



Site Plan 820120200: Olive Branch Community Church

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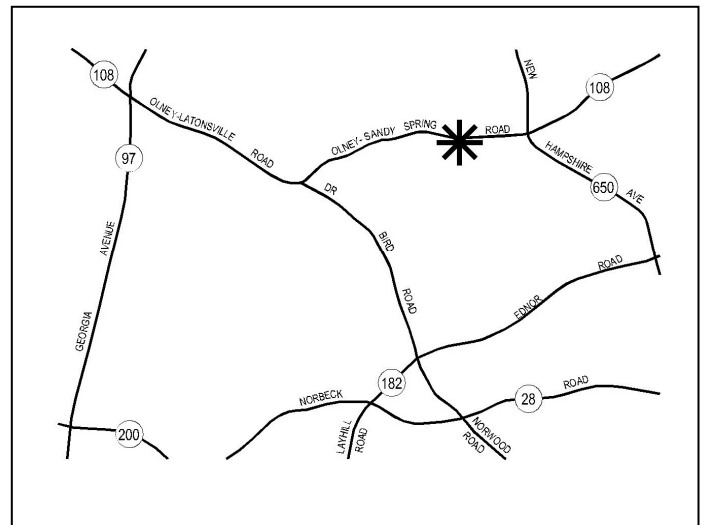
Completed: 05-17-13

Description

Site Plan 820120200: Olive Branch Community Church

Proposal to construct an 8,074 square foot church on 3.06 acres of land located on Olney-Sandy Spring Road approximately 2,400 feet east of Meeting House Road, RE-2 Zone, Sandy Spring/Ashton Master Plan.

Staff Recommendation: Approval with Conditions
Applicant: Olive Branch Community Church, Inc.
Application Filing Date: June 6, 2012
Review Basis: Chapter 59-D Zoning Districts – Approvals Procedures



Summary

The Applicant proposes to construct a religious institution with a maximum capacity of 220 seats, associated parking facilities, landscape and lighting. As designated by the 1998 Sandy Spring/ Ashton Master Plan (“Master Plan”), the subject property is within the Sandy Spring/Ashton Rural Village Overlay Zone, which requires a Site Plan approval. This proposal is consistent with the requirements of the Rural Overlay Zone, the RE-2 Zone, the recommendations of the Master Plan and the previously approved Preliminary Plan.

There are no major issues to resolve.

STAFF RECOMMENDATIONS AND CONDITIONS

Staff recommends approval of Site Plan No. 820120200, Olive Branch Community Church, for the construction of a church, associated parking facilities, landscape and lighting on 3.06 gross acres. All site development elements shown on the Site and Landscape plans stamped "Received" by the Maryland National Capital Park and Planning Commission (M-NCPPC) on September 26, 2013 are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Preliminary Plan Conformance
The development must comply with the conditions of approval for Preliminary Plan No. 120110410 as listed in the Planning Board Resolution dated May 21, 2012 or unless amended.

Environment

2. Forest Conservation
 - a. The Final Sediment Control Plan must be consistent with the final limits of disturbance as shown on the approved Final Forest Conservation Plan (FFCP).
 - b. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector.
 - c. The conservation easements, as shown on the FFCP, must be shown on the record plats.
 - d. Prior to the start of clearing and grading on-site, the Applicant must obtain M-NCPPC Staff approval of a Certificate of Compliance Agreement for use of an M-NCPPC-approved off-site forest mitigation bank to satisfy the forest mitigation planting requirements.
 - e. Permanent Category I conservation easement signs must be placed along the perimeter of the conservation easements.
 - f. Mitigation for the loss of three specimen trees (ST-4, ST-11, ST-21) to be provided by planting, ten, 3-inch caliper native canopy trees on-site.
3. Stormwater Management
The development is subject to the Stormwater Management (SWM) Concept conditions of approval dated October 10, 2011, or unless amended and approved by the Montgomery County Department of Permitting Services (MCDPS).

Site Plan

4. Site Design
 - a. The Architectural floor plans will reflect the maximum seating capacity of 220 people.
 - b. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings.
 - c. Provide wheel-stops within the parking spaces that are directly adjacent to the 5-foot pedestrian sidewalks to ensure handicap accessibility.
 - d. Consistently label all major roads, fences, sidewalks and entry signage, and provide any associated site details.

5. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All on-site down light fixtures must be full cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles must not exceed 15-feet including the mounting base.

6. Surety

Prior to issuance of first building permit within each phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety must include plant material, on-site lighting and site furniture within the relevant phase of development.
- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

7. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by M-NCPPC prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Sidewalks must be installed within six months after the parking lot construction is completed.
- b. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan (FFCP), Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. Landscaping associated with the parking lot and building must be completed as construction of each facility is completed.
- f. Pedestrian pathways and seating areas associated with each facility must be completed as construction of each facility is completed.
- g. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, and other features.

8. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the coversheet.
- b. Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency of all details and layout between Site and Landscape plans.

SITE DESCRIPTION

Site Vicinity and Background Information

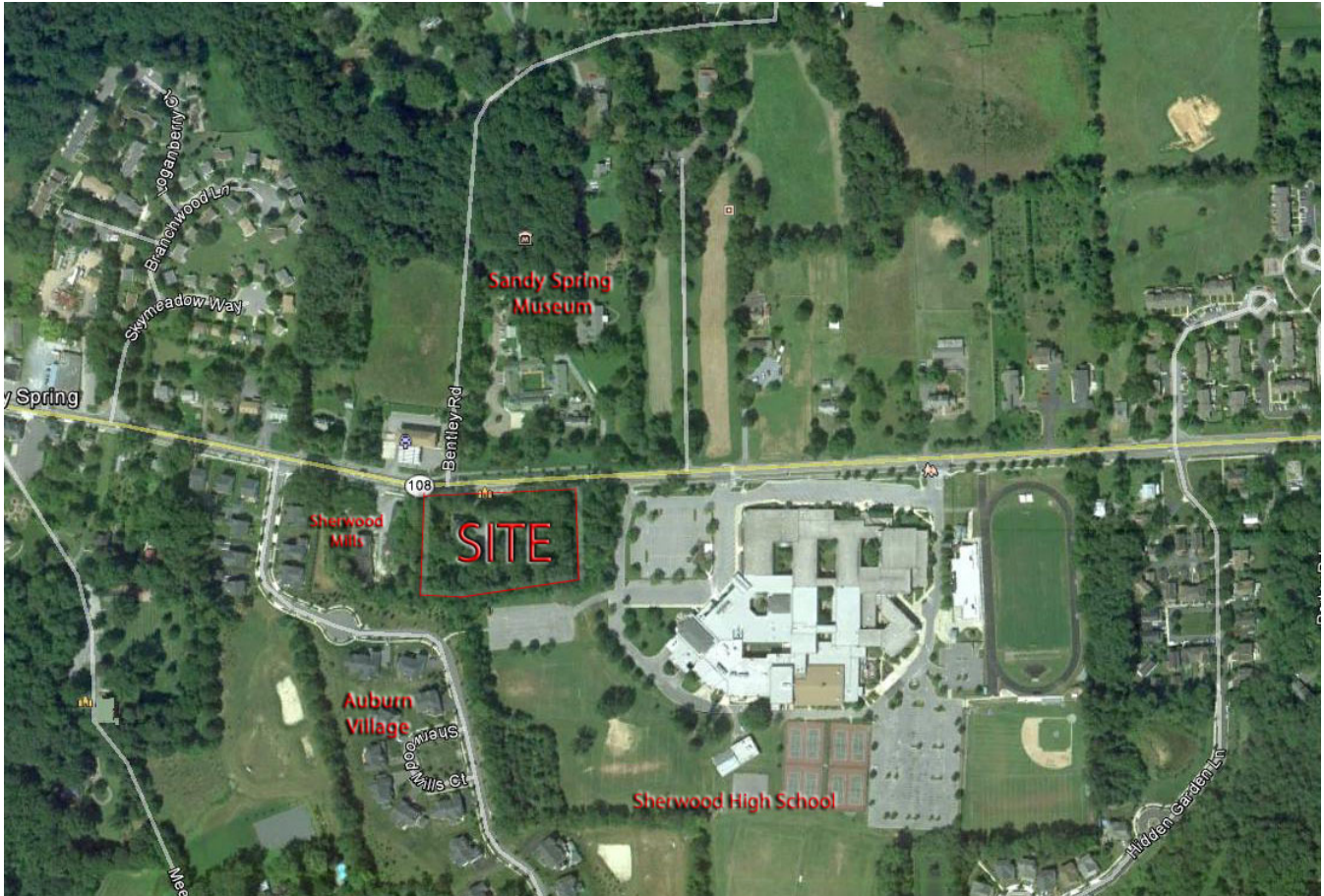
The subject property ("Subject Property") is zoned RE-2 and located south of Olney-Sandy Spring Road (MD 108), opposite the intersection of Bentley Road. Sandy Spring Museum confronts the Property along the street edge toward the north. Sherwood High School borders the eastern and southern boundaries; Auburn Village (Preliminary Plan No. 120030170) runs along the southern boundary; and Sherwood Mills is directly adjacent to the western boundary.

