



FEB 19 2012

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

MCPB No. 11-77
Site Plan No. 820100080
Project Name: First Baptist Church of Wheaton
Date of Hearing: September 8, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on May 5, 2010, First Baptist Church of Wheaton ("Applicant"), filed an application for approval of a Site Plan for a 46,500 SF House of Worship with a maximum capacity of 788 seats ("Site Plan" or "Plan") on 14.4 acres of RNC-zoned land, located at 3110 Emory Church Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820100080, First Baptist Church of Wheaton (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated August 25, 2011, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on September 8, 2011, 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 September 8, 2011, the Planning Board approved the Application subject to conditions on the motion of Commissioner Anderson; seconded by Commissioner Presley; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820100080 for a 46,500 SF House of Worship with a

Approved as to
Legal Sufficiency:

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

MNCPPC Legal Department
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maximum capacity of 788 seats, on 14.4 gross acres in the RNC zone, subject to the following conditions:

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120100250, or as amended.

Environment

2. Forest Conservation & Tree Save

The development must comply with the conditions of approval for the Final Forest Conservation Plan dated July 12, 2011. The applicant must meet all conditions prior to the recording of a plat(s) or the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.

3. Stormwater Management

a) The proposed development is subject to the Stormwater Management Concept approval conditions dated December 14, 2009, and reconfirmed on June 3, 2010, unless amended and approved by the Montgomery County Department of Permitting Services.

b) Show locations and details of proposed porous pavement, stormwater management drywells, and any other stormwater management structures that are not included as part of the MCDPS Stormwater Management Concept plan approval on the Certified Site Plan. The applicant must be responsible for the maintenance of these features.

Transportation & Circulation

4. Transportation

a) The Applicant must limit development on the property to a 46,500 square-foot church (or a place of worship), with a maximum of 788 seats and no on-site weekday educational institution or daycare that will generate peak-hour trips.

b) The church will hire a professional traffic engineer to monitor the traffic flow along the entire length of Emory Church Road. Such monitoring should take place for four consecutive weeks before and after church on Sundays and should begin six months after the Use and Occupancy permit has been issued, although the timing may be extended to ensure that the monitoring does not occur in the summer. The church will then be required to present the findings to the Planning Board, which may require the church to hire a traffic official to control the traffic flow or take other reasonable actions.

Site Plan

5. Site Design

- a) Revise the parking lot layout to eliminate the last row of parking spaces and northernmost aisle and extend the remaining rows to the east with the same number of deleted spaces as shown on the Final Forest Conservation Plan dated July 12, 2011.
- b) Provide a vehicular guard rail between the parking lot edge and the retaining wall abutting the parking lot's eastern edge.
- c) Provide fencing with a gate for the play area adjacent to the sanctuary in Phase II in order to address safety concerns.
- d) Provide enhanced architectural treatment, such as fenestration, on the second story of the southeast building elevation.

6. Landscaping

Extend the foundation plantings around the southwest and southeast sides of the building.

7. Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b) All onsite down-light fixtures must be full cut-off fixtures.
- c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d) Illumination levels shall not exceed 0 (zero) footcandles (fc) at any property line abutting county roads and residential properties.
- e) The height of the light poles shall not exceed 12 feet including the mounting base.

8. Landscape Surety

The applicant shall provide a surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) The amount of the surety shall include plant material, on-site lighting, and site furniture within the relevant phase of the development. Surety to be posted prior to issuance of first building permit within each relevant phase of development and shall be tied to the development program.
- b) Provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- c) Completion of plantings by phase, to be followed by inspection and surety reduction. Inspection approval starts the 1 year maintenance period and surety release occurs at the expiration of the one year maintenance period.

