



Preliminary Plan No. 120100080: St. Jude AME Church

October 7, 2011

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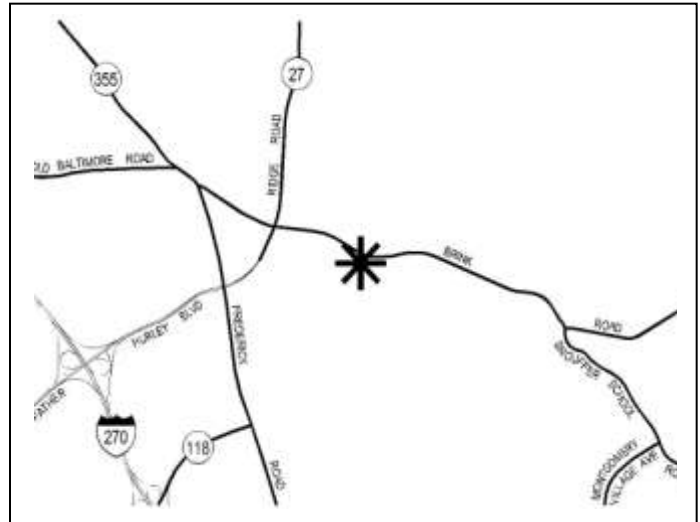


description

Preliminary Plan No. 120100080, St. Jude AME Church

Record a parcel approximately 83,898 square feet in size and construct a 3,200 square foot church with 25 parking spaces, located on Brink Road approximately 1,000 feet east of the intersection with Wildcat Road, RE-2 Zone, Agriculture & Rural Open Space (AROS) Master Plan.

Staff Recommendation : Approval with Conditions



summary

The Applicant requests approval to subdivide the Subject Property into one lot in order to construct a 3,200 square foot church with capacity of 100 seats under the standard method of development in the RE-2/TDR Zone. The RE-2 development standards will apply. The 100 seat house of worship is required to have at least 25 parking spaces (1 for every 4 seats).

The proposal will provide for additional dedication of Brink Road, and provide onsite pedestrian and vehicular improvements to support the proposed religious facility. While exempt from a full Adequate Public Facilities review, this report analyzes other required public facilities needed to support the building. As part of the review of this preliminary plan the Planning Board is also taking action on the Preliminary Forest Conservation Plan and Forest Conservation Variance. The parcel is located in the RE-2/TDR Zone (standard method development – RE-2 Zone standards apply). The parcel does not have the minimum acreage required by the zone, but does meet the grandfathering provision for area and dimensional requirements of 59-C-1.3 which is explained in detail in this report.

There are no major issues to resolve.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Approval of Preliminary Plan 120100080 with the following conditions:

1. Development is limited to a house of worship with no weekday child daycare or weekday educational uses.
2. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan dated February 14, 2011. The applicant must meet all conditions prior to Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit(s), as appropriate, including
 - a. Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site.
 - b. Mitigation for the loss of three specimen trees to be provided by planting nine, 3-inch caliper native trees on site. The proposed mitigation must be included on the Final Forest Conservation Plan.
 - c. Final Sediment Control Plan must be consistent with the final limit of disturbance as approved by M-NCPPC staff.
3. The Applicant must dedicate, and the record plat must reflect, the master-planned recommended 80-foot right-of-way (68 feet from centerline to match the existing right-of-way dedication from existing properties) for Brink Road as shown on the preliminary plan.
4. The Applicant must construct a five-foot wide sidewalk along the frontage of Brink Road prior to issuance of a building permit unless construction is waived by the Montgomery County Department of Permitting Services MCDPS.
5. Provide one inverted-U bike rack within 50 feet of the main entrance.
6. The Applicant must comply with the conditions of approval of the Montgomery County Fire and Rescue (MCF&R) letter dated January 10, 2011. These conditions may be amended by MCF&R, provided the amendments do not conflict with other conditions of the preliminary plan approval.
7. The Applicant must comply with the conditions of approval of the MCDOT letter dated July 29, 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 comply with the conditions of the MCDPS stormwater management concept approval letter dated June 29, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
9. The Applicant must comply with the conditions of the MCDPS Well and Septic approval letter dated June 23, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
10. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
11. All necessary easements must be shown on the Record Plat.

