



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

MCPB No. 20-002

Preliminary Plan No. 120180230

St. Anne's Episcopal Church

Date of Hearing: January 23, 2020

MAR 20 2020

RESOLUTION

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

WHEREAS, on July 8, 2019, the Rector, Wardens & Vestryman of St. Anne's Episcopal Church ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create two (2) lots on 10.49 acres of land in the R-200 zone, located at 25100 Ridge Road ("Subject Property"), in the Damascus Policy Area and 2006 *Damascus Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120180230, St. Anne's Episcopal 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 January 10, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 23, 2020, 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. 120180230 to create two (2) lots on the Subject Property, subject to the following conditions:¹

1. This Application is limited to two (2) lots, one lot for an existing religious assembly including a one-family residential use operated by the church, and

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: 
8767 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

a second lot for a 76-unit multi-family, Independent Living Facility for Seniors or Persons with Disabilities.

2. The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 120180230, approved as part of this Preliminary Plan, subject to the following conditions:
 - a. The Applicant must record a 2.35-acre Category I Conservation Easement over existing and planted forest, as shown on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel. The Category I Conservation Easement must be recorded among the Montgomery County Land Records by deed prior to the start of any demolition, clearing or grading on the Property, and the Book and Page of the Category I Conservation Easement must be referenced on the record plat(s).
 - b. Prior to any clearing, grading, or demolition on the Property, the Applicant must provide financial surety to guarantee the proposed forest planting on the Property, as specified on the approved Final Forest Conservation Plan, in a form acceptable to the M-NCPPC Office of the General Counsel.
 - c. Prior to the start of any clearing, grading or demolition on the Property, the Applicant must submit for review and approval a two-year Maintenance and Management Agreement to the M-NCPPC Planning Department for the required forest planting on the Property as shown on the approved Final Forest Conservation Plan. The Agreement must be approved by the M-NCPPC Office of the General Counsel.
 - d. The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction, or at the discretion of the M-NCPPC forest conservation inspector. The M-NCPPC forest conservation inspector is authorized to determine the timing of sign installation.
 - e. The Applicant must perform non-native invasive species control measures as outlined on the approved Final Forest Conservation Plan.
 - f. The Applicant must locate the proposed natural surface trail to minimize impacts to trees and their roots, in direct consultation with the M-NCPPC forest conservation inspector.
 - g. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
 - h. 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 Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.

3. Prior to issuance of any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that the building shell for residential dwelling units attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
4. If any changes occur to the plan which affect the validity of the noise analysis dated, November 12, 2019, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the revised plans and new noise attenuation features may be required.
5. Before issuance of any Use and Occupancy Certificate for residents, the Applicant must certify that the noise impacted units have been constructed in accordance with the acoustical treatment required by Condition #3, with the certification of an engineer that specializes in acoustical treatments.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated December 12, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated December 12, 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 Preliminary Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated June 26, 2018 and its reconfirmation letter on September 26, 2019, 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 that the amendments do not conflict with other conditions of the Preliminary Plan approval.

9. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
10. Prior to the recording of any record plat, the Applicant shall record a joint use agreement in the land records consistent with Section 59.6.2.3.G of the Zoning Ordinance, for a term not less than five (5) years, establishing a shared parking agreement between property owner(s) of Lot 1 and Lot 2 as shown on the Certified Preliminary Plan.
11. The Book and Page on the joint use agreement must be referenced on the record plat.
12. Prior to Certified Preliminary Plan, the Applicant must provide improved bicycle access and circulation across the frontage of the Subject Property, if feasible, and agree upon the amount of the financial contribution that the Applicant must make towards bicycle infrastructure in the surrounding area, both as approved by Staff. Prior to record plat, the Applicant must make the agreed upon financial contribution towards bicycle infrastructure in the surrounding area.
13. Record plat must show all necessary easements including a cross access easement over the existing driveway entrance on Lot 1 in order to provide access to Lot 2.
14. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty (60) months from the date of mailing of the Planning Board resolution.
15. The Certified Preliminary Plan must contain the following note:

"Unless specifically noted on this plan set 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 approval of a building permit. 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."

16. Certified Preliminary Plan

Prior to approval of the Certified Preliminary Plan, the following revisions must be made and/or information provided subject to M-NCPPC Staff review and approval:

- a. Certified Preliminary Plan to reflect a cross access easement over the existing driveway entrance on Lot 1 in order to provide access to Lot 2.
- b. Revise data table to reflect minimum setbacks required by the zone rather than the exact setbacks.
- c. Modify the data table to reflect the existing residential use and pavilion as principle buildings rather than accessory structures.
- d. Delete the rows in the data table related to accessory structures.

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 layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The lot sizes, widths, shapes and orientations are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the building type (senior housing, residential, and religious assembly) use contemplated for the Property. While the shape of the lot is irregular, it is necessary given the location of the existing main religious facility and the residential structure both of which must remain on the same lot. Therefore, lot size, shape, width and orientation are appropriate to accommodate the uses approved on the Property.