- d) Provide a Site Plan Surety and Maintenance Agreement that outlines the responsibilities of the applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

9. Development Program

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

- a) 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, Sediment Control Plan, and the M-NCPPC inspection and approval of all tree-save areas and protection devices.
- b) On-site lighting must be installed within six months after the parking lot construction is completed. Landscaping associated with the parking lot may wait until the next growing season. All other landscaping must be installed prior to final use and occupancy of the building and may be phased appropriately to reflect the two phases for the buildings.
- c) On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any final use and occupancy permit for the building and may be phased appropriately to reflect the two phases for the buildings.
- d) Pedestrian pathways and seating areas associated with each building and parking area must be completed as construction of each building and parking area are completed.
- e) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

10. 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 Plan approval, Stormwater Management Concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.
- b) Add a note to the Site Plan stating that the M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading.
- c) Modify the data table to reflect development standards enumerated in the staff report.
- d) Ensure consistency off all details and layout between Site Plan and landscape plan.
- e) Label and dimension setbacks on the Site Plan.

- f) Show and label amenities in the open area adjacent to the southern façade of the building.

BE IT FURTHER RESOLVED, that all site development elements as shown on First Baptist Church of Wheaton drawings stamped by the M-NCPPC on March 28, 2011, shall be required, except as modified by the above conditions of approval; and

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

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.*

Development, diagrammatic, schematic development, and project plans were not required for the subject site.

2. *The Site Plan meets all of the requirements of the RNC zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the Rural Neighborhood Cluster (RNC) Zone. The intent of the RNC Zone is to preserve open land, environmentally sensitive natural resources and rural community character that would be lost under conventional, large-lot development. The proposed development meets the intent of the zone by preserving environmentally sensitive natural resources including two streams with associated buffers and existing mature forest within the property. The project also preserves rural community character by strategically widening Emory Church Road to maintain the greatest number of existing trees on the north side of this road. The RNC Zone allows the proposed church use.

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the RNC Zone. The following data table sets forth the

development standards approved by the Planning Board and binding on the Applicant.

Data Table for the RNC Zone, Optional Method of Development

Development Standard	Approved by the Planning Board & Binding on the Applicant
Site Area	
Min. Area of Development (acres) 59-C-9.574(a)	14.4 (627,359 SF)
Right-of-Way Dedication (acres)	0.27 (11,783 SF)
Min. Lot Area (SF) 59-C-9.42	14.13 (615,576 SF)
Setbacks (feet)	
Min. Setback from Street 59-C-9.574(d)(ii)	230
Min. Yard Setback	
- East Side yard, abutting lot to the east is zoned RE-2, assume optional method of development	240
- West Side yard, abutting lot to the west is zoned RNC, assume optional method of development	370
- Rear yard, abutting lot to the north is zoned RNC, assume optional method of development	270
Accessory Structures Setbacks, 59-C-9.574(d)(vii)	
- Rear	5
- Side	5
- Street	60
Min. Lot width (feet)	
Along front street line 59-C-9.43	784
Max. Building Height (feet)	
59-C-9.574(d)(v)	35 ^(a)
Max. Lot Coverage (%)	
59-C-9.46	4% (24,500 SF) ^(b)
Rural Open Space (%)	
59-C-9.574(h)	65.4% (402,350 SF)
Common Open Space (SF)	
59-C-9.574(e)	n/a ^(c)
Parking	
Total Parking Spaces	
- Main sanctuary (500 seats)	
- Platform (48 seats)	
- Chapel (24 seats)	

- Overflow seating (216 seats) Total seats 788	197 spaces
Parking Distribution	
- Standard (8.5'x18')	190
- Accessible (8'x18') w/ access aisle	+ 7
Total automobile spaces	197
- Motorcycle spaces (4'x18') (59-E-2.3(d))	4
- Bicycle spaces (59-E-2.3(a))	10
Parking Facility Internal Landscaping (%) (59-E-2.73)	13.6% (10,232 SF)
Parking Setback from adjoining RE-2 land (59-E-2.81(a))	320

(a) The building height limits do not apply to steeples or belfries per Section 59-B-1.1.

(b) Calculated as a percentage of the net lot area that is covered by buildings only.

(c) Required for residential neighborhoods of 10 dwelling units or more.

(d) The internal area of the surface parking facility is 75,383 SF.

