



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

MCPB No. 17-025
Preliminary Plan No. 120130160
Pleasant Grove Community Church
Date of Hearing: April 20, 2017

MAY 1 2017

RESOLUTION

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

WHEREAS, on May 31, 2013, Pleasant Grove Christian Community Church c/o Reverend Lawrence Bryant (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 4.02 acres of land in the R-200 zone and Rural Village Overlay Zone, located at 11307 Mountain View Road, approximately 700 feet west of Johnson Drive (“Subject Property”), in the Rural East Policy Area and 2006 Damascus Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120130160, Pleasant Grove Community Church, (“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 April 7, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 20, 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 certified below;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120130160 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.

Approved as to
Legal Sufficiency: 

1. This Preliminary Plan is limited to one lot for one religious institution with no weekday school or weekday day care.
 2. The Applicant must comply with Preliminary Forest Conservation Plan No. 120130160, approved as part of this Preliminary Plan, subject to the following conditions:
 - a. A Final Forest Conservation Plan ("FFCP") must be approved by M-NCPPC Staff prior to the start of clearing and grading that is consistent with the approved Preliminary Forest Conservation Plan ("PFCP").
 - b. Prior to the start of any clearing, grading, or demolition occurring on the Property, the Applicant must receive approval from the M-NCPPC Office of the General Counsel of a Certificate of Compliance to use an off-site forest mitigation bank for 0.61 acres of mitigation credit.
 - c. The Certificate of Compliance must be recorded in the Land Records prior to any clearing, grading, or demolition occurring on the Property.
 - d. Mitigation for the removal of 56 trees subject to the variance provision must be provided in the form of planting native canopy trees totaling 126 caliper inches, with a minimum planting stock size of three caliper inches. The trees must be planted on the Property, in locations to be shown on the Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector. The trees must be planted within one year of construction completion.
 - e. The limits of disturbance ("LOD") on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
 - f. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
 3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated August 20, 2014, and
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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, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

4. Prior to recordation of the plat, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
5. No clearing or grading of the site, or recording of plats prior to Certified Site Plan approval.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") Fire Code Enforcement Section in its letter dated November 8, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Fire Code Enforcement Section, provided the amendments do not conflict with other conditions of Preliminary Plan approval.
7. The Planning Board accepts the recommendations of the MCDPS - Water Resources Section in its stormwater management concept letter dated November 13, 2012, and reconfirmed on July 12, 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, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Applicant must dedicate, and show on the record plat a dedication of, 35-feet of right-of-way from the centerline of Mountain View Road as shown on the Preliminary Plan.
9. Final approval of the location of (buildings, on-site parking, site circulation, and sidewalks) will be determined at Site Plan.
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,

structures and hardscape will be determined at the time of site plan approval. 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. The record plat must show necessary easements.
12. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.

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.*

The Preliminary Plan is consistent with recommendations in the 2006 Damascus Master Plan and the 2004 Amendment to the Rustic Roads Functional Master Plan.

2006 Damascus Master Plan

This Master Plan recommends, "using a modified version of the Rural Village Overlay Zone to provide a mixed-use zone approach appropriate for rural communities to protect villages that may become subject to potential development pressures. The Rural Village Overlay Zone is designed to create attractive, cohesive, and pedestrian-friendly rural village centers and prohibits land uses otherwise allowed in the underlying zone that would be inappropriate in rural villages. Amendments to this zone are proposed to prohibit additional uses that would be inappropriate in these villages, allow certain uses only by special exception, and allow the Montgomery County Planning Board to modify setback and green area requirements if necessary to better replicate existing development patterns. The purpose of this zoning is to maintain the existing scale of development. New development should be consistent with the historical character and community lifestyles" (p.40). The Master Plan also provides additional guidance for development within the Rural Village Overlay Zone (p.41). Much of the guidance in the Master Plan regarding the Rural Village

Overlay zone is intended for commercial development which does not apply to this Application.

The Damascus Master Plan states that residents in the Rural Village Communities “often have historical ties to their communities. These communities feature local institutions like post offices, retail stores, or churches.” The Pleasant Grove Community Church congregation has been part of Purdum since 1869. The new church will accommodate the expansion of the congregation and continued connection to the community in the same general location. The scale and size of the proposed building, with only 200 seats, are compatible with the surrounding rural community.

The Preliminary Plan conforms to Master Plan recommendations on compatibility with the surrounding community. Those recommendations were specifically taken into consideration when determining the building’s location, and parking lot design. The building is setback 81 feet from Mountain View Road, which provides a large, open, green area between the building and road. The green area provides ample area for landscaping and limits the visual impact of the building from the rustic road. Most of the parking for the church is behind the building, which limits visibility from the road. Only a single row of parking will be along the west side of the building and landscaping along the frontage will screen the parking from Mountain View Road. Building massing and architecture was not reviewed as part of the Preliminary Plan, but based on the footprint of the building, parking lot design, and improvements shown on the Preliminary Plan, the Application conforms to the recommendations of the Master Plan.