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lots meet all the dimensional requirements for area, and frontage and can accommodate the religious assembly and senior housing buildings, which can reasonably meet the width and setbacks requirements in that zone.

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

The Subject Property is located in the 2006 *Damascus Master Plan* ("Master Plan"). Damascus lies in the northernmost portion of Montgomery County, and is approximately 23 miles northwest of downtown Silver Spring. The Property is

located about 1.5 miles south of the intersection of Main Street and Ridge Road in the Damascus town center.

a. Land Use

The Master Plan established three transition areas that reflect decreasing residential density: Town Neighborhood, Neighborhood Transition, and Rural Transition areas. These transition areas serve as a bridge between the higher density development found in the Damascus town center. The Property is located in the Town Neighborhood transition area. The Master Plan discusses interrelated themes to address challenges and opportunities with land development to provide "a variety of housing options including affordable housing and housing opportunities for seniors suitable to the small-town character of Damascus" (*Damascus Master Plan*, 2006, p. 43).

There are no specific recommendations in the Master Plan concerning the Property. However, the Project substantially conforms with the general recommendations of the Master Plan and is consistent with the Plan's general land use and housing goals.

The Application substantially conforms with the following general policies contained in the Master Plan:

- *Provide a variety of housing options including affordable housing and housing opportunities for seniors suitable to the small-town character of Damascus (2006, p. 43).*

The Application consists of age-restricted affordable senior housing units. The Application is consistent with this recommendation.

- *Ridge Road South Neighborhood: The R-200 Zone is proposed in this neighborhood located along the west side of Ridge Road between Bethesda Church Road and Oak Drive. Although few properties without homes remain, some lots are large enough that some re-development might occur. (2006, p.25).*

The Application consists of age-restricted senior housing and affordable housing units and is located in the area described above. The Subject Property is large enough in land area to accommodate the existing and new buildings. As such, the Application is consistent with this recommendation.

b. Transportation

Master-Planned Roadway and Bikeways

The Property is located along Ridge Road/MD 27, identified by the Master Plan of Highways and Transitways as a two-lane arterial with 100 feet of right-of-way. It appears the property across Ridge Road/MD 27 granted right-of-way based on a previous master plan which required 120 feet of right-of-way. Under the current Damascus Master Plan, the right-of-way recommendation is 100 feet. As such, the existing 40 feet of right-of-way granted by Plat No. 6531 in 1961 satisfies the Master Plan dedication requirement resulting in a total right-of-way width of 100 feet.

Pedestrian and Bicycle Facilities

There are existing bike facilities located on both sides of Ridge Road/MD 27 along the frontage of the Subject Property consisting of a wide paved shoulder with signage. The 2018 *Bicycle Master Plan* recommends a 10-foot wide, shared use path along the west side of Ridge Road/MD 27 along the frontage of the Subject Property. The significant slopes along the frontage of the Property would necessitate major regrading, retaining walls, and removal of a large area of vegetation to install a shared use path. The Staff Report recommended the Applicant make a financial contribution, the amount determined by MCDOT, to CIP #P501908 for the construction of a sidewalk project along Oak Drive, which is nearby the Subject Property, instead of constructing a limited but intensive frontage improvement on Ridge Road/MD 27.

The Planning Board rejected the Staff recommendation that the Applicant contribute funds to CIP #P501908 for the construction of a sidewalk along Oak Drive. Instead, the Planning Board reinforced the guidance of the 2018 Bicycle Master Plan by emphasizing the importance of the shared use path along Ridge Road to connect to Magruder Branch Trail and the Seneca Greenway. As an alternative to providing the shared use path, the Planning Board directed the Applicant to work with Staff, MCDOT and the Maryland State Highway Administration to provide improved bicycle access and circulation across the frontage of the Subject Property, consistent with the goals of the 2018 *Bicycle Master Plan*, and agree upon the amount of the financial contribution that the Applicant must make towards bicycle infrastructure in the surrounding area, prior to approval of the Certified Preliminary Plan. Prior to record plat, the Applicant must make the agreed upon financial contribution, if any, towards bicycle infrastructure in the surrounding area.

As conditioned, the Planning Board finds that the Application is consistent with the *Damascus Master Plan*, the *Master Plan of Highways and Transitways*, and the 2018 *Bicycle Master Plan*.

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

Local Area Transportation Review

According to the Institute of Transportation Engineer's (ITE) 10th Edition Trip Generation Manual and adjusted for the Damascus Policy Area, this Application will produce a net increase of 34 AM peak hour trips and 31 PM peak hour trips (based on 76 senior adult dwelling units). The Applicant is not required to submit a traffic study to satisfy the LATR test because this land use generates fewer than 50 peak-hour person trips within the weekday morning and evening peak periods.

