

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

MCPB
Item #
1/22/09



MEMORANDUM

DATE: January 9, 2009

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *PK*
Catherine Conlon, Subdivision Supervisor *CAC*
Development Review Division

FROM: Richard Weaver, Coordinator (301-495-4544) *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: One (1) lot for a house of worship

PROJECT NAME: Miracle Temple Assembly of God

CASE #: 120080290

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200

LOCATION: In the southwest corner of the intersection of Woodwell Road and Alderton Road

MASTER PLAN: Aspen Hill

APPLICANT: Miracle Temple Assembly of God

ENGINEER: RDA

FILING DATE: July 22, 2008

HEARING DATE: January 22, 2009

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one (1) lot for a house of worship with no weekday education facilities or weekday daycare.
- 2) The proposed development shall comply with the conditions of the preliminary forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
- 3) The Applicant must comply with the Landscape Plan revised on November 4, 2008 and further modified to include a lighting plan for staff approval, prior to issuance of building permits.
- 4) Applicant must construct 5 foot wide sidewalks along the property frontage and an off-site 5 foot wide sidewalk connection along Alderton Road to connect to the Matthew Henson Trail.
- 5) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated August 29, 2007. These conditions may be amended by MCDPS provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 6) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated December 16, 2008. These conditions may be amended by MCDOT provided the amendments do not conflict with other conditions of the preliminary plan.
- 7) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.
- 8) Other necessary easements must be shown on the plat.

SITE DESCRIPTION (See figure 1)

The subject property "Property" or "Subject Property" is identified as Part of Lot 8, Harry Martin Subdivision, on Tax Map JR 23. It is 96,926 square feet in size and is zoned R-200. It is located in the southeast corner of the intersection of Woodwell Road and Alderton Road in the Aspen Hill Master Plan area, "Master Plan". Surrounding uses are consistently residential in all directions, developed under R-200 densities. The Matthew Henson State Park and trail, formerly the Rockville Facility right-of-way, lies to the south of the Property. Alderton Road currently terminates at the Matthew Henson Park.

The Subject Property is improved with a one family residential structure of unknown age and a number of associated outbuildings. There is no forest on the property and there are no environmentally significant features. The Property drains to the Northwest Branch, a Use-IV-P watershed. The Property is currently served or is accessible to water, sewer, gas, electric and telecommunications utilities.

PROJECT DESCRIPTION (see figure 2)

The application proposes to plat the part of a lot into a single lot of approximately 96,700 square feet after dedication for the corner truncation. The proposed use on the lot is a religious

institution with a capacity of 360 seats and associated parking. Access to the church will be at two locations, one on Woodwell Road and the other from Alderton Road. The location of the church has been revised as the review of the plan has progressed. The initial application showed the church located in the center of the lot, with asphalt parking surrounding the structure on all four sides. Staff believed that the church should be fronted up to the streets and that the parking surfaces between the structure and streets be removed and this area be used as green space. The applicant willingly worked with staff to relocate the structure and move parking to the rear of the building. Because of the 40 foot front yard setback required by the R-200 zone and the more stringent established building line setback on Woodwell Road, there is ample area for green space between the building and the streets. Given that building locations are not required to be specified on a preliminary plan, staff recognizes the applicant's cooperation in this instance.

MIRACLE TEMPLE ASSEMBLY OF GOD (120080290)

