



**ITEM # 7**  
**DATE: 10-16-03**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



**MEMORANDUM**

**DATE:** October 10, 2003

**TO:** Montgomery County Planning Board

**VIA:** Joseph R. Davis, Chief *JRD*  
Development Review Division

**FROM:** A. Malcolm Shaneman, Supervisor (301) 495-4587 *AMS*  
Development Review Division  
Cathy Conlon, Coordinator (301) 495-4542 *CC*  
Environmental Planning

**REVIEW TYPE:** Preliminary Plan Revision

**APPLYING FOR:** Parking Lot Expansion

**PROJECT NAME:** Evangelical Lutheran Church of the Redeemer

**CASE #:** 1-96007R

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** RE-2C

**LOCATION:** East Side of Ridge Road (MD 27), South of Intersection with Faith Lane

**MASTER PLAN:** Damascus

**APPLICANT:** Lutheran Church of the Redeemer

**FILING DATE:** July 24, 2003

**HEARING DATE:** October 16, 2003

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**STAFF RECOMMENDATION:** Denial, Pursuant to Section 50-32 of the Subdivision Regulations and to the Limitations for Development in the Patuxent Primary Management Area

## **ISSUES TO DATE**

The Lutheran Church of the Redeemer received approval of a Preliminary Plan (1-96007) in 1996 for expansion of an existing church and parking lot, and the reconstruction of an existing stormwater management facility. They are now requesting approval of a revision to the approved plan to add 145 new parking spaces. The proposed revision requires waiver of the Environmental Guidelines' requirements for stream buffers and impervious surface limits for properties located in the Patuxent River Primary Management Area.

The subject property is developed per the approved preliminary plan with the first phase of the expanded church building and a 172-space parking lot. The approved preliminary plan anticipated a proposed future addition to the church building, and permitted an existing stormwater management pond to remain and be retrofit within the designated stream buffer. The approved plan also permitted 15 new parking spaces to be located within the stream buffer because the applicant stated that the spaces were absolutely needed to accommodate the planned church expansion, and the required retrofit of the stormwater management pond precluded use of the only other area remaining outside the buffer limits.

The Church now plans to begin the second phase of building expansion, and states that additional parking is needed to accommodate the desired seating capacity in the new building. This additional parking was not requested or discussed as part of the approval of the preliminary plan. (See applicant's justification letter for the new parking attached to this memorandum.)

## **PROJECT DESCRIPTION**

The subject property consists of 8.54 acres of land located on the east side of Ridge Road (Md. Rte. 27) south of its intersection with Faith Lane. The parcel is located within the headwaters of the Patuxent River watershed and contains a tributary stream, which drains to the Triadelphia and Rocky Gorge Reservoirs, which are primary drinking water supplies for the region. The Patuxent River and the reservoirs are being heavily impacted by increasing pollution levels associated with land development, and from ongoing pollution associated with agricultural activities. The *Patuxent River Policy Plan* (State Policy Plan) was approved in 1984 to address these impacts. Under this State

Policy Plan, Montgomery County agreed to develop and implement a primary management area approach to watershed protection.

The Primary Management Area (PMA) in Montgomery County is a water quality protection and restoration area along streams and the river, where land use activities are managed to protect and enhance water quality. The width of the PMA is ¼ mile (1,320 feet) for the Patuxent mainstem, and ⅛ mile (660 feet) for all tributaries. It consists of a stream buffer as defined in the *Environmental Guidelines*, and a transition zone where lower density uses are recommended and imperviousness should not exceed 10 percent. The entirety of the subject property falls within the transition zone of the PMA.

The approved preliminary plan was reviewed prior to the adoption of the PMA guidelines. As such, the plan includes improvements, which result in impervious surface levels, which exceed the 10 percent PMA requirements. The current imperviousness level on the site is 24.9 percent. This level would increase to approximately 27.8 percent of the site with the proposed future expansion of the church building as it was shown on the approved preliminary plan. The proposed parking lot expansion would result in an impervious surface level of 41 percent for the site.

In addition to significantly exceeding the approved impervious level of the site, the proposed parking would also encroach into the stream buffer for the on-site stream. The applicant believes a portion of this encroachment is justified because the parking would be constructed over the retrofit stormwater management facility currently located inside the buffer. They now propose to replace this stormwater management facility with underground stormwater management in the parking lots. Twenty of the proposed new parking spaces and the associated drive aisle would be located in undisturbed stream buffer.

The approved preliminary plan also included approval of a Forest Conservation Plan (FCP). This plan required creation of a conservation easement of 3.19 acres in the portion of the stream buffer, which was not disturbed, and retention therein of 2.29 acres of forest. The forest retention satisfied the overall requirements of the FCP. The proposed plan would require additional forest clearing which would necessitate off-site reforestation. Meeting the FCP requirements with existing forest retention was one of the conditions for allowing the 15 parking spaces to be placed within the stream valley buffer as part of the preliminary plan approval.

