



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

MCPB No. 19-093
Site Plan No. 820190010
Pleasant Grove Community Church
Date of Hearing: July 18, 2019

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RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on August 29, 2018, Pleasant Grove Christian Community Church ("Applicant") filed an application for approval of a site plan for the construction of an 8,515 square foot religious institution with up to 200 seats on 4.02 acres of land in the R-200 zone and Rural Village Overlay Zone, located at 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 site plan application was designated Site Plan No. 820190010, Pleasant Grove Community Church ("Site 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 July 3, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 18, 2019, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board 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.

Approved as to
Legal Sufficiency:

Christa Sout 7/11/19

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MNCPPC Legal Department
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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820190010 for the construction of an 8,515 square foot religious institution with up to 200 seats on the Subject Property, subject to the following conditions:¹

Preliminary Plan Conformance

1. The development must comply with the conditions of approval for Preliminary Plan No. 120130160 as listed in the MCPB Resolution No.17-025 dated May 1, 2017.

Density & Height

2. Density
The Site Plan is limited to a religious institution with a maximum of 200 seats and a total of 8,515 square feet with no weekday child daycare or private educational institution.
3. Height
The development is limited to a maximum height of 26 feet, as measured from the average elevation of the finished ground surface along the front of the building to the mean height level between the eaves and ridge of the roof.

Site Plan

4. Site Design
 - a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.
5. Lighting
 - a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
 - b) All onsite down-lights must have full cut-off fixtures.

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.

- c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.
- g) Any change to the lighting plan, including modifications required by the Historic Preservation Commission will require a site plan amendment.

Environment

6. Forest Conservation & Tree Save

The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 820190010, approved as part of this Site Plan, subject to the following conditions:

- a) Prior to any clearing, grading or construction on the project site, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the reforestation requirement for a total of 0.62 acres of mitigation credit.
- b) Within the first planting season following project completion, the Applicant, at the direction of the M-NCPPC Forest Conservation Inspector, must install the required variance tree mitigation plantings for the removal of the forty-three variance trees. Mitigation must be provided in the form of planting twenty-one (21) native canopy trees with a minimum planting stock size of three caliper inches. The planting locations of these trees and any substitution of species from what is shown on the approved Final Forest Conservation Plan (FFCP), excluding the eight (8) mitigation trees within the right-of-way of Mountain View Road, are subject to the approval of the M-NCPPC Forest Conservation Inspector.
- c) 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.
- d) The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the approved FFCP may be required by the M-NCPPC forest conservation inspector.

7. Historic Preservation

Historic Preservation program staff and the Historic Preservation Commission (HPC) application have the following conditions:

- a) Prior to issuance of any grading or land disturbance permits:
 - a. The cemetery must be staked at the known corners, and safety/snow fencing should be installed and maintained until issuance of a Certificate of Use and Occupancy for the new building.
 - b. If the limits of disturbance for the new path must be modified to accommodate unanticipated grave shafts, the path may be shifted by the M-NCPPC FCP site inspector and Historic Preservation staff to avoid disturbance.
 - c. If any unanticipated finds are discovered while constructing the path, work must cease until the site can be evaluated by Historic Preservation staff.

- b) Prior to issuance of the demolition permit for the house and outbuildings:
 - a. The Applicant must return to the HPC for the issuance of a Historic Area Work Permit ("HAWP") to demolish the structures on site.
 - b. Historic preservation staff must be allowed full access to the Subject Property and adjacent cemetery to document the house and outbuildings, and to create a list of salvageable architectural materials.

Transportation & Circulation/ Adequate Public Facilities (APF)

8. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 4 short-term bicycle parking spaces.
- b) The short-term spaces must be inverted-U racks (or approved equal) installed along the building's retail frontage/in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must construct a 5-foot-wide sidewalk connecting the proposed church to the adjacent church on Parcel 185, as shown on the Certified Site Plan, unless modified in coordination with Historic Preservation staff.

9. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its amended letter dated March 14, 2019, and hereby incorporates them as conditions of approval. The Applicant must comply with

each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

10. Right-of- Way

The Planning Board accepts the recommendations of the MCDPS Right-of-Way Section in its amended letter dated March 25, 2019, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

11. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

12. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

13. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Add an L-shaped 5-foot-wide sidewalk connection between the sidewalk which leads to the main entrance and the entrance on the southwest corner of the main building.
- f) Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Pleasant Grove Community Church, Site Plan No. 820190010, submitted via ePlans to the M-NCPPC as of the date of the Staff Report July 3, 2019, are required, except as modified by the above conditions of approval; and

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 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.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the subject site.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan satisfies the applicable use standards, development standards and general requirements of the Zoning Ordinance as established below.

The Subject Property is zoned R-200 and within the Rural Village Overlay zone. The Site Plan meets all requirements of the R-200 Zone and the Rural Village Overlay zone and is not part of an urban renewal plan. The Subject Property is being developed as a religious institution which is a permitted use in the R-200 zone and the Rural Village Overlay zone. The Overlay zone doesn't include any additional development standards that apply to this Application. However, Section 59-C-18.234 specifies two additional findings that need to be made (below).

Rural Village Overlay Zone

In properties with an underlying residential zone, such as the Subject Property, Section 59-C-18.232.(b) of the Overlay Zone regulations permit all uses allowed by the underlying residential zone, with the exception of the following prohibited uses: life care facility, child day care center, hospital, life science center, nursing home, and golf course or country club. The Site Plan proposed religious institution is an allowed use.

For properties within the Overlay zone, Section 59-C-18.234 specifies that the following findings must be made in addition to the standard Site Plan findings:

- (a) *The site plan is consistent with the recommendations and guidelines in the applicable Master Plan; and*

The Site 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 building, with only 200 seats, are compatible with the surrounding rural community.

The Site 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 82 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 is provided along the west side of the building and landscaping along the frontage will screen the parking from Mountain View Road.

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 a letter dated September 2, 2016, the Applicant replied to the RRAC regarding its concerns and recommendation. On March 28, 2019 the RRAC reviewed the Site Plan, specifically the landscaping along Mountain View Road. In its letter dated May 16, 2019, the RRAC reconfirmed their support for the Application, including the planting of eight White Oaks within the Mountain View right-of-way which the Applicant is providing to mitigate for the grading and removal of existing hedgerow which is obstructing adequate

site-distance from the proposed church driveway looking west. The location, spacing, and species of the trees has been reviewed by the MCDPS Right-of-Way section who the locations and species for street trees being planted in the right-of-way.

Under Section 49-33(e)(1)(B) of the County code, “If a lot or lots front on a public road, the permittee must install sidewalks, master-planned bikeways, ramps, curbs, and gutters, except any sidewalk:(B) on any roadway classified as exceptional rustic, rustic, country arterial, or country road”. Based on the classification of Mountain View Road as Rustic Roads, no sidewalk or other frontage improvements are required. Therefore, no improvements are required as part of this Application. As shown on the Site Plan, transportation access is adequate to serve the proposed development by this Site Plan.

The Site Plan is consistent with recommendations in the *Damascus Master Plan* and *Rustic Road Functional Master Plan*.

(b) The site plan meets all of the requirements of this overlay zone as well as the applicable requirements of the underlying zone.

Like the previously approved preliminary plan, the Site Plan is consistent with the 2006 *Damascus Master Plan*. The Master Plan recognizes the importance of rural villages to the character of this rural portion of Montgomery County and recommended a Rural Village Center Overlay Zone to reinforce that character. The existing church has been part of the Purdum Community for 150 years and the proposed church structure will “serve the needs of the local community...” as recommended in the Master Plan’s guidance for development in the Rural Village Overlay zone. The scale and massing are compatible with village character and, as recommended, the church building is set back a similar distance from the road as other village structures. The placement of parking to the side and rear of the church preserves views of the church from Mountain View Road. Review by the Historic Preservation Commission will help ensure that building facades and materials will be in keeping with the historic character of Purdum.

As part of the Site Plan, the Applicant has demonstrated, in detail, how the design of the church meets the intent of the Rural Village Overlay Zone through site design and details such as building placement, building materials, façade and landscaping.