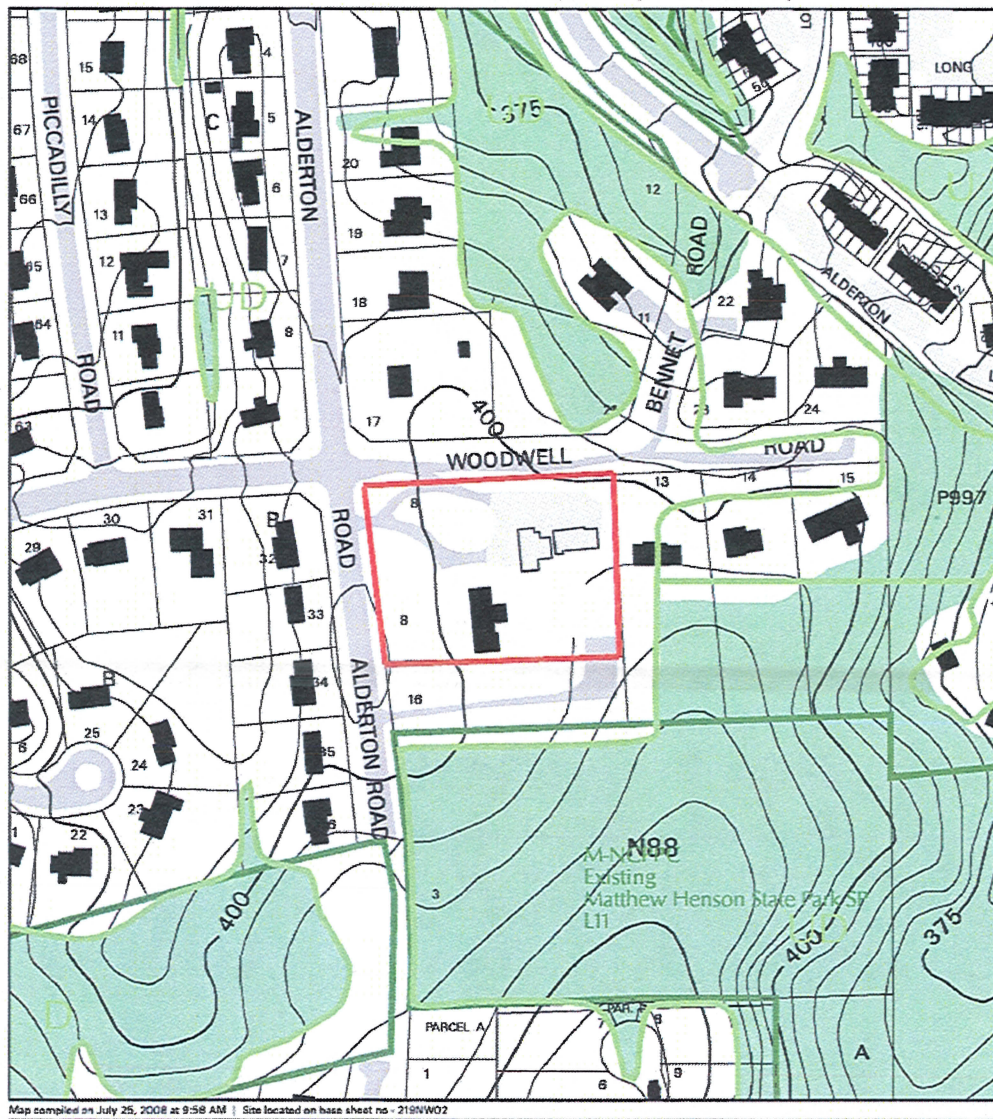


Figure 1

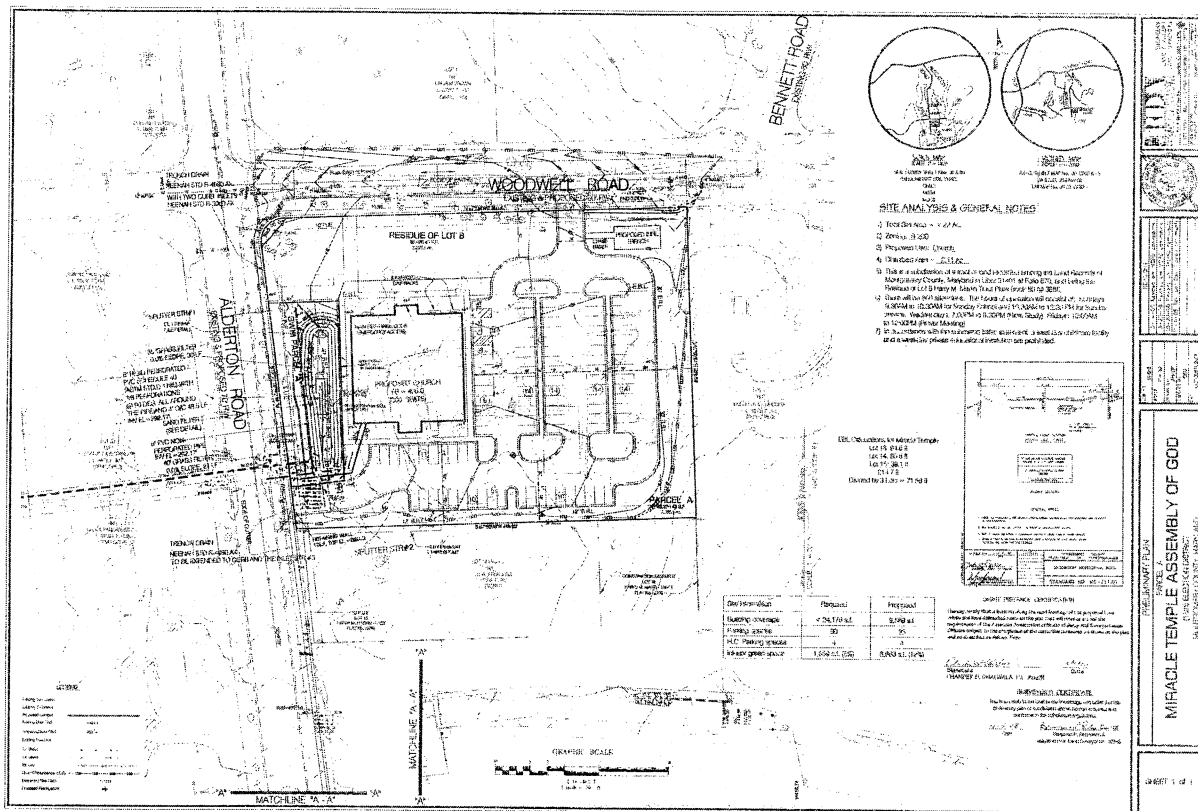


Figure 2

ANALYSIS AND FINDINGS

Master Plan Compliance

The Aspen Hill Master Plan does not specifically make recommendations for this site. The Plan supports continuation of the current R-200 zoning. The proposed use is consistent with the Master plan land use objectives of protection, enhancement and continuation of the current land use pattern. Religious institutions are permitted within the R-200 zone; nothing in the master plan would prohibit such a use on the Property. Given the large size of the existing part of a lot, and its location on a primary street, this is an appropriate location for this use.

Public Facilities

Roads and Transportation Facilities

The proposed use will not generate 30 or more vehicle trips during the morning or evening peak-hours, therefore, the application is not subject to Local Area Transportation Review. Staff finds that the current vehicle and pedestrian access for the subdivision will be safe and adequate with the public improvements proposed by this plan, namely sidewalks, widening of Woodwell Road and the access driveways. The eventual future connection of Alderton Road to the south, as envisioned by the Master Plan, will provide additional access to

the Property from the approved Poplar Spring (Indian Spring) subdivision and Randolph Road to the south.

Other Public Facilities and Services

The application has been reviewed by all local utility agencies (gas, electric, and telecommunications) who have recommended approval of the plan with a finding that their respective utility can adequately serve the development. Other public facilities and services, such as schools, police stations, firehouses and health services, are operating within the standards set by the Growth Policy Resolution currently in effect. The Property is not subject to payment of a School Facilities Payment.

Environment

Forest Conservation

The forest planting requirements of the Forest Conservation Law will be met off-site for this application. A determination of the off-site planting locations will be made at the time of Final Forest Conservation Plan review.

