



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

MCPB No. 08-162
Site Plan No. 820050330
Project Name: Strathmore at Bel Pre, Lot 44
Date of Hearing: December 4, 2008

RESOLUTION

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

WHEREAS, on April 13, 2005, Faith Arts Academy Inc. ("Applicant"), filed an application for approval of a site plan for one lot for a private institutional use (modular unit classroom), ("Site Plan" or "Plan") on 0.561 acres of R-90 zoned land, located on Layhill Road west of the intersection with Middlevale Lane within the Aspen Hill Master Plan ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820050330, Strathmore at Bel Pre, Lot 44 (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated November 24, 2008, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on December 4, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, on December 4, 2008 the Planning Board voted to approve the Application subject to conditions on the motion of Commissioner Alfandre; seconded by Commissioner Cryor; with a vote of 5-0, Commissioners Alfandre, Cryor, Hansen, Presley and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820050330 for one lot for a private institutional use (modular unit classroom), on 0.561 gross acres in the R-90 zone, subject to the following conditions:

Approved as to
Legal Sufficiency:

Christina Sonnet 4/19/09

8787 Georgia Avenue, N.C. PRCS Legal Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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1. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan No. 120050870 ("Preliminary Plan").

2. Site Plan

Approval under this Preliminary Plan is limited to one lot for a 10,854 square foot modular building for a private institutional use to accommodate a maximum of 30 children for the entire Faith Arts Academy School.

3. Park Planning and Stewardship

The Applicant shall comply with the following conditions as outlined in the Staff memorandum dated September 15, 2008 from Park Planning and Stewardship:

- a. Any proposed church access through M-NCPPC owned or managed property off of Layhill Road must be approved by M-NCPPC Staff prior to its construction. Engineering details must be prepared by Applicant and submitted to M-NCPPC Staff for approval prior to proceeding with construction. A park permit is required for construction of any church related access or grading on the park property.
- b. Applicant to prepare an Access Easement Agreement that allows Church users to access the church and related facilities through the entrance located on M-NCPPC land. This proposed Agreement is to be submitted to M-NCPPC Staff for approval and execution prior to any construction by Applicant of a connection to the park entrance.
- c. Applicant to submit detailed engineering documents regarding alignment and construction of any proposed sewer and water lines and stormwater outfall proposed on parkland for M-NCPPC approval prior to construction. A park permit is required for construction of these lines and outfall.
- d. Any necessary acceleration/deceleration lanes required on Layhill Road when the Applicant constructs its access to the park/church entrance will be the sole responsibility of the Applicant.

4. Lighting

- a. On-site street and parking lot downlighting fixtures must be full cut-off fixtures;
- b. Deflectors must be installed on all up-lighting fixtures causing potential glare or excess illumination;
- c. Illumination levels, excluding streetscape light fixtures, shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.

5. Landscaping & Environment

- a. Provide a more common variety of street tree along Layhill Road.
- b. Provide additional foundation planting in the front of the proposed building.

6. Forest Conservation

The proposed development shall comply with the conditions of the preliminary forest conservation plan. The Applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits:

- 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. The final forest conservation plan must reflect all requirements found in Section 109.B of the Forest Conservation Regulations (COMCOR 18-01AM). This includes:
 - i. A method of meeting this plan's planting requirements
 - ii. If off-site reforestation/afforestation is chosen, a reforestation/afforestation plan with full planting plan, location and maintenance plan must be included as part of the submission.
- c. A certified arborist must be present at the pre-construction meeting, during construction, and after construction to implement specific tree protection measures as identified on the forest conservation plan.
- d. All financial security must be submitted to M-NCPPC prior to any demolition, clearing, or grading on the Subject Property.

7. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated June 4, 2007, unless amended and approved by MCDPS.

8. Development Program

The Applicant must construct the proposed development in accordance with the Development Program. A Development Program shall be reviewed and approved by M-NCPPC Staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Offsite easements/agreements must be executed prior to clearing and grading;
- b. Final paving and striping must be completed within six months of the occupancy of the classroom;
- c. Landscaping, including the street trees and foundation planting, and the on-site lighting must be completed within six months of the occupancy of the proposed building;
- d. Specify phasing of pre-construction meetings, dedications, sediment/erosion control, or other features.

9. Clearing and Grading

Applicant must ensure that there is no clearing or grading of the Subject Property prior to M-NCPPC approval of the Certified Site Plan.

10. Certified Site Plan

Prior to Certified Site Plan approval the following revisions shall be included and/or information provided, subject to Staff review and approval:

- a. Minor corrections and clarifications to site details and labeling;
- b. Minor corrections to the data table for parking;
- c. Additional foundation planting and changes to the plant list;
- d. Development Program, Inspection Schedule, and Site Plan Resolution.

