

**RCCG, JESUS HOUSE, DC**

**AMENDED PRELIMINARY PLAN JUSTIFICATION STATEMENT**

**I. INTRODUCTION**

Applicant, RCCG, Jesus House, DC (“Applicant”), by its attorneys, Linowes and Blocher LLP, hereby submits this Preliminary Plan Justification Statement in Support of its Preliminary Plan of Subdivision Application (“Application”) to demonstrate conformance of the Application with all applicable review requirements and criteria.

The property that is the subject of the Application consists of approximately 15.55 acres, located on the west side of New Hampshire Avenue to the north of Bryants Nursery Road in Cloverly, and is more particularly known as Parcels P446, P333 and P167 as shown on Tax Map JS62, having a property address of 15730 New Hampshire Avenue, Silver Spring, Maryland (the “Property”). The Property is zoned RE-2, as described in Section 59.4.4.4 of the Montgomery County Code (the “Code”).

**II. EXISTING CONDITIONS AND SURROUNDING AREA**

The Property is currently improved with a single family residential building and accessory structures. A significant portion of the Property is in forest. To the north of the Property is a large forested area within a Category I forest conservation easement associated with the Hampshire Greens development. Confronting the Property to the east are single-family residences fronting on New Hampshire Avenue within the RE-1 zone. To the southeast is a landscape contracting business, and to the south west are three single family residential structures having access off of Bryants Nursery Road. To the west are additional forested areas.

### **III. BACKGROUND**

On November 21, 1999, the Montgomery County Council, by Resolution No. 14-334 approved a category change to allow for a sewer extension to the Property (See WSCCR 99A-CLO-02). This approval, as it relates to the Application, was later interpreted by the Montgomery County Department of Environmental Protection (“DEP”) by letter dated November 24, 2014, who concluded that the concept plan proposed to them, which is substantially similar to that contained in the Application, “may proceed to the development review process using the existing category change action that granted restricted approval of sewer category S-3.” This approval was again confirmed in a March 2, 2017 Memorandum from DEP to Planning Staff.

### **IV. PROPOSED PRELIMINARY PLAN**

The Application proposes the development of the Property with a 185,000-square-foot church and associated uses, including a 1600 seat sanctuary, administrative spaces, a multi-purpose center, classrooms and a gymnasium, 400 parking spaces, the majority of which will be below-grade, and a playing field (the “Project”). At full build-out it is anticipated that a maximum of 350 students grades K-12 would attend school in the classrooms provided as part of the Project. While the school will be in use during the weekday hours, the sanctuary will primarily be used for two services on Sundays and the multi-purpose center on weekends and on weekdays after peak hours.

Access to the Project is proposed from New Hampshire Avenue, where a new curb cut and turning lanes are proposed to accommodate a full-movement point of access, rather than the right-in, right-out condition that exists today. The Project proposes an on-site circulation system

that may be modified with cones during services to safely and efficiently direct visitors through the Property in a counter-clockwise direction to avoid conflicts during these times.

The Project also includes a comprehensive stormwater management system, including 10 micro-bioretenion facilities and porous concrete, and significant forest conservation and preservation of approximately 5.86 acres of forest.

## **V. DURATION OF VALIDITY PERIOD**

- **§ 50-20(c)(3)(A)(iii)**

An APF determination made under this Chapter is timely and remains valid:

*For no less than 7 and no more than 12 years after the preliminary plan is approved, as determined by the Planning Board at the time of approval, for any plan approved on or after April 1, 2009, but before April 1, 2017.*

As discussed more fully below, the Applicant is requesting a 12-year APF validity period for the Project.

- **§ 50-20(c)(3)(B)**

*If an applicant requests a validity period that is longer than the minimum specified in this paragraph, the applicant must submit a development schedule or phasing plan for completion of the project to the Board for its approval. At a minimum, the proposed development schedule or phasing plan must show the minimum percentage of the project that the applicant expects to complete in the first 5 or 7 years, as appropriate, after the preliminary plan is approved. To allow a validity period longer than the minimum specified in this paragraph, the Board must find that the extended validity period would promote the public interest. The Board may condition a validity period longer than the minimum specified in this paragraph on adherence to the proposed development schedule or phasing plan, and may impose other transportation improvement or mitigation conditions if those conditions are needed to assure adequate levels of transportation service during the validity period.*

As noted above, the Applicant is requesting a 12-year APF validity period, and proposes the following phasing plan for completion of the Project:

- Phase I 78,200 square feet of Church uses, including the 1,600-seat sanctuary (or approximately 42% of the Project). Building permits for Phase I will be sought within the first seven (7) years following approval.
- Phase II 31,800 square feet of additional Church uses (or approximately 17% of the Project), including a multi-purpose room and other related amenities. The timing of the building permits for Phase II will depend on the Applicant's fiscal resources, but in no event will be sought later than twelve (12) years following approval.
- Phase III 75,000 square feet of private school use (or approximately 41% of the Project). The timing of the building permits for Phase III will depend on the Applicant's fiscal resources, but in no event will be sought later than twelve (12) years following approval.

