



MAR 1 2010

**MCPB No. 09-147**  
**Preliminary Plan No. 120090290**  
**St. Luke's Serbian Church**  
**Date of Hearing: December 3, 2009**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on March 26, 2009, St. Luke's Serbian Orthodox Church of Washington D.C. ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 2.75 acres of land in the RE-2 zone, located on the southwest side of River Road, approximately 3,300 feet west of the intersection with Falls Road ("Property" or "Subject Property"), in the Potomac Subregion master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No.120090290, St. Luke's Serbian Church ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated November 19, 2009, setting forth its analysis, 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 3, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 3, 2009, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Wells-Harley; seconded by

Approved as to  
Legal Sufficiency:

*Christina Sorrento* 1/29/10

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

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Commissioner Presley; with a vote of 4-0, Commissioners Alfandre, Hanson, Presley and Wells-Harley voting in favor with one seat being vacant.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120090290 to create 1 lot on 2.75 acres of land in the RE-2 zone, located on the southwest side of River Road, approximately 3,300 feet west of the intersection with Falls Road ("Property" or "Subject Property"), in the Potomac Subregion master plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to a place of worship with a 180 seat sanctuary, no weekday child daycare and no weekday educational classes.
- 2) The Applicant must satisfy the conditions of approval of the preliminary forest conservation plan prior to recordation of plat or Montgomery County Department of Permitting Services issuance of sediment and erosion control permits, as appropriate.
- 3) A Category I forest conservation easement must be placed, over all planted and retained forest as shown on the preliminary forest conservation plan.
- 4) The Applicant must dedicate and show on the record plat, all road rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Master Plan unless otherwise designated on the Preliminary Plan.
- 5) The Applicant must construct all road improvements within the rights-of-way shown on the approved certified Preliminary Plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.
- 6) Within 12 months of occupancy of the new addition, the Applicant must construct a five foot wide sidewalk along the Property frontage with a four foot wide lead walk as shown on the Preliminary Plan drawing. Handicap ramps must be provided for internal sidewalks and one bike locker is to be provided near the main entrance.
- 7) Record plat to include a note along frontage with Fox Hunt Lane stating "Access Denied on Fox Hunt Lane"
- 8) The Applicant must comply with the conditions of the MCDOT letter dated May 15, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 9) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated July 14, 2005. These conditions may be amended by

MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

- 10) The Applicant must comply with the conditions of the Maryland State Highway Administration (MDSHA) letter dated 5/10/09. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 11) The Applicant must implement the approved landscape plan dated 10/14/09 and the plant material must be in place prior to MCDPS issuance of the Use and Occupancy permits for the addition.
- 12) On-site lighting must comply with the approved lighting plan dated 10/21/09.
- 13) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
- 14) Other necessary easements must be shown on the record plat.

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

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

This site is located in the 2002 approved and adopted Potomac Subregion Master Plan. The Master Plan does not specifically discuss this Property but recommends the continuation of the RE-2 zoning. Nothing in the Master Plan would otherwise prohibit the use of this site for a place of worship nor would it prohibit the proposed expansion of the existing structure. The Board finds the Application to be in substantial conformance with the Potomac Subregion Master Plan.

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

Improvements to site circulation include the construction of a new lane on River Road along the Property frontage and the reconstruction of the entranceway to River Road. The parking lot will be expanded to accommodate 48 vehicles and will allow complete circulation of vehicles, including emergency vehicles, around the new structure. To improve pedestrian access, sidewalks along the Property frontage and a lead walk to the parking facility will be provided as well as a bike locker near the front door. With the improvements proposed by this Preliminary Plan and as conditioned, the Planning Board finds the internal traffic/pedestrian circulation to be adequate.

The Application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles and recommended approval on December 7, 2008.

By virtue of a review by all appropriate public utility agencies who have recommended approval of the Preliminary Plan, the Board finds that the project will be adequately served by gas, electric, telecommunications and public water and sewer service. The Board also finds that other public facilities and services such as police stations and firehouses are currently operating within the standards set by the Growth Policy Resolution currently in effect.

The Application is not for residential use so it will not be subject to any school moratorium or School Facilities Payment.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Board finds that the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations of the Master Plan and for the type of development or use proposed.

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

The Preliminary Forest Conservation Plan proposes to retain 0.32 acres of the 0.38 acres of forest on site. This generates a planting requirement of 0.36 acres which will be met off-site in a forest conservation bank with a fee-in-lieu. The Board finds that the Application complies with Chapter 22A, the Montgomery County Forest Conservation Law.

- 5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding by the Planning Board is based on the determination that the Montgomery County Department of Permitting Services ("MCDPS") approved a Stormwater Management Concept Plan meeting MCDPS' standards on July 15, 2005.*
- 6. The Planning Board finds that the proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential*



*use as other lots within the existing neighborhood (as delineated by Staff in the Staff Report) ("Neighborhood"), as analyzed below.*

Frontage:

The frontage measurement of the proposed lot is 265 feet. The narrowest existing lot in the Neighborhood with respect to frontage is 95 feet and the widest is 754 feet. The proposed lot's frontage falls well within this range. The proposed lot will be of the same character as existing lots in the Neighborhood with respect to lot frontage.

Alignment:

The lots in the Neighborhood have a variety of alignments to the public right-of-way; however, the perpendicular lot alignment is the most common. The proposed lot will align in a perpendicular fashion to River Road and is; therefore, of the same character as existing lots in the Neighborhood with respect to the alignment criterion.

Size:

Lots in the Neighborhood range from 87,120 square feet to 230,819 square feet. The proposed lot will be 116,332 square feet and falls within the range of lot sizes for the overall Neighborhood. The proposed lot size is in character with the size of existing lots in the Neighborhood.

Shape:

The proposed lot will be rectangular in shape. Rectangular shaped lots are well represented in the Neighborhood. The shapes of the proposed lots will be in character with shapes of the existing lots in the Neighborhood.

Width:

Existing lots in the Neighborhood range in width at the front building restriction line from 205 feet to 560 feet. The proposed lot will be 257 feet in width and will be the 3<sup>rd</sup> narrowest compared to the Neighborhood. Although narrower than the majority of lots, there are 10 lots, over half, in the Neighborhood that range from 205 feet to 300 feet. The proposed lot falls within this range of lot widths and are within the range of all lot widths. The proposed lots will be in character with existing lots in the Neighborhood with respect to width.

Area:

The lots in the Neighborhood range from 43,500 square feet of buildable area to 162,583 square feet of buildable area. The proposed lot will have 79,288 square feet of buildable area which is well within the range for building envelopes. The proposed lots will be of the same character as other lots in the Neighborhood with respect to buildable area.

Suitability for Residential Use:

The existing and the proposed lots are zoned residential and the land is suitable for residential use.

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), as amended) 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 among the Land Records of Montgomery County, Maryland or a request for an extension must be made; 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 MAR 15 2011 (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).

\* \* \* \* \*

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 Wells-Harley, seconded by Commissioner Presley, with Commissioners Hanson, Wells-Harley, Alfandre, and

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Presley voting in favor of the motion, with a four-member Board, at its regular meeting held on Thursday, February 18, 2010, in Silver Spring, Maryland.



Royce Hanson, Chairman  
Montgomery County Planning Board

*Applicant Mailing List &  
Party(s) of Records Mailing List  
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11-13-09*

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120090290

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