SITE DESCRIPTION

Site Vicinity

The Subject Property (outlined in red) is located on the south side of Brink Road approximately 1,000 feet east of Wildcat Road in the Agriculture and Rural Open Space (AROS) Master Plan area. The Property abuts parkland (shaded green) located to the west and south. The uses in the immediate area are predominantly residential and agricultural with a fair amount of parkland. The right-of-way for future M-83 (Mid-County Highway) is located approximately 1000 feet to the west of the Property. In this location M-83 is planned to be a six lane, divided highway within a 150 foot wide right-of-way. The Milestone Shopping Center is located at the intersection of MD 355 and Ridge Road, approximately one mile southwest of the Subject Property.



Vicinity Map

Site Analysis

The Subject Property is an unrecorded parcel, Parcel P103 shown on Tax Map FV21. It is approximately 1.93 acres (83,898sf) in size and contains one existing single-family home and a few sheds. The property is gently sloping from northeast to southwest. There are no streams, wetlands, 100-year floodplains, steep slopes or highly erodible soils onsite. The property is located in the Middle Great Seneca Creek

watershed, which is classified by the State of Maryland as Use- I waters. The 2003 update of the “Countywide Stream Protection Strategy” (CSPS) (Montgomery County Department of Environmental Protection) identifies this part of Great Seneca Creek as having “excellent” stream quality.

There are 0.83 acres of existing forest located in the rear of the property. The forest is dominated by tulip poplar and oak species and is designated as moderate priority for retention purposes. There are a few areas of tree cover along the eastern and western property lines. There are three trees on the site and five trees located on the adjacent property to the east, that are 30 inches and greater in diameter at breast height (DBH). The three onsite trees are located within the forest.



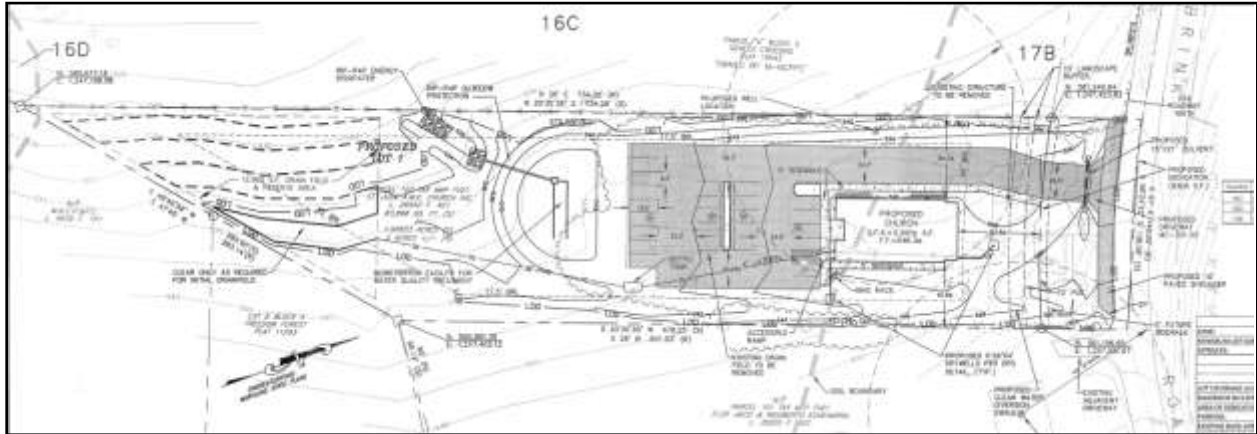
Site Aerial View

PROJECT DESCRIPTION

Proposal

The Application seeks approval of one lot for a 3,200 square foot house of worship. The existing one-family detached dwelling will be removed and a new 24-foot wide entrance drive will be constructed. To meet parking requirements the Applicant must accommodate 25 parking spaces for the 100 seat religious facility (1 per every 4 seats)., The Applicant will be required to dedicate approximately 8,304

square feet of additional right-of-way for Brink Road, an 80-foot wide master-planned road. The site will be served by private well and private septic systems.