After Preliminary Plan, a Site Plan is required because the Property is within the Rural Village Overlay Zone. As part of the Site Plan, the Applicant will be required to demonstrate, in detail, how the design of the church meets the intent of the zone through details such as building materials, façade and landscaping. The Site Plan will also be reviewed by the Historic Preservation Commission because the Property is within the Purdum historic district. The Preliminary Plan leaves sufficient flexibility make additional modifications that may be necessary to further achieve the goals of the Rural Village Overlay Zone and recommendations of the Historic Preservation Commission.

2004 Rustic Roads Functional Master Plan Amendment

Mountain View Road is a paved asphalt, two-lane public road running from King Valley Road for 0.7 mile, before changing into Price's Distillery Road, also a Rustic Road. Mountain View Road is 22 feet wide from Johnson Drive to Purdum Road. Mountain View Road is not a master-planned road and because of its Rustic Road designation, there are no existing or recommended sidewalks

or bikeways. The Rustic Roads Advisory Committee (“RRAC”) has reviewed the Application to determine if it has any effect on Mountain View Road. In its letter dated July 14, 2016, the RRAC determined that the committee generally supports the proposal, but also outlined concerns regarding the proposed access point, specifically the clearing of trees in the right-of-way, and grading in the right-of-way. The RRAC also asked the Applicant to evaluate an inter-parcel connection between the existing and proposed church that would eliminate the need for a new driveway.

In a letter dated September 2, 2016, the Applicant replied to the RRAC regarding its concerns and recommendation. The Applicant will continue to work with the RRAC at the time of Site Plan to minimize impacts on the rustic road. As proposed, the Preliminary Plan is consistent with recommendations in the Damascus Master Plan and Rustic Road Functional Master Plan. The Application’s conformance with the applicable master plans will be reviewed in further detail as part of the Site Plan approval.

Historic Preservation

The Purdum Historic District (#10/24) is identified in the Locational Atlas and Index of Historic Sites in Montgomery County, Maryland. The Application is subject to historic preservation review pursuant to Chapter 24A-10 of the Montgomery County Code. The Historic Preservation Commission will need to review all aspects of this project, including demolition of existing structures and design of the church and hardscape features. This is most appropriately done at the time of Site Plan when the architecture/design of the new structures is refined.

The Subject Property is improved with a residence and barn. Tax records indicate that the residence was constructed in 1900. A survey of the district prepared for the Locational Atlas states: “This appears to be an older home which has been extensively remodeled. The present structure, covered with siding and with two added side wings, now has the appearance of a modern, traditional style home. Only the two brick, older looking center chimneys suggest its possible age.”

To achieve compatibility with the characteristics of this rural and linear historic district, Historic Preservation Staff recommends at the time of Site Plan, that hardscaped areas and parking surfaces be paved with tinted, exposed aggregate paving or permeable materials and that the church’s primary façade be oriented towards the street.

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

The Preliminary Plan application was submitted prior to January 1, 2017 and was therefore reviewed under the 2012-2016 Subdivision Staging Policy rules that were in effect on December 31, 2016.

Roads and Transportation Facilities

The Applicant is dedicating sufficient land to achieve 35-feet of total right-of-way from the centerline of Mountain View Road to meet the master planned right-of-way width along the Property frontage. Access to the Property is from Mountain View Road where the existing driveway is located. The entrance will be improved to meet MCDOT and RRAC standards and ensure adequate access for emergency vehicles. The Application has been reviewed by the MCDOT, which determined that the Property has adequate vehicular access in a transmittal letter dated, August 20, 2014. The Site Distance Study for the proposed entrance has not been approved by MCDOT because the full analysis requires removing a number of trees that contribute to the rustic character of Mountain View Road, and the Applicant feels that removing them now would be premature. For review purposes, the Applicant provided MCDOT with an engineered design demonstrating that adequate sight distance can be achieved at the time of Site Plan where tree removal, if necessary, can be addressed.

A parking lot with 52 parking spaces will provide adequate on-site parking to serve the church at a ratio of one space for every 4 seats in the sanctuary. An internal sidewalk within the parking lot will provide a safe connection for patrons entering the building. Given the Mountain View Road is classified as rustic sidewalks are not proposed along the Property frontage.

The proposed road, parking, circulation and access to the Subject Property, as shown on the Preliminary Plan, will be adequate to serve the proposed development conditioned upon achieving adequate sight distance.

Local Area Transportation Review (LATR) & Transportation Policy Area Review (TPAR)

The Applicant was not required to submit a traffic study to satisfy the LATR test or the TPAR test and, a transportation tax payment is not required because the County Subdivision Regulations Section 50-35(k)(6) on adequate public facilities does not apply to any place of worship, residence for religious staff, parish hall, or addition to a school associated with a place of worship. The Application does not include weekday day care service or weekday educational facilities that would generate new peak-hour trips during the weekday morning and evening peak periods, therefore it is exempt from the transportation elements of APF.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lot. The use of an on-site well and septic system is consistent with the existing W-6 and S-6 services categories designated for the Property. The Application has been reviewed by MCDPS – Well and Septic Section, which determined the proposed well and septic locations are acceptable as shown on the approved well and septic plan dated July 10, 2014.

