



**Olive Branch Community Church, Preliminary Plan, 120110410**

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**Completed: 02-02-12**

**Description**

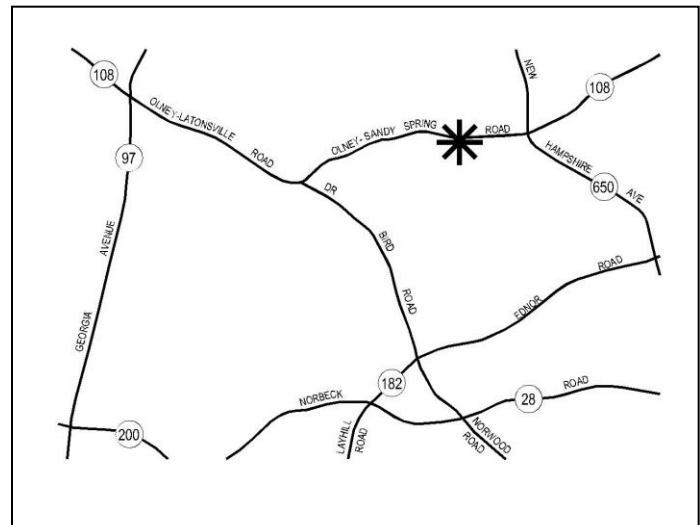
**Preliminary Plan No. 120110410: Olive Branch Community Church**

8,000 square foot church with 250 seats, one lot with 19 parking spaces located on an adjacent lot, 416 Olney Sandy Spring Road, 3.06 acres, RE-2 Zone, Sandy Spring/Ashton Master Plan.

*Staff Recommendation: Approval with Conditions*

Application Filing Date: July 8, 2011

Applicant: Olive Branch Community Church



**Summary**

The Applicant requests approval of one lot for the construction of the Olive Branch Community Church with the capacity to seat 250 people under the standard method of development in the RE-2 zone. The minimum off-street parking requirement for this church is 63 spaces. In accordance with section E59-3.7 of the Zoning Ordinance; 30 percent of the required spaces will be provided at the Sandy Spring Museum under the terms of an agreement to be finalized during the review of the Site Plan.

This project also includes the dedication of Olney-Sandy Spring Road (8,312 square feet), and provides onsite pedestrian and vehicular improvements to support the proposed religious facility. While exempt from a full Adequate Public Facilities review, this report analyzes other required public facilities needed to support the proposed building. As part of the review of this preliminary plan, the Planning Board is also reviewing the Preliminary Forest Conservation Plan and Forest Conservation Variance.

There are no major issues to resolve.

## **STAFF RECOMMENDATIONS AND CONDITIONS**

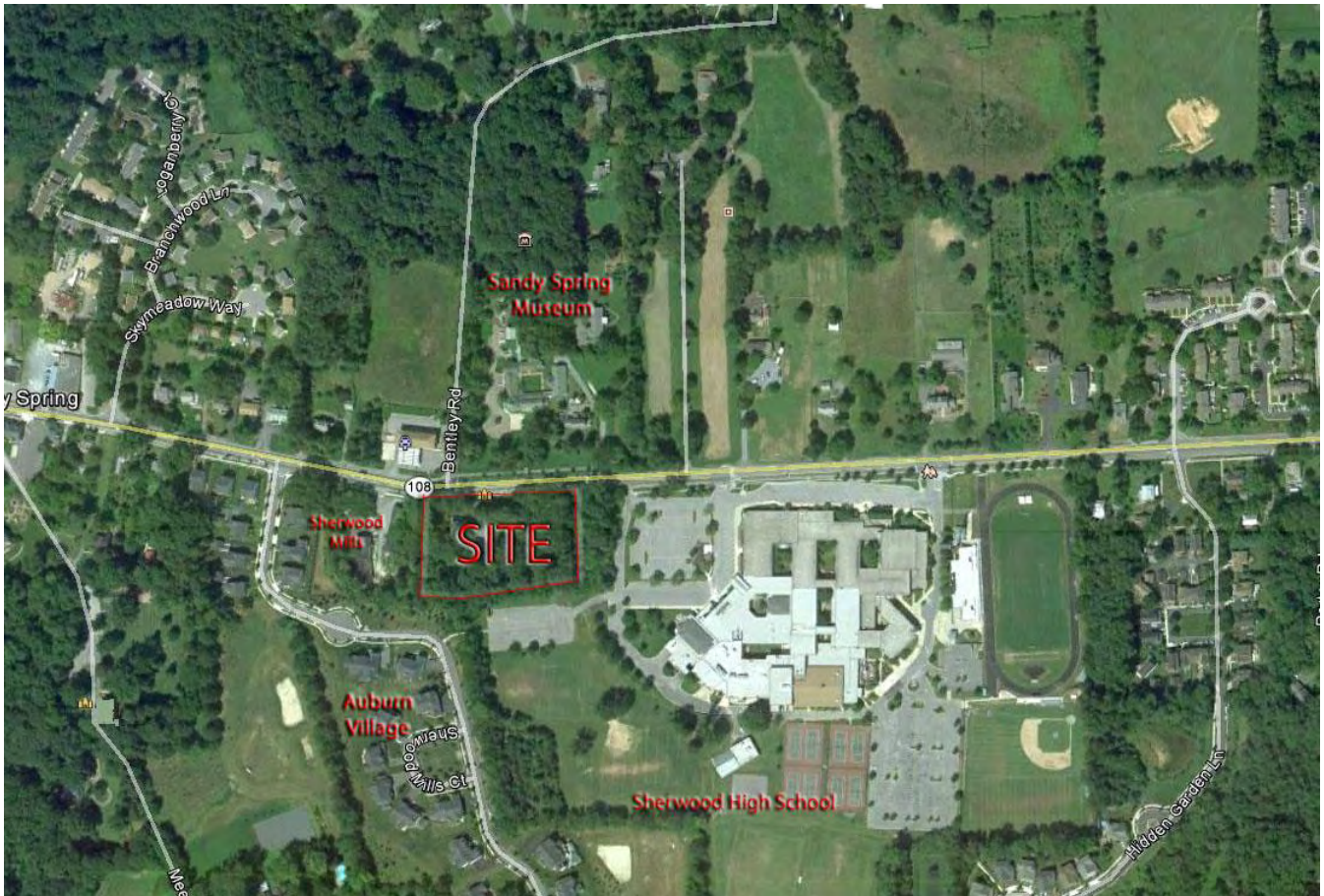
Approval of Preliminary Plan 120110410 with the following conditions:

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 October 5, 2011. 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 sixteen specimen trees to be provided by planting, forty-nine, 3-inch caliper native canopy trees on site. The proposed mitigation must be included on the Final Forest Conservation Plan.
    - c. Final Sediment Control Plan must be consistent with the final limit of disturbance as approved by M-NCPPC staff.
    - 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; a maximum of 30 percent of the required 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.
  7. The Applicant must comply with the conditions of the MCDPS stormwater management (SWM) concept approval letter dated October 10, 2010. 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.
-

## SITE DESCRIPTION

### Site Vicinity

The subject site is located south of Olney-Sandy Spring Road (MD 108), opposite of the intersection of Bentley Road. Neighboring properties directly abutting the site include Sherwood High School along the eastern and southern property boundaries, Auburn Village (120030170) along the southern property boundary, and Sherwood Mills along the western property boundary. The existing uses in the immediate area are primarily residential. The Sandy Spring Museum is located at the corner of the intersection of Olney Sandy Spring Road and Bentley Road, and confronts the subject property. The Master Plan identifies Olney-Sandy Spring Road (A-92) to have a minimum right-of-way (ROW) of 80 feet with 2-3 lanes between New Hampshire Avenue (MD 650) and Norwood Road except where 4 lanes already exist. The Olney-Sandy Spring Road currently accommodates 2 lanes of traffic.



*Aerial Map*



Zoning Map

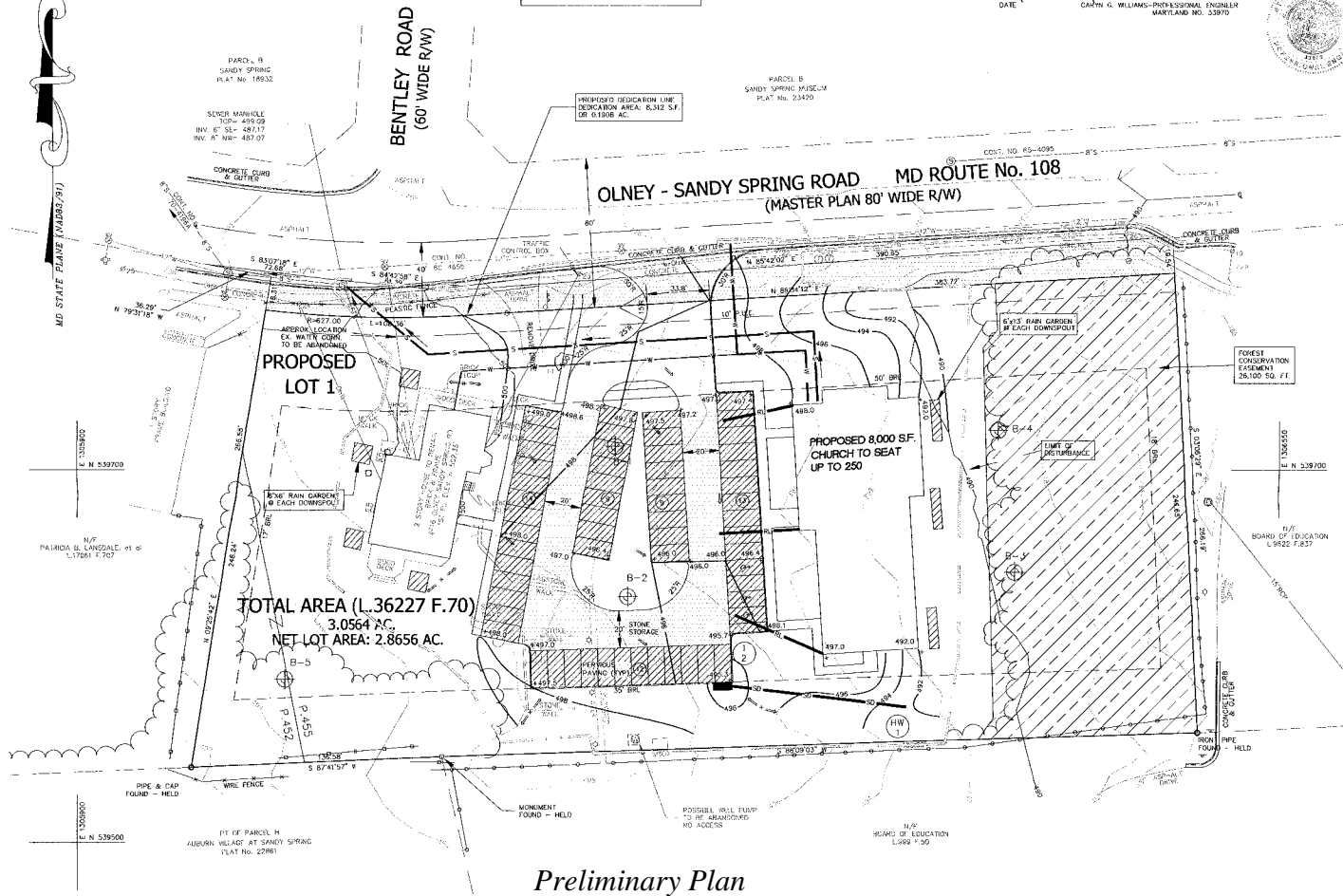
**PROJECT DESCRIPTION**

The application proposes to consolidate two unrecorded parcels into one single recorded lot. Parcel 452 is the smaller of the two parcels (approximately 0.12 acres), and is located in the western corner of the site. Parcel 455 is approximately 2.94 acres; the combined area of both parcels is 3.06 acres. A portion of the property will be dedicated to the public ROW for Olney-Sandy Spring Road; making the total net lot area 2.87 acres. The property is zoned RE-2 within the Northwest Branch Watershed, and currently contains a 2-story building that is expected to remain as a church related residence, accessory structures, a gravel parking facility and 1.52 acres of existing forest cover. The Applicant proposes to shift the existing access point along Olney-Sandy Spring Road approximately 75 feet towards the east. This single access point for the site will be widened, in order to accommodate three lanes of traffic (one ingress lane and two egress lanes).