Stormwater Management

The application has an approved stormwater management concept dated August 29, 2007. The concept consists of on-site infiltration via sand filters and trenches and channel protection measures via on-site detention using a shallow pond. The application meets the requirements of Chapter 50-24(j) for stormwater management.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections including the requirements for resubdivision, as described below. Staff has reviewed the proposed lot size, width, shape and orientation and find them to be appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lot, as proposed, will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Conformance with Section 50-29(b)(2)(if applicable)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

B. Neighborhood Delineation

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate "Neighborhood" for evaluating the application. In this instance, the Neighborhood consists of 15 lots (Attachment C) all platted under the standard R-200 zone. Included are those lots north of Woodwell Road and east of Alderton Road, with frontage on Woodwell Road, Bennet Road and Alderton Road as well as those lots to the east and south. The Neighborhood excludes lots on the west side of Alderton Road because they were all approved under the R-200, density control method of development. The designated Neighborhood provides an adequate sample of the lot and development pattern of the area. A tabular summary of the area based on the resubdivision criteria is included in Attachment D.

C. Analysis

Comparison of the Character of Proposed Lot to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated Neighborhood. The existing part of a lot is currently the second largest division of land in the Neighborhood and, if approved, the lot will continue to be the second largest lot in the Neighborhood and at the high end of the Neighborhood range. In fact, when compared to the majority of lots in the designated Neighborhood, the proposed lot's characteristics differ from the majority of other existing lots. However, as noted below, staff finds that the proposed lot is in character with the existing Neighborhood because it will not change to any significant degree from its current configuration. It should be noted the staff has included Lot 3 to the south of the Subject Property which was platted in 1954 as a buildable lot. Lot 3 remains the largest lot in the Neighborhood but because of its current ownership as a public entity it is no longer buildable in the sense that it once was. The lot was purchased by the State to accommodate the Rockville Facility, a southern branch of the Inter-County Connector. The property has now reverted to park use and is part of the Matthew Henson State Park.

Based on the following review, staff finds that the proposed lot is of the same character with respect to the resubdivision criteria as other lots within the defined neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-29(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Frontage:

The lot frontages in the Neighborhood range from 102 feet to 400 feet. The proposed lot will be the second largest in the Neighborhood at 249 feet but will remain identical to the existing part of a lot. Staff believes that because there will be no change in the dimensions of the property it remains in character with the Neighborhood.

The proposed lot will be of the same character as existing lots in the neighborhood with respect to lot frontage.

Alignment:

All lots are perpendicular to the street including the proposed lot.

The proposed lots are of the same character as existing lots with respect to the alignment criterion.

Size:

Lot sizes range from 20,156 square feet to 283,576 square feet. As discussed above, the proposed lot (96,000 s.f) will be the second largest in the Neighborhood but considerably smaller than the largest lot (Lot 3) and more comparable in size to the next smallest lot at 59,982 square feet. As also noted, the proposed lot will be dimensionally the same as the current division of land.

The proposed lot size is in character with the size of existing lots in the neighborhood.

Shape:

Lots in the Neighborhood are described as rectangular, irregular or square. The Proposed lot will be rectangular.

The shapes of the proposed lots will be in character with shapes of the existing lots.

Width: (at the brl)

Lot widths for existing lots range from 101 feet to 400 feet, with the proposed lot being the second widest at 249 feet. Similar to the discussion on size and frontage, the width is the same as the existing part of lot 8 and remains in character with the Neighborhood.

The proposed lots will be in character with existing lots in the neighborhood with respect to width.

Area:

The buildable areas for the lots in the Neighborhood range from 10,140 square feet to 155,966 square feet. The proposed lot will be approximately 52,628 square feet in area.

For the same reasons discussed in the size, frontage and width sections, the lot does not change from its current configuration with regard to area. The buildable area will be unchanged from current conditions.

The proposed lots will be of the same character as other lots in the neighborhood with respect to buildable area.

Suitability for Residential Use: Both the existing and the proposed lots are zoned residential and the land is suitable for residential use.