Requirements of the R-200 Zone

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the R-200 Zone.

Data Table

Development Standard	Zoning Ordinance Permitted/Required	Approved & Binding by the Site Plan
Minimum lot area	20,000 sq. ft.	171,580 sq. ft. (3.94 AC)
Density (units/acre)	7.8 DU/AC	NA
Lot width at building line	100 ft. min.	411 ft. min.
Lot width at existing or proposed street line	50 ft. min.	404 ft. min.
Setbacks		
- Front	40 ft. min.	82 ft. min.
- Side	12 ft. min./ 25 ft. total min.	41 ft. min.
- Rear	30 ft. min.	154 ft. min.
Building height	50 ft. max.	26 ft.
Lot coverage (Building)	25% or 42,895 sq. ft. max.	5.0% or 8,515 sq. ft. max.
Parking (Sec. 59-E)		
Parking Facility Area	-	19,183 sq. ft.
Internal Landscaping (shade trees)	5% or 960 sq. ft. min.	8% or 1,541 sq. ft. min.
Parking Setbacks from adjoining residential		
- Front	40 ft.	55 ft.
- Side	12 ft.	31 ft.
- Rear	30 ft.	39 ft.
Parking Spaces (1 space per 4 seats)	200 seats = 50 spaces min.	50 spaces min. (total)
- Standard (8.5'x18')	47 spaces	47 spaces
- Accessible	3 spaces	3 spaces

Bicycle Parking	Not required (<50 spaces)	2 bicycle racks provided
Motorcycles	Not required (<50 spaces)	NA

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. Buildings and Structures

The location of the building and structures are safe, adequate and efficient. The locations provide easy access to the building sidewalks that abut the parking lot and from the existing church via the inter-parcel path.

Despite the Subject Property being 4 acres, the location of the general building and parking layout was largely driven by the topography of the Property, location of the existing access point, and location of the septic fields. Because the church is being served by on-site septic, the building needed to be located at a higher elevation than the septic infiltration fields. Naturally, the building was adequately sited on the southeastern portion of the Property, the highest part of the Property, which happens to be in relatively close proximity to the existing church.

The building is setback from Mountain View Road and located towards the southeast side of the Property, providing separation from the abutting confronting residential property. The primary entrance to the building is located in the front, facing Mountain View Road and an additional three entrances are provided to the side and rear of the building providing convenient access from the parking lot.

To provide adequate parking, a proper fire truck turnaround, and minimize the visual impact from the rustic road, parking is provided in an L-shaped parking lot which wraps around the westside of the church and to the rear. The majority of the 50 parking spaces are located in the rear leg of the parking lot in addition to the approved fire truck turnaround. A limited number of parking spaces, including the accessible (ADA) spaces are provided in the side parking lot, west of the building, in close proximity to the main entrance of the sanctuary.

The limited parking that is being provided on the west side of the building is adequately screened from Mountain View Road by a landscape buffer. A new driveway will be constructed on Mountain View Road at roughly the same location as the existing driveway because it is the location along the Property frontage on the road where safe site distance can be met, according to the Applicant's site distance grading and clearing exhibit. The Site Distance Study for the proposed entrance has not been approved by MCDOT because the full analysis requires regrading and 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. As conditioned, prior to recording the plat, the Applicant will clear limited vegetation and grade a section of the shoulder along Mountain View Road that is needed to verify to MCDOT that adequate site distance is being met.

Since Mountain View Road is classified as a rustic road, the access has been reviewed by the Rustic Roads Advisory Committee in addition to MCDOT, MCDPS and M-NCPPC Staff, all of whom support the access elements of the Application, as conditioned.

b. Open Spaces

The open space that is provided on site is a mix of open lawn area, landscaped area and stormwater management. The western portion of the Property that is currently an open lawn will remain open because it is identified as septic reserve fields.