**APPLICANT**  
 OLIVE BRANCH COMMUNITY CHURCH, INC.  
 418 SENECA SANDY SPRING ROAD  
 SANDY SPRING, MD 20886  
 CONTACT: HENRY BEYD  
 240-386-1037

**ENGINEER'S CERTIFICATION**

I HEREBY CERTIFY THAT THE PLAN SUBMITTED HEREON IS ACCURATE AND CORRECT ACCORDING TO EXISTING SURVEYS, VISUAL OBSERVATIONS, AND RECORDS.  
 DATE: 11/24/14  
 CARYN G. WILLIAMS-PROFESSIONAL ENGINEER  
 MARYLAND NO. 33870



*Preliminary Plan*

A 12-inch water main and an 8-inch gravity sewer main are available to serve the site. New water connections will be established with the existing sewer main; therefore, the method of sewer disposal for the additional uses will be adequately addressed to meet the current WSSC standards (see attachment A).

The proposed building will be oriented perpendicular to the street to maximize the amount of space needed for the proposed parking facility, protect the existing forest along the eastern property boundary, and preserve the existing residence.

**FINDINGS**

**MASTER PLAN**

The Olive Branch Community Church is one of six properties that make up the Lansdale properties; which the 1998 Sandy Spring Ashton Master Plan makes specific recommendations. 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. The properties should help underscore the separation between the centers of Sandy Spring and Ashton by retaining a mix of residential and commercial zones. The Rural Village Overlay zone was designed to encourage coordinated design, simplify requirements and protect the value of the existing businesses. The purpose of this overlay zone is to preserve the rural village character and encourage compatible relationships between new development and traditional neighboring structures. In accordance with the requirements of the overlay zone, this project is subject to a Site Plan process. The following design guidelines have been applied directly to this project.

- *Permitted uses in the RE-2 zone shall be compatible with the existing neighboring properties.*

The small scale village character envisioned for the village centers will be retained by the efficient use of existing facilities. The existing building (to remain) is a two-story brick and frame structure that is currently being used by the church for office use and meeting space. The existing parking facility will be renovated and enlarged to include 70 percent of the total parking required on-site for the proposed use. In accordance with the zone, the building setbacks will accommodate adequate space and flexibility for landscape buffering along the property boundaries. The proposed church is a permitted use in the RE-2 Zone and can be considered compatible with the neighboring residential uses.

The proposed use and the adjacent neighboring use (Sandy-Spring Museum) have initiated a shared parking agreement for the remaining required off-street spaces during the weekends only. This agreement will be finalized and incorporated into the land records during the Site Plan review process (*see Attachment C*). Alternative parking solutions were also considered with Montgomery County Public Schools Sherwood High School; however, the school may rent their facilities out and are legally obligated to provide adequate parking on-site for the use of their tenants. Therefore; their spaces are not available for external sharing.

- *The retention of wooded areas and existing homestead for future use.*

While some the wooded areas will be cleared in order to construct the proposed use, most of the planted areas surrounding the existing building will be preserved and the existing forest along the eastern property boundary will be retained as a Category I Forest Conservation Easement (26,100 square feet). The total amount to be retained is sufficient to meet the intent of the Master Plan.

- *Active fronts on the buildings along the street edge.*

The proposed architecture of the building and the number of required parking spaces play a major role in establishing the orientation of the proposed church. The stained glass window acts as the active front in this case. The stained glass is also an important element of “traditional village design”. By retaining the use of the existing house and the eastern forest (directly adjacent to Sherwood High School), the amount of spaces required to accommodate adequate parking further restricted the alternative locations of the proposed building.

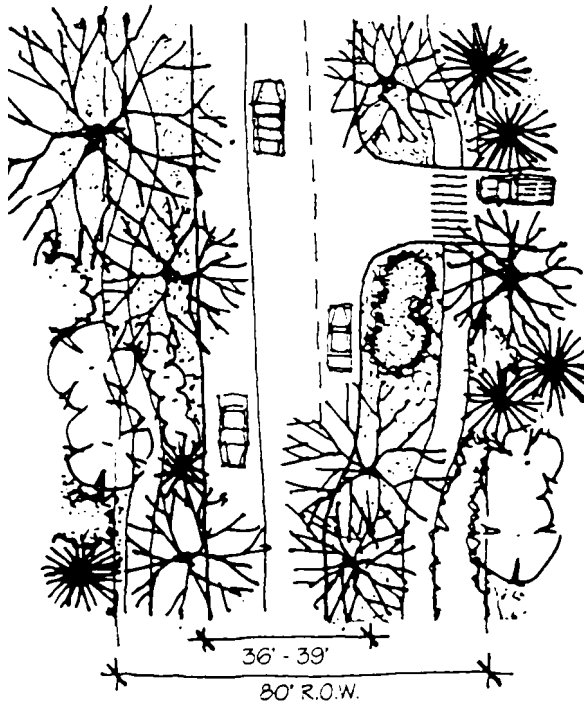


*Conceptual Sketch  
(Proposed building from MD 108)*

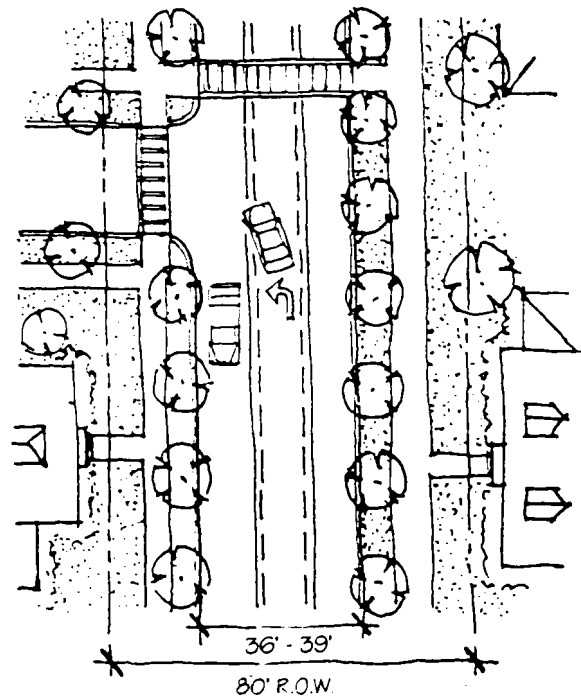
- *Recommendations for pedestrian circulation and streetscape designs.*

SHA has no objection to the relocation of the existing access along Olney-Sandy Spring Road. Relative to the vehicular and pedestrian circulation systems, the proposed use is required to 1) upgrade the site's access to a commercial entrance; 2) maintain a minimum of 60 inches with a maximum cross slope of two percent for the pedestrian sidewalks along the roadway; and 3) ensure that all sidewalk ramps are ADA compliant.

In accordance with the Master Plan, a roadway dedication 40 feet from the roadway centerline is proposed towards the 80 foot Master Plan ROW for Olney-Sandy Spring Road. The streetscape design will be further reviewed during the Site Plan review process. The design shall emphasize the preservation of the rural character along the road, the scale of the village centers, and allow for adequate traffic movement without substantially impeding pedestrian circulation systems (*page 50-51 of the Master Plan*).



MD. 108 OPEN SECTION



MD. 108 CLOSED SECTION - VILLAGE CENTERS

*Streetscape Design*  
(Page 51 of the Master Plan)

**TRANSPORTATION**

Master-Planned Roadways and Bikeways

MD 108 is an important east-west arterial road; which serves as a “main street” for the Sandy Spring and Ashton village centers. The closed section roadway is specifically recommended within the village centers; while the open section profile is recommended to be used for the surrounding local areas. The main features of the cross-section design include:

- a. *A right-of-way of 80 feet that maintains a village scale with buildings lining the “main street”.*

The orientation the proposed building is largely determined by the amount of parking required on-site for this specific use. Adequate buffering for the proposed surface parking facilities shall be addressed during the review of the Site Plan.

- b. *Maximum of three lanes to consist of two through lanes and, where needed, one auxiliary lane used for turning lanes, or acceleration/deceleration lanes.*

The ROW will be widened by 40 feet with the proposed dedication of 8,312 square feet. As indicated on the Preliminary Plan, the total ROW shall be a maximum of 80 feet wide.

- c. *Pavement widths of 36-39 feet and a Class I Bikeway (PB-66) are also recommended.*

The pedestrian circulation systems and bikeways will be evaluated during the review of the Site Plan.



### Adequate Public Facilities Review

Places of worship, residents for religious staff, parish hall, or additions to an associated place of worship are not subject to Adequate Public Facilities (APF) review according to the provision in the Montgomery County Code, Section 50-35(k)(6). Since the proposed institution will not include weekday uses related to a daycare, the church is exempt from all APF review. Based on the traffic statement submitted April 14, 2011, the proposed 8,000 square foot church, without any day care facility or private educational institute activities during the weekday would generate 5 and 4 weekday peak-hour trips during the AM and PM peak hours, respectively. The proposed church under the subject preliminary plan would generate fewer than 30 peak-hour trips, and is, therefore, exempt from LATR.

### Site Access and Vehicular/Pedestrian Circulation

Access to the proposed church site will be via a driveway along Olney – Sandy Spring Road (MD 108). This driveway will be a single entrance to the site, combining the existing two driveways. Staff finds that the proposed access points and internal traffic/pedestrian circulation system appears to be safe and adequate.

### **ENVIRONMENT**

The 3.05-acre site consists of one existing building, a gravel parking lot, and some sheds. The existing building is currently used by the church. The property is located in the Northwest Branch Watershed, which is classified by the State of Maryland as Use IV waters. The property is gently sloping to the west and east, with the highest elevation in the center of the property. There are no streams, wetlands, 100-year floodplain, or environmental buffers on site. There are no steep slopes or highly erodible soils on the 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. 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).

### **Forest Conservation and Environmental Guidelines**

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

This site is subject to the 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.

Preliminary Forest Conservation Plan and Environmental Guidelines

As required by the County Forest Conservation Law (Section 22A of the County code), a Preliminary Forest Conservation Plan (FCP) for the project was submitted with the Preliminary Plan. The Preliminary FCP proposes 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. There is a 0.16 acre forest planting requirement that will be met offsite.

Staff finds that, provided staff’s recommended conditions of approval are adopted, the proposed project is in compliance with the Montgomery County Environmental Guidelines and the Forest Conservation Law.

**Forest Conservation Variance**

Section 22A-12(b) (3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

**Variance Request** - The applicant submitted a variance request on October 5, 2011 for the impacts/removal of trees with the proposed layout (Attachment B). The applicant proposes to remove sixteen (16) trees that are 30 inches and greater, DBH, and to impact, but not remove, five (5) others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

**Table 1.** Trees to be removed or to be potentially removed

| Tree Number | Species   | Tree Condition  | DBH (Inches) | Status                                |
|-------------|-----------|-----------------|--------------|---------------------------------------|
| ST-4        | White Ash | Moderate - Poor | 44.5         | Construction of sewer and water lines |
| ST-10       | White Ash | Poor (hazard)   | 34           | Installation of rain gardens          |
| ST-11       | White Oak | Moderate        | 37           | Grading, parking lot construction     |
| ST-16       | White Ash | Poor (hazard)   | 34.4         | No impacts, but hazardous             |

|       |                |                 |      |  |
|-------|----------------|-----------------|------|--|
| ST-19 | White Ash      | Poor (hazard)   | 36   | Grading, parking lot construction                          |
| ST-21 | White Ash      | Moderate        | 32   | Construction of parking lot                                |
| ST-23 | White Oak      | Moderate - Poor | 34.8 | Construction of parking lot and church                     |
| ST-25 | White Oak      | Moderate        | 37.2 | Construction of parking lot and church                     |
| ST-26 | White Oak      | Moderate        | 49.9 | Construction of parking lot and church                     |
| ST-27 | American Beech | Moderate        | 31   | Construction of parking lot                                |
| ST-28 | Black Locust   | Poor (hazard)   | 31.1 | Construction of parking lot                                |
| ST-33 | White Oak      | Moderate - Poor | 39.3 | Grading, church construction , installation of rain garden |
| ST-35 | White Oak      | Poor            | 44   | Construction of church                                     |
| ST-36 | Tuliptree      | Moderate - Poor | 42.5 | Construction of church                                     |
| ST-39 | Black Cherry   | Poor            | 32   | Grading, storm drain construction                          |
| ST-42 | White Ash      | Poor            | 32   | Minimal impact from grading, but safety hazard             |

**Table 2.** Trees to be affected but retained

| Tree Number | Species      | DBH (Inches) | CRZ Impact | Status   |
|-------------|--------------|--------------|------------|--|
| ST-7        | White Oak    | 39.9         | 25%        | Moderate condition;                                    |
| ST-9        | White Ash    | 40.1         | 16%        | Moderate condition;                                    |
| ST-12       | White Ash    | 31.7         | 56%        | Moderate condition; Tree adjacent to existing building |
| ST-15       | Silver Maple | 36           | 21%        | Moderate – Poor condition                              |
| ST-18       | White Ash    | 44.5         | 5%         | Moderate – Poor  |

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

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

- Response (Benning & Associates, Inc. October 3, 2011) - *“There are special conditions peculiar to the property which would cause unwarranted hardship should the variance not be approved. The subject property is dominated by trees of specimen size. The trees are scattered throughout the property in forest areas and areas which are just tree cover. Given this fact and the normal requirements which go along with a church use, it is not possible to develop this site without some impacts to specimen trees. If the variance was not granted, the proposed development of this property with a new church (a permitted use in the RE-2 zone) and associated facilities could not occur.”*

The property is currently in use by the church and development is constrained by existing site conditions including the locations of the existing building and parking area, the forest, and numerous large trees located throughout the 3.05 acre property. The applicant proposes to retain the existing building and construct a new church and associated parking lot on the site. The design of the development around the existing features, while incorporating additional requirements including stormwater management features, has limited the ability to avoid removal and impact to specimen trees. Of the sixteen (16) trees proposed for removal, eleven (11) have been determined to be in either “moderate-poor” or “poor” condition. Staff has reviewed this application and based on the existing conditions on the property, staff finds that there would be unwarranted hardship for the Applicant if the trees were required to be saved.