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

a) Buildings and Structures

The locations of the building and structures are adequate, safe, and efficient. The building is located in the middle of the site, on a cleared ridge, in roughly the same location as the existing house. This location avoids environmental buffers and existing forest onsite. The two-story building with a maximum height of 35 feet is adequately setback from the neighboring properties and Emory Church Road, which effectively minimizes any potential negative impacts due to proximity. The 46,500 SF church with a capacity of 788 seats will be constructed in two phases. The main building encompassing 30,500 SF will be built in Phase I and the adjoining sanctuary of approximately 16,000 SF in Phase II. At completion, the building and sanctuary will cover approximately 4.0% of the net lot area.

The parking lot with 197 spaces is located immediately to the north of the building. This location adequately limits visibility of the surface parking lot from Emory Church Road and avoids environmentally sensitive areas. This location safely and efficiently directs traffic to the interior of the site and avoids conflicts near the intersection with Emory Church Road. As conditioned, the parking lot layout will be revised to have three instead of four driving aisles while maintaining the same number of parking spaces. This is accomplished by eliminating the last row of parking spaces with its access drive aisle and extending the remaining rows to the east to capture the same number of spaces that were deleted. The net total of parking spaces remains the same with the benefit of less impervious

surface and more open space available for church activities and gatherings without the need to encroach into the existing forest.

b) Open Spaces

The open spaces provided are adequate, safe, and efficient. The RNC Zone requirement for Common Open Space is not applicable to this project because this is not a residential development of 10 dwelling units or more. The RNC Zone requirement for Rural Open Space is applicable and the project meets this requirement by providing 9.2 acres (402,350 SF) or 65.4% of the net lot area. Rural Open Space is intended to protect rural features and other sensitive areas and to maximize common boundaries with rural open space on adjacent tracts. The 9.2 acres of Rural Open Space includes all areas outside the limits of disturbance and overlaps with the environmentally sensitive areas on site including the two stream valley buffers. The Rural Open Space adequately meets the intent of the zone by preserving environmentally sensitive natural resources.

c) Landscaping and Lighting

The landscaping provided is adequate, safe, and efficient. The landscaping is limited to the parking lot, access driveway, and areas around the building. The parking lot internal landscaping consists of shade trees and ornamental trees in the parking medians. A mix of shade trees and evergreen trees lines the access drive and efficiently contributes to the screening and delineation of the adjacent stormwater management facilities on both sides of the driveway. Also, this landscaping adequately softens the views of the building from Emory Church Road. Foundation plantings consisting of ornamental trees, deciduous and evergreen shrubs, ornamental grasses and groundcovers add scale to the building and contribute to a sense of arrival. The landscaping of the storm water management facilities will be reviewed, approved and inspected by DPS, Water Resources Section. The remainder of the site is either forested or is being used to meet the afforestation requirements.

As proposed, the lighting consists of pole mounted light fixtures with a maximum height of 20 feet located on the east side of the private driveway leading up to the church building, on the perimeter of the surface parking lot and in the parking lot islands. However, the Planning Board recommended that the lighting be reduced in height to 12 feet, which is more residential in character and reduces visibility from adjacent properties and thus provides compatibility with the neighborhood. The lighting proposed will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. As conditioned, the lighting recommended is adequate, safe and efficient.

d) Recreation Facilities

The Project is not subject to the Recreation Guidelines as this is not a residential development. Nonetheless, the Project proposes a play area adjacent to the sanctuary in Phase II, a lawn area adjacent to the south of the building for children in first grade through the youth group, and an open area north of the parking lot for picnics and open play. The play area adjacent to the sanctuary in Phase II is intended for small children to play after church events while the adults are socializing prior to leaving the site. Given its proximity to the parking lot and lack of setbacks, the Planning Board conditioned that this play area be fenced with a gate in order to address safety concerns. As conditioned, the recreation facilities are safe, adequate, and efficient.

e) Vehicular and Pedestrian Circulation

The pedestrian and vehicular circulation systems are safe, adequate, and efficient. The church, which envisions that the majority of its parishioners will travel by automobile to and from the site, seeks to discourage parking along Emory Church Road. This, combined with the goal of reducing impervious surfaces, has led to not having a sidewalk connecting the public right-of-way to the building. Pedestrian circulation is provided only from the parking lot to the building. A walking aisle is located across all the parking rows that effectively directs pedestrians to the building's entrance and to a sidewalk across the building's frontage.