Citizen Correspondence and Issues

This plan was properly processed in accordance with the current submittal procedures. A pre-submission meeting was held with interested neighbors on March 26, 2008 at the Argyle Middle School. Fifteen individuals attended the meeting; a copy of the meeting minutes is attached. Concerns raised at the meeting included:

- Would this project require the opening of Alderton Road through the Matthew Henson State Park? *(Alderton Road will not be changed substantially and will not be connected through because of this plan approval. A curb cut for access and a sidewalk will be the only additions.)*
- Will the church be purchasing Lot 16 to the south of the Property to expand? *(No plans to purchase the lot to the immediate south to allow for expansion have been suggested by the applicant)*
- Overflow parking on local streets *(The plan proposes a few spaces in excess of the required amount of parking for a 360 seat church. Although possible, it is reasonable to expect that the church will not be consistently at full capacity for services.)*
- Lighting shining on facility at all times. *(Lighting of parking for safety is necessary however, lighting will need to comply with the lighting plan required by staff. Shrouds on light standards will direct light down rather than outward or upward)*
- Expansion of church and/or future plan *(There are no current plans for expansion)*

A letter was also received dated July 29, 2008. Concerns raised by adjoining residents are summarized below:

- Location shown on Notice of Application is incorrect. *(The application was re-noticed to correct this error)*
- The church is not on a main artery and at a dead end. There will be too many cars and lives will be endangered. *(Alderton Road is a primary residential street with 36 feet of pavement width to accommodate parking on both sides and two through lanes. The location of a church on a primary street is appropriate. Although Alderton Road is currently a dead end, it connects to Bonifant Road, an arterial highway. Additionally additional access routes via secondary residential streets to Bonifant and Layhill Road also exist.)*
- The Church will hurt home values. *(Not typically germane to the Board's decision, however, staff is not aware of any evidence to support this statement)*

- Traffic signals will be required with additional traffic. *(This project will not require traffic signals to be placed at the intersection of Bonifant and Alderton roads. All trips to and from this Property will be off-peak hour (weekend). The need for a traffic signal at Bonifant Road and Alderton Road will likely be re-evaluated if or when Alderton Road is completed as a through street to the Indian Spring development as proposed by the Aspen Hill and Kensington Wheaton Master Plans)*

Staff has also been in contact with the citizen who owns the vacant lot immediately to the south of the Property (Lot 16). That owner has expressed some regret over the use of the Property for an institutional use as he wished to one day build a private residence. Staff has approved a landscape plan that proposes a row of Pin Oaks along the common property line to supplement the existing forest cover on Lot 16. Staff believes that the Pin Oaks, in combination with some tree save along this common property line by the applicant, will provide a reasonable buffer from the proposed use.

Staff finds that the residents' concerns have been addressed to the extent possible by this plan.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Aspen Hill Master Plan. Access and public facilities will be adequate to serve the proposed lot and use and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Citizen Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Miracle Temple Assembly of God				
Plan Number: 120080290				
Zoning: R-200				
# of Lots: 1				
# of Outlots: none				
Dev. Type: Religious Institution				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	
Minimum Lot Area	20,000 sq. ft.	96,000 sq. ft.		1/9/09
Lot Width	100 ft.	249 ft.		1/9/09
Lot Frontage	25 ft.	249 ft.		1/9/09
Setbacks				
Front	40 ft. Min.	Must meet minimum ¹		1/9/09
Side	12 ft. Min./ 25 ft. total	Must meet minimum ¹		1/9/09
Rear	30 ft. Min.	Must meet minimum ¹		1/9/09
Height	50 ft. Max.	May not exceed maximum ¹		1/9/09
Max Resid'l d.u. per Zoning	4	1		1/9/09
MPDUs	N/A			1/9/09
TDRs	N/A			1/9/09
Site Plan Req'd?	No			1/9/09
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes			1/9/09
Road dedication and frontage improvements	Yes	Agency letter		12/16/09
Environmental Guidelines	N/A	Staff memo		
Forest Conservation	Yes	Staff memo		1/7/09
Master Plan Compliance	Yes	Staff memo		1/7/09
Other (i.e., parks, historic preservation)	N/A			
Stormwater Management	Yes	Agency letter		8/29/07
Water and Sewer (WSSC)	Yes	Agency comments		8/25/08
10-yr Water and Sewer Plan Compliance	Yes			1/9/09
Well and Septic	N/A			
Local Area Traffic Review	N/A			
Policy Area Mobility Review	N/A			
Transportation Management Agreement	N/A			
School Cluster in Moratorium?	N/A			
School Facilities Payment?	N/A			
Fire and Rescue	Yes	Agency letter		11/17/08
Other (i.e., schools)				

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

RDA Engineering Co. Inc.