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

- Response (Benning & Associates, Inc. October 3, 2011) - *“Should this variance not be approved, the Property owner would be deprived of rights commonly enjoyed by others in similar circumstances. A place of worship is a permitted use in the zone for which the property is located. If the requested variance was not approved, the applicant would be deprived of the right to develop the site in accordance with all other laws and regulations. Other property owners without the need for a variance can develop to the full extent allowed by other laws and regulations.”*

The proposed removal and impacts to the subject trees are due not only to the construction of the building, but to the construction associated with the required parking lot, stormwater management, and necessary utility construction needed to accommodate the proposed facility. Staff has reviewed the application and finds that enforcing the rules of the variance provision would deprive the landowner of rights commonly enjoyed by others.

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

- Response (Benning & Associates, Inc. October 3, 2011) - *“The granting of a variance will not result in a violation of State water quality standards or any measurable degradation in water quality. The project has been planned to provide environmental site design (ESD) practices in accordance with the latest State and county requirements for stormwater management. In addition, there are no streams or other environmentally sensitive features located on the property that are impacted if this variance is approved.”*

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

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

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

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

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

Granting the variance will not confer a special privilege on the applicant as the removal and disturbance to the specified trees are due to the development of the site. The 3.12-acre property contains numerous large trees throughout the site. The trees and their critical root zones are located within the developable area of the property. Granting a variance to allow land disturbance within the developable portion of the site is not unique to this applicant. 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 (MD Route 108). Many of the subject trees are in failing condition. Staff has determined that the impacts and removal of the trees subject to the variance requirement cannot be avoided. Therefore, staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant. The requested variance is based upon existing site conditions, including the existing building and parking lot, and the number and locations of the large trees.

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

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

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed or disturbed are not within a stream buffer, wetland, or a special protection area. The Montgomery County Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable and conditionally approved it on October 5, 2010.

Mitigation for Trees Subject to the Variance Provision - There are sixteen (16) trees proposed for removal in this variance request. Mitigation should be at a rate that approximates the form and function of the trees removed. Staff is recommending that replacement occur at a ratio of approximately 1" DBH (Diameter at Breast Height) for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 592 caliper inches of trees removed, they will be mitigated by the applicant with forty-nine (49) native canopy trees with a minimum size of 3" DBH on the site. While these trees will not be as large as the trees lost, they will provide some immediate canopy and ultimately replace the canopy lost by the removal of these trees. There is some disturbance within the critical root zones of five trees; however, they will receive adequate tree protection measures. No mitigation is recommended for trees impacted but retained.

County Arborist's Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. On November 23, 2011, the County Arborist issued a letter recommending that the variance be granted, with mitigation (*see attachment to staff memorandum Compliance with the Environmental Planning*).

Variance Recommendation - Staff recommends that the variance be granted with mitigation provided for the loss of trees.

## **STORMWATER MANAGEMENT**

In a letter dated October 5, 2010, Montgomery County Department of Permitting Services (DPS) conditionally approved a stormwater management concept for the proposed development. The concept consists of onsite stormwater management through the use of Environmental Site Design (ESD).

## COMPLIANCE WITH ZONING ORDINANCE AND SUBDIVISION REGULATIONS

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

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

|                             | Required/Permitted | Provided                        |
|-----------------------------|--------------------|---------------------------------|
| Total Area of Lot (ac./sf.) | 2 ac. (87,120 sf.) | 2.87 ac. (124,825 sf.)          |
| Parcel 452                  | N/A                | 0.12 ac. (5,227 sf.)            |
| Parcel 455                  | N/A                | 2.94 ac. (128,066 sf.)          |
| Public ROW Dedication       | 40 feet            | 40 feet<br>0.19 ac. (8,276 sf.) |

## COMMUNITY OUTREACH

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

## CONCLUSION

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

The Preliminary Forest Conservation Plan meets all applicable requirements of Chapter 2A of the County Code. Staff recommends that the Planning Board approve the Preliminary Forest Conservation Plan with the conditions in this staff report. The variance approval is included in the Planning Board's approval of the Preliminary Forest Conservation Plan.

**ATTACHMENTS:**

A. Agency Letters/ Comments

- State Highway Administration (dated December 9, 2011)
- Department of Transportation (dated December 8, 2011)
- Department of Permitting Services (dated October 5, 2010)
- Fire and Rescue (received December 12, 2011)
- Montgomery County Public Schools (dated August 15, 2011)

B. Staff Memorandums

- Compliance with the Master Plan
- Compliance with APF and Transportation planning
- Compliance with the Environmental Planning

C. Parking Agreement Letter (received August 24, 2011)





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

Beverley K. Swaim-Staley, Secretary  
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Montgomery County

★ DEC 12 2011 ★

Planning Department

December 9, 2011

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. 11-AP-MO-039-XX  
Mile Point 16.10

Dear Ms. Conlon:

The State Highway Administration (SHA) would like to thank you for the opportunity to review the preliminary plan dated, October 26, 2011 for the Olive Branch Community Church site development in Montgomery County. We have completed our review and offer the following comments:

Access Management Division (AMD) Comments:

1. As previously stated in our August 10, 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.***
2. The proposed entrance must include the following note: (minimum 60" pedestrian pathway with a maximum 2% cross slope must be maintained across the entire entrance).
3. The sidewalk ramps at the proposed entrance must be designed according to SHA standards (e.g. MD 655.11, MD655.12, MD 655.13, etc.) and labeled accordingly.
4. Based on information provided by MNCPPC-MC, the applicant is partnering with the Sandy Spring Museum (located across MD 108) to provide additional parking. There is an existing MD 108 crosswalk at Bentley Lane. The sidewalk ramp at the south end of the crosswalk is currently non-ADA compliant and must be reconstructed according to SHA standards (e.g. MD 655.11, MD655.12, MD 655.13, etc.) and labeled accordingly.
5. The applicant will be required to obtain and meet the terms and conditions of an SHA Access Permit prior to constructing any work within SHA right-of-way.

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

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. Eric Waltman. Please reference the SHA tracking number on future submissions. If you have any questions or require additional information, please contact Mr. Eric Waltman at 410-545-5597, by using our toll free number in Maryland only at 1-800-876-4742, extension 5597, or by email at ewaltman@sha.state.md.us.

Sincerely,



*FDL* Steven D. Foster, Chief  
Access Management Division

SDF/JWR/elw

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 (via email)



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

December 8, 2011

*Rich*

Ms. Molline Smith, Senior Planner  
Area 3 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #120110410  
Olive Branch Community Church

Dear Ms. Smith:

We have completed our review of the revised preliminary plan dated on October 26, 2011. An earlier version of this preliminary plan was reviewed by the Development Review Committee at its meeting on August 15, 2011. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Right of way dedication for Olney Sandy Spring Road (MD 108) in accordance with the Master Plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Access and improvements along Olney Sandy Spring Road (MD 108) as well as as required by the Maryland State Highway Administration.
4. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Mr. Sam Farhadi of that Department at (240) 777-6320 to discuss the parking lot design.
6. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.

**Division of Traffic Engineering and Operations**

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
trafficops@montgomerycountymd.gov

Ms. Molline Smith  
Preliminary Plan 120110410  
December 8, 2011  
Page 2

7. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
8. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
9. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
10. We recommend retention of the existing five (5) foot wide concrete sidewalk along the Olney Sandy Spring Road (MD 108) site frontage.
11. Please coordinate with Ms. Stacy Coletta of the MCDOT Division of Transit Services regarding project impacts on the RideOn bus network and any transit-related improvements requirements. Ms. Coletta may be contacted at 240-777-5836.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at [greg.leck@montgomerycountymd.gov](mailto:greg.leck@montgomerycountymd.gov) or at (240) 777-2197 or at.

Sincerely,



Gregory M. Leck, P.E. Manager  
Development Review Team

m:/subdivision/gml/docs/PP-gml revs/ 1-20110410, Olive Branch Community Church, AMENDED FINAL.doc

Enclosure

cc: Henry Boyd; Olive Branch Community Chrcu  
Caryn Williams; Maddox Engineers and Surveyors  
Scott Newill; MSHA AMD  
John Carter, M-NCPPC Area 3  
Ki Kim, M-NCPPC Area 3  
Cathy Conlon; M-NCPPC DARC  
Preliminary Plan Folder  
Preliminary Plans Note Book

cc-e: Henry Emery; DPS RWPR  
Sam Farhadi; DPS RWPR  
Stacy Coletta; DPS RWPR



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid  
Director

October 5, 2010

Caryn Williams  
Maddox Engineers & Surveyors  
100 Park Avenue  
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request  
for Olive Branch Community Church  
Preliminary Plan #: N/A  
SM File #: 238545  
Tract Size/Zone: 3.056 acres / RE-2  
Total Concept Area: 3.056 acres  
Lots/Block: N/A  
Parcel(s): 455 & 452  
Watershed: Northwest Branch

Dear Ms. Williams:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of providing on-site stormwater management through ESD practices which include Landscape Infiltration, Rain Gardens and disconnection.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All stormwater management elements, including disconnection flow areas, must be covered by stormwater management easements/covenants.
5. Minimize the amount of parking area that flows to the proposed disconnection area as much as possible.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not** required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable

Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard R. Brush". The signature is fluid and cursive, with a large initial "R" and "B".

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

RRB:tia mce

cc: C. Conlon  
M. Pfefferle  
SM File # 238545

QN -ON; Acres: 3  
QL - ON; Acres: 3  
Recharge is provided



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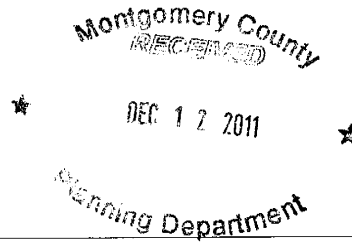
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## FIRE MARSHAL COMMENTS

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**DATE:** 30-Nov-11  
**TO:** Caryn Williams - cgwilliams@maddoxinc.com  
Maddox Engineers & Surveyors, Inc  
**FROM:** Marie LaBaw  
**RE:** Olive Branch Community Church  
120110410



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### PLAN APPROVED

1. Review based only upon information contained on the plan submitted 30-Nov-11 .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.

**\*\* Fire Lane Order to be submitted at time of site plan \*\***  
**\*\* FDC location to be specified at time of site plan \*\***



**MONTGOMERY COUNTY PUBLIC SCHOOLS**  
MARYLAND

www.montgomeryschoolsmd.org

August 15, 2011

Ms. Molline C. Smith, ASLA, Senior Planner  
Montgomery County Planning Department  
Maryland-National Capital Park and  
Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Sherwood High School—Olive Branch  
Community Church—Preliminary Plan  
#120110410

Dear Ms. Smith:

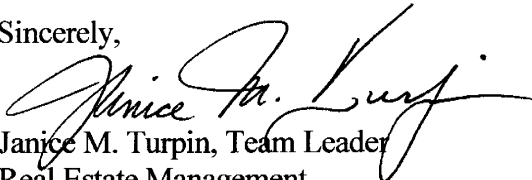
This is to comment on the referenced Preliminary Plan as it affects Sherwood High School, located at 300 Olney-Sandy Spring Road in Sandy Spring, Maryland.

Montgomery County Public Schools (MCPS) does not concur with the proposal by the Applicant to use parking spaces on the Sherwood High School premises to meet development parking requirements. On-site parking must be available for school use for large events as well as for permitted users during non-school hours and on weekends.