A mix of shrubs, evergreen trees and deciduous trees will be planted behind the and throughout the stormwater facilities in the rear of the parking lot. The new landscaping serves a mitigation planting and screenings for the parking lot.

c. Landscaping and Lighting

The curved driveway design provides an open space between the road and the southern edge of the parking lot which will be landscaped with a mix of ornamental plants and shrubs to screen the smaller parking lot and create an aesthetically pleasing view from the rustic road. The landscaping will all also minimize potential headlight glare from vehicles facing south while leaving the church. The area designated for the Phase 2 addition is unprogrammed until the addition is constructed and can be used for outdoor activities and an additional gathering space for church activities. Section 59-E-2.73 requires at least 5 percent (960 sq. ft.) of the

19,183 square foot surface parking lot to be landscaped with shade trees. The Applicant has provided shade trees in planting islands and along the perimeter of the parking lot that shade 8 percent (1,541 sq. ft.) of the proposed surface. Landscape for screening purposes is discussed below.

The lighting around the perimeter of the parking lot and along the pedestrian walkways will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. A total of 21 light fixtures will be installed throughout the Subject Property. Seven pedestrian scale lights will be installed along the sidewalk connecting the two church buildings. The two and a half foot tall fixtures will adequately illuminate the pedestrian connection creating an easily navigable, safe pedestrian connection between the two buildings. Each of the entrances will be lit by a wall mounted LED fixture, approximate 8 feet from the ground, clearly identifying the entrances/exits after dark. Additional sconces mounted at 12 feet will provide supplemental light to the western open area (including Phase II) and sidewalk between the building and parking lot. Twenty-foot-tall pole lights with a sleek, low profile fixture head provide lighting in the parking lot and driveway. As conditioned, all down-lights have full cut-off fixtures and deflectors will be prevent excess illumination and glare. According to the photometrics plan submitted by the Applicant, the fixtures will not generate illumination levels over 0.5 footcandles (fc) at any property line abutting Mountain View Road and the abutting residentially developed properties.

d. Recreation Facilities

While there are no recreation facilities required for this Site Plan, and bicycle parking is not required, bicycle racks have been provided at the southwestern most corner of the sidewalk. The open spaces, landscaping, and site details adequately and efficiently address the needs of the use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

e. Vehicular and Pedestrian Circulation

With respect to parking and vehicular circulation on and adjacent to the subject site, a parking lot with 50 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. Adequate width had been provided between parking stalls to allow safe two-way vehicular movement. Access to the Property is from Mountain View Road where the existing driveway is located. The

entrance will be improved (24 feet wide) to meet MCDOT standards and ensure adequate access for emergency vehicles.

The Application has been reviewed by the RRAC which supports the access point in the proposed location. The Site Plan has been reviewed by the MCDPS, Fire Access and Water Supply Sections, which determined that the Property has adequate access for fire and rescue vehicles as shown on their approved (revised) Fire Department Access Plan dated March 14, 2019.

Pedestrian access between the parking lot, church and existing church adequately and efficiently integrates this site into the surrounding area. A 7-foot-wide sidewalk on the interior side of the parking lot and 5-foot-wide lead in sidewalks provide ample space for pedestrians to safely and efficiently access each of the building entrances.

Mountain View Road is classified as rustic, as such, sidewalks are not required along the Property frontage. To provide a safe connection for church members to move between the new church and the existing church to the east, a 5-foot-wide sidewalk connection is being constructed between the main entrances of both buildings. The sidewalk will curve around the boundary of the existing cemetery on Parcel 185 to avoid disturbing the area. As a cautionary measure, Historic Preservation Staff will be monitoring all land disturbance and construction in proximity to the cemetery.

Pedestrian safety is enhanced by several improvements including vehicle curb stops in the parking lot, between the parking spots the peripheral sidewalk, and pedestrian level lighting and a handrail along pedestrian path connecting the existing and proposed churches.

The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. This balance of design with the site and the needs of the use is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

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

The building is compatible with the surrounding uses, with regard to location, height, setbacks and architectural design. The church structure itself (Phase 1 & 2) is in scale with the nearby buildings and is located such that it will not adversely impact existing or proposed adjacent uses. The

building is setback from Mountain View Road and located on the eastern portion of the Property, closest to the existing church and providing ample space between the abutting confronting residential property.