Meeting Minutes

March 26, 2008

I. Call to order

RDA called to order the regular meeting of the Miracle Temple of God Pre-Submission meeting at 7:00 PM on March 26, 2008 in the cafeteria of Argyle Middle School in Silver Spring, MD 20906.

II. Roll call

Erica Holland from RDA Engineering Co. Inc. conducted a roll call. The following persons were present:

Phillip Lacy, Architect

R. Sterling Hughes, General Contractor for Warder & Assoc.

Mark Ferguson, Engineer with RDA

Erica Holland, Engineering Tech. with RDA

III. Open issues

- a) Citizens were concerned on whether or not the road at the dead end would be opened through the subdivision on the other side.
- b) Citizens were concerned about the current situation on the piece of property directly south of our site. They were mainly concerned on if it would be sold to the church for the ability to expand.
- c) Citizens living directly across the street from our site were extremely concerned about any overflow of parking and if so, would they be parking on the street.
- d.) A citizen across the street was wondering what the situation would be as far as the lighting around the church and if there would be spotlights shining on the facility at all times.
- e.) Citizens were curious as to the congregations future plans, i.e. how long did they expect to stay in the area? The other question being while they were there would they be wanting to expand and add on the what they are proposing now?

IV. Adjournment

Mark Ferguson adjourned the meeting at 9:00 **PM**.

Minutes submitted by: Erica K. Holland

Minutes approved by: **[Name]**

March 27, 2008

SIGN-IN SHEET

NAME	ADDRESS	PHONE	EMAIL
Duggirala, Subash	1406 Woodwell Road Silver Spring, MD 20906		
Sgarlata, C.			
Woodworth, K.	14439 Long Green Drive Silver Spring, MD 20906		kcwoodworth@yahoo.com
Valeriano, Susan E.	14116 Alderton Road Silver Spring, MD 20906	301.460.8444	Susan.valeriano@verizon.net
Humphrey, David & Susan	14104 Alderton Road Silver Spring, MD 20906	301.460.9520	<u>DavidH3808@aol.com</u>
Lodmell, Joseph	14204 Alderton Road Silver Spring, MD 20906	301.871.6555	jmlodmell@comcast.net
Jones, Phillip	1404 Woodwell Road Silver Spring, MD 20906	301.460.8438	Tonyj007@aol.com
Rosenfield, James	14900 Notley Road Silver Spring, MD 20905	301.879-2549	Jd14900@gmail.com
Curtis, Paul & Chelsea	14111 Aldeton Road Silver Spring, MD	301.603.8389	chelseacurtis@verizon.net
Glaser, Chris	4415 Dresden Street Kensington, MD 20895	240.375.4258	<u>Chris.glaserllc@gmail.com</u>
Tirado, Roland	1405 Woodwell Road Silver Spring, MD 20906		
Saah, Richard & Carol	14108 Alderton Road Silver Spring, MD 20906		<u>rcsmarketing@hotmail.com</u>

MARCH 26, 2008
 Miracle Temple Assem
 of God Pre-Submission
 Meeting 7PM to 9PM

SIGN-IN SHEET

PLEASE PRINT YOUR NAME

NAME	ADDRESS	PHONE	EMAIL
✓ S. Duggirele	1406 1406 Woodwell Rd, SS	-	-
C. Sgarlata			
K. Woodwell	14439 Long Green DR. Silver Spring MD 20906		
✓ (lighting) Susan Valeriano	14116 Alderton Rd	301 460 8444	susan.valeriano @verizon.net
✓ Dave + Susan Humphrey	14104 Alderton Rd	460-9520	David H 3808 AOL. com
✓ Joe Lodmell	14204 Alderton Rd	301- 871-6555	jmlodmell@ comcast.net
✓ Phillip Jones	1404 Woodwell (Please send plan)	301 460-8438	+anyj807@ aol.com
J. Rosenfield	14900 Nottley Rd	301 879-2579	please send plan
✓ R. Paul + Chelsea Curtis	14111 Alderton Rd 20906	301 603-8389	chelseacurtis @verizon.net
Chris Glaser	4415 Dresden St. Kensington, MD 20895	(240) 375-4258	chris.glaser11c @gmail.com