The Subject Property is identified in the Sandy Spring/Ashton Master Plan as a portion of the Lansdale properties within the Rural Village Overlay Zone. The Lansdale properties consist of six contiguous parcels along MD 108, which specifically help underscore the separation between the village centers of the Sandy Spring and Ashton communities. The distinction of the communities is also reinforced by the mix of residential and commercial uses. The Rural Overlay Zone includes guidelines that help to ensure the preservation of the rural village character within the village centers, and encourage compatible relationships between new developments and traditional neighboring structures.



Zoning Map

The Subject Property generally slopes toward the west and east, with the highest elevations located in the center of the site. There are no streams, wetlands, 100-year floodplains, environmental buffers, steep slopes or highly erodible soils on-site. Currently, the Subject Property is comprised of existing forest and tree cover, an existing building, a gravel parking lot, and some sheds. The existing building will remain; however, the use and the design the parking facility will change with this application.



Aerial Map

PROJECT DESCRIPTION

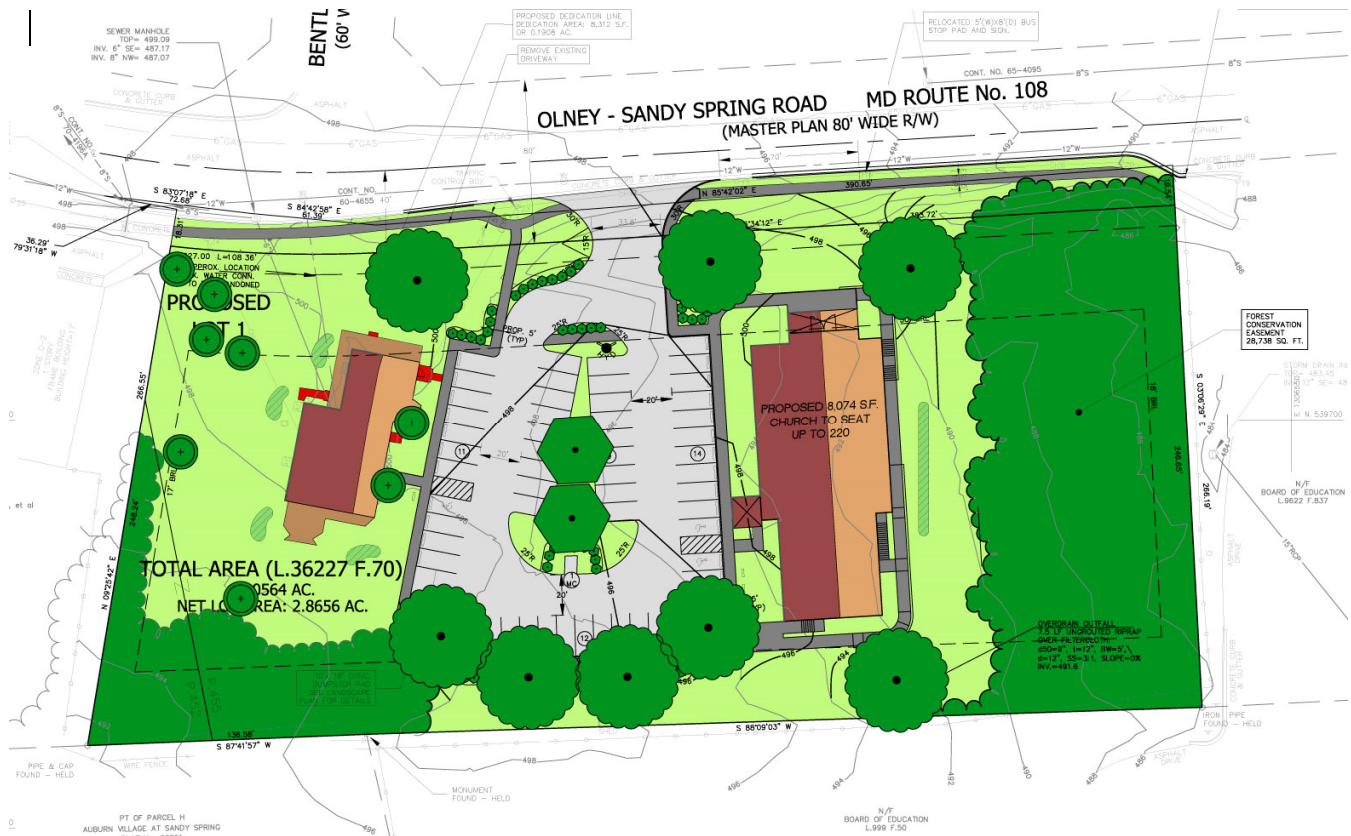
Previous Approvals

Preliminary Plan No. 120110410 approved one lot on 3.06 acres of land zoned RE-2 on May 21, 2012. This approval considered the right-of-way (ROW) dedication, adequate public facilities, Master Plan conformance and limited the facility to 250 seats.

Proposal

The Applicant proposes to construct a religious institution with a maximum 220 seats (approximately 8,074 square feet) with a central surface parking facility that provides 55 on-site standard parking spaces and one motorcycle space. The use of the existing 2-story building will be converted into a secondary resource that supports the proposed church (e.g. rectory and administrative office). The existing and proposed buildings are oriented perpendicular to Olney-Sandy Spring Road to maximize the amount of

space needed for the on-site parking facility, to protect the existing forest along the eastern boundary, and to preserve the existing landscape buffer along the western and southern boundaries.



Rendered Site Plan

FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

Neither Development, Diagrammatic, Schematic Development, nor Project Plans are required for this property.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed use is permitted in the RE-2 Zone and the Site Plan fulfills the purposes of the Sandy Spring /Ashton Rural Village Overlay Zone by preserving and enhancing the rural village character of the Sandy Spring and Ashton village centers by ensuring an attractive and traditional pattern. This application also encourages a compatible relationship between the new traditional neighboring structures that reflects the best of local village character, particularly in

terms of scale, seating, design features proximity to an arterial highway and orientation. The building setbacks accommodate adequate space for landscape buffering along the property boundaries.

In accordance with section 59-C-18.182, the development connects into an existing public water and sewer line via a 12-inch water main and an 8-inch gravity sewer main. With respect to building height, setbacks, and density, the development meets all maximum standards allowed. The following Project Data Table compares the required development standards in the RE-2 Zone to the proposal for this Site Plan application.

Project Data Table for the RE-2 Zone

Development Standards	Required	Provided
Gross Site Area (ac.)	N/A	3.06 ac.
Min. Tract Area (ac.)	2.0 ac.	2.87 ac. ¹
Max. Density (d.u./ ac.)	0.4	N/A
Max. Building Height (ft.)	50 ft.	40 ft.
Max. Building Coverage (%)	25 %	10 %
Min. Building Setbacks (ft.)		
Public Street	50 ft.	51 ft.
Side Yard	17 ft. (one side)	146 ft.
Rear Yard	35 ft.	49 ft.
Parking Spaces (sp.)		
Standard Surface Spaces ²	55 sp.	55 sp.
Min. Motorcycle Spaces	1 sp.	1 sp.
Min. Bicycle Spaces (racks)	2 racks	2 racks

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

There are two buildings proposed on-site. The existing 2-story building (secondary structure) is located on the west side of the property and will remain in the same location. The new church building (primary structure) is two-stories with a basement, and is located on the east side of the Subject Property. Both buildings are oriented perpendicular to the roadway to maximize the space between buildings and accommodate the expansion of the existing parking lot. The primary structure is consistent with the surrounding character, and the use is an important element of the “traditional village design”. Retaining the existing residential façade on the secondary structure and orienting the stained glass window on the primary structure toward the right-of-way will contribute to the pedestrian scale and the village character along the street edge.

¹ The gross tract area minus the roadway dedication for Olney Sandy-Spring Road.

² The standard surface spaces include three handicap spaces.