The Application has been reviewed by the Montgomery County Department of Permitting Services, Fire Code Enforcement Section, which determined that the Property has adequate access for fire and rescue vehicles as shown on the approved Fire Department Access Plan dated November 8, 2016. As specified in the Fire Department approval documents and shown on the Preliminary Plan, the Applicant must install a 30,000-gallon underground water supply storage tank, within an easement, adjacent to the main building entrance.

Finally, police stations, and health services are currently operating within the standards set by the 2012-2016 Subdivision Staging Policy Resolution.

- 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.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations included in the Damascus Master Plan, the Purdum Rural Village Overlay Zone and the Rustic Road Functional Master Plan. The construction of a religious institution is a permitted use in the R-200 zone and the Rural Village Overlay zone. The proposed lot, will accommodate the proposed church, parking, access lanes and all required infrastructure such as stormwater management, well, septic and other utilities.

The lot was reviewed for compliance with the dimensional requirements of the R-200 zone and additional regulations as specified in the Zoning Ordinance. The lot, as proposed, will meet all the dimensional requirements for area, frontage, width, and setbacks that allow a reasonable buildable area for the proposed structure in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan.

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

A. Forest Conservation

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) #420120390 for the Property was approved on December 13, 2011. The NRI/FSD identifies the environmental features and forest resources on the Property. The Property straddles the Bennett Creek and Little Bennett Creek watersheds and does not contain any forest stands. There are no streams, wetlands, 100-year floodplain, stream buffers, highly erodible soils, or slopes greater than 25 percent located on or immediately adjacent to the Property. There are three trees greater than or equal to 24” Diameter at Breast Height (“DBH”) that were identified on a property adjacent to the Subject Property, two of which are 30” DBH and greater. In addition, due to the historic nature of this site, impacts to any tree one inch or greater DBH require a variance.

Forest Conservation Plan

The net tract area for Forest Conservation purposes is 4.05 acres. Development for the church generates a 0.61 acre of forest planting requirement which will be met off-site. This is acceptable since there is no existing forest on the Property and the building, parking lot and septic field leave no room for forest planting.

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to 96 Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

Development of the Property requires impact to trees identified as high priority for retention and protection (Protected Trees), therefore, the

Applicant has submitted a variance request for these impacts. Because the Property is within a Historic District, all trees with a DBH of one inch or greater were located and any impacts to these trees, including impacts to the critical root zone, are subject to a tree variance. For this Application, Staff recommends that a variance be granted and mitigation be required.

Variance Request – The Applicant submitted a variance request in a letter dated October 18, 2016, for impacts to or removal of trees. Due to its location within the Purdum Road Historic District, all trees one inch and greater DBH on this site are considered protected (“Protected Tree”) and need a variance for proposed impacts. The Applicant requests to remove fifty-six (56) Protected Trees. The Applicant also proposes to impact, but not remove, forty (40) Protected Trees. The critical root zones of these trees will be impacted by necessary site grading and construction but they will not be removed.

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance 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 disturbance to the Protected Trees is due to the reasonable development of the Property. The Protected Trees are located within the developable area of the Property and tightly clustered along a berm in Mountain View Road where the expanded entrance driveway is located. Any church considered for this Property would be faced with the same considerations of locating a septic field, driveway entrance, building and parking lot. Granting a variance to allow land disturbance within the developable portion of the Property is not unique to this Applicant. Granting of this variance is not a special privilege that would be denied to other applicants.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing Property conditions, including the location of the Protected Trees within the developable area and the facilities required for this kind of institution.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the proposed design and layout of the Property, and not a result of land or building use on a neighboring Property.

4. *Granting the Variance 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. No trees located within a stream buffer, wetland, or Special Protection Area will be impacted or removed as part of this Application. In addition, the Montgomery County Department of Permitting Services (MCDPS) has found the stormwater management concept for the proposed development to be acceptable as stated in a letter dated November 13, 2012. The Applicant proposes to mitigate the removal of the Protected Trees by planting replacement trees onsite, that will ultimately replace the functions currently provided by the Protected Trees to be removed.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of Protected Trees at a ratio of approximately 1-inch caliper for every 4 inches removed, using trees that are a minimum of 3 caliper inches in size. This Application proposed to remove 503 inches in DBH, resulting in a mitigation requirement of 126 caliper inches of planted, native, canopy trees with a minimum size of 3-inch caliper. The FCP includes the planting of 42 native, canopy trees on the Property as mitigation for the removal of the 56 variance trees. These trees will not be as large as most of the trees lost, but they will provide some immediate benefit and ultimately replace the canopy lost by the removal of these trees. No mitigation is required for Protected Trees impacted but retained.

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 approved the stormwater management concept for the project on November 13, 2012, and

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on November 13, 2012, and reconfirmed on July 12, 2016. The approved concept proposes to meet the required stormwater management goals via micro biofiltration.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 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 MAY 1 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 Commissioner Cichy, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, April 20, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board