



MCPB No. 16-145
 Preliminary Plan No. 120160310
 Vien An Buddhist Temple
 Date of Hearing: January 12, 2017

JAN 25 2017

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on June 27, 2016, Vien An Buddhist Association ("Applicant") filed an application for approval of a preliminary plan of subdivision to create one lot for the construction of a 13,000-square foot place of worship on approximately 1.31 acres of land in the RE-1 Zone, located on the east side of New Hampshire Avenue, 500 feet north of Orchard Way ("Subject Property"), in the White Oak Master Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120160310, Vien An Buddhist Temple ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 30, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 12, 2017, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Preliminary Plan No. 120160310 to create one lot on the Subject Property, subject to the following conditions:¹

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

1. Approval is limited to one lot to allow for a 13,000-square foot place of worship, with no weekday school or daycare facility.
 2. The Applicant must comply with the Landscape and Lighting Plan submitted with this Application.
 3. Prior to issuance of a final use and occupancy permit, the Applicant must construct all sidewalks as shown on the Preliminary Plan.
 4. The Applicant must dedicate, and show on the record plat, 60 feet from centerline along the Property frontage on New Hampshire Avenue, as shown on the Preliminary Plan.
 5. Prior to Certified Preliminary Plan the Applicant must revise the drawing to show:
 - a. Wheel stops for all parking spaces at grade with adjacent sidewalks; and
 - b. The correct number of parking spaces (40) and labels.
 6. The Applicant must provide 2 bicycle parking spaces (1 inverted-U bike rack) as shown on the Preliminary Plan.
 7. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by the Maryland State Highway Administration (SHA).
 8. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated October 18, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendments do not conflict with other conditions of the Preliminary Plan approval.
 9. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept letter dated October 25, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendments do not conflict with other conditions of the Preliminary Plan approval.
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10. The Certified Preliminary Plan must contain the following note: “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings will be finalized at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
11. All necessary easements must be shown on the record plat.

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

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

Although the Master Plan does not contain any specific recommendations for the Subject Property, it envisions the area outside of the identified commercial centers as remaining residential in nature and recommends that infill developments follow the established residential pattern. In keeping with this vision, the Master Plan further recommends that “the land use and zoning goal in the White Oak Master Plan area is to ensure livable communities for the future by protecting and strengthening their positive attributes and encouraging development that will enhance the communities’ functions, sense of place and identity,” And the use of the Subject Property as a religious institution is consistent with that vision.

With regards to the location and design considerations, the proposed building has been pushed back into the site as much as possible from all property lines, access and parking will be provided along the southern and eastern property lines with landscaping to provide a buffer to adjacent properties, and religious uses are permitted in residential zones.

The Preliminary Plan is in substantial conformance with the Master Plan.

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

Master Plan Roadways and Bikeways

As recommended in the 1997 White Oak Master Plan, 2005 Countywide Bikeways Functional Master Plan, and the 2009 Intercounty Connector Limited Functional Master Plan Amendment, the master-planned roadways and bikeways near the site are listed below:

1. New Hampshire Avenue (MD 650) is designated as a six-lane divided major highway (M-12) within a 120-foot right-of-way (ROW). The White Oak Master Plan recommends accommodating bicycles with a signed shared roadway (SR-30). The ICC Limited Functional Master Plan recommends a shared-use path along the west side of New Hampshire Avenue (DB-41). On-street bicycle lanes with signage have already been striped on both sides of New Hampshire Avenue from the ICC (MD 200) south to Randolph Road.
2. Nearby Intercounty Connector is designated as a freeway, F-9, with 300-foot wide right-of-way and shared-use path/Class I bikeway, PB-32.

Orchard Way and Hobbs Drive are not listed in the Master Plan. They are secondary residential streets that serve their respective neighborhoods.

Available Transit Service

Metrobus route Z2 is currently the only bus route operating along New Hampshire Avenue near the Property. Buses typically run approximately every 25 to 40 minutes on weekdays only. There is no transit service on any other roadways near the site. The nearest bus stops on New Hampshire Avenue are located at the intersections with Hobbs Drive and Orchard Way.

Pedestrian and Bicycle Facilities

Along the property frontage of New Hampshire Avenue, the existing 6-foot wide sidewalk at the curb with no green panel will be upgraded to a 5-foot wide sidewalk with a six-foot wide green panel. In addition, the Applicant is providing a lead-in sidewalk from New Hampshire Avenue. The proposed development is required to provide one bicycle parking space for every 20 vehicular parking spaces (or 2 bicycle parking spaces). The Applicant is providing 2 bicycle parking spaces (or 1 inverted-U bike rack).

Local Area Transportation Review

A place of worship without a weekday school or daycare facility generates fewer than 30 peak hour trips within the weekday morning and evening peak periods. Therefore, a traffic study is not required, and the LATR test is satisfied.

Transportation Policy Area Review

The Property is located within the Fairland/Colesville Policy Area that currently has inadequate roadway and transit capacity. Per the 2012-2016 Subdivision Staging Policy, the proposed house of worship without a weekday school or daycare facility is exempt from the TPAR test, because it generates fewer than three new peak-hour trips within the weekday morning and evening peak periods. Therefore, the Applicant is not required to make a TPAR mitigation payment.

School Facility Payment

A school facility payment is not required, because the proposed use does not generate any students.

Other Public Facilities and Services

The proposed development will be served by public water and sewer systems. The Montgomery County Fire and Rescue Service reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services are available and adequate.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Preliminary Plan has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. As conditioned, the approved lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance, and substantially conforms to the recommendations of the Master Plan. The Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Application.

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

Environmental Guidelines/Forest Conservation

The site contains no streams or stream buffers, wetlands or their buffers, regulated steep slopes, 100-year floodplains, or known occurrences of rare, threatened, or endangered species. Staff confirmed an exemption from the requirements of Article II of Chapter 22A (Forest Conservation) on March 3, 2016 (Exemption No. 42016136E – Attachment 3). The proposed project is in conformance with the Environmental Guidelines and satisfies the requirements of Chapter 22A, Forest Conservation.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The MCDPS Stormwater Management Section issued a letter accepting the stormwater management concept for the Property on October 25, 2016. The stormwater management concept proposes to meet required stormwater management goals via the use of 6,200 square feet of permeable pavement, six drywells, and one infiltration trench.

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

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 25 2017 (which is the date that this Resolution is mailed to all parties of record); and

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

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, January 12, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board