Furthermore, MCPS will not allow use of the school driveway for access to the church property. Currently the school experiences congestion at the driveway entrances during school hours and non-school hours.

Thank you for the opportunity to comment. Should you have any questions, please contact Ms. Mary Pat Wilson, real estate management specialist, at 240-314-1071 or by email at [marypat\\_wilson@mcpsmd.org](mailto:marypat_wilson@mcpsmd.org).

Sincerely,



Janice M. Turpin, Team Leader  
Real Estate Management

JMT:mpw

Copy to:  
Ms. Hoyle

**Department of Facilities Management**

---

2096 Gaither Road, Suite 200 ♦ Rockville, Maryland 20850 ♦ 240-314-1060



January 25, 2012

To: Molline Smith  
Area 3 Planning Team

From: Frederick Vernon Boyd  
Area 3 Planning Team

Subject: Preliminary Plan—120110410: Olive Branch Community Church

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The Olive Branch Community Church property is located on Sandy Spring Road, between the village centers of Sandy Spring and Ashton. It is one of the Lansdale properties, for which the 1998 Sandy Spring-Ashton Master Plan makes specific recommendations. The *Plan* includes the properties as part of the Rural Legacy Area, which focuses primarily on properties south of MD 108. The objective in this area is the creation of “a rural open space pattern which preserves rural character and provides an attractive setting for new neighborhoods and existing institutions.” (p 16)

The Lansdale properties are in the Northern Rural Neighborhood, a proposed new neighborhood to be located around Sherwood High School. At the time of the *Plan*, the Lansdale properties consisted of six contiguous parcels along MD 108. The *Plan* noted that the properties’ could help underscore the separation between the centers of Sandy Spring and Ashton. To reinforce that separation, the *Plan* retained a mix of residential and commercial zones on the properties. It included all the properties in an area proposed for a new rural village overlay zone. The proposed new zone was designed to “encourage coordinated design, simplify requirements and protect the viability of existing businesses.” (p 31)

The Sandy Spring/Ashton Rural Village Overlay Zone is now in place on the properties. This zone has as its purpose the preservation of the rural village character of the village centers and encouragement of compatible relationships between new development in the overlay and traditional neighboring structures. The *Plan* included design guidelines for the new zone that, “with design review, will help ensure that new development maintain the small scale envisioned for the village centers...” (p 31) Those guidelines encouraged: traditional village design, active building fronts, a mix of stores that would serve local residents and homes, and use of the existing Sandy Spring Historic District as a design resource. The guidelines included detailed design directives for parking areas and lighting.

This proposal should be carefully reviewed during the site plan process for conformance to the parking guidelines, in particular the guideline suggesting the creation of “small parking areas

that are well-landscaped, preserve trees and [are] compatible with nearby uses both day and night.” (p 32) Plans to share some parking with the nearby Sandy Spring Museum can contribute to reduced parking on site, which would help meet this Plan guideline.

Initial designs indicate that the church intends to orient the church in a way that would place a significant stained glass window near Sandy Spring Road, which would provide a visual focus for pedestrians and drivers passing the site and contribute to an “active” street. In addition, locating churches in or near village centers is an important element of “traditional village design.” Retaining the existing home for associated uses or as a church residence contributes to such design as well. There is currently a sidewalk along this part of Sandy Spring Road, providing pedestrians a way to reach the proposed church and the high school. The wooded edge also contributes to the rural village atmosphere.

The *Plan* recommends that wooded areas be maintained “by retaining the existing homestead and allowing its future use as a country inn.” (p 23) Some currently wooded land will be cleared for the new church building and accompanying parking, but the amount to be retained is sufficient to meet the intent of the *Plan*. The *Plan* recommends the RE-2 Zone for this portion of the Lansdale properties to support its land use recommendation. The *Plan* also recommends a future reclassification to the Country Inn Zone.

The Country Inn Zone is a floating zone and can be applied only by local map amendment. Such an amendment would be initiated by a landowner or with that landowner’s cooperation as part of a Sectional Map Amendment. There are no plans to update the Sandy Spring/Ashton Master Plan and there appears to be no way to compel a landowner to submit a local map amendment, so the force of the Plan’s recommendation for the Country Inn zone is uncertain. The house of worship proposed for the property is a permitted use in the RE-2 Zone and can be considered compatible with residential uses. The proposed use is therefore consistent with the master plan.

January 23, 2012

**MEMORANDUM**

TO: Molline Smith  
Area 3 Division

FROM: Ki H. Kim, Transportation Planner/Coordinator  
Area 3 Division

SUBJECT: Preliminary Plan No. 120110410  
Olive Branch Community Church  
Sandy Spring

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This memorandum represents Transportation Planning staff's Adequate Public Facilities (APF) review and recommendations on the subject Preliminary Plan application. The application includes a church proposed to be 8,000 square feet and located on the south side of MD 108 west of Sherwood High School in Sandy Spring.

**RECOMMENDATION**

Based on our review of the Preliminary Plan and the traffic statement submitted by the applicant, staff recommends the following conditions as part of the APF test related for approval of the subject Preliminary Plan application.

1. Total development under the subject preliminary plan application is limited to 8,000 square feet of a church as shown on the Preliminary Plan and analyzed in the traffic statement.
2. The land use of development is limited to a religious institution with no day care facility and private educational institute.

**DISCUSSION**

**Local Area Transportation Review (LATR)**

Based on the submitted traffic statement dated April 14, 2011, the proposed 8,000 square feet church, without any day care facility or private educational institute activities during the weekday would generate 5 and 4 weekday peak-hour trips during the AM and PM peak hours, respectively.

The proposed church under the subject Preliminary Plan would generate fewer than 30 peak-hour trips, and is, therefore, exempt from LATR.

Policy Area Mobility Review (PAMR)

The site is located in the rural East Policy Area where there is no PAMR trip mitigation requirement according to the County Growth Policy. Thus, the subject Preliminary Plan application meets the PAMR requirements of the APF review.

Site Access and Vehicular/Pedestrian Circulation

Access to the proposed church site will be via a driveway along Olney – Sandy Spring Road (MD 108). This driveway will be a single entrance to the site, combining the existing two driveways. Staff finds that the proposed access points and internal traffic/pedestrian circulation system as shown on the Preliminary Plan are adequate.

**CONCLUSION**

Transportation Planning staff concludes that the subject Preliminary Plan application for the proposed 8,000 square-foot church satisfies the LATR/PAMR requirements of the APF review with conditions as described in this memorandum.



# MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

## MEMORANDUM

**TO:** Molline Smith, Planning Area 3

**FROM:** Mary Jo Kishter, Planning Area 3

**DATE:** January 19, 2012

**SUBJECT:** Preliminary Forest Conservation Plan  
Olive Branch Community Church – Preliminary Plan 120110410

**APPLICANT:** Olive Branch Community Church

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## RECOMMENDATIONS

Planning staff recommends approval of the Preliminary Forest Conservation Plan (PFCP) with the following conditions:

1. Compliance with the conditions of approval for the Preliminary Forest Conservation Plan dated October 5, 2011. The applicant must meet all conditions prior to Montgomery County Department of Permitting Services' (MCDPS) issuance of sediment and erosion control permit(s), as appropriate, including
  - a. Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site.
  - b. Mitigation for the loss of sixteen specimen trees to be provided by planting, forty-nine, 3-inch caliper native canopy trees on site. The proposed mitigation must be included on the Final Forest Conservation Plan.
  - c. Final Sediment Control Plan must be consistent with the final limit of disturbance as approved by M-NCPPC staff.
  - d. All retained forest shall be protected in a Category I conservation easement. Conservation easements must be shown on record plats.

## EXISTING SITE CONDITIONS

The 3.05-acre site consists of one existing building, a gravel parking lot, and some sheds. The existing building is currently used by the church. The property is located in the Northwest Branch watershed, which is classified by the State of Maryland as Use IV waters. The property is gently sloping to the west and east, with the highest elevation in the center of the property. There are no streams, wetlands, 100-year floodplain, or environmental buffers on site. There are no steep slopes or highly erodible soils on the 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. 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).

## **ANALYSIS**

### **Forest Conservation and Environmental Guidelines**

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

This site is subject to the 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.

#### Preliminary Forest Conservation Plan and Environmental Guidelines

As required by the County Forest Conservation Law (Section 22A of the County code), a Preliminary Forest Conservation Plan (FCP) for the project was submitted with the Preliminary Plan (Attachment A). The Preliminary FCP proposes 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. There is a 0.16 acre forest planting requirement that will be met offsite. Staff finds that, provided staff's recommended conditions of approval are adopted, the proposed project is in compliance with the Montgomery County Environmental Guidelines and the Forest Conservation Law.

### **Forest Conservation Variance**

Section 22A-12(b) (3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request - The applicant submitted a variance request on October 5, 2011 for the impacts/removal of trees with the proposed layout (Attachment B). The applicant proposes to remove sixteen (16) trees that are 30 inches and greater, DBH, and to impact, but not remove, five (5) others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

Table 1. Trees to be removed or to be potentially removed

| Tree Number | Species        | Tree Condition  | DBH (Inches) | Status   |
|-------------|----------------|-----------------|--------------|--|
| ST-4        | White Ash      | Moderate - Poor | 44.5         | Construction of sewer and water lines                      |
| ST-10       | White Ash      | Poor (hazard)   | 34           | Installation of rain gardens                               |
| ST-11       | White Oak      | Moderate        | 37           | Grading, parking lot construction                          |
| ST-16       | White Ash      | Poor (hazard)   | 34.4         | No impacts, but hazardous                                  |
| ST-19       | White Ash      | Poor (hazard)   | 36           | Grading, parking lot construction                          |
| ST-21       | White Ash      | Moderate        | 32           | Construction of parking lot                                |
| ST-23       | White Oak      | Moderate - Poor | 34.8         | Construction of parking lot and church                     |
| ST-25       | White Oak      | Moderate        | 37.2         | Construction of parking lot and church                     |
| ST-26       | White Oak      | Moderate        | 49.9         | Construction of parking lot and church                     |
| ST-27       | American Beech | Moderate        | 31           | Construction of parking lot                                |
| ST-28       | Black Locust   | Poor (hazard)   | 31.1         | Construction of parking lot                                |
| ST-33       | White Oak      | Moderate - Poor | 39.3         | Grading, church construction , installation of rain garden |
| ST-35       | White Oak      | Poor            | 44           | Construction of church                                     |
| ST-36       | Tuliptree      | Moderate - Poor | 42.5         | Construction of church                                     |
| ST-39       | Black Cherry   | Poor            | 32           | Grading, stormdrain construction                           |

|       |           |      |    |  |
|-------|-----------|------|----|--|
| ST-42 | White Ash | Poor | 32 | Minimal impact from grading, but safety hazard |
|-------|-----------|------|----|--|

Table 2. Trees to be affected but retained

| Tree Number | Species      | DBH (Inches) | CRZ Impact | Status   |
|-------------|--------------|--------------|------------|--|
| ST-7        | White Oak    | 39.9         | 25%        | Moderate condition;                                    |
| ST-9        | White Ash    | 40.1         | 16%        | Moderate condition;                                    |
| ST-12       | White Ash    | 31.7         | 56%        | Moderate condition; Tree adjacent to existing building |
| ST-15       | Silver Maple | 36           | 21%        | Moderate - Poor condition                              |
| ST-18       | White Ash    | 44.5         | 5%         | Moderate – Poor  |

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

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

- Response (Benning & Associates, Inc. October 3, 2011) - *“There are special conditions peculiar to the property which would cause unwarranted hardship should the variance not be approved. The subject property is dominated by trees of specimen size. The trees are scattered throughout the property in forest areas and areas which are just tree cover. Given this fact and the normal requirements which go along with a church use, it is not possible to develop this site without some impacts to specimen trees. If the variance was not granted, the proposed development of this property with a new church (a permitted use in the RE-2 zone) and associated facilities could not occur.”*

The property is currently in use by the church and development is constrained by existing site conditions including the locations of the existing building and parking area, the forest, and numerous large trees located throughout the 3.12 acre property. The applicant proposes to retain the existing building and construct a new church and associated parking lot on the site. The ability to design the development around the existing features, while incorporating additional requirements including stormwater management features, has limited the ability to avoid removal and impact to specimen trees. Of the sixteen trees proposed for removal, eleven have been determined to be in either “moderate-poor” or “poor” condition. Staff has reviewed this application and based on the existing conditions on the property, staff finds that there is an unwarranted hardship.