BE IT FURTHER RESOLVED that all site development elements as shown on Strathmore at Bel Pre, Lot 44 drawings stamped by the M-NCPPC on September 5, 2008, shall be required, except as modified by the above conditions of approval; and

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

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

The proposed development is not subject to a Development Plan, Diagrammatic Plan or Project Plan.

2. *The Site Plan meets all of the requirements of the R-90 zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the R-90 zone as demonstrated in the project Data Table shown below.

Requirements of the R-90 zone

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

requirements of the R-90 Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

Development Standard	Permitted/Required	Development Standards Approved by the Board and Binding on the Applicant
Lot Area (square feet)	9,000	26,136
Max. Density	N/A ¹	10,854 ²
Min. MPDUs (% of total du)	Not Applicable	Not Applicable

Min. Building Setbacks (ft.)		
<i>From Street</i>	25	48
<i>Rear</i>	25	63
<i>Side</i>	8/25	12/44
<i>Min. lot width at BRL</i>	75	168
<i>Min. lot width at Street</i>	25	138
Max. Building Height (ft.)	35	15
Max. Building Coverage (%)	30	22
Min. Lot Width (ft.)	Not Specified	16
Max. Parking Spaces	Not Specified	12

¹ Density is limited by lot coverage for this use.

² Approximate footprint of the building is 5,427 square feet.

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

a. Locations of buildings and structures

The proposed modular classroom is sited an adequate distance from Layhill Road and proportionally on the site to accommodate the parking needs of the classroom and adjacent church activities. The location of the modular building is adequate, safe, and efficient.

b. Open Spaces

The plan proposes approximately 22 percent building coverage, which is under the maximum allowed by 8 percent. The site has no green space requirement within the zone. The site has ample open space around the perimeter of the building, and the access to the adjacent park and church is adequate, safe, and efficient.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a double row of trees along Layhill Road. The application will need to provide additional planting in the parking lot areas and foundation planting around the proposed classroom. As amended, landscaping will provide for adequate, safe, and efficient site buffering and planting.

The lighting plan consists of wall-mounted fixtures on the building façade to provide for illumination and safety for church patrons of the classroom and parking areas. All site lighting will provide adequate, safe, and efficient site illumination.

d. Recreation Facilities

The application is not subject to the Recreation Guidelines as this is not considered a residential project.

e. Pedestrian and Vehicular Circulation Systems

Vehicular access to the school is limited to ingress only via the shared access driveway across the M-NCPPC property from Layhill Road for the school directly across from Middlevale Lane. The one-way access drive continues to the adjacent church property toward the south, which contains a right-in-right-out at Layhill Road. Pedestrian access is provided via a striped crosswalk driveway connecting the site to the existing church and driveways connecting the site to the sidewalk on Layhill Road. Local Area Transportation and Policy Area Mobility Reviews are not required for this exempt use.

Vehicular and pedestrian circulation is adequate, safe and efficient.

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

The proposed classroom is buffered adequately from properties to the north and creates an appropriate front onto Layhill Road. The development provides an extension of the adjacent church facility and is compatible with the other existing and proposed residential and institutional uses surrounding the site. The proposed buildings adequately transition to the existing church on the adjacent lot to the south.

The Planning Board heard testimony about the appearance of, and parking issues associated with, both the school and the adjacent church, which are located on separate lots. Specifically, representatives of local civic groups testified that the church parking lot houses a dumpster and a trailer, and expressed a desire to see those items removed. These representatives further testified that the dumpster and trailer render 16 parking spaces unusable, and expressed a concern that these conditions could result in inadequate church parking, which, in turn, might lead to overflow parking in the adjacent Matthew Henson Park parking area. Concerns about the appearance of items in the church parking lot and the adequacy of parking at the church are beyond the scope of this proceeding. However, the Board notes that it also heard testimony from Staff that even with 16 spaces eliminated the church currently exceeds the number of spaces required.

There were two primary design concerns raised with respect to the proposed building. The civic group representatives argued that the proposed building should be screened from the Matthew Henson Park, and that the building wall facing Layhill Road should be broken up with design details that will prevent it from having a monotonous appearance. The Board finds that the design concerns raised with respect to the proposed building have been addressed. Specifically, the desire to have the building wall fronting on Layhill Road broken up with design features will be addressed by the location of the front door to the school and windows along that façade. The Board does not find that it is necessary to screen the proposed building from Matthew Henson Park. The trees within Matthew Henson park will provide adequate screening from the proposed building except at the very edge of the park.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The proposed storm water management concept approved on June 4, 2007, includes on-site channel protection measures via a dry pond and flow dispersion; on-site water quality control via sand filters, bio-filters, a proprietary filter with structural pretreatment, and non-structural methods; and on-site recharge via non-structural methods including dry wells and recharge trenches.

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

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

BE IT FURTHER RESOLVED, that the date of this Resolution is APR 24 2009 (which is the date that this Resolution is mailed to all parties of record); and

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

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Hanson, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley voting in favor of the motion, at its regular meeting held on Thursday, April 16, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board