*Conceptual Sketch
(Proposed building from MD 108)*

The existing surface parking lot stretches across the property in close proximity to the main entrance of the primary structure. The renovated parking facility accommodates 56 total parking spaces on-site, and provides plantings along the perimeters and the within the center island. The plantings shown on both sides of the entrance to the site was specifically recommended by the Master Plan to ensure a visual screen between the existing roadway and the parked vehicles. The planted buffers along the east, west and south sides of the Subject Property provide an additional screen from the surrounding properties.

Recreational facilities are not required for this Site Plan; however, open space is provided near the secondary structure on the south side of the Subject Property. This space will be used for outdoor activities or events hosted by the church during the day. Bike racks (2) are also provided near the front entrances of both buildings. The open space, landscaping and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe environment.

The vehicular circulation is designed efficiently, and adequately directs traffic through the site with minimal impacts to pedestrian circulation. Wheel stops are placed in the parking spaces that directly abut the 5-foot sidewalk to ensure handicap accessibility and provides safe access

to the entrances of the buildings. Handicap spaces are provided near the front entrances of the primary and secondary buildings. Pedestrian sidewalks are also proposed along the rim of the parking lot, and connect into existing sidewalks along the street edge.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

In accordance with the Master Plan recommendations and the Rural Overlay Zoning requirements, parking is encouraged in the side and rear yards. All parking is provided on-site; therefore, pedestrians will have direct access to the proposed structures. Sherwood High School does not support a through connection as it may encourage trespassing by church patrons and students, and be used as a cut-through by vehicles. The Subject Property is within a residential zone, provides adequate landscape screening and meets the required setbacks within a residential zone.

The proposed development was carefully reviewed for conformance with the parking guidelines that are directly associated with this property. The parking areas are compatible with the nearby uses. The surface parking is conveniently located at the center of the site and set back approximately 65-feet from Sandy Spring Road (MD 108). The location of the parking facility is specifically designed to maximize the number of on-site parking spaces, while meeting the required setbacks. The vehicular driveway (20-feet wide) adequately accommodates safe passing and turning movements. Shade trees are provided along the street edge between the parking facility and the 10-foot public utility easement (P.U.E.). Understory plantings adequately screen the parked cars from the public right-of-way (ROW) and the neighboring properties toward the south. The existing forest and tree plantings will be protected and preserved.

Both structures are in scale with the nearby buildings and are located such that they will not adversely impact existing or proposed adjacent uses. The existing secondary structure will remain consistent with the character of the surrounding neighborhood. The church's stained glass window near Sandy Spring Road provides a visual focus for pedestrians and drivers passing the site. The church is not only an important element of the "traditional village design", but it also contributes to an active street frontage.

The proposed lighting is consistent with the area's character in terms of style, scale and intensity. The light poles (maximum 15 feet tall) are centrally located around the perimeter of the parking facility, and will have full cut-off reflectors that minimize light pollution onto the neighboring properties.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Subject Property is located in the Northwest Branch watershed, which is classified by the State of Maryland as Use IV waters. The Subject Property is gently sloping to the west and east, with the highest elevation in the center of the Subject Property. There are no streams, wetlands, 100-year floodplains, or environmental buffers on-site. There are no steep slopes or highly erodible soils on the Subject Property.

There are 1.52 acres of existing forest located in the eastern half of the property. The forest is dominated by white oak and white ash and is designated as high priority for retention due to the large number of specimen trees within the stand. In the western half of the property, there are large areas of tree cover and numerous large and specimen trees located around the existing building and parking lot.

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

This development is subject to the Montgomery County Forest Conservation Law. NRI/FSD #420102230 was approved on October 13, 2010. The NRI/FSD identifies the environmental constraints and forest resources on the subject property. The property contains no wetlands, streams, floodplains or associated buffers.

Final Forest Conservation Plan and Environmental Guidelines

A Preliminary Forest Conservation Plan was approved by the Planning Board as part of Preliminary Plan application 120110410 on May 21, 2012. There are twenty-seven (27) trees on and immediately adjacent to the site that are 30 inches and greater in diameter at breast height (DBH). As part of that approval, a variance was granted to remove sixteen 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. The Final Forest Conservation Plan was submitted for review as part of the Site Plan application (Appendix B). The Final Forest Conservation Plan, including the variance, is consistent with the previous approvals.

The Final Forest Conservation Plan proposes to clear 0.90 acres of forest on site for the construction of a new church building, associated parking lot and required stormwater management facilities. There is a 0.19 acre forest planting requirement that will be met off-site.

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

Stormwater Management

In accordance with Chapter 19, an approval letter (dated October 5, 2010) from the Montgomery County Department of Permitting Services conditionally approved a stormwater management concept for the development. The concept consists of onsite stormwater management through the use of Environmental Site Design.

CONCLUSION

The application meets all requirements established by the RE-2 Zone and conforms to the recommendations of the Sandy Spring-Ashton Master Plan, including the Rural Overlay Zone. This application complies with Chapter 22A, the Montgomery County Forest Conservation Law; therefore, Staff recommends approval of the Site Plan subject to the conditions contained at the beginning of this report.

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.

APPENDICES

- A. Preliminary Plan Resolution
- B. Final Forest Conservation Plan
- C. Approval Letters
- D. Letter of Justification

Appendix A: Preliminary Plan Resolution

MAY 21 2012



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

MCPB No. 12-22
Preliminary Plan No. 120110410
Olive Branch Community Church
Date of Hearing: February 16, 2012

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on July 8, 2011, Olive Branch Community Church ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 3.06 acres of land in the RE-2 zone, located at 416 Olney Sandy Spring Road ("Property" or "Subject Property"), in the Sandy Spring/Ashton Master Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120110410, Olive Branch Community Church ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 02, 2012, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on February 16, 2012, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 16, 2012, the Planning Board approved the Application subject to certain conditions, on the motion of Commissioner Presley, seconded by Commissioner Anderson, with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Montgomery, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Montgomery County Code Chapter 50 the Planning Board approves Preliminary Plan No. 120110410 to create one lot on the Subject Property, subject to the following conditions:

1. Development is limited to one lot for 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 16, 2012.¹ The Applicant must meet all conditions prior to the Montgomery County Department of Permitting Services (“MCDPS”) issuance of any 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 (ST-4, ST-11 and ST-21 as identified on the Forest Conservation Plan) to be provided by planting ten, 3-inch caliper native canopy trees on site. The mitigation must be included on the Final Forest Conservation Plan.
 - c. Final sediment control plan must be consistent with the final limits of disturbance as approved by Staff.
 - d. All retained forest shall be protected in a Category I conservation easement. Conservation easements must be shown on record plats.
3. The Applicant must dedicate, and the record plat must reflect, the master-planned recommended 80-foot right-of-way (40 feet from centerline to match the existing right-of-way dedication from existing properties) for Olney-Sandy Spring Road as shown on the Preliminary Plan.
4. The shared parking agreement must be ratified and recorded in the land records prior to the certification of the site plan. In accordance with section 59E-3.7, of the Montgomery County Code, a maximum of 30 percent of the required parking spaces may be provided on an adjacent property.
5. The Applicant must comply with the conditions of approval of the Montgomery County Fire and Rescue Services (“MCFRS”) letter dated November 30, 2011. These conditions may be amended by MCFRS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. The Applicant must comply with the conditions of approval of the Montgomery County Department of Transportation (“MCDOT”) letter dated December 8, 2011. These conditions may be amended by the MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

¹ At the Hearing, the Planning Board reviewed the Preliminary Forest Conservation Plan dated October 5, 2011. However, at the Hearing, Staff noted a typographical error regarding the amount of forest clearing on that plan. The Applicant provided a revised and corrected plan dated February 16, 2012 to Staff.

7. The Applicant must comply with the conditions of the MCDPS stormwater management concept approval letter dated October 10, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Applicant must comply with the conditions of the State Highway Administration ("SHA") approval letter dated December 9, 2011. These conditions may be amended by SHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. The Applicant must satisfy provisions for access and roadway improvements as required by SHA and MCDOT prior to recordation of plat(s).
10. All necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

The Master plan does not recommend a specific use for this Property, however; a religious use is permitted within the RE-2 zone. The Preliminary Plan provides for a dedication or 40 feet from the centerline of Olney-Sandy Spring Road to complete the Master Plan's recommended 80 foot wide total right-of-way width. The small scale village character will be retained with the preservation of the high priority forest and the existing 2-story residence.