SIGN-IN SHEET

[illegible]

COPY *Original Filed*

To: Development Review Division Maryland-National Capital Park and Planning
8787 Georgia Ave
Silver Spring, MD 20910

RECEIVED

Re: Miracle Temple Assembly of God
Plan Number: 120080290 / Current Zoning: R200

SEP 15 2008

July 29, 2008

DEVELOPMENT REVIEW

Dear Sir or Madam:

We live at 14108 Alderton Rd, Silver Spring, MD 20906. Our home is directly across the proposed church. There are a few issues with the home of this new church. First off:

- 1) *The location of the lot for construction of the church is far greater than 500' from the intersection of Bonifant and Alderton.*
- 2) *There is no main artery for traffic to enter / exit the church*
- 3) *Alderton Rd is a dead end. It ends at a county bike / walk path*
- 4) *This is a quiet community. It is rare to find homes for sale here. People buy here, and stay here.*
- 5) *Building the church in this neighborhood will further hurt the economics of values of homes here. With the State of the Economics, and especially housing this will only hurt the homeowners further*
- 6) *Wouldn't a church want to be on a main road to allow for more visibility?*
- 7) *Children play in our neighborhood, this is going to make it a greater risk for our kids to play, freely*
- 8) *The church is to seat 280 people, that is at least 100 cars traveling on our streets, on days of Mass, evening events, and who knows what else.*
- 9) *The church's intensions are to buy the lot next to where the church would be to expand. This is OUR NEIGHBORHOOD, not a place for business to grow to enrich themselves while driving our home values down*
- 10) *There is a community center being built here, with that traffic and that of the church you will need traffic signals on our streets here*

We respectfully beg the board to review our concerns, and address them. This seems to be a motive for a business to grow and profit.

What can we do to avoid this being built in our neighborhood?