The closest residence to the church, which is directly across Mountain View Road, is 180 feet away. The remaining residences are a minimum of 250 feet away.

The new church is 26 feet tall at the midpoint of the gable, between the eave and the ridge and the existing church is approximately one and a half stories tall. The abutting and confronting residences are zoned R-200 and AR, which permit a maximum building height of 50 feet.

Parking is primarily located in the rear of the building and the limited parking on the west side of the building is screened in all directions by a substantial landscaped buffer area. Pursuant to Section 59-E-2.81, because the parking facility is within a residential zone and adjoins land in the residential zone the parking spaces must be set back a distance not less than the applicable front, rear, or side yard setback of the adjoining residential zone. The parking facility is setback a minimum of 60 feet from the adjoining R-200 and AR zoned properties improved residential dwelling units, which is greater than the minimum side and rear setbacks of both the R-200 and AR zones.

In addition to the parking lot setback requirement, Section 59-E-2.83 requires landscape screening between the parking lot and adjoining residential properties to improve compatibility and alleviate adverse visual effects typically associated with parking facilities, such as headlight glare and noise. Together the ample landscaping and parking setbacks of the parking lot will result in a compatible relationship between the surrounding uses and the parking lot.

The development is compatible with the adjacent and confronting uses as well as pending development plans.

Historic Preservation

The Purdum Historic District (#10/24) is identified in the Locational Atlas and Index of Historic Sites in Montgomery County, Maryland. 11307 Mountain View Road was surveyed as part of the 1976 Locational Atlas Historic District MIHP form. The survey notes only that it is 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.” Historic Preservation staff conducted reconnaissance level field surveys in 2015 and again in 2017 as part of the background research for a preliminary plan of subdivision for this property. Staff concurred with the original survey assessment that this was a vernacular farmhouse dating to the first half of the twentieth century, with no additional architectural or historical significance noted. There is also a small gambrel roofed garage/outbuilding with two enclosed, side flanking bays, located to the rear of the house. This outbuilding appears to date to the mid-late twentieth century and is of no particular significance individually, nor does it add significance to the historic district.

The adjacent property (owned by the Applicant) contains the Pleasant Grove Community church and cemetery. This historically African American congregation and church have worshipped at this site since the late 1860s. The church graveyard is located to the west of the existing church, on a shallow hillside, with a ridgeline at the western boundary. The Subject Property, and related new construction, would be located just to the west of the cemetery, on the western side of the ridge. When applications for permits for historic resources on the Locational Atlas are submitted, the application must be reviewed under the procedures in Section 24A-7 (Historic Area Work Permits) of Chapter 24A, if the Locational Atlas resource is not being considered either for consideration as a Master Plan District or for removal from the Locational Atlas. The Applicant is seeking review under Section 24A-7 and has been conditioned to seek this review by the previously approved Preliminary Plan No.120130160.

Proposed alterations to Locational Atlas Historic District are reviewed under Montgomery County Code Chapter 24A (Chapter 24A) and the Secretary of the Interior’s Standards for Rehabilitation (Standards). Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.

The HPC is supportive of the proposed demolition of the single-family house and outbuilding located on the subject property. The HPC found that these structures are not historically associated with the adjacent Pleasant Grove Community church or the historically African American congregation. The demolition of these structures will not negatively impact the district and should be approved with conditions on documentation and salvage. The HPC gave comments to the applicant on the proposed design of the church. The HPC agreed with the findings from the staff report dated October 3, 2018; the

HPC will need to hear a final HAWP case for demolition of the structures at a later time following Site Plan approval.

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 Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420120390 for the Subject 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 or adjacent to the Subject Property, two of which are 30" DBH and greater. In addition, due to the historic nature of this site, all tree impacts, no matter the size of the tree, require a variance.

Preliminary Forest Conservation Plan

The Preliminary Forest Conservation Plan ("PFCP") was submitted with the Preliminary Plan No. 120130160. The Planning Board approved both the PFCP and the Preliminary Plan in a public hearing on April 20, 2017 with the Resolution being mailed on May 1, 2017.