Approval of the extended validity period would be in the public interest. The Applicant is a non-profit religious institution that conducts significant public outreach and provides important support services throughout Montgomery County. While the immediate needs of the Church are addressed in the first phase with construction of the main sanctuary, Phases II and III will provide other important amenities and a private school to meet the educational needs of Church members and the surrounding community. The exact timing of construction of the various phases is dependent on the Applicant's fiscal resources, and providing the Applicant with a longer period in which to construct its Project recognizes its non-profit, community-oriented nature and ensures that critical funds need not be utilized seeking formal extensions of the standard validity periods in the future.

## VI. COMPLIANCE WITH SUBDIVISION REGULATIONS

- **§ 50-34(e) Sites for other than single-family dwellings**

*(1) All sites proposed for uses such as churches, public utilities, shopping centers, multi-family dwellings, general commercial or industrial shall be indicated for such use on the preliminary plan, together with scaled dimensions and approximate area of each such site. The proposed use shall be in accordance with the uses for which the property is actually zoned or recommended for zoning on a duly adopted zoning plan. Nothing herein shall be construed to limit actual development to such proposed uses.*

The proposed use is permitted in the RE-2 zone, and the use is noted on the Preliminary Plan as required.

*(2) When the property is included in more than one zoning classification, the lines showing the limits of each classification shall be clearly indicated.*

This section is not applicable to this Application.

*(3) Interior road or street access, whether private or proposed to be dedicated, shall be shown.*

Street access and drive aisles are shown on the Preliminary Plan.

- **§ 50-34(f) Wells and septic systems**

This section is not applicable to this Application.

- **§ 50-34(g) Staging Schedule**

*The applicant or his agent must submit with the written application a recording and construction schedule which must indicate those portions of the area covered by the preliminary plan for which record plats and building permits will be sought and obtained during each of the succeeding years, up to the validity period of the APFO approval required by Sec. 50-35(k). Where a project is proposed to be built out in phases cumulatively exceeding three years, the applicant must submit a phasing schedule for approval by the Board as part of the preliminary plan. The preliminary plan establishes the validity period for the entire project.*

*When applicable, the phasing schedule should specifically identify the timing for the completion of construction and conveyance to unit owners of such things as common open areas and recreational facilities. In addition, the phasing schedule should indicate the timing for the provision of moderately priced dwelling units, and infrastructure improvements associated with each phase. Such a phasing schedule must be designed to have as little dependence on features (other than community-wide facilities) to be*

*provided in subsequent phases and have minimal impact during construction on phases already built and occupied.*

*For projects that require site plan review, the applicant may submit the final phasing schedule, detailing the information required in this section, provided the implementation of the phasing schedule does not exceed the validity period established in the preliminary plan.*

The record plat for the entire Property will be recorded within five (5) years of approval.

Actual construction of the Project will occur in three phases, as follows:

Phase I        78,200 square feet of Church uses, building permits for which will be sought within the first seven (7) years following approval.

Phase II        31,800 square feet of additional Church uses, including a multi-purpose room and other related amenities. The timing of the building permits for Phase II will depend on the Applicant's fiscal resources, but in no event will be sought later than twelve (12) years following approval.

Phase III       75,000 square feet of private school use. The timing of the building permits for Phase III will depend on the Applicant's fiscal resources, but in no event will be sought later than twelve (12) years following approval.

- **§ 50-34(h) *Staging schedule for land containing an arts or entertainment use as a public use space***

This section is not applicable to the Application.

- **§ 50-34(i) *Increase of density***

This section is not applicable to the Application.

- **§ 50-34(j) *Development rights***

The Application does not propose the transfer of development rights.

- **§ 50-34(k)**

*A preliminary subdivision plan application for a subdivision to be located in a transportation management district, as designated under Chapter 42A, Article II, must contain a draft traffic mitigation agreement that meets the requirements of that article unless one has previously been submitted at the time of the project plan submittal under the optional method of development