Best regards,

Carol Saah

Richard and Carol Saah
14108 Alderton Rd
Silver Spring, MD 20906
301-871-2959

120080280 Miracle Temple Resubdivision Table*TABLE 1*

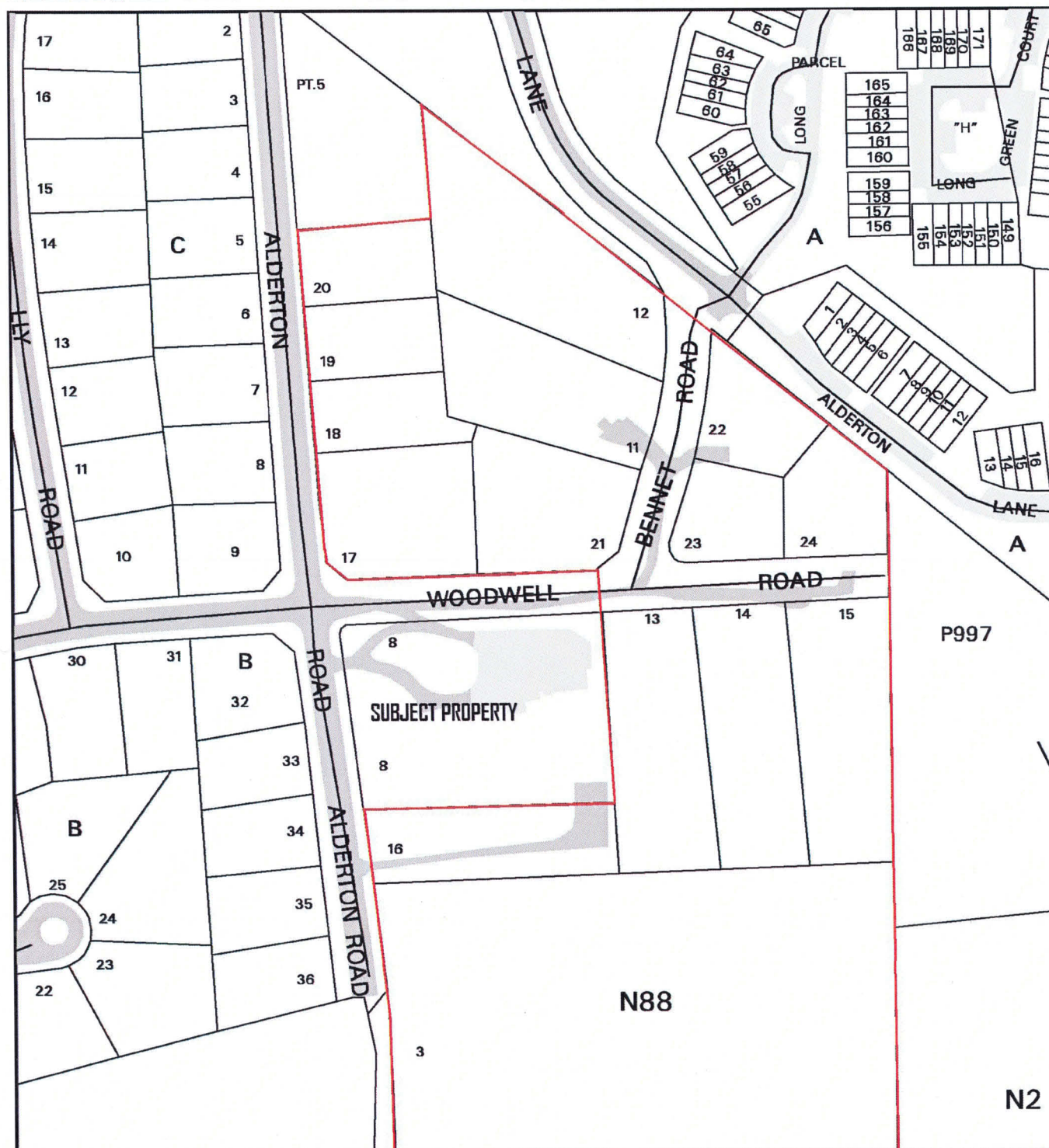
Lot #	Lot Size	Frontage	Alignment	Lot Shape	Width	Buildable Area
SUBJECT	96,926	249	perpendicular	rectangular	249	52,628
3*	283,576	400	perpendicular	rectangular	400	155,966
13	48,081	130	perpendicular	rectangular	130	21,636
14	48,081	130	perpendicular	rectangular	130	21,636
15	49,890	140	perpendicular	rectangular	140	22,450
16	34,192	100	perpendicular	rectangular	100	15,386
22	20,609	142	perpendicular	irregular	131	10,300
23	20,133	142	perpendicular	pipestem	125	10,250
24	22,523	142	perpendicular	irregular	142	12,009
12	59,982	126	perpendicular	irregular	146	29,997
11	45,302	125	perpendicular	irregular	136	23,557
21	36,953	165	perpendicular	rectangular	178	16,200
17	39,382	165	perpendicular	square	165	21,661
18	20,258	102	perpendicular	irregular	101	10,150
19	20,156	105	perpendicular	rectangular	105	10,140
20	20,156	105	perpendicular	rectangular	105	10,140

NOTES

All lots are suitable for residential development

Lot 3 is owned by the State and is within the Matthew Henson Park but was platted originally as a building lot

MIRACLE TEMPLE RESUBDIVISION NEIGHBORHOOD



Map compiled on January 06, 2009 at 1:54 PM | Site located on base sheet no - 219NW02

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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8282 Georgia Avenue - Silver Spring, Maryland 20910-3700

Key Map