Preliminary Plan

FINDINGS

MASTER PLAN

The Property is located within the Functional Master Plan for the Preservation of Agriculture and Rural Open Space in Montgomery County (1980). The Property is located just outside of the 1989 Germantown Master Plan area and is just inside the AROS Master Plan boundary. The AROS Master Plan generally recommends the preservation of farmland while allowing for a limited amount of low-density development. The agricultural opportunities on this Property are extremely limited due to the size and narrow shape of the Property. The proposal will not further reduce the amount of farmland within the AROS Master Plan boundary, and is consistent with the low-density development envisioned and allowed by the Plan. Staff finds the proposed plan substantially conforms with the recommendations of the AROS Master Plan.

TRANSPORTATION

Master-Planned Roadways and Bikeways

In accordance with the 1980 Approved and Adopted *Agriculture & Rural Open Space Master Plan* and the 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan*, the classified roadways and bikeways are as follows:

1. Brink Road is designated as an arterial road, A-36, with a recommended 80-foot right-of-way. The required additional right-of-way dedication is shown on the preliminary plan.

Pedestrian and Bicycle Facilities

Chapter 49 of the Montgomery County Code requires the installation of a sidewalk along the property frontage because of its designation as an arterial highway but the applicant may request that the Montgomery County Department of Permitting Services waive construction in exchange for a fee-in-lieu. The existing conditions of the neighborhood do not currently provide a desirable level of pedestrian safety for pedestrians or bicyclists who might traverse this semi-rural section of Brink Road. Requiring the Applicant to provide a sidewalk along the property frontage on Brink Road would create the only sidewalk in the vicinity and would do little to improve any pedestrian safety issue. Therefore, staff would not oppose a fee-in-lieu of the sidewalk construction and believes that need for a sidewalk be dealt with through a county CIP project.

Adequate Public Facilities Review

Places of worship and those with existing religious schools are not subject to Adequate Public Facilities (APF) review according to the provision in the Montgomery County Code, Section 50-35(k)(6) – (Attachment A). According to the Applicant’s traffic statement submitted on September 22, 2009, this proposal qualifies for this exemption since the proposed use does not include a weekday child daycare facility or weekday private school and will not generate more than two weekday peak-hour trips. Therefore, Local Area Transportation and Policy Area Mobility Reviews are not required for this exempt use.

Roads and Transportation Facilities

Adequate vehicular ingress and egress will be provided by the proposed full movement driveway from Brink Road. Pedestrian access is provided via a sidewalk along the east side of the proposed driveway, which will connect to and circle the proposed house of worship.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by private well and private septic systems. 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. Electrical, gas, and telecommunications services are also available to serve the Property.

ENVIRONMENT

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)

This Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code. NRI/FSD #420091540 was approved on April 28, 2009. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property.

Preliminary Forest Conservation Plan and Environmental Guidelines

As required by the County Forest Conservation Law a Preliminary Forest Conservation Plan (FCP) for the project was submitted with the preliminary plan. The Preliminary FCP proposes to clear the 0.83 acres of

forest onsite for the construction of the stormwater management facilities and septic field. There is a 0.82 acre forest planting requirement that will be met offsite. There are no other sensitive environmental features on the Property.

Staff finds that with the recommended conditions, the project is in compliance with the Montgomery County Environmental Guidelines and the Forest Conservation Law.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the 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 County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request

The applicant submitted a variance request on June 14, 2010, to remove three trees that are 30 inches and greater DBH, and to impact, but not remove, five others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

Table 1. Trees to be removed or potentially be removed

Tree Number	Species	DBH (Inches)	Status
1	Tuliptree	47	Good condition; Septic Field
2	Tuliptree	31	Very Good condition; Septic Field
3	Black Cherry	30	Fair condition; Septic Field

Table 2. Trees to be affected but retained

Tree Number	Species	DBH (Inches)	CRZ Impact	Status
7	Tulip Poplar	30	30%	Very Poor condition;
9	Silver Maple	42	10%	Fair condition;
10	Black Walnut	30	25%	Good condition;
11	Silver Maple	34	5%	Good condition;
13	Locust	30	30%	Poor condition;

The applicant has offered the following justification of the variance request:

1. *Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

Response (Huron Consulting June 14, 2010) - *“Preliminary Forest Conservation Plan shows the project site, its surroundings and proposed construction relative to the existing trees for which this waiver request has been filed. Five of the eight trees are immediately adjacent to the site on a neighboring parcel. The narrow shape of the land limited the option of the layout of the church and the critical root zones of the adjacent trees limited the width of the lot to a point where the development could not occur. The church is a by-right use in the RE-2/TDR zone. The three trees (1, 2, and 3) that are being removed are located in the septic reserve area. This septic area was established after onsite water table testing and percolation testing. The area shown was the only available location on the property for the septic system. The size of the church has been limited to 3,200 square feet due to the limitations of the site.”*

Development on the property is constrained by the shape of the property and the various requirements of reviewing agencies. The parcel is less than two acres in size, but is relatively narrow in width, resulting in limited options for the layout of the site. The applicant proposes to remove the existing house and outbuildings and construct a church and parking lot. The removal of the three subject trees is due to the construction of the required septic field and septic reserve area. Based on testing, the location of the septic reserve area was limited to the rear portion of the property, where the subject trees are located. The impacts to the five subject trees are due to grading necessary for the construction of the building, parking lot and stormwater management feature. The impacted trees are located offsite, along the eastern property line, but their critical root zones extend on to the property. The narrow configuration of the property limited the ability to avoid impacts to these trees. Staff has reviewed this application and based on the existing conditions of the property, staff agrees that there is an unwarranted hardship.

2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*

Response (Huron Consulting June 14, 2010) - *“As previously stated, the church is a permitted use in the RE2 zone. It will be an integral element of the neighborhood, providing necessary and suitable benefits and services to the residents. Its construction is critical to the church’s future and its ability to serve the community. Enforcement of a prohibition on removing the specimen trees or impacting the critical root zones of the neighboring trees would deprive the church members and the public of rights commonly enjoyed by others who are served by similar churches in residential areas that have many, and even more, of the same features as the subject property.”*

The proposed removal and impacts to the subject trees are due to construction associated with the required septic field, stormwater management facility, and grading along the eastern property line in order to accommodate the proposed church and associated parking lot. The proposed parking lot is the minimum required for the size of the proposed church. Staff has reviewed the application and agrees that enforcing the rules of the variance provision would deprive the landowner of rights commonly enjoyed by others.

3. *Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;*

Response (Huron Consulting June 14, 2010) - *"The specimen trees that need to be removed or impacted are not located adjacent to any perennial, intermittent or ephemeral streams, nor are they part of any environmental buffer. The surrounding green space that is to remain will continue to provide water quality and quantity benefits comparable to existing conditions."*

The applicant has an approved stormwater management concept plan from DPS that incorporates Environmental Site Design (ESD). The property does not contain any streams, wetlands, 100-year floodplain, or environmental buffers so the proposed removal/impacts to the subject trees will not affect these environmentally sensitive areas. Staff has reviewed the application and agrees that State water quality standards will not be violated or that a measurable degradation in water quality will not occur.

4. *Provide any other information appropriate to support the request.*

Response (Huron Consulting June 14, 2010) - *"The Preliminary Forest Conservation Plan shows the project site, its surroundings and proposed construction relative to the existing trees for which this waiver request has been filed."*

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings - Staff has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the applicant as disturbance to the specified trees are due to the development of the site. The property is less than two acres in size and the layout of the development is limited by the narrow, linear shape of the property. The trees and their critical root zones lie within the developable area of the site. The three trees proposed for removal are located within the portion of the property that meets the requirements for placement of a required septic field. One tree will be impacted by grading necessary for the construction of the required stormwater management facility, and the other four trees are located adjacent to the eastern property line and will be impacted by grading necessary for the construction of the proposed church and associated parking lot. The narrow width of the property limits the options available for the layout of the site. Granting a variance request to allow land disturbance within the developable portion of the site is not unique to this applicant. The proposed development activities that result in the removal and impacts to trees subject to the variance requirement are within the existing developed area of the site. Staff has determined that the removal and impacts to the trees subject to the variance requirement cannot be avoided. Therefore, staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *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

actions by the applicant. The requested variance is based upon existing site conditions.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