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

Places of worship, residences for religious staff, parish halls, or additions to an associated place of worship are not subject to Adequate Public Facilities (APF) review according to Section 50-35(k)(6). Based on the traffic statement submitted April 14, 2011, the proposed church, without any day care facility or private educational institute activities during the weekday, would generate only 5 and 4 weekday peak-hour trips during the AM and PM peak hours, respectively and is, therefore, exempt from LATR.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision.*

The lot configuration is appropriate when compared to neighboring properties, since many of the properties along this section of Olney-Sandy Spring Road are

used for non-residential uses and tend to be larger to accommodate the buildings and parking on them. The structure of the church is appropriate in this location when compared to other properties in the general location.

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

A. Forest Conservation

The Applicant has been approved to clear 0.86 acres of forest on site for the construction of a new church building, associated parking lot and required stormwater management facilities. The entire 0.16 acre forest planting requirement will be met offsite.

There are sixteen Protected Trees proposed for removal as discussed in the Variance section below. Ten of these trees are located within the existing forest and their loss is accounted for in the forest conservation worksheet. Three trees were identified as hazardous and in poor condition, and no mitigation is required for their removal. Additional mitigation for the removal of the three Protected Trees that are located outside of the existing forest is required. The Board finds that replacement of these trees must occur at a ratio of approximately one inch Diameter at Breast Height (“DBH”) for every four inches DBH removed, using trees that are a minimum of three inches DBH. The mitigation requirement requires the Applicant plant ten native, canopy trees with a minimum size of three inches DBH on the site. No mitigation is required for Protected Trees impacted but retained.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone, requires a variance under Section 22A-12(b)(3) of the County Code (“Variance”). Otherwise such resources must be left in an undisturbed condition.

As more specifically identified in the Staff Report, this project will impact the critical root zones of five (5) Protected Trees and require sixteen (16) Protected Trees to be removed. Therefore, a Variance is required. In accordance with Section 22A-21(a), the Applicant requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by

being denied reasonable and significant use of the Subject Property without the Variance.

The Board made the following findings necessary to grant the Variance:

- i. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

The Protected Trees and their critical root zones are located within the developable area of the Property. The development of the site is dictated by the existing building and parking lot, and the need to provide stormwater management facilities and utility connections out to Olney-Sandy Spring Road. The Planning Board has determined that the impacts and removal of the Protected Trees cannot be avoided. Furthermore, many of the Protected Trees are in failing condition. Granting the Variance to allow land disturbance within the developable portion of the site would not be unique to this Applicant.

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

The need for the Variance is based upon existing site conditions, including the existing building and parking lot, and the number and locations of the large trees.

- iii. *The need for the Variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for the Variance is a result of the proposed development and not a result of land or building use on a neighboring property.

- iv. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The Protected Trees approved for removal or disturbance are not within a stream buffer, wetland, or a special protection area. The Board deferred to MCDPS' approval of the stormwater management concept plan for this project, applying all current requirements to conclude that there will be no measurable degradation in water quality and the development will meet existing water quality standards.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site.*

In a letter dated October 10, 2011 MCDPS conditionally approved a stormwater management concept for the proposed development. The concept consists of onsite stormwater management through the use of Environmental Site Design and meets all current requirements.

BE IT FURTHER RESOLVED, that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor(s) in interest to the terms of this approval; and

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

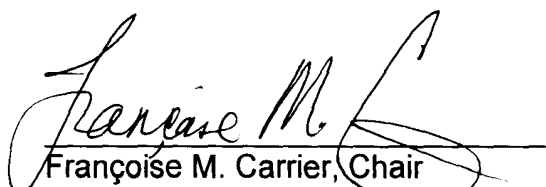
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 21, 2012 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

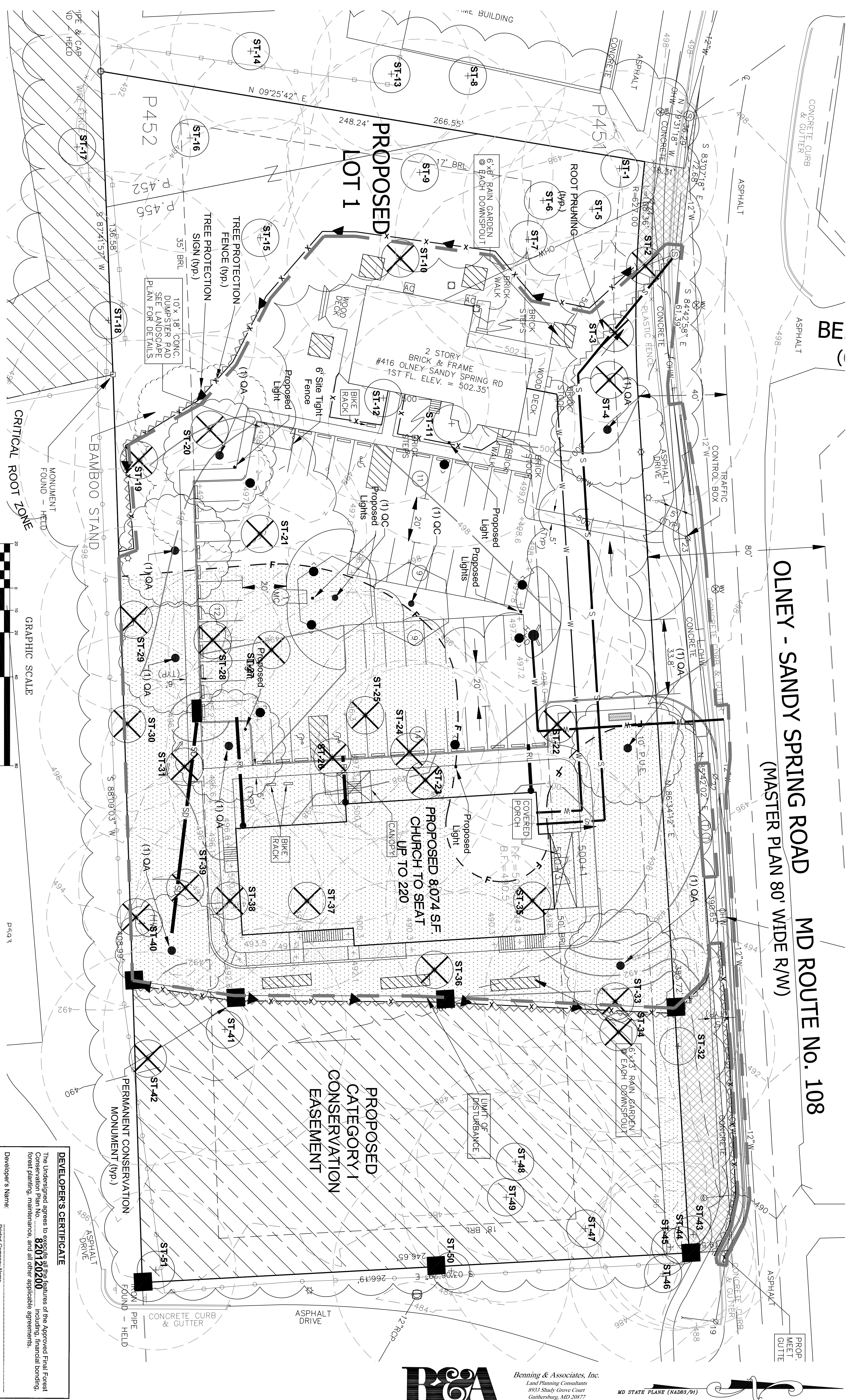
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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and with Commissioner Anderson absent, at its regular meeting held on Thursday, May 10, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

Appendix B: Final Forest Conservation Plan



AGE OF TRACT	AGE OF TRACT IN AGRICULTURE	AGE OF TRACT IN UTILITY ROW NOT IMPROVED	AGE OF FOREST	AGE OF TOTAL FOREST	LAND USE CATEGORY	CONSERVATION THRESHOLD	AFFORESTATION THRESHOLD	FOREST WITHIN W/IN TO BE RETAINED	FOREST WITHIN W/IN TO BE CLEARED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE PLANTED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE CLEARED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE PLANTED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE CLEARED	FOREST WITHIN BUFFER TO BE PLANTED	FOREST WITHIN BUFFER TO BE CLEARED	FOREST WITHIN BUFFER TO BE PLANTED	FOREST WITHIN BUFFER TO BE CLEARED	FOREST WITHIN BUFFER TO BE PLANTED	FOREST WITHIN BUFFER TO BE CLEARED	FOREST WITHIN BUFFER TO BE PLANTED	STREAM BUFFER-AVERAGE WIDTH	STREAM BUFFER-AVERAGE WIDTH	
3.12 AC	0.00 AC	0.07 AC	1.35 AC	0.08 AC	INSTITUTIONAL DEVELOPMENT AREA	20% = 0.61 AC	15% = 0.48 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0'	0'

FINAL FOREST CONSERVATION PLAN

DEVELOPER'S CERTIFICATE

The Undersigned agrees to accept all the features of the Approved Final Forest Conservation Plan, including, but not limited to, the following: (1) the location, extent, and nature of the forest planning, maintenance, and all other applicable agreements.