## **STAFF RECOMMENDATION**

Staff recommends denial of the applicant's request to increase the parking area on this property. Being in the transition zone of the PMA, this property should not exceed 10 percent imperviousness. The existing and approved future improvements already exceed this level by a considerable amount. Waivers of the PMA requirements may be granted for existing, non-conforming uses, but staff believes that this site has already

received more than the typical waiver allowance as part of the approval of the preliminary plan.

Staff typically uses the average imperviousness level of an existing, non-conforming zone as the basis for waiver recommendations. The underlying zone on this property is RE-2C, which has an average imperviousness level of 19 percent. The 27.8 percent imperviousness that can be constructed per the approved preliminary plan for this property already significantly exceeds an average RE-2C development. Staff believes additional impervious surface on this site is unacceptable and would contribute to degradation of stream water quality in the subwatershed and watershed in which the property is located.

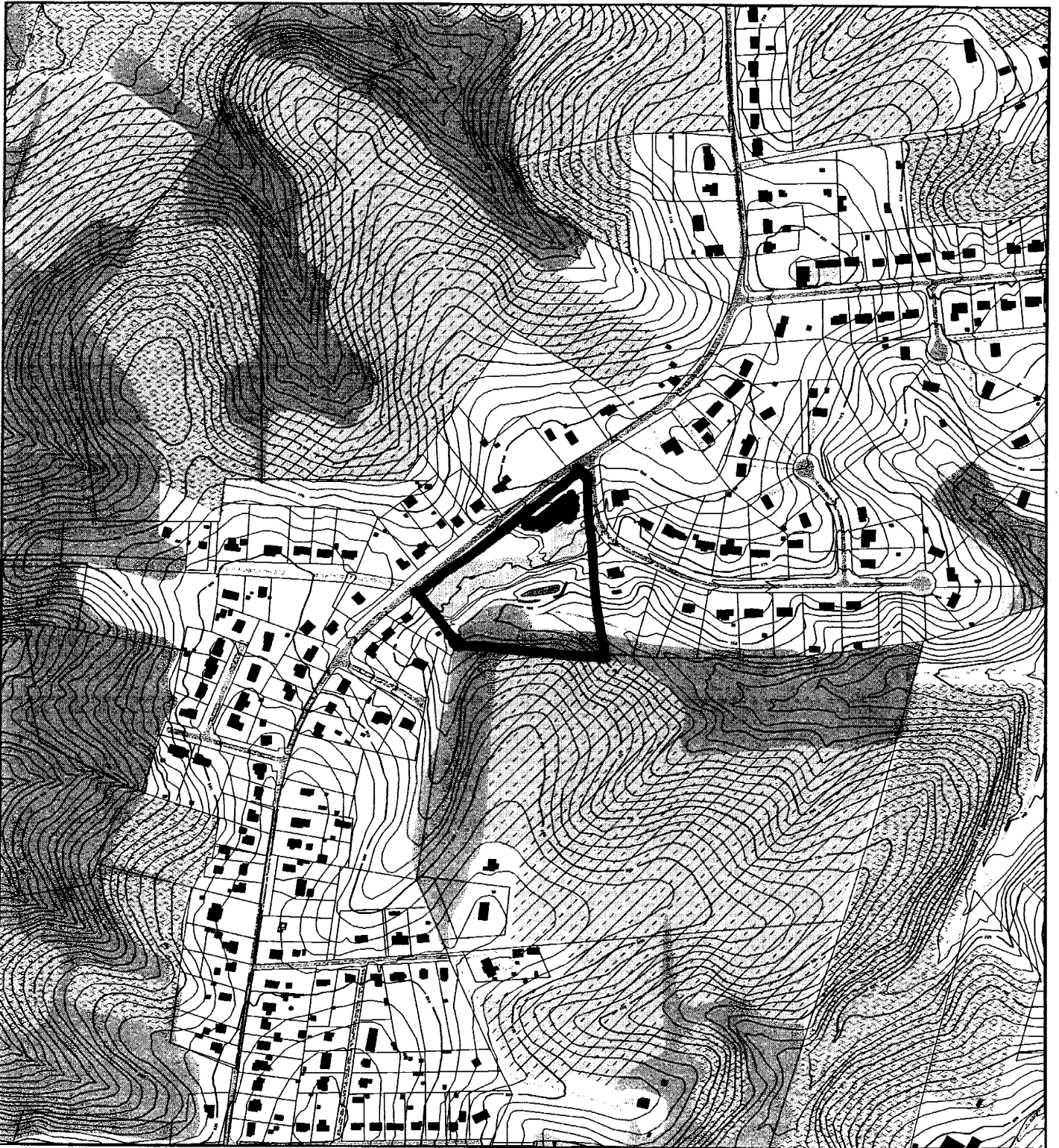
Staff is also opposed to additional impervious surface on this property because it would be located completely in the designated stream buffer for the on-site stream. The stormwater management facility currently located in this buffer existed prior to the review and approval of the preliminary plan. While it is undesirable because it prevents the preferred use of the buffer for forest establishment, it is not impervious and provides better stormwater quality and quantity control than the alternative underground facility would. Provision of best possible stormwater management and use of other best management practices are typically required to offset the negative impacts of exceeding the recommended 10 percent PMA imperviousness level. Since the property already exceeds this level, the existing stormwater management facility should be retained. Staff believes adequate consideration of the need for on-site parking has already been given as part of the approved preliminary plan which permitted stream buffer encroachment for some of the previously requested new parking lot.