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

- Response (Benning & Associates, Inc. October 3, 2011) - *“Should this variance not be approved, the Property owner would be deprived of rights commonly enjoyed by others in similar circumstances. A place of worship is a permitted use in the zone for which the property is located. If the requested variance was not approved, the applicant would be deprived of the right to develop the site in accordance with all other laws and*



*regulations. Other property owners without the need for a variance can develop to the full extent allowed by other laws and regulations.”*

The proposed removal and impacts to the subject trees are due not only to the construction of the building, but to the construction associated with the required parking lot, stormwater management, and necessary utility construction needed to accommodate the proposed facility. Staff has reviewed the application and finds that enforcing the rules of the variance provision would deprive the landowner of rights commonly enjoyed by others.

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

- *Response (Benning & Associates, Inc. October 3, 2011) - “The granting of a variance will not result in a violation of State water quality standards or any measurable degradation in water quality. The project has been planned to provide environmental site design (ESD) practices in accordance with the latest State and county requirements for stormwater management. In addition, there are no streams or other environmentally sensitive features located on the property that are impacted if this variance is approved.”*

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

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

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

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

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

Granting the variance will not confer a special privilege on the applicant as the removal and disturbance to the specified trees are due to the development of the site. The 3.12-acre property contains numerous large trees throughout the site. The trees and their critical root zones are located within the developable area of the property. Granting a variance to allow land disturbance within the developable portion of the site is not unique to this applicant. 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 (MD Route 108). Many of the subject trees are in failing condition. Staff has determined

that the impacts and removal of the trees subject to the variance requirement cannot be avoided. Therefore, staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant. The requested variance is based upon existing site conditions, including the existing building and parking lot, and the number and locations of the large trees.

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

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

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed or disturbed are not within a stream buffer, wetland, or a special protection area. The Montgomery County Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable and conditionally approved it on October 5, 2010.

Mitigation for Trees Subject to the Variance Provision - There are sixteen (16) trees proposed for removal in this variance request. Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, staff is recommending that replacement occur at a ratio of approximately 1" DBH (Diameter at Breast Height) for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 592 caliper inches of trees removed, they will be mitigated by the applicant with forty-nine (49) native canopy trees with a minimum size of 3" DBH on the site. While these trees will not be as large as the trees lost, they will provide some immediate canopy and ultimately replace the canopy lost by the removal of these trees. There is some disturbance within the critical root zones of five trees; however, they will receive adequate tree protection measures. No mitigation is recommended for trees impacted but retained.

County Arborist's Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. On November 23, 2011, the County Arborist issued a letter recommending that the variance be granted, with mitigation (Attachment C).

Variance Recommendation - Staff recommends that the variance be granted with mitigation provided for the loss of trees.

## **STORMWATER MANAGEMENT**

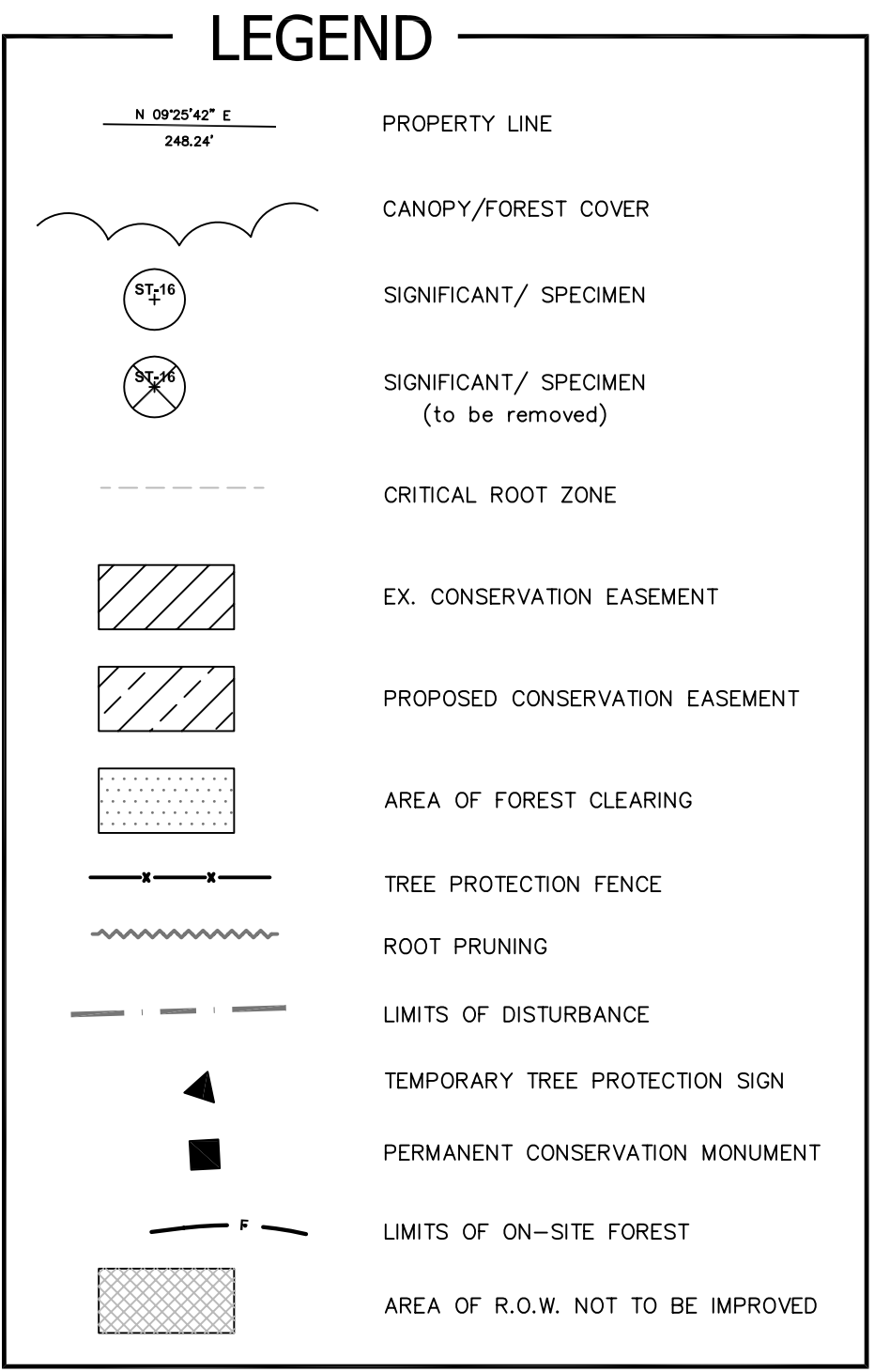
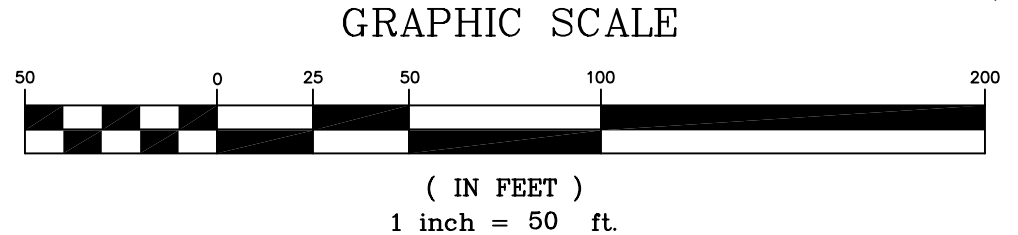
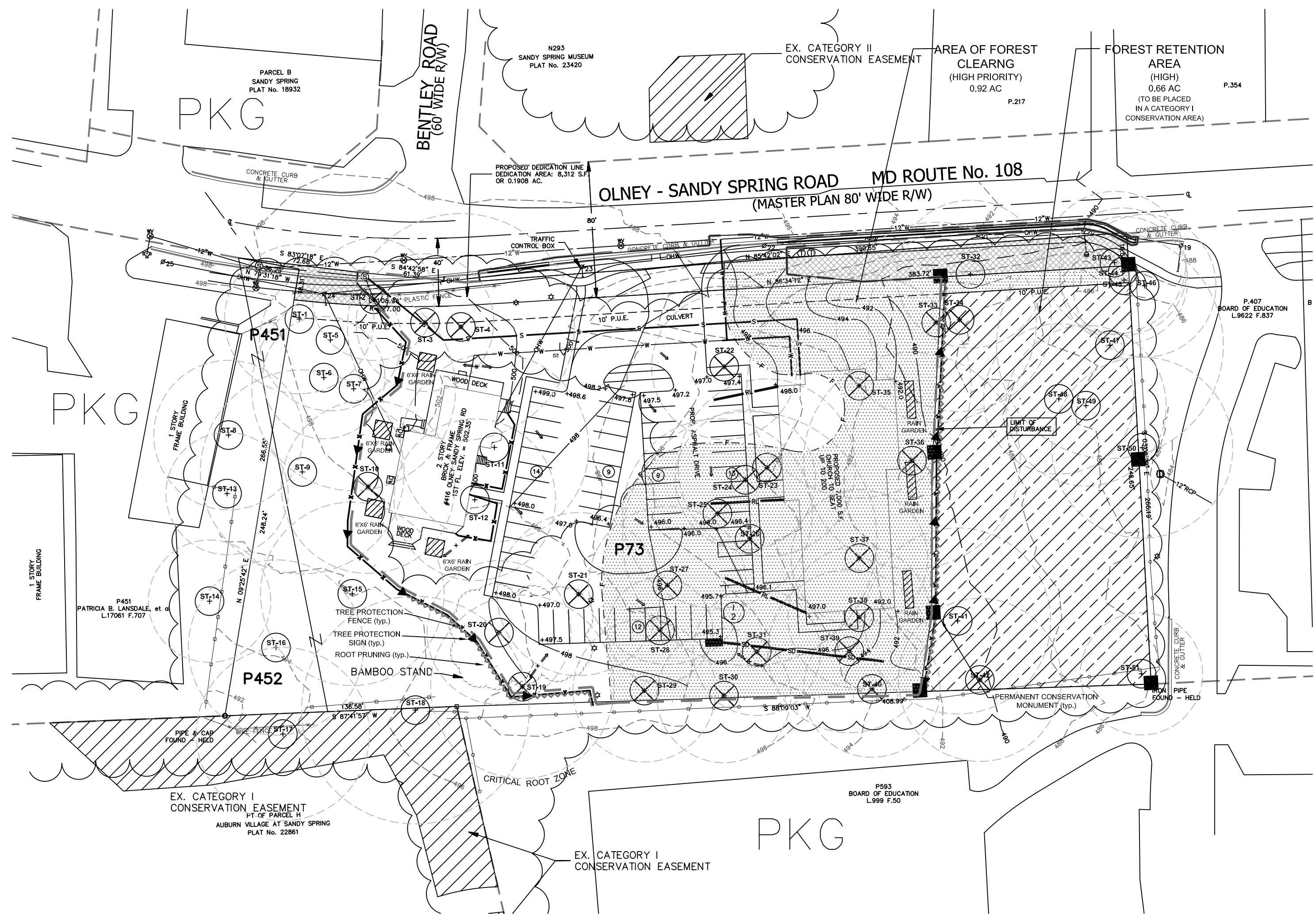
In a letter dated October 5, 2010, Montgomery County Department of Permitting Services (DPS) conditionally approved a stormwater management concept for the proposed development. The concept consists of onsite stormwater management through the use of Environmental Site Design (ESD).

## **FINDINGS AND CONCLUSION**

The Preliminary Forest Conservation Plan meets all applicable requirements of Chapter 2A of the County Code. Therefore, staff recommends that the Planning Board approve the Preliminary Forest Conservation Plan with the conditions cited in this staff report. The variance approval is included in the Planning Board's approval of the Preliminary Forest Conservation Plan.