Final Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law and is in substantial conformance to the Preliminary Forest Conservation Plan. As required by the County Forest Conservation Law (Chapter 22A of the County Code) and Planning Board Condition of Approval #2a for the PFCP, a Final Forest Conservation Plan (FFCP) for the Subject Property was submitted with this Site Plan Application. The net tract area for FFCP purposes is 4.10 acres which includes the 4.16 acres of total tract area minus right-of-way dedication of 0.06 acres. The Subject Property is zoned R-200 and is considered Institutional per the Trees Technical Manual. The Subject Property contains no forest. This results in an afforestation requirement of 0.62 acres. The Application will meet the 0.62 acres of forest mitigation by taking the appropriate mitigation credits to an M-NCPPC approved off-site forest bank.

A. Forest Conservation

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 Montgomery County 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.

Due to its location within the Purdum Road Historic District, all trees one inch and greater DBH on this site are considered protected and need a variance for proposed impacts. As part of the Preliminary Forest Conservation Plan approval, the Planning Board approved a variance to remove fifty-six (56) and to impact, but not remove, forty (40) Protected Trees.

Subsequently, site design changes were made as part of this Site Plan which altered the limits of disturbance (LOD) reducing the number of Protected Trees to be removed and slightly increasing the number of trees to be impacted, but not removed. To account for the trees not included in the approved variance associated with the PFCP, the Applicant was required to submit a new variance request. The Applicant submitted a variance request in a letter dated June 6, 2019 for impacts to or removal of Protected Trees not addressed in the previously approved variance.

The Applicant proposes to remove fourteen (14) new Protected Trees that were not part of the originally approved variance associated with the PFCP but are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. These trees are listed in Table 2 of the Staff Report and shown in white. Table 2 includes 29 trees (highlighted in grey) which were included in the variance request as part of the approved PFCP. The current variance request does not include these trees, but they are shown in the Table for the purpose of calculating the total mitigation required. A net total of 43 trees will be removed between the originally approved variance and this request.

The Applicant also proposes to impact, but not remove, twenty-two (22) new Protected Trees that were not part of the originally approved variance associated with the PFCP but are considered high priority for retention under

Section 22A-12(b)(3) of the County Forest Conservation Law. The critical root zones of these trees will be impacted by necessary site grading and construction. These trees are listed in Table 2 of the Staff Report and shown in white. Table 3 also includes 23 trees (highlighted in grey) which were included in variance request as part of the approved PFCP. The current variance request does not include these trees. A net total of 45 trees will be impacted but retained between the original variance and this request.

In summary, this Application will require the removal or CRZ impact to 36 Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance. The following findings are only for the 36 new trees being removed or being impacted as part of this Site Plan Application.

The Board made 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 36 new Protected Trees is due to the reasonable development of the Property. The Protected Trees are located within the developable area of the Property such as the septic field area, the buildable area for the church and for the entrance driveway. There is also a row of tightly clustered trees on a berm along Mountain View Road where the expanded entrance driveway is located and MCDOT is requiring their removal to provide an adequate and safe sight distance envelope from the driveway. Any church considered for this Property would be faced with the same considerations of locating the 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, the facilities required for this kind of institution and safety requirements from other governmental agencies.

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. The Applicant will 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. Mitigation for the Variance as part of this Application is based on the net total PFCP variance and the FFCP Variance. Therefore, the Mitigation required as part of this Application supersedes the mitigation required as part of the Preliminary Plan conditions of approval.

The Board approved replacement of Protected Trees at a ratio of approximately 1- inch caliper for every 4 inches of removed, using trees that are a minimum of 3 caliper inches in size. This Application to remove 252 caliper inches of trees, resulting in a mitigation requirement of 63 caliper inches of planted, native, canopy trees with a minimum size of 3-inch caliper. This results in the planting of 21, 3-inch caliper MD native trees. The FFCP includes the planting of 21 native, canopy trees on the Property as mitigation for the removal of the 43 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.

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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 25 2019 (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 Cichy, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Cichy and Paterson voting in favor of the motion, and Vice Chair Dreyfuss and Commissioner Fani-González absent, at its regular meeting held on Thursday, July 18, 2019, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board