel(s): P915
Watershed: Northwest Branch

Dear Ms. Quant:

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 meeting stormwater requirements through the use of ESD credits and includes the use of Micro Bioretention, Landscape Infiltration, and Rooftop Disconnection.

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. A geotechnical report must be submitted at the time of initial plan review, which specifically addresses the proposed stormwater management elements of the proposed site design. The report must also include a seepage analysis for the location of infiltration areas near the top of slope on the north and east side of the property.
5. The full stormwater management target volume must be treated via ESD.
6. Recorded stormwater management easements and covenants will be required for all stormwater elements of the site design.

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
M. Pfefferle
SM File # 237349

QN -ON; Acres: 17
QL - ON; Acres: 17
Recharge is provided



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

July 8, 2010

Mr. Cherian Eapen, Coordinator/ Planner
Transportation Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120100240
Saints Constantine and Helen
Greek Orthodox Church
Traffic Impact Study Review

Dear Mr. Eapen:

We have completed our review of the Traffic Impact Study dated June 24, 2010 for the above referenced project.

Local Area Transportation Review (LATR)

This project is located in the Cloverly Policy Area which has a congestion standard of 1450. The study intersection of Norwood Road at Layhill Road/Ednor Road has a critical lane volume of 1550 during the AM peak hour; this exceeds the congestion standard for the policy area, but is not being increased by the proposed site. The site will not impact the roadway network during the morning peak hour. We accept Street Traffic Studies, Ltd.'s conclusion that all other studied intersections will have acceptable post-development Critical Lane Volumes that do not exceed the area congestion standard.

Policy Area Mobility Review (PAMR)

There is no PAMR requirement for this project because it is located in the Cloverly Policy Area.

Pedestrian Impact Statement

The Pedestrian Impact Statement is complete and meets the Local Area Transportation Review and Policy Area Mobility Review Guidelines.

Other

As noted in our June 4, 2010 letter for the preliminary plan, we remain concerned about the need to widen Norwood Road - in the vicinity of the proposed full movement northern entrance - for a southbound left turn lane into the site. We request the traffic engineer to provide a traffic study at that location based on projected volumes during off-peak services. This information should be provided for our review prior to approval of the record plat by the Department of Permitting Services.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

Mr. Cherian Eapen
Preliminary Plan No. 120100240
July 8, 2010
Page 2

In conclusion, we agree that this Traffic Impact Study is satisfactory for LATR and PAMR review purposes. We request the applicant's traffic engineer to prepare and submit the site entrance traffic operations analysis prior to approval of the record plat.

Thank you for the opportunity to review this Traffic Impact Study. If you have any questions or comments regarding this letter, please contact Ms. Dewa Salihi, our Development Review Area Engineer for this vicinity, at (240) 777-2197 or at dewa.salihi@montgomerycountymd.gov.

Sincerely,



Gregory M. Leck, P.E., Manager
Development Review Team

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cc: Carl Starkey; Street Traffic Studies Ltd.
David Freishtat; Shulman, Rogers, Gandal, Purdy, & Ecker, P.A.
Max Ferentinos; Saints Constantine & Helen Greek Orthodox Church
Corren Giles; MSHA EAPD
Preliminary Plan Folder

cc-e: Gary Erenrich, DOT DO
Bruce Mangum, DOT TEO
Will Haynes, DOT TEO
Fred Lees, DOT TEO
Dewa Salihi, DOT TEO

cc w/doc: Sarah Navid, DPS RWPR