### **Attachments:**

- A. Preliminary Forest Conservation Plan
- B. Variance Request Letter
- C. County Arborist Recommendation Letter



**FOREST CONSERVATION WORKSHEET**  
OLIVE BRANCH COMMUNITY CHURCH

NET TRACT AREA:

|  |      |
|--|------|
| A. Total tract area ...  | 3.12 |
| B. Land dedication acres (parks, county facility, etc.) ...                        | 0.00 |
| C. Land dedication for roads or utilities (not being constructed by this plan) ... | 0.10 |
| D. Area to remain in commercial agricultural production/use ...                    | 0.00 |
| E. Other deductions (specify) .....  | 0.00 |
| F. Net Tract Area .....  | 3.02 |

LAND USE CATEGORY: (from Trees Technical Manual)  
Input the number "1" under the appropriate land use, limit to only one entry.

|      |      |      |      |      |      |
|------|------|------|------|------|------|
| ARA  | MDR  | IDA  | HDR  | MPD  | CIA  |
| 0.00 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 |

G. Afforestation Threshold ... 0.15 x F = 0.45

H. Conservation Threshold ... 0.20 x F = 0.60

EXISTING FOREST COVER:

|   |      |
|---|------|
| I. Existing forest cover .....                        | 1.52 |
| J. Area of forest above afforestation threshold ..... | 1.07 |
| K. Area of forest above conservation threshold .....  | 0.92 |

BREAK EVEN POINT:

|   |      |
|---|------|
| L. Forest retention above threshold with no mitigation .... | 0.79 |
| M. Clearing permitted without mitigation .....              | 0.73 |

PROPOSED FOREST CLEARING:

|  |      |
|--|------|
| N. Total area of forest to be cleared .....  | 0.86 |
| O. Total area of forest to be retained ..... | 0.66 |

PLANTING REQUIREMENTS:

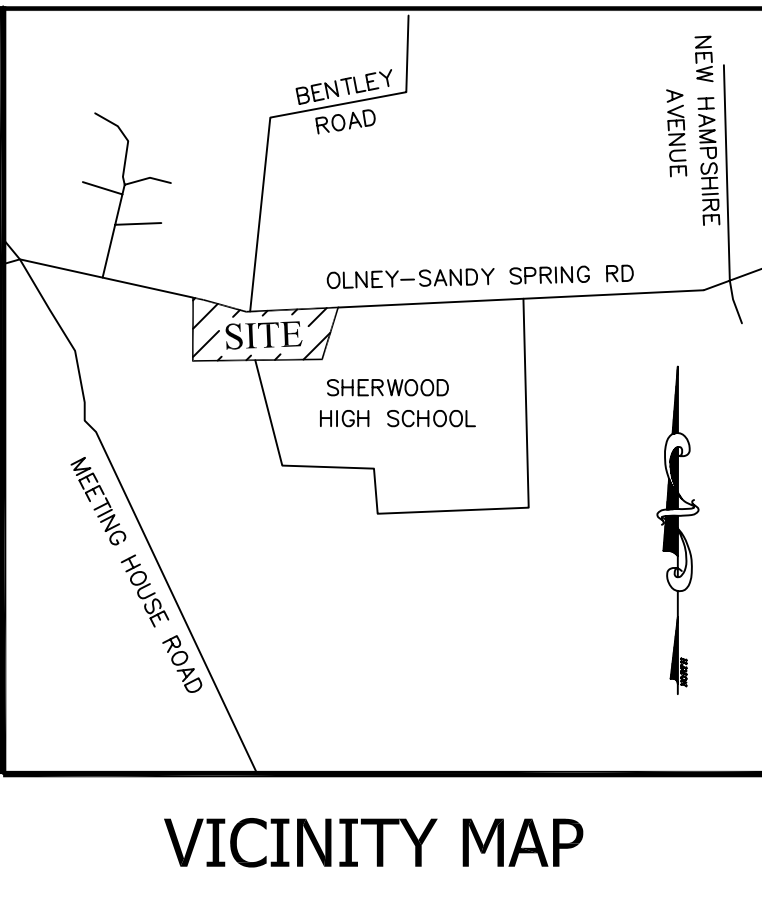
|   |      |
|---|------|
| P. Reforestation for clearing above conservation threshold .... | 0.22 |
| Q. Reforestation for clearing below conservation threshold .... | 0.00 |
| R. Credit for retention above conservation threshold .....      | 0.06 |
| S. Total reforestation required .....                           | 0.16 |
| T. Total afforestation required .....                           | 0.00 |
| U. Credit for landscaping (may not exceed 20% of "S") .....     | 0.00 |
| V. Total reforestation and afforestation required .....         | 0.16 |

- NOTES:**
1. THE 3.02 ACRE TOTAL TRACT AREA INCLUDES THE 3.05 ACRE PROPERTY LESS THE 0.1 ACRE R.O.W. THAT WILL NOT BE IMPROVED, AND .07 ACRE OFF-SITE IMPROVEMENTS.
  2. .08 ACRE OF FOREST IS LOCATED IN THE AREA OF R.O.W. THAT WILL NOT BE IMPROVED AND IS DEDUCTED FROM THE EXISTING FOREST AREA.
  3. THE 0.16 ACRE REFORESTATION REQUIREMENT WILL BE SATISFIED BY FEE-IN-LIEU OR PURCHASE OF FOREST BANK CREDITS.
  4. PROPOSED METHODS FOR REMOVAL OF THE BAMBOO THAT IS LOCATED ON THE PROPERTY WILL BE PROVIDED WITH THE FINAL FCP SUBMISSION.
  5. ST-34 & ST-42 ARE LOCATED WITHIN THE PROPOSED CONSERVATION EASEMENT AND SHOULD BE REMOVED FOR SAFETY REASONS. IN ORDER TO MAXIMIZE ONSITE FOREST RETENTION, THESE TREES ARE TO BE REMOVED WITHOUT THE USE OF MACHINERY.

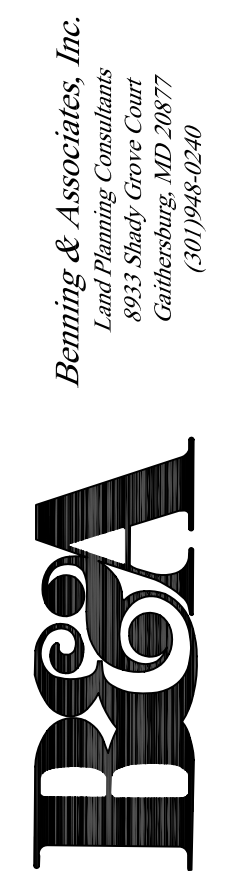
**TREE CHART**

| TREE NUMBER | BOTANICAL NAME          | COMMON NAME        | SIZE(D.B.H.)      | TREE CONDITION | COMMENTS   | STATUS  |
|-------------|-------------------------|--------------------|-------------------|----------------|--|---|
| ST-1        | Ulmus americana         | American Elm       | 29.3"             | Moderate-Poor  | Reactionary growth, poor trunk taper, grating roots  | To Remain   |
| ST-2        | Fraxinus americana      | White Ash          | 24.0"             | Moderate-Poor  | Reactionary growth, slight lean, dieback, thin canopy, Poison Ivy on trunk   | To Be Removed   |
| ST-3        | Acer rubrum             | Red Maple          | 27.2"             | Poor(Hazard)   | Multi-stem, multiple galls on trunk, pruning wounds, internal cavity. This tree is a hazard and should be removed as soon as possible.   | To Be Removed   |
| ST-4        | Fraxinus americana      | White Ash          | 44.5"             | Moderate-Poor  | Multi-stem, vertical crack in trunk, reactionary growth at branch union, water sprouts, broken limbs   | To be removed with approval of variance   |
| ST-5        | Fraxinus americana      | White Ash          | 27.8"             | Moderate       | Reactionary growth, dieback, water sprouts   | To Remain   |
| ST-6        | Fraxinus americana      | White Ash          | 24.1"             | Moderate       | Dieback, thin canopy, dead limbs   | To Remain   |
| ST-7        | Quercus alba            | White Oak          | 39.9"             | Moderate       | Pruning wounds, water sprouts, dieback   | To Remain   |
| ST-8        | Fraxinus americana      | White Ash          | 29.3"             | Moderate-Poor  | English Ivy growth on trunk, included bark at branch union, dieback, dead limbs  | To Remain   |
| ST-9        | Fraxinus americana      | White Ash          | 40.1"             | Moderate       | Grading and shallow roots, pruning wounds, included bark at branch union, dieback and dead limbs   | To Remain   |
| ST-10       | Fraxinus americana      | White Ash          | 34.0"             | Poor (Hazard)  | Multi-stem, cavity with decay, grating roots, dieback, water sprouts, called limbs, poor scaffold branch attachments, thin crown. This tree is a hazard and should be removed as soon as possible.                                     | To be removed with approval of variance   |
| ST-11       | Quercus alba            | White Oak          | 37.0"             | Moderate       | Abutting existing building, roots are beginning to displace brick foundation, small area of decay at root collar, water sprouts, pruning wounds, dieback   | Recommended for removal but owner wishes to retain the tree. To be included in variance request to allow for removal if needed.   |
| ST-12       | Fraxinus americana      | White Ash          | 31.7"             | Moderate       | Reactionary growth, dieback, water sprouts   | Recommended for removal but owner wishes to retain the tree. To be included in variance request to allow for removal if needed.   |
| ST-13       | Pinus strobus           | Eastern White Pine | 24" (Approximate) | Moderate       | Off-site, Pruning wounds, dieback  | Off-site  |
| ST-14       | Pinus strobus           | Eastern White Pine | 24" (Approximate) | Good           | Off-site   | Off-site  |
| ST-15       | Acer saccharinum        | Silver Maple       | 36.0"             | Moderate-Poor  | Loose bark with insect damage, compartmentalized root wounds, reactionary growth, thin crown, dieback, water sprouts, possible internal decay  | To Remain   |
| ST-16       | Fraxinus americana      | White Ash          | 34.4"             | Poor(Hazard)   | Multi-stem, English Ivy growth on trunk, large vertical crack on one stem, reactionary growth, dieback, euonymus growth on trunk. This tree is a hazard and should be removed as soon as possible.                                     | To be removed with approval of variance   |
| ST-17       | Prunus serotina         | Black Cherry       | 34" (Approximate) | Poor(Hazard)   | Off-site, English Ivy growth on trunk, included bark at branch union, dieback, dead limbs, dead leader, thin canopy. This tree is a hazard and should be removed as soon as possible.  | Off-site  |
| ST-18       | Fraxinus americana      | White Ash          | 44.5"             | Moderate-Poor  | Multi-stem, English Ivy growth on trunk, dieback, vertical crack on trunk, small cavity, thin crown. Dead and broken central leader, large cavity with massive decay. This tree is a hazard and should be removed as soon as possible. | To Remain   |
| ST-19       | Fraxinus americana      | White Ash          | 30" (Approximate) | Poor(Hazard)   | Reactionary growth, dieback, dead limbs  | To be removed with approval of variance   |
| ST-20       | Fraxinus americana      | White Ash          | 28.2"             | Moderate       | Reactionary growth, dieback, dead limbs  | To Be removed   |
| ST-21       | Fraxinus americana      | White Ash          | 32.0"             | Moderate       | Dieback, included bark at branch union, thin canopy  | To be removed with approval of variance   |
| ST-22       | Rubia pseudoacacia      | Black Locust       | 28.5"             | Moderate       | Dieback, reactionary wood growth   | To Be Removed   |
| ST-23       | Quercus alba            | White Oak          | 34.8"             | Moderate-Poor  | English Ivy growth on trunk, cavity at base, water sprouts   | To be removed with approval of variance   |
| ST-24       | Quercus alba            | White Oak          | 27.5"             | Dead           | This tree would be a hazard if a target was present.   | To Be Removed   |
| ST-25       | Quercus alba            | White Oak          | 37.2"             | Moderate       | English Ivy growth on trunk, dieback, water sprouts  | To be removed with approval of variance   |
| ST-26       | Quercus alba            | White Oak          | 49.9"             | Moderate       | Reactionary growth, poor trunk flare, vertical crack, English Ivy growth on trunk  | To be removed with approval of variance   |
| ST-27       | Fagus grandifolia       | American Beech     | 31.0"             | Moderate       | Pruning wounds, water sprouts  | To be removed with approval of variance   |
| ST-28       | Rubia pseudoacacia      | Black Locust       | 31.1"             | Poor(Hazard)   | Cavity at base of trunk, included bark at branch union, thin crown, reactionary growth. This tree is a hazard and should be removed as soon as possible.   | To be removed with approval of variance   |
| ST-29       | Carya sp.               | Hickory            | 28.0"             | Moderate-Poor  | Thin canopy, possible internal cavity, poor scaffold branch attachments  | To Be Removed   |
| ST-30       | Fraxinus americana      | White Ash          | 26.3"             | Moderate       | Barbed wire embedded in trunk, cherry suckering out of root collar, dieback  | To Be Removed   |
| ST-31       | Fraxinus americana      | White Ash          | 25.0"             | Good           |  | To Be Removed   |
| ST-32       | Acer negundo            | Boxelder           | 39" (Approximate) | Poor(Hazard)   | Dead limbs, Poison Ivy and English Ivy growth on trunk, cavity with large amount of decay. This tree is a hazard and should be removed as soon as possible.  | In R.O.W.   |
| ST-33       | Quercus alba            | White Oak          | 39.3"             | Moderate-Poor  | Multiple dead scaffold branches, English Ivy growing on trunk, Thin canopy.  | To be removed with approval of variance   |
| ST-34       | Quercus alba            | White Oak          | 39" (Approximate) | Dead           | Tree is located within the proposed conservation easement but should be removed for safety reasons. No machinery is allowed to enter the easement area during the removal of the tree.   | To Be Removed   |
| ST-35       | Quercus alba            | White Oak          | 44.0"             | Poor           | lean, English Ivy growth on trunk, dieback. This tree would be a hazard if a target was present.   | To be removed with approval of variance   |
| ST-36       | Liriodendron tulipifera | Tulip Poplar       | 42.5"             | Moderate-Poor  | Insect damage, English Ivy growth on trunk, dieback, vertical crack in stem, possible internal cavity  | To be removed with approval of variance   |
| ST-37       | Fraxinus americana      | White Ash          | 26.8"             | Moderate       | Dieback, English Ivy growing on trunk  | To Be Removed   |
| ST-38       | Fraxinus americana      | White Ash          | 28.1"             | Poor           | large cavity, dieback, reactionary growth. This tree would be a hazard if a target was present.  | To Be Removed   |
| ST-39       | Prunus serotina         | Black Cherry       | 32.0"             | Poor           | Large cavity, insect damage, borer damage. This tree would be a hazard if a target was present.  | To be removed with approval of variance   |
| ST-40       | Morus alba              | White Mulberry     | 26.8"             | Poor(Hazard)   | Multi-stem, Dead broken leaders. This tree is a hazard and should be removed as soon as possible.  | To Be Removed   |
| ST-41       | Quercus alba            | White Oak          | 36.5"             | Moderate       | Dieback, dead limbs  | To Remain   |
| ST-42       | Fraxinus americana      | White Ash          | 32.0"             | Poor           | Large cavity with decay, dead limbs, euonymus growth on trunk, thin crown. This tree would be a hazard if a target was present.  | To be removed with approval of variance. Tree is located within the proposed conservation easement but should be removed for safety reasons. No machinery is allowed to enter the easement area during the removal of the tree. |
| ST-43       | Liriodendron tulipifera | Tulip Poplar       | 28.0"             | Moderate       | Dieback, English Ivy growth on trunk, slight lean  | In R.O.W.   |
| ST-44       | Rubia pseudoacacia      | Black Locust       | 25.0"             | Moderate       | Dieback, Poison Ivy growth on trunk.   | To Remain   |
| ST-45       | Rubia pseudoacacia      | Black Locust       | 25.0"             | Moderate       | Dieback, small canker  | To Remain   |
| ST-46       | Morus alba              | White Mulberry     | 28" (Approximate) | Moderate-Poor  | Off-site, Gummosis, English Ivy growth on trunk, dieback   | Off-site  |
| ST-47       | Fraxinus americana      | White Ash          | 44.5"             | Moderate       | Dieback, Poison Ivy growth on trunk, dieback, small vertical crack, included bark at branch union  | To Remain   |
| ST-48       | Carya sp.               | Hickory            | 29.5"             | Moderate       | English Ivy growth on trunk, dieback, water sprouts  | To Remain   |
| ST-49       | Nyssa Sylvatica         | Black Gum          | 31.5"             | Moderate       | English Ivy and Poison Ivy growth on trunk, dieback, reactionary growth  | To Remain   |
| ST-50       | Quercus alba            | White Oak          | 35.5"             | Moderate       | English Ivy growth on trunk, dieback   | To Remain   |
| ST-51       | Rubia pseudoacacia      | Black Locust       | 24" (Approximate) | Moderate-Poor  | Cavity, dieback, thin crown  | To Remain   |