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

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

DPS has found the stormwater management concept for the proposed project to be acceptable and conditionally approved it on June 29, 2010. The granting of this variance request will not result in the removal of any trees or impacts to critical root zones located within the environmental buffers. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions - There are three trees proposed for removal in this variance request. Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, staff is recommending that replacement occur at a ratio of approximately 1" DBH (Diameter at Breast Height) for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 108 caliper inches of trees removed, they will be mitigated by the applicant with nine (9) native canopy trees with a minimum size of 3" DBH on the site. While these trees will not be as large as the trees lost, they will provide some immediate canopy and ultimately replace the canopy lost by the removal of these trees. There is some disturbance within the critical root zones of five trees, but they are good candidates for safe retention and will receive adequate tree protection measures. No mitigation is recommended for trees impacted but retained.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. On July 6, 2010, the County Arborist issued a letter stating that they would not provide any recommendations on the variance request (Attachment B). Staff recommends approval of the forest conservation variance request.

Therefore, with the analysis above and as conditioned by this staff report, staff finds the Preliminary Forest Conservation Plan complies with the County's Forest Conservation Law and it has met all requirements for the protection of sensitive environmental features in section 50-32 of the Subdivision Regulations.

Stormwater Management

The Montgomery County Department of Permitting Services (MCDPS), Stormwater Management Section, approved the stormwater management concept for the project on June 29, 2010. The concept consists of onsite water quality control and on site recharge through the use of Environmental Site Design (ESD).

COMPLIANCE WITH ZONING ORDINANCE AND SUBDIVISION REGULATIONS

	REQUIRED	PROPOSED
ZONE:	RE-2	RE-2
MINIMUM LOT SIZE: (s.f.)	87,120 s.f.	83,898 s.f. *
SETBACKS:		
FRONT:	50'	53.7'
SIDE:	35' TOTAL (17' ONE SIDE)	97.1' TOTAL (42.8' ONE SIDE)
REAR:	35'	289.5'
LOT COVERAGE (sf/%):	20975 s.f. / 25%	3200 s.f. / 15%
MAXIMUM BUILDING HGT:	50'	50' (MAX.)
AREA OF DEDICATION:	N/A	8,304 s.f.
PARKING:	1 SPACE / 4 SEATS	25 SPACES = 100 SEATS MAX.
EXISTING BLDG AREA	1879 SF	
PROPOSED BLDG AREA		3200SF

* PARCEL MEETS THE GRANDFATHERING PROVISIONS OF SECTION 59-C-1.3 FOOTNOTE 1

Development Data Table

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

The proposed subdivision was reviewed for compliance with the dimensional requirements of the RE-2 Zone as specified in the Zoning Ordinance. The proposed development meets all dimensional requirements in that zone except for minimum lot size. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (Attachment C).

Sec. 59-C-1.32 Development Standards – Grandfathering Provison (Footnote 1)

Section 59-C-1.32 of the Zoning Ordinance specifies the minimum lot size required in the RE-2 zone which is typically 87,120 square feet. However, Footnote 1 (Attachment D) states:

“The following lots shall have the area and dimensional requirements of the zone applicable to them prior to their classification (Sectional Map Amendment (SMA)) in the RE-2, RE-2C, and RE-1 zones:...”“(2) A lot created by deed on or before the approval date of the most recent sectional map amendment that included the lot,...”

According to deed history research, the Subject Property was created in its current configuration by a deed recorded as early as December 7, 1900. The Subject Property was zoned R-R (half-acre) by enactment of the 1958 Montgomery County Zoning Ordinance. Sectional Map Amendment (SMA) F-939 was adopted in October of 1973 and renamed R-R as R-200 but did not change the zone standards. SMA F-925 was approved by the Council in August of 1974 and reclassified the Property from the R-200 zone to the RE-2 zone. SMA G-652 was approved by the Council in February of 1990, which further reclassified the Property from RE-2 to RE-2/TDR. The Subject Property has been in its current

configuration since at least 1900 and has met all of the development standards of previous zones until the more recent reclassifications into the RE-2 and RE-2/TDR Zones. The “grandfathering” provision was applied to the property when it was initially rezoned to RE-2 and it continues to apply under the current RE-2/TDR designation. Therefore, based on the analysis above, staff finds the proposed lot is exempt from the area and dimensional requirements of the RE-2 Zone since it met the applicable requirements of the previous zone(s).

COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and staff has not received correspondence from any citizens or community groups as of the date of this report.

CONCLUSION

The application meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms with the recommendations of the AROS Master Plan. Staff recommends approval of the Preliminary Plan subject to the conditions contained at the beginning of this report.