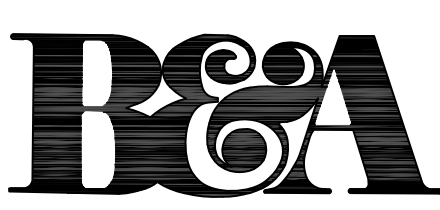
Developer's Name: **OLIVE BRANCH COMMUNITY CHURCH**

Contact Person or Owner: **416 Olney-Sandy Spring Rd. Sandy Spring, MD 20860**

Address: **240-389-1037**

Phone and Email:

Signature:



Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240

MD STATE PLANE (NAD83/91)

No.416 OLNEY - SANDY SPRING RD

PROPERTY OF
OLIVE BRANCH COMMUNITY CHURCH
LIBER 36227 FOLIO 70
ELECTION DISTRICT No. 8
MONTGOMERY COUNTY, MARYLAND

FINAL FOREST CONSERVATION PLAN

MADDOX
INCORPORATED
ENGINEERS • SURVEYORS

100 PARK AVENUE
ROCKVILLE, MARYLAND 20850-2699
(301) 762-9001

DATE	REVISION
6.12.12	PER M-NCPPC COMMENTS
8.21.12	PER M-NCPPC COMMENTS
10.16.12	PER M-NCPPC COMMENTS

SCALE 1" = 20'

DRAWN

DATE 5/15/2012

SHEET 2 of 3

FILE NO. 09021TDP.DWG

Sequence of Events for Property Owners Required to Comply With Forest Conservation and/ or Tree-Save Plans

- Pre-Construction**
1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner shall contact the Montgomery County Planning Department Inspection staff before construction to verify the limits of disturbance and discuss tree protection and tree care measures. The developer's representative, construction superintendent, ISA certified arborist or arborist-in-training, and the Planning Department staff shall attend the meeting. The Planning Department or Department of Permitting Services (DPS) sediment control inspector should attend the pre-construction meeting.
 2. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:
 - a. Root pruning
 - b. Crown Reduction or pruning
 - c. Vandaling
 - d. Vertical mulching
 - e. Root aeration meeting
- Measures not specified on the forest conservation plan may be required as determined by the M-NCPPC Inspector in coordination with the arborist.

3. A Maryland licensed tree expert or an International Society of Arboriculture certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the forest conservation inspector or sent to the inspector at 670 Georgia Avenue Silver Spring, MD 20910. The forest conservation inspector will determine the exact method to convey the stress reduction measures during the pre-construction meeting.

4. Temporary tree protection devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. The forest conservation inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protection devices may include:
 - a. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts with high visibility flagging.
 - b. Super silt fence with wire staking between the support poles (minimum 4 feet high) with high visibility flagging.
 - c. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.

5. Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from the forest conservation inspector. No equipment, trucks, materials, debris may be stored within the tree protection fence areas during the entire construction project. The forest conservation inspector will determine the exact method to convey the stress reduction measures shall not be removed without prior approval of the forest conservation inspector.
6. Forest retention area signs shall be installed as required by the forest conservation inspector, or as shown approved plan.

7. Long-term protection devices will be installed per the Forest Conservation Plan/Tree Save Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.

During Construction

8. Periodic inspections by the forest conservation inspector will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the forest conservation inspector, must be made within the timeframe established by the inspector.

Post-Construction

9. After construction is completed, an inspection shall be requested. Corrective measures may include:
 - a. Removal and replacement of dead and dying trees
 - b. Replanting
 - c. Soil aeration
 - d. Fertilization
 - e. Vandaling
 - f. Wound repair
 - g. Clean up of retention areas

10. After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. No additional grading, sodding, or burial may take place.

Inspectors:

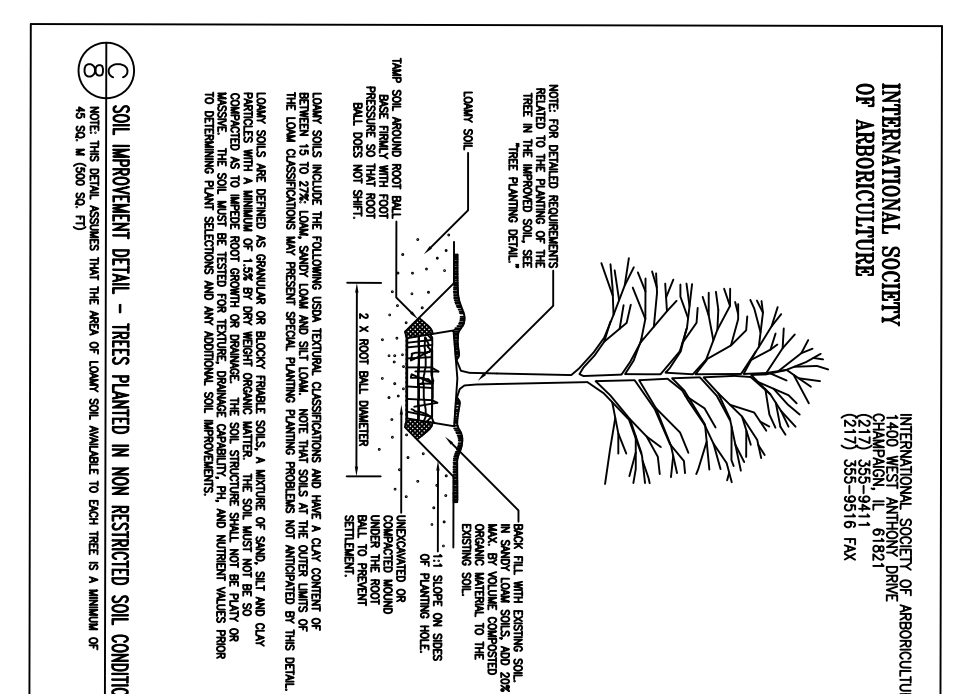
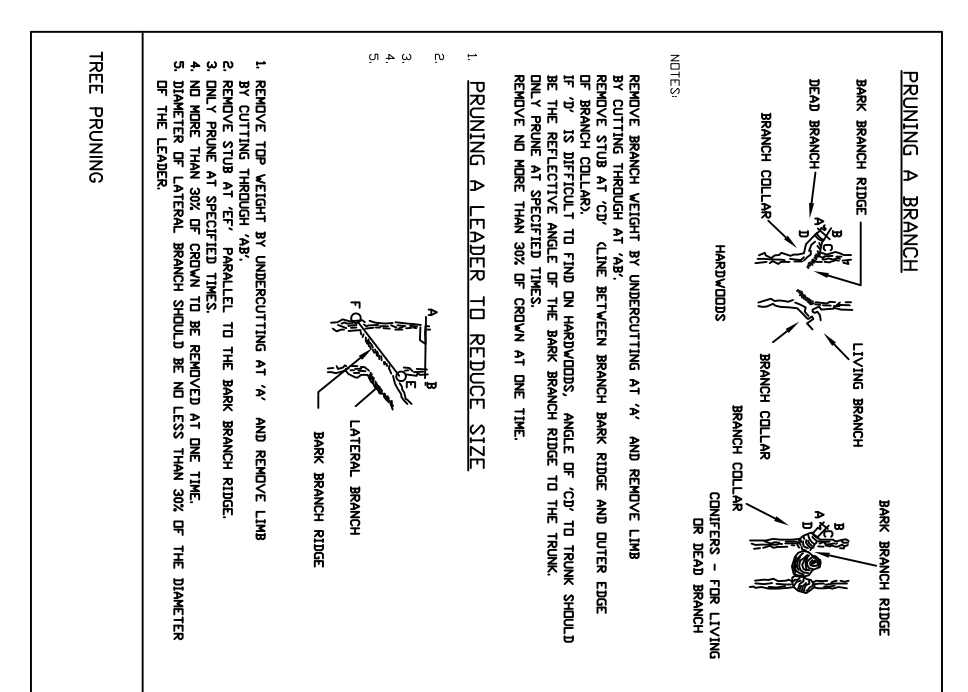
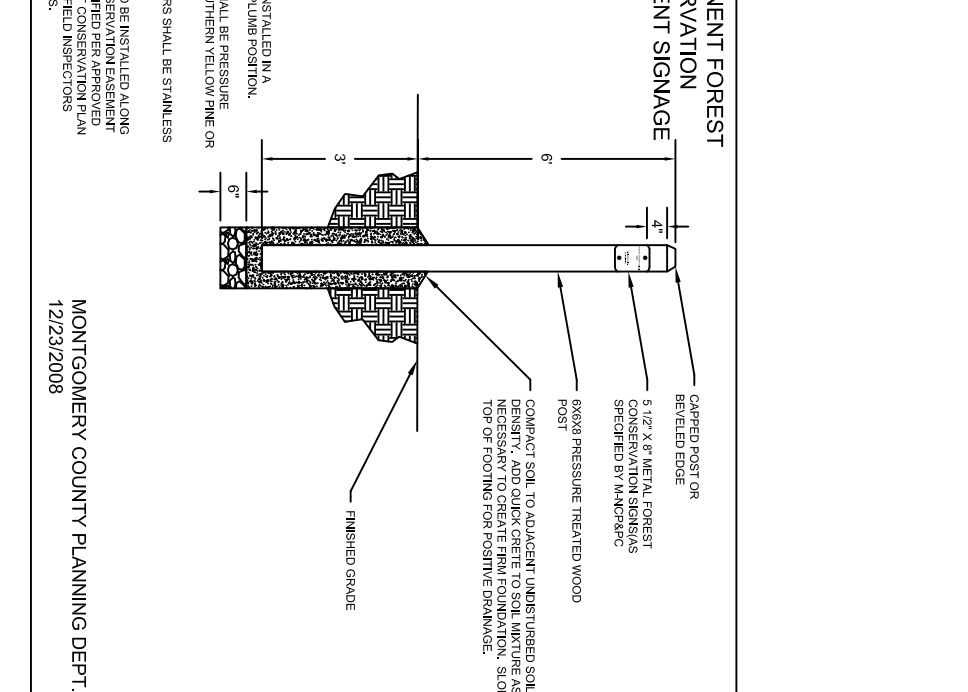
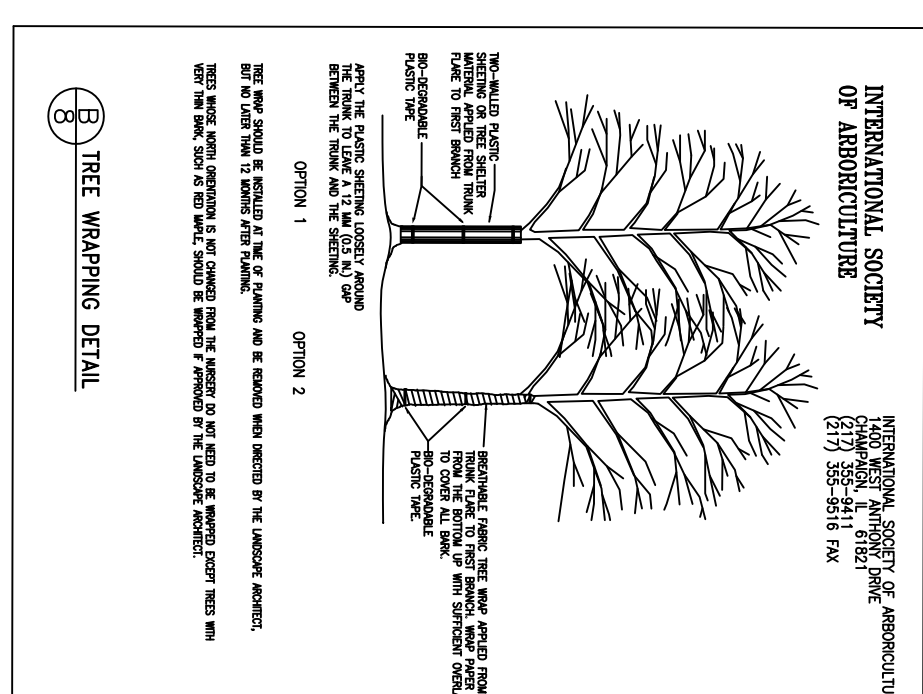
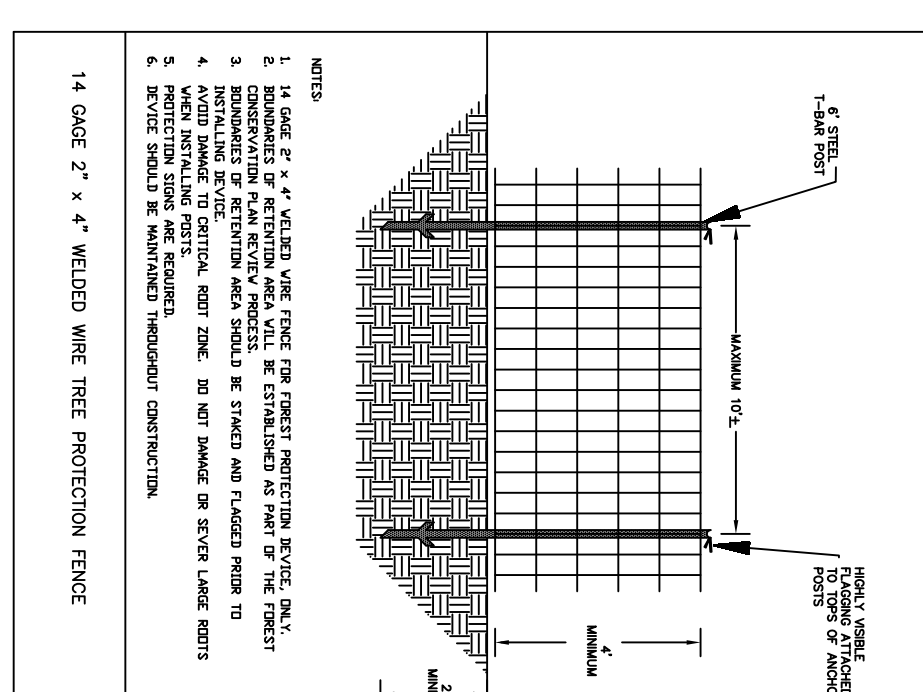
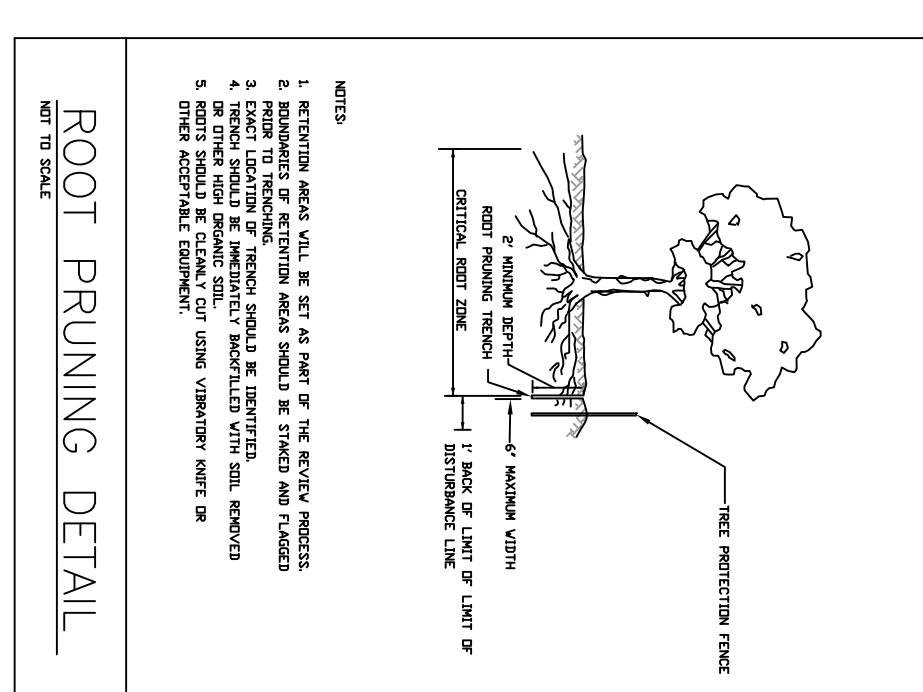
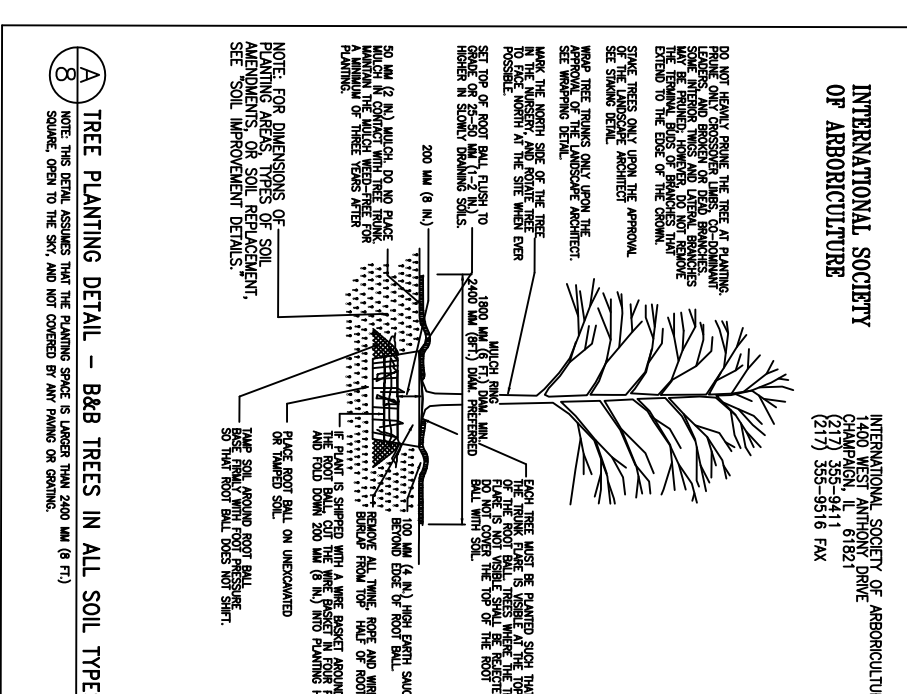
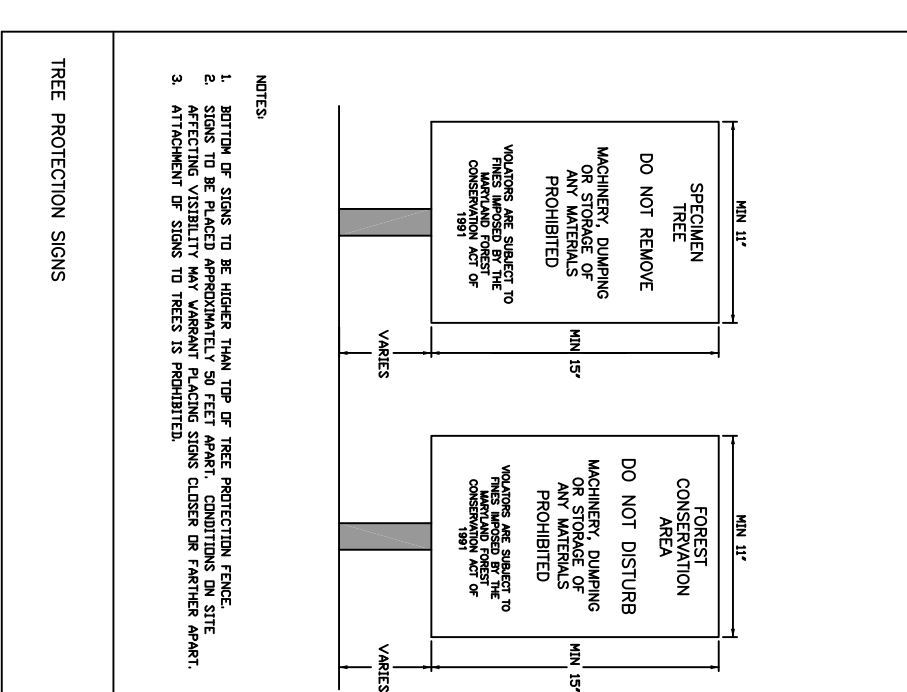
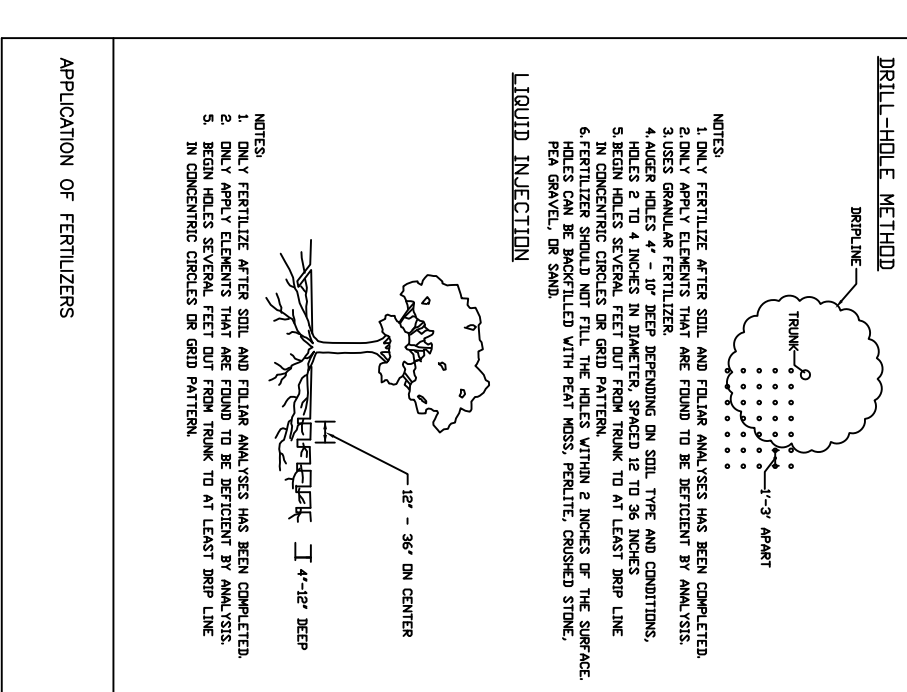
All field inspections must be requested by the applicant. Inspections must be conducted as follows:

Tree Save Plans and Forest Conservation Plans without Planning Requirements

- 1) After the limits of disturbance have been staked and flagged, but before any clearing or grading begins.
- 2) After construction has been completed and the protection measures have been installed, but before any clearing or grading begins.
- 3) After completion of all construction activities to determine the level of compliance with the provisions of the forest conservation plan.

Additional Requirements for Plans with Planning Requirements

- 4) Before the start of any required reforestation and afforestation planting
- 5) After required reforestation and afforestation planting has been completed to verify that the planting is acceptable
- 6) At the end of the construction project to determine the level of compliance with the provisions of the planning plan and, if appropriate, release of the performance bond.



PLANT SCHEDULE - RECOMMENDED SPECIES LIST

KEY	QUANTITY	SIZE	SCIENTIFIC NAME	COMMON NAME	SPACING	COMMENTS
QA	8	3" Cal.	Quercus alba	White Oak	As Shown	BBB
OC	2	3" Cal.	Quercus coccinea	Scarlet Oak	As Shown	BBB

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Gaithersburg, MD 20877
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FINAL FOREST CONSERVATION PLAN

No.416 OLNEY - SANDY SPRING RD

PROPERTY OF
OLIVE BRANCH COMMUNITY CHURCH
LIBER 36227 FOLIO 70
ELECTION DISTRICT No. 8
MONTGOMERY COUNTY, MARYLAND

DEVELOPER'S CERTIFICATE

The Undersigned agrees to accept all the features of the Approved Final Forest Conservation Plan No. **820120200**, including financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: **OLIVE BRANCH COMMUNITY CHURCH**

Contact Person or Owner: **Sandy Spring, MD 20860**

Address: **416 Olney-Sandy Spring Rd.**

Phone and Email: **240-389-1037**

Signature: _____

DATE	REVISION
6.12.12	PER M-NCPPC COMMENTS
8.21.12	PER M-NCPPC COMMENTS
10.16.12	PER M-NCPPC COMMENTS

SCALE: _____

DRAWN: _____

DATE: 5/15/2012

SHEET: 3 of 3

FILE NO. 09021TDP.DWG

Appendix C: Approval Letters

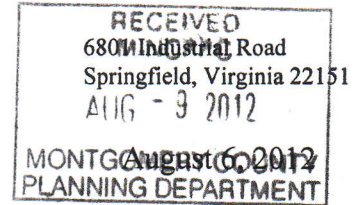


FIRE MARSHAL COMMENTS

DATE: 07-Nov-12
TO: Caryn Williams
Maddox Engineers & Surveyors, Inc
FROM: Marie LaBaw
RE: Olive Branch Community Church

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **19-Oct-13** .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.



The Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Preliminary Plan Review – Olive Branch Community Church
File No.: 820120200
WGL BCA 90219

To whom this may concern,

Per your request, the preliminary plans for the Olive Branch Community Church submitted with your transmittal dated July 16, 2012, were reviewed to determine if the plans pose a conflict with existing or proposed Washington Gas facilities. Upon reviewing the “Olive Branch Community Church” site plan, dated May 14, 2012, it has been determined there are no existing Washington Gas facilities located within the project limits and there is not a conflict with your proposed construction work.

If you decide to deviate from the plans dated May 14, 2012 be sure to provide Washington Gas with an updated copy before performing any work. Be advised that updated plans will be subject to a full review. Please use caution when excavating near or paralleling with Washington Gas Facilities. Be sure to notify “MISS UTILITY” (811) at least 48 hours prior to the start of an excavation for confirmation. Should you have any questions regarding potential conflicts, questions, or concerns, do not hesitate to contact me via the methods listed herein.

Sincerely,

A handwritten signature in cursive that reads "Nathan Helgeson".

Nathan Helgeson, E.I.T.
System Replacement Engineer I
NHelgeson@washgas.com
(703) 750-5972

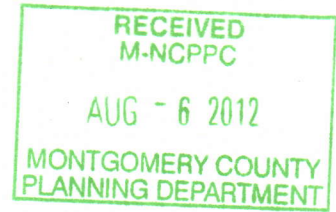
Attached: Washington Gas SMALLWORLD plot



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION



July 30, 2012

Ms. Catherine Conlon
Chairwoman, DRC
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Montgomery County
MD 108 – Olney-Sandy Spring Road
Olive Branch Community Church
SHA Tracking No. 11APMO039XX
Mile Post: 16.10

Dear Ms. Conlon:

The State Highway Administration (SHA) would like to thank you for the opportunity to review the preliminary plan, dated July 17, 2012 for the Olive Branch Community Church site development in Montgomery County. We have completed our review and offer the following comments:

Access Management Division Comments:

1. As previously stated in our December 9, 2011 correspondence, if the site's trip generation were to increase (e.g. provision of weekday day care), an upgrade of the site's access to a commercial entrance would be required. *A commercial entrance incorporates curb returns and associated safety/capacity enhancements such as acceleration/deceleration/left-turn lanes. This will be a condition of the permit.*
2. The existing asphalt driveway should include the following note on the site plan: **Remove Driveway.**
3. The proposed curb and gutter should tie-in to the existing curb and gutter located at the Sherwood High School entrance.
4. The applicant will be required to obtain and meet the terms and conditions of a SHA Access Permit prior to constructing any work within SHA right-of-way.
5. Once the right-of-way necessary to construct the MD 108 improvements is in the control of the developer, it must be platted to SHA standards. These standards may be found at <http://www.marylandroads.com/etc>. Please contact Ms. Renee Rymer, Records & Research Supervisor, Office of Real Estate at 410-545-2829 or rrymer@sha.state.md.us for existing right-of-way information. Please note that any plats produced for the SHA shall be on NAD83/91 datum. Please contact Mr. Dan Sain, Assistant Division Chief, Plats and Surveys Division at 410-545-8961 or dsain@sha.state.md.us for GPS control location and information. The plats must be submitted in hard copy format for review, checking and final issuance. The first plat submission shall come through the Access Management Division directly to Mr. Steven Foster attention of Mr. Erich Florence. Subsequent plat submissions may be made directly to the Plats and Surveys Division Please contact Ms. Pattianne Smith, Assistant Division Chief, Plats and Surveys Division at 410-545-8860 or psmith11@sha.state.md.us for additional information about the Donation Plat review process. Additionally, contact Ms. Tess Fountain, Real Estate Specialist

Ms. Conlon
Page 2

IV, District 3 Right of Way at 301-513-7455 or tfountain1@sha.state.md.us for information about the Donation Deed requirements and procedures.

The SHA has no objection to preliminary plan approval; however further review of this project will be withheld until the above comments have been addressed. Please submit six sets of revised plans along with a point-by-point response to the comments, directly to Mr. Erich Florence. Please reference the SHA tracking number on future submissions. Any submissions should be made to Mr. Steve Foster Attention of Mr. Erich Florence. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at (<http://www.roads.maryland.gov/pages/amd.aspx>). If you have any questions, or require additional information, please contact Mr. Erich Florence at 410-545-0447, by using our toll free number in Maryland only at 1-800-876-4742 (x0447) or via email at eflorence@sha.state.md.us).

Sincerely,



For Steven D. Foster, Chief
Access Management Division

SDF/JWR/emf

cc:

Mr. Henry Boyd, Olive Branch Community Church, owner/developer\
416 Olney-Sandy Spring Road, Sandy Spring, MD 20860
Ms. Caryn Williams, Maddox Engineers & Surveys, developer's engineer\
100 Park Avenue, Rockville, MD 20850
Ms. Maria Bhatti – SHA District 3 – Traffic Engineer
Mr. Scott Newill – SHA AMD – Regional Engineer
Mr. Mark McKenzie – SHA AMD – Assistant Regional Engineer
Ms. Renee Rymer – SHA ORE
Mr. Dan Sain – SHA PSD
Ms. Pattianne Smith – SHA PSD
Ms. Tess Fountain – SHA District 3 Right of Way



Isiah Leggett
County Executive

DEPARTMENT OF PERMITTING SERVICES
ZONING
August 13, 2012

Diane Jones
Director

Project Name: Olive Branch Community Church	Site Plan #: 820120200
Applicant: Olive Branch Community Church, Inc.	Engineer: Maddox Engineers and Surveyors
Zone: Re-2	Number of Lots (Acres): 1 Lot (3.06 Acres)
Zoning Reviewer: Mark Beall	MNCPPC Team #: 3

The DPS Site Plan Enforcement Inspector is responsible for ensuring that the terms and conditions of the Certified Site Plan Agreement are met. They sign off on Use and Occupancy Certificates and have the authority to trigger the release of performance bonds.

Mandatory addition to all site plans to be placed in the General Notes block or Development Program Notes:

Pre-construction meeting to be held with DPS Site Plan Enforcement Inspector. Call 240-777-6321 to schedule.

Development Standards on Submitted Plan(s):

Standard	Required	Proposed
Front:	50'	50'
Rear:	35'	35'
Sides:	17' & total 35'	17' & total 35'
Height:	50'	50'
Building Coverage:	25%	25%
FAR	N/A	N/A

X Plan(s) meets zoning requirements, but see comments below.

Comments:

Please be sure all the details and sections are on the plans for all onsite amenities so the Site Plan Enforcement Inspector may do a thorough site inspection.

Note-When applying for a building permit please identify both the BRL approved on the certified site plan and the dimensions from the structure to the property lines on all four sides.

Mark Beall: (240) 777-6298 or Laura Bradshaw: (240)777-6296
255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4166.

Appendix D: Letter of Justification

June 25, 2012

**OLIVE BRANCH COMMUNITY CHURCH
SITE PLAN # 820120200**

(1.4) Statement of Justification

The Olive Branch Community Church Site Plan Application is justified as evidenced by the following findings.

Master Plan: The subject property is subject to the 1998 Sandy Spring – Ashton Master Plan and is designated therein as part of the "Landsdale Properties." The objective for this area is to create and preserve a rural open space pattern and provide an attractive setting for new neighborhoods and existing institutions. This application preserves the existing 2-story brick and frame dwelling structure and orients the new church structure to the public street. This plan also retains a significant portion of the existing forested area;

Transportation: This application re-locates the existing property access to a more suitable location and improves the frontage of the property to a closed section roadway as recommended by the Master Plan. Adequate Public Facilities Review does not apply to this application.

Environment: The subject property contains a significant area of existing forest. This application, in accordance with the Preliminary Forest Conservation Plan proposes to retain 0.66 acres of forest in easement. Ten additional trees will be planted on site as shown on the Landscape Plan.

Stormwater Management: This application utilizes Environmental Site Design (ESD) methodology in accordance with the Stormwater Management Concept plan approved October 10, 2011.

Compatibility with Zoning Ordinance and Subdivision Regulations: This application meets the requirements of all applicable sections of the Zoning Ordinance and the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for this type of subdivision at this location.

Community Outreach: The Applicant has complied with all submittal and notification requirements.

Please refer to Preliminary Plan No.120110410 Staff Report for more detailed explanations of these justifications.

100 Park Avenue, Rockville, MD 20850 • T 301 762-9001 • F 301 294-6418 • www.maddoxinc.com