Finally, staff is opposed to additional loss of existing forest within the stream valley, which would result from adding parking to this site. The forest protected in the stream valley was the major consideration for granting approval of the buffer encroachment needed for existing parking. A considerable amount of this forest is now being cleared because of the master plan required extension of Woodfield Road through this property. Mitigation for this road clearing will be provided by the County in the Patuxent watershed, but not in the subwatershed of the stream being affected. Because the overall percentage of forest in the subwatershed is not high, it is important to maximize forest retention where possible.

## **Attachments**

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Proposed Plan	6
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# EVANGELICAL LUTHERAN CHURCH (1-96007)



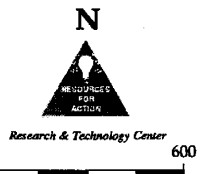
Map compiled on October 10, 2003 at 9:32 AM | Site located on base sheet no - 238NW10

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September 11, 2003

Mr. Malcolm Shaneman, Supervisor Subdivision Section  
Maryland National Capital Parks and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Re: Lutheran Church of the Redeemer  
Amendment to Preliminary Site Plan

Dear Mr. Shaneman;

On behalf of the Lutheran Church of the Redeemer, DeMario Design Consultants, Inc., is pleased to present a conceptual parking lot layout. The design presented is preliminary in nature, however we believe the designs include enough detail to make a determination as to the acceptability of the concepts. We understand the project is scheduled to be presented to the Board on September 25, 2003. We have prepared a brief summary on the scope of the project and some of the issues that you and Ms. Colon have identified.

Background:

The Lutheran Church of the Redeemer (Church) has an approved Preliminary Plan (file # 1-96007). The Church has been contacted by the MC DPW &T in regards to the alignment of Rt. 124 extended. As you are aware, the final Rt. 124 alignment requires the taking of a portion of the Church's property. In response, the Church has considered the impacts that proposed Rt. 124 will have on any future expansions. Of foremost concern, is the Church's immediate need for additional parking spaces.

By eliminating the parking islands and extending a lot at one end, the Church would be able to expand the existing parking by 15 spaces. The only other remaining land is currently use by the Stormwater Management Facility or is part of the preliminary forest conservation easement. DDC has reviewed the concept of replacing the existing surface stormwater management facility with an underground facility with the Montgomery County Department of Permitting Services. DPS had no objections to the concept, providing the Church submits an engineered plan prepared in accordance with current regulations.

Amendment to Preliminary Plan:

The plans submitted show two scenarios, one that uses the existing limits of the property, and one that considers the impacts of the proposed Rt. 124. The first concept identifies the location of 15 new spaces interior to the existing 172-space parking lot. It also demonstrates how an additional 141 new spaces located over the existing SWM facility could be obtained. The entrance to the new parking lot eliminates three existing spaces for a total of 325 parking spaces for the entire site. This configuration can be achieved without encroaching into the preliminary forest conservation easement line.

The second concept incorporates the limits of the proposed Rt. 124 grading into the plan. After several iterations, the new lot was significantly reduced to allow for the Rt. 124 embankment

grading. To recover some of the "lost" spaces, an additional lot was laid out adjacent to the existing lot. The total parking spaces that are achieved is 317 spaces. This is eight less than if Rt. 124 were not constructed. Approximately 20 spaces encroach into the preliminary forest conservation easement.

Other relevant items/ issues in no particular order include:

- The Forest Conservation Easement Line has not been recorded because the MNCPPC staff recognized that the Rt. 124 alignment would impact the Church's property and wanted the site design elements to remain flexible until the impacts were in the final design phase.
- Rt. 124 was originally proposed to cross on the southern portion of the Church property. The Church designed its improvements on the northern portion of the property to avoid/minimize any potential impacts. However, the Montgomery County Department of Public Works and Transportation revised the alignment to cross the Church's property on the northern edge.
- The existing Church Sanctuary holds 250 members. The family and life center has a maximum capacity of 700 per the fire code. Total existing capacity is approximately 950. The future expansion will increase the Sanctuary from 250 seats to approximately 1,000 seats. Total future seating capacity is projected to reach 1,700.
- The Church has other concerns about the proposed Rt. 124 alignment at Faith Lane. Specifically, the Church was concerned about the left turn movements onto Rt. 124. In several working sessions with DPW & T, it appears the concerns can be addressed to the satisfaction of the State Highway Administration and all involved parties.
- The Church has explored increasing the property through the acquisition of adjacent parcels of land. However, none of those inquires appear to be a viable solution.
- The Church has authorized the use of retaining walls in the design to reduce the impacts and extent of encroachment into the Forest Conservation Easement at a significant cost.

Should you need additional information, please contact me at your earliest convenience.

Very truly yours,

DeMario Design Consultants, Inc.



W. Richard DeMario, P.E.

Principal

WRD: kl

CC: Debbie Tomlinson, Lutheran Church of the Redeemer