ATTACHMENTS:

Section 50-35(k)(6) – Subdivision Regulations

July 6, 2010 – County Arborist Letter

Agency approval letters

Section 59-C-1.32 Development Standards – Zoning Ordinance

50-35(k)

(k)

Adequate public facilities. The Planning Board must not approve a preliminary plan of subdivision unless the Board finds that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities and services to be examined for adequacy include roads and public transportation facilities, sewerage and water service, schools, police stations, firehouses, and health clinics.

- (1) Periodically the County Council must establish by resolution, after public hearing, guidelines to determine the adequacy of public facilities and services. A growth policy periodically approved by the County Council may serve this purpose if it contains those guidelines. To provide the basis for the guidelines, the Board and the County Executive must provide the following information and recommendations to the Council:
 - (A) The Board must analyze current growth and the amount of additional growth that can be accommodated by future public facilities and services. The Board must also recommend any changes in preliminary plan approval criteria it finds appropriate in the light of its experience in administering this Chapter.
 - (B) The Executive must comment on the Board's analyses and recommendations and recommend criteria to determine the adequacy of public facilities.
- (2) Each applicant for a preliminary plan of subdivision must, at the request of the Board, submit sufficient information on the proposed subdivision to demonstrate the expected impact on and use of public facilities and services by occupants of the subdivision.
- (3) The Board must submit each proposed preliminary plan of subdivision to the Executive in addition to the agencies specified in subsection (a).
- (4) The Board must consider the recommendations of the Executive and other agencies in determining the adequacy of public facilities and services in accordance with the growth policy or other applicable guidelines.
- (5) For a proposed subdivision located in a Transportation Management District designated under Chapter 42A, Article II, if the Planning Board finds, under criteria and standards adopted by the County Council, that additional transportation facilities or traffic alleviation measures are necessary to ensure that public transportation facilities will be adequate to serve the proposed subdivision, the subdivision plan must be subject to the execution of a traffic mitigation agreement.

MONTGOMERY COUNTY CODE
Chapter 50

§ 50-35

50-35(k)(6) {

(6) This subsection does not apply to any place of worship, residence for religious staff, parish hall, or addition to a school associated with a place of worship.

(1) *Relation to Master Plan.* In determining the acceptability of a preliminary plan submitted under this Chapter, the Planning Board must consider the applicable master plan, sector plan, or urban renewal plan. A preliminary plan must substantially conform to the applicable master plan, sector plan, or urban renewal plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan, sector plan, or urban renewal plan recommendation no longer appropriate. However:

- (1) To permit the construction of all MPDUs under Chapter 25A, including any bonus density units, on-site in zones with a maximum permitted density more than 39 dwelling units per acre or a residential floor area ratio (FAR) more than .9, a preliminary plan may exceed:
- (A) any dwelling unit per acre or FAR limit recommended in a master plan or sector plan, but must not exceed the maximum density of the zone; and
 - (B) any building height limit recommended in a master plan or sector plan, but must not exceed the maximum height of the zone.

The additional FAR and height allowed by this subsection is limited to the FAR and height necessary to accommodate the number of MPDUs built on site plus the number of bonus density units.

- (2) To permit the construction of all workforce housing units required under § 59-A-6.18 and Chapter 25B on-site, the Planning Board must permit:
- (A) any residential density or residential FAR limit of the applicable zone to be exceeded to the extent required for the number of workforce housing units that are constructed, but not by more than 10 percent;
 - (B) any residential density or residential FAR limit recommended in a master or sector plan to be exceeded to the extent required for the number of workforce housing units that are constructed, but not to more than the maximum density and FAR of the zone, except as provided in paragraph (1); and
 - (C) any building height limit recommended in a master or sector plan to be exceeded to the extent required for the number of workforce housing units that are constructed, but not to more than the maximum height of the zone.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

July 6, 2010

Mary Wells-Hartley, Acting Chairman
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: St. Jude AME Church, DAIC 120101180, NRI/FSD applied for on 3/18/2009
Laytonia Recreational Park, NRI/FSD DAIC 420070320, NRI/FSD approved on 7/13/2009

Dear Ms. Wells-Hartley:

As stated in a letter to Dr. Hanson from Bob Hoyt, dated October 27, 2009, the County Attorney's Office has advised me that the new provisions of the Forest Conservation Act do not apply to any application required by Chapter 22A of the Montgomery County Code submitted before October 1, 2009. Since the applications for the above referenced requests are required to comply with Chapter 22A based on a review by the Maryland National Capital Park & Planning Commission (MNCPPC) but were submitted after this date, I will not provide a recommendation pertaining to these requests for variances.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,

Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Acting Chief

700-101
Attachment C



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

July 29, 2010

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 No. 120100080
St. Jude A.M.E. Church

Dear Ms. Conlon:

We have completed our review of the preliminary plan signed on November 24, 2009. This plan was reviewed by the Development Review Committee at its meeting on March 1, 2010.

An end-of-the fiscal year program analysis revealed that we had not provided this letter to you or the applicant; please accept our apology for this oversight.

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. Necessary dedication for future widening of Brink Road in accordance with the master plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. A Public Improvements Easement may be necessary along Brink Road, in order to accommodate the future sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Utilities Easement is to overlap the Public Improvements Easement by a minimum width of ten (10) feet.
4. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.

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

(16)

5. Prior to approval of the record plat by the Department of Permitting Services, the applicant will need to submit an updated Sight Distances Evaluation certification form, for the proposed driveway, which indicates sufficient grading has been completed to achieve a minimum of three hundred twenty five (325) feet of sight distance in each direction.

Any tree removal within the Brink Road right of way must be coordinated with Mr. Brett Linkletter, Chief of our Division of Highway Services' Tree Maintenance Section. Mr. Linkletter may also be contacted at 240-777-6000.

6. 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.
7. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
8. 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.
9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
10. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
11. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
12. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

Across the Brink Road site frontage, construct one half of an open section arterial road typical section with side ditch (MCDOT standard MC-213.02) modified to provide a seven (7) foot wide shelf behind the side ditch for provision of a future sidewalk. Relocate the existing entrance.

* **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**

Ms. Catherine Conlon
Preliminary Plan No. 1-20100080
July 29, 2010
Page 3

- B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- D. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this vicinity at david.adams@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

Enclosure

m:/subd/dca/120100080, St. Jude A.M.E. Church, gml revs.doc

cc: Jason Azar, Huron Engineering
Rev. Dr. Byron J Grayson, Sr.
Troy Williams, St. Jude A.M.E. Church
Preliminary Plan Folder
Preliminary Plans Notebook

cc-e: Sarah Navid; MCDPS RWPR
Brett Linkletter; MCDOT DHS
Dan Sanayi; MCDOT DTEO
David Adams, MCDOT DTEO



Jun 29 2010

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

6/29/10

Mr. Jason Azar, P.E.
Huron Consulting
20410 Century Boulevard, Suite 230
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for St. Judes AME Church
Preliminary Plan #: N/A
SM File #: 235755
Tract Size/Zone: 1.92/REZ
Total Concept Area: 1.92ac
Lots/Block: N/a
Parcel(s): 103
Watershed: Seneca Creek

Dear Mr. Azar:

Based on a review by the Department of Permitting Services Review Staff, the **revised** stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via the use of Environmental Site Design (**ESD**).

The following **item(s)/condition(s)** 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. Additional conveyance measures may be required to ensure that all of the required drainage is conveyed to the biofilter.

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

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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 Thomas Weadon at 240-777-6309.

Sincerely,



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

RRB:dm CN 235755

cc: C. Conlon
M. Pfefferle
SM File # 235755

QN - On Site; Acres: 1.92ac
QL - On Site; Acres: 1.92ac
Recharge is provided

700-101



FIRE MARSHAL COMMENTS

DATE: 10-Jan-11
TO: Jason Azar - jason.azar@huroncon.com
Huron Consulting
FROM: Marie LaBaw /
RE: St Jude AME Church
720080230 120100080

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 03-Nov-10. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

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700-101



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

Att: Dick H. Carl MCDPS 6-28-11

MEMORANDUM

June 23, 2011

TO: Cathy Conlon, Development Review,
Maryland National Capital Park and Planning Commission

FROM: Jennifer Hughes, *JH* Acting Director
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: # 120200080

St. Jude AME Church- 11040 Brink Rd.