Vehicular access to the site is limited to one entrance from Emory Church Road, which leads up to the church building and associated parking lot. The applicant worked closely with MCDOT and the M-NCPPC staff to locate the site's access point at a location that would provide adequate sight distance. MCDOT has confirmed that the proposed access point to the site is safe and adequate. The parking lot efficiently allows for vehicular (including emergency vehicles) movement. As conditioned, the layout will continue to maintain safe, adequate, and efficient pedestrian and vehicular circulation.

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

The structures and uses proposed are compatible with other uses and Site Plans, and with existing adjacent development. The church use is compatible with existing residential uses and places of worship surrounding the site. An existing church, Oakdale Emory United Methodist Church, is located 1,000 feet to the west on Emory Church Road. The location of the proposed building in the middle of the site allows for maximizing the setbacks from all four property boundaries, and preserving sensitive environmental resources. The setbacks, ranging from 230 feet on the south side, 240 on the east, 370 on the west, and

270 on the north side, reduce the visual impact of the proposed building and establish compatibility with the surrounding uses. In addition, significant areas of forest will be retained along all property lines to further screen the project from adjacent properties. The entrance to the site is proposed to be heavily landscaped, which integrates this site into the surrounding natural setting. The height of the proposed building at 35 feet (or 2 stories) is generally compatible with the surrounding building heights. The RE-2 Zone adjacent to the site to the east allows a maximum height of 50 feet under the standard method of development.

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.*

This site is subject to the County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420080900 was originally approved on March 19, 2008, and recertified on June 28, 2010. As conditioned, the FFCP will result in the removal of 0.85 acres of forest and the retention of 7.20 acres of forest outside of the proposed LOD. The amount of forest planting will yield 1.20 acres of forest planting in the environmental buffer, of which 0.24 acres of planting will serve as mitigation for the proposed environmental buffer encroachment. As conditioned, the remaining 0.96 acres of forest planting will not be used as no longer result in a forest mitigation bank for other development projects.

This application requires a variance to the Forest Conservation Law, granted under the provisions of Section 22A-21, because this site did not obtain approval of a Preliminary Forest Conservation Plan prior to October 1, 2009, and it proposes to remove and impact trees greater than 30 inches DBH. The Applicant has requested a variance to remove fourteen (14) trees greater than 30 inches DBH, and to impact, but retain, eight (8) others that are considered high priority for retention (the variance for tree impacts is required for seven of the eight trees included in the request because one of the trees (Tree # 75) is dead. Based on the findings described in the Preliminary Plan Resolution, the M-NCPPC Staff and the County Arborist in the Montgomery County Department of Environmental Protection recommend approval of the variance request from the Forest Conservation Law with mitigation. As conditioned, the 0.96 acres of forest planting will not be used by the applicant as a forest mitigation bank.

The project, as amended by staff's conditions of approval, meets the County Forest Conservation Law's requirement to maximize forest retention (Section 22A-12(f)(2)) and also meets the minimum onsite forest requirement for a property located in an agricultural and resource area (Section 22A-12(f)(2)(A)).

The proposed storm water management concept approved on December 14, 2009, and reconfirmed on June 3, 2010, consists of on-site channel protection measures via construction of two detention ponds; on-site water quality control and onsite recharge via construction of a Montgomery County Sand Filter, two Bio Filters, a Dry Well Trench, and other non structural measures.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

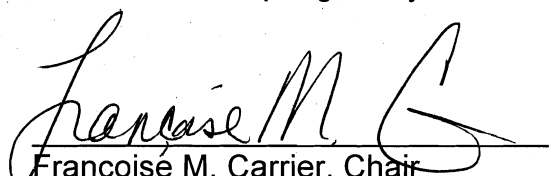
BE IT FURTHER RESOLVED, that the date of this Resolution is FEB 9 2012 (which is the date that this Resolution is mailed to all parties of record); and

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 Commissioner Anderson, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, February 2, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board