**NOTE:**  
ST-4, ST-9, ST-18 AND ST-47 ARE WITHIN 75% OF THE COUNTY CHAMPION TREE FOR THE SPECIES.



**OWNER**  
OLIVE BRANCH COMMUNITY CHURCH  
c/o HANK BOYD  
416 OLNEY-SANDY SPRING RD.  
SANDY SPRING, MD 20860  
240-389-1037



**MADDOX**  
INCORPORATED  
ENGINEERS • SURVEYORS  
100 PARK AVENUE  
ROCKVILLE, MARYLAND 20850-2699  
(301) 762-9001

**PRELIMINARY FOREST CONSERVATION PLAN**

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

No. 416 OLNEY - SANDY SPRING RD

| DATE     | REVISION | PER | ORC | COMMENTS |
|----------|----------|-----|-----|----------|
| 10/23/11 |          |     |     |          |

SCALE 1" = 50'

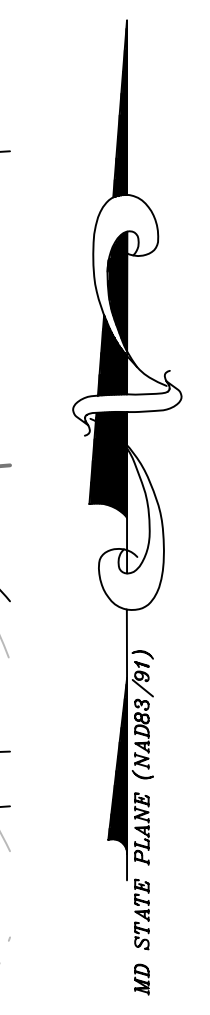
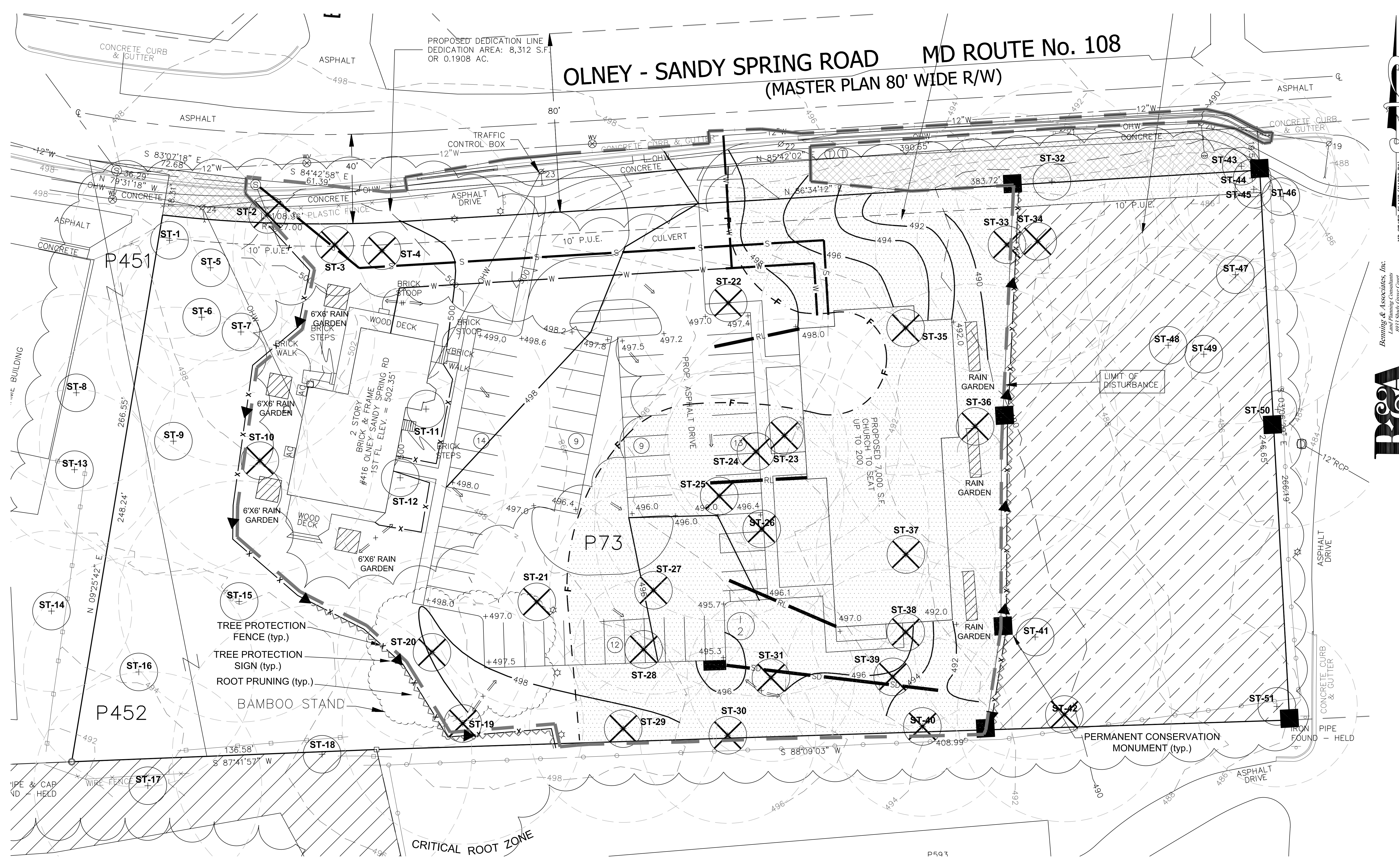
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DATE 3/4/2011

SHEET 1 OF 2

FILE NO. 09021TOP0.DWG

# OLNEY - SANDY SPRING ROAD MD ROUTE No. 108 (MASTER PLAN 80' WIDE R/W)



Benning & Associates, Inc.  
100 Park Avenue  
Rockville, Maryland 20850-2699  
(301) 769-9001



**MADDOX**  
INCORPORATED  
ENGINEERS • SURVEYORS  
100 PARK AVENUE  
ROCKVILLE, MARYLAND 20850-2699  
(301) 769-9001

**PRELIMINARY 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

| DATE    | REVISION | PER DRC COMMENTS |
|---------|----------|------------------|
| 10/3/11 |          |                  |
|         |          |                  |
|         |          |                  |
|         |          |                  |
|         |          |                  |

SCALE 1" = 20'

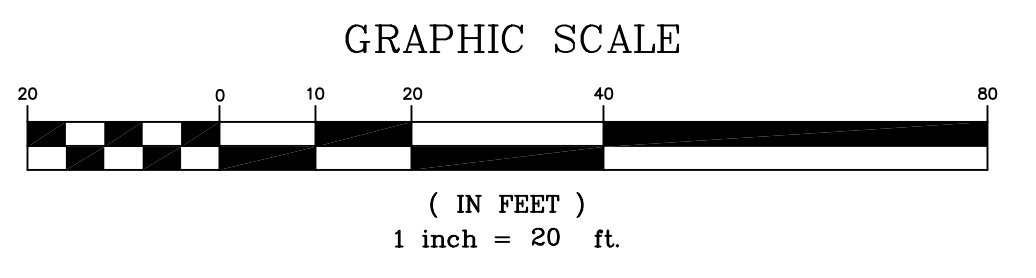
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DATE 3/4/2011

SHEET 2 OF 2

FILE NO. 09021TOP0.DWG

| PRELIMINARY FOREST CONSERVATION PLAN |   |   |                            |                                   |                                |                        |                         |                                       |                                      |                                      |  |   |   |  |   |   |   |  |  |                                   |                             |
|--------------------------------------|---|---|----------------------------|-----------------------------------|--------------------------------|------------------------|-------------------------|---------------------------------------|--------------------------------------|--------------------------------------|--|---|---|--|---|---|---|--|--|-----------------------------------|-----------------------------|
| ACREAGE OF TRACT                     | ACREAGE OF TRACT REMAINING IN AGRICULTURE USE | ACREAGE OF ROAD AND UTILITY R.O.W. NOT TO BE IMPROVED | ACREAGE OF EXISTING FOREST | ACREAGE OF TOTAL FOREST RETENTION | LAND USE CATEGORY              | CONSERVATION THRESHOLD | AFFORESTATION THRESHOLD | FOREST WITHIN WETLANDS TO BE RETAINED | FOREST WITHIN WETLANDS TO BE CLEARED | FOREST WITHIN WETLANDS TO BE PLANTED | FOREST WITHIN 100-YEAR FLOODPLAIN TO BE RETAINED | FOREST WITHIN 100-YEAR FLOODPLAIN TO BE CLEARED | FOREST WITHIN 100-YEAR FLOODPLAIN TO BE PLANTED | FOREST WITHIN STREAM BUFFER TO BE RETAINED | FOREST WITHIN STREAM BUFFER TO BE CLEARED | FOREST WITHIN STREAM BUFFER TO BE PLANTED | FOREST WITHIN PRIORITY AREAS TO BE RETAINED | FOREST WITHIN PRIORITY AREAS TO BE CLEARED | FOREST WITHIN PRIORITY AREAS TO BE PLANTED | STREAM BUFFER-AVERAGE LINEAR FEET | STREAM BUFFER-AVERAGE WIDTH |
| 3.12 AC                              | 0.00 AC                                       | 0.1 AC  | 1.52 AC                    | 0.66 AC                           | INSTITUTIONAL DEVELOPMENT AREA | 20% = 0.60 AC          | 15% = 0.45 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'                          |



# Benning & Associates, Inc.

LAND PLANNING CONSULTANTS  
8933 Shady Grove Court  
Gaithersburg, MD 20877  
Phone: 301-948-0240  
Fax: 301-948-0241

**To:** Mr. Mark Pfefferle, MNCPPC/Acting Chief – DARC Division

**From:** Joshua O. Maisel

**Date:** October 3, 2011

**Re:** Olive Branch Community Church #120110410 / Request for Variance

---

Dear Mr. Pfefferle,

In accordance with Chapter 22A-21 of the Montgomery County Code, I am writing to request a variance for the removal of 17 specimen trees and for impacts to 4 specimen trees located on the subject property at 416 Olney-Sandy Spring Road in Sandy Spring, Maryland.