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on June 1, 2011.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. The existing water well must be replaced prior to building permit approval.
3. A legal agreement must be recorded with the Land Records, prior to the record plat- to establish the maximum capacity of the septic system.
4. Use limited to 100 seats with no kitchen facility.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

cc: Surveyor
File

(Handwritten mark)

Butler, Patrick

From: von Gunten, Gene [Gene.vonGunten@montgomerycountymd.gov]
Sent: Tuesday, August 02, 2011 3:12 PM
To: Butler, Patrick
Cc: Dick Hurney
Subject: RE: Preliminary Plan 120100080 St Jude AME Church

Patrick:

The memo was for the St. Jude AME Church.

Apparently the County's I/O mail system failed to make the delivery.

I'll make the correction for the typo and redistribute.

gene

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

From: Butler, Patrick [mailto:Patrick.Butler@montgomeryplanning.org]
Sent: Tuesday, August 02, 2011 3:03 PM
To: Dick Hurney
Cc: von Gunten, Gene
Subject: RE: Preliminary Plan 120100080 St Jude AME Church
Importance: High

Thanks Dick,

I see the fax was delivered to us on June 28th, and (needless to say) that document never made its way to me. Sorry about that.

However, the preliminary plan number is incorrect on the letter, but shouldn't hold this up. Gene, can you please have the letter revised and sent to us for the file. Also, can you please reply to this email to confirm that the referenced approval letter was actually for St. Jude AME 120100080 instead of 120200080? I don't want to hold this plan up any longer.

Thanks,

Patrick Butler
Planner
Mid-County, Team 2
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910
301-495-4561
patrick.butler@mncppc-mc.org

From: Dick Hurney [mailto:dick.hurney@huroncon.com]
Sent: Tuesday, August 02, 2011 3:03 PM
To: Butler, Patrick
Cc: 'von Gunten, Gene'
Subject: RE: Preliminary Plan 120100080 St Jude AME Church

MONTGOMERY COUNTY CODE
ZONING ORDINANCE
Chapter 59

§ 59-C-1.3

Division 59-C-1

	RE-2 ¹	RE-2C ¹	RE-1 ¹	R-200	R-150 ³	R-90	R-60	R-40 ²	R-4plex	RMH 200
(a) In the zones indicated thus (*), cluster development is permitted in accordance with the provisions of section 59-C-1.5.		*	*	*	*	*	*			*
(b) In the zones indicated thus (*), moderately priced dwelling units are required in accordance with chapter 25A and section 59-C-1.6.		**	**	*	*	*	*	*	*	*
(c) Application and development plan approval shall be in accordance with the provisions of division:									59-D-1	
(d) Site plans shall be submitted and approved in accordance with the provisions of division:									59-D-3	

59-C-1.32
Footnote 1

- The following lots shall have the area and dimensional requirements of the zone applicable to them prior to their classification in the RE-2, RE-2C, and RE-1 zones: (1) A record lot approved for recordation by the planning board prior to the approval date of the most recent sectional map amendment that included the lot; and (2) A lot created by deed on or before the approval date of the most recent sectional map amendment that included the lot, and (3) In the RE-2C zone, a lot created as a one-family residence by a child of the property owner or the spouse of a child or by the parents of the property owner, provided the property owner can establish that he/she had title on or before March 16, 1982. This provision permits the creation of only one lot for each child, whether created for the child or the spouse of the child, and only one lot for the parents, whether created for one or both parents. The overall density of the property shall not exceed 1.1 dwelling units per acre in any subdivision recorded.
- 2 A one-family detached dwelling in the R-40 zone shall comply with all of the requirements of the R-60 zone.
 - 3 Development by the standard method is permitted under the regulations applicable to the R-200 zone.
 - 4 For each one-family semidetached dwelling unit, one side yard a minimum of 10 feet wide. For each two-family detached dwelling, 2 side yards, each a minimum of 10 feet wide.
 - 5 The top floor of a building may qualify as a half-story only if the wall plates on at least 2 opposite walls are no more than 2 feet above the floor and if the amount of floor area with headroom of 5 feet or more does not exceed 60 percent of the total floor area of the story directly beneath.
 - 6 Subject to an established building line in accordance with Section 59-A-5.33, if applicable.

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