Circulation and Connectivity

The Property is accessed by an existing driveway onto Ridge Road/MD 27. There are no existing or proposed turning lanes (right or left) to access the driveway on Ridge Road. There are no sightline or access issues with the driveway, which is safe and adequate for all uses. Internal to the site, the existing parking facilities have been expanded, with adequate parking for both the existing church as well as the senior housing.

The Applicant will provide a network of natural surface paths on the Subject Property connecting the approved building with the church, as well as a circuitous path around the Property. A sidewalk leading to Ridge Road from the approved building is considered infeasible; there is approximately 20 feet of grade change between the existing entrance drive and the new pavilion and patio area. An accessible path up this slope would require eight 30-foot long switchbacks, including additional retaining walls. Instead, the Applicant provides a call box and shuttle service for the driveway entrance for use by those who may need access from Ridge Road to the senior housing facility.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the lots. The Subject Property is in the W-1 and S-1 water and sewer service categories, respectively, and will utilize public water and sewer.

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on December 12, 2019. The Fire Department Access Plan provides a fire code compliant driveway to adequately access all existing and new structures. The driveway and parking areas meet all the required turning radii, widths, and turnaround requirements for fire trucks serving the Subject Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the

Subdivision Staging Policy in effect at the time that the Application was submitted.

Applicable School Test

This Preliminary Plan for St. Anne's Episcopal Church is for senior housing, which does not produce any school aged children under the Subdivision Staging Policy. Therefore, a school facility test does not apply to this Application.

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

A. Forest Conservation

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

Existing Conditions and Approvals

The Property is located within the Upper Great Seneca Creek watershed, which is classified by the State of Maryland as Use Class I-P waters. Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420021340 was approved for the Property in January 2002. The NRI/FSD identified 2.75 acres of forest, an area of steep slopes along the frontage of the Property, adjacent to Ridge Road, and two areas of highly erodible soils, the largest area in the western portion, along the rear of the Property, and a smaller area in the southeastern portion of the Property. There were no intermittent or perennial streams, wetlands or 100-year floodplain identified on the Property. Final Forest Conservation Plan SC2002011 was approved as part of a sediment and erosion control permit in June 2002 for the expansion of the existing church. The Final Forest Conservation Plan SC2002011 required that 2.2 acres of the existing 2.75 acres of forest be permanently protected with a Category I conservation easement that totaled 2.35 acres. The area to be protected under conservation easement exceeded the area of retained forest, and there was no forest planting required. This conservation easement was never recorded, but the areas of forest protection remain undisturbed as approved. A Conditional Use (CU 18-11) for a senior independent living facility was approved with the condition that the Final Forest Conservation Plan be revised as part of the Preliminary Plan.

Final Forest Conservation Plan Amendment 120180230

The Application meets all the applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The revision to the Final Forest Conservation Plan rearranges the original configuration of the protected areas. Approximately 0.62 acres of Category I conservation

easement that was never recorded in the land records will be replaced with 0.33 acres of existing forest previously counted as removed but now saved, and 0.29 acres of on-site forest planting. The 2.35-acre Category I conservation easement required by approved Final Forest Conservation Plan SC2002011 will be reconfigured on-site resulting in the same amount of Category I conservation easement on revised Final Forest Conservation Plan 120180230. An updated tree inventory was completed in 2017 and identified four trees with a diameter at breast height (DBH) between 24 – 29 inches and three trees with a DBH \geq 30 inches located on or immediately adjacent to the Property. These trees are shown on the revised Forest Conservation Plan, and one of them, a 27" DBH tulip tree in poor condition is being removed. This tree does not trigger a tree variance because it is less than 30 inches DBH.

B. Noise Analysis

A Traffic Noise Analysis was prepared for this project on November 12, 2019 . The analysis indicates the vehicular traffic on Ridge Road contributes to the noise impact on the new residential development. The Montgomery County "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" stipulate a 55 dBA L_{dn} maximum noise level for exterior recreation areas and 45 dBA L_{dn} for interior areas. The noise analysis from 2019 determined the south end of the new residential building to be noise impacted. An engineer that specializes in acoustical treatments must certify that the building shell for the affected units is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA L_{dn} , and that the applicant/developer/builder certify that they will construct the noise impacted units in accordance with the recommendations of an engineer that specializes in acoustical treatments. The noise analysis determined that outdoor space for the residential use is adequately distant and shielded from traffic noise and meets the standards for noise sensitive outdoor use.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The Preliminary Plan received an approved stormwater concept from the Montgomery County Department of Permitting Services, Water Resources Section on June 26, 2018 and reconfirmed the September 26, 2019. The Application will meet stormwater management goals through the use of micro bioretention, bio-swales, and an existing surface sand filter.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.*

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Inventory.

7. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

The Application is in conformance with the conditions of Conditional Use 18-11.

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 50.4.2.G, 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 MAR 20 2020 (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 Verma, with Chair Anderson and Commissioners Cichy and Verma voting in favor, and Vice Chair Fani-González and Commissioner Patterson absent at its regular meeting held on Thursday, January 23, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board