## Project Description

The owner of the subject property, Olive Branch Community Church, is taking the property through the subdivision process to convert their property to a recorded lot. This is required in order to construct a new place of worship. As part of the subdivision process, a Preliminary Forest Conservation Plan (PFCP) has been submitted to M-NCPP&C showing the existing and proposed improvements. The property currently consists of two parcels totaling 3.05 acres and includes an existing building that is used by the church. The proposed improvements include a new church building large enough to accommodate 200 people, parking for the new building, and stormwater management practices as required to treat the additional stormwater associated with the improvements.

This project will result in 0.86 acres of forest clearing and the remaining 0.66 acres of onsite forest will be placed into a category I conservation easement. Since there are numerous specimen trees located on the property, the proposed improvements will result in the need to remove 17 specimen trees, and impact 4 additional specimen trees. The specimen trees that we are requesting a variance are identified on the following table:

### SIGNIFICANT TREE CHART

| TREE NUMBER | BOTANICAL NAME     | COMMON NAME  | SIZE(D.B.H.)         | TREE CONDITION | % CRZ IMPACTED | STATUS                            | REASON FOR IMPACTS                        |
|-------------|--------------------|--------------|----------------------|----------------|----------------|-----------------------------------|---|
| ST-4        | Fraxinus americana | White Ash    | 44.5"                | Moderate-Poor  | 58%            | To be removed                     | Construction of sewer and water lines     |
| ST-7        | Quercus alba       | White Oak    | 39.9"                | Moderate       | 25%            | To Remain                         | Construction of rain gardens              |
| ST-9        | Fraxinus americana | White Ash    | 40.1"                | Moderate       | 16%            | To Remain                         | Installation of rain gardens              |
| ST-10       | Fraxinus americana | White Ash    | 34.0"                | Poor (Hazard)  | 55%            | To be removed                     | Installation of rain gardens              |
| ST-11       | Quercus alba       | White Oak    | 37.0"                | Moderate       | 62%            | To be removed with owners consent | Site grading and parking lot construction |
| ST-12       | Fraxinus americana | White Ash    | 31.7"                | Moderate       | 56%            | To Remain                         | Site grading and parking lot construction |
| ST-15       | Acer saccharinum   | Silver Maple | 36.0"                | Moderate-Poor  | 21%            | To Remain                         | construction of rain gardens              |
| ST-16       | Fraxinus americana | White Ash    | 34.4"                | Poor(Hazard)   | 0%             | To be removed                     | Tree and should be removed for safety     |
| ST-18       | Fraxinus americana | White Ash    | 44.5"                | Moderate-Poor  | 5%             | To Remain                         | Site grading                              |
| ST-19       | Fraxinus americana | White Ash    | 36"<br>(Approximate) | Poor(Hazard)   | 41%            | To be removed                     | Site grading and parking lot construction |
| ST-21       | Fraxinus americana | White Ash    | 32.0"                | Moderate       | 100%           | To be removed                     | Construction of parking lot               |
| ST-23       | Quercus alba       | White Oak    | 34.8"                | Moderate-Poor  | 100%           | To be removed                     | Construction of church and parking lot    |

|       |                         |                |       |               |      |               |  |
|-------|-------------------------|----------------|-------|---------------|------|---------------|--|
| ST-25 | Quercus alba            | White Oak      | 37.2" | Moderate      | 100% | To be removed | Construction of church and parking lot               |
| ST-26 | Quercus alba            | White Oak      | 49.9" | Moderate      | 100% | To be removed | Construction of church and parking lot               |
| ST-27 | Fagus grandifolia       | American Beech | 31.0" | Moderate      | 100% | To be removed | Construction of parking lot                          |
| ST-28 | Robinia pseudoacacia    | Black Locust   | 31.1" | Poor(Hazard)  | 100% | To be removed | Construction of parking lot                          |
| ST-33 | Quercus alba            | White Oak      | 39.3" | Moderate-Poor | 39%  | To be removed | Site grading, construction of church and rain garden |
| ST-35 | Quercus alba            | White Oak      | 44.0" | Poor          | 90%  | To be removed | Construction of church                               |
| ST-36 | Liriodendron tulipifera | Tulip Poplar   | 42.5" | Moderate-Poor | 62%  | To be removed | Construction of church                               |
| ST-39 | Prunus serotina         | Black Cherry   | 32.0" | Poor          | 83%  | To be removed | Site grading and sewer drain construction            |
| ST-42 | Fraxinus americana      | White Ash      | 32.0" | Poor          | 8%   | To be removed | Tree should be removed for safety                    |



### **Requirements for Justification of Variance:**

Section 22A-21(b) *Application requirements* states the applicant must:

1. Describe the special conditions peculiar to the property which would cause unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of granting of the variance; and
4. Provide any other information appropriate to support the request.

There are special conditions peculiar to the property which would cause unwarranted hardship should the variance not be approved. The subject property is dominated by trees of specimen size. The trees are scattered throughout the property in forest areas and areas which are just tree cover. Given this fact and the normal requirements which go along with a church use, it is not possible to develop this site without some impacts to specimen trees. If the variance was not granted, the proposed development of this property with a new church (a permitted use in the RE-2 zone) and associated facilities could not occur.

Should this variance not be approved, the property owner would be deprived of rights commonly enjoyed by others in similar circumstances. A place of worship is a permitted use in the zone for which the property is located. If the requested variance was not approved, the applicant would be deprived of the right to develop the site in accordance with all other laws and regulations. Other property owners without the need for a variance can develop to the full extent allowed by other laws and regulations.

The granting of a variance will not result in a violation of State water quality standards or any measurable degradation in water quality. The project has been planned to provide environmental site design (ESD) practices in accordance with the latest State and County requirements for stormwater management. In addition, there are no streams or other environmentally sensitive features located on the property that are impacted if this variance is approved.

**In addition, Section 22A-21(d) indicates that a variance must not be granted if granting the request:**

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

This request for a variance will not confer a special privilege that would be denied to other applicants. The subject property is zoned for residential use and places of worship are permitted within this zone. The project has been planned to meet all applicable requirements of zoning, forest conservation, and other regulations.

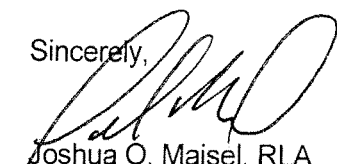
This variance request is not based on conditions and circumstances which are the result of actions by the applicant. The applicant has prepared and submitted plans which meet all applicable development standards. The variance request is based upon plans which meet all requirements but result in impacts to specimen trees. The variance request is not based upon any actions by the applicant.

The request for a variance does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property. The requested variance is needed to obtain approval for the PFCP due to plans for on-site improvements. The adjacent properties are not a contributing factor for the variance request.

As previously mentioned, granting this variance request will not violate State water quality standards or cause measureable degradation in water quality. The project has been planned to provide environmental site design (ESD) practices in accordance with the latest State and County requirements for stormwater management. Removal of certain specimen trees does not have any impact on state water quality standards or the ability of the project to meet water quality standards.

For the above reasons, we respectfully request approval of this request for a variance from provisions of Section 22A-21 of the Montgomery County Code. If you have any questions or concerns regarding this request, please do not hesitate to contact me.

Sincerely,



Joshua O. Maisel, RLA  
ISA Certified Arborist # MA-4514A  
PNW/ISA Certified Tree Risk Assessor # CTRA 918



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Robert G. Hoyt  
Director

November 23, 2011

Françoise Carrier, Chair  
Montgomery County Planning Board  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Olive Branch Community Church, DAIC 120110410, NRI/FSD application accepted on 6/15/2010

Dear Ms. Carrier:

The County Attorney's Office has advised me that Section 5-1607 of the Natural Resources Article, Maryland Code, applies to any application required under Chapter 22A of the Montgomery County Code submitted after October 1, 2009. Since the application for the above referenced request is required to comply with Chapter 22A based on a review by the Maryland National Capital Park & Planning Commission (MNCPPC) and was submitted after this date, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this condition.

2. Based on a discussion on March 19, 2010 between representatives of the County and the Maryland Department of Natural Resources Forest Service and the MNCPPC, the disturbance of trees, or other vegetation, is not interpreted as a condition or circumstance that is the direct result of the actions by the applicant. Therefore, the variance can be granted under this condition, as long as appropriate mitigation is provided for the resources disturbed.
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this condition.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this condition.

Therefore, I recommend that this applicant qualify for a variance conditioned upon mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Tree protection techniques, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, that are implemented according to industry standards are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. Until other guidelines are developed, I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

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

Sincerely,

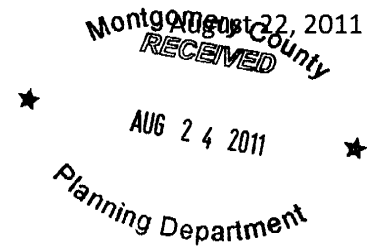


Laura Miller  
County Arborist

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



Ms. Molline C. Smith  
Maryland-National Capital Parks and Planning Commission  
8787 Georgia Ave  
Silver Spring, MD 20910-3760



Dear Ms. Smith:

This is to let you know that the Sandy Spring Museum has concluded a letter of agreement with the Olive Branch Community Church permitting the church to use up to 19 spaces in our parking lot on the north side of Rt. 108, whenever the parking on their own site proves inadequate. We have allowed the Church to use the lot for this purpose on Sunday mornings from 8am to 11:30am.

The signed agreement, a copy of which is attached, makes this use renewable without further formalities until one or the other party wishes to cancel it, in which case it can be cancelled with two weeks written notice.

We are pleased that, given our shared interest in maintaining tree cover and minimizing paving in our rural heritage district, the Museum can help Olive Branch Community Church in this way. This continues a long tradition of mutuality that has helped give the Sandy Spring community the special character its residents so cherish.

Sincerely,

Sharon Ann Holt  
Executive Director

PS Ms. Smith, I would be very pleased to welcome you to the Museum to learn more about this community, if you wish. It would be my privilege to give you a personal tour.



August 22, 2011

Rev. Dr. Donald Kelly, Pastor  
Olive Branch Community Church  
416 Olney-Sandy Spring Road  
Sandy Spring, MD 20860-1007

Dear Pastor Kelly:

This letter of agreement will formally permit Olive Branch Community Church the use of up to 19 spaces in the Sandy Spring Museum parking lot for overflow parking on Sundays when the parking on your own site proves inadequate. We permit this use on Sunday mornings from 8am to 11:30am. The lot can accommodate 40 cars quite comfortably, so the 19 spaces that your congregation may require will not strain our space to any degree. I wish that we could permit more open-ended use, but we open to the public on Sundays at noon, and regularly fill our lot for Sunday concerts and programs.

This agreement will be renewable without further exchange of paper until the Church or the Museum seeks to cancel it. Notice of intent to cancel the agreement must be given in writing to the pastor of the church or the executive director of the Museum at least 2 weeks in advance. I would further note that, in the event of inclement weather, the Museum follows the Montgomery County School District's opening and closing policies. That may mean that, on occasion, the Museum may close and leave the parking lot uncleared through the weekend. I will do my best to notify the Church if that occurs. Lastly, I trust that Church users will take the same care of the lot that Museum users do, preserving the grass from car tires and making sure not to leave any litter in the lot.

We are happy to help as good neighbors to the Olive Branch community. We are pleased that you and the church elders thought of asking Sandy Spring Museum to assist you this way, especially given our shared commitment to preserving tree cover and minimizing the amount of paving in our area.

Sincerely,

Sharon Ann Holt  
Executive Director

Rev. Dr. Donald Kelly, Pastor  
Olive Branch Community Church

08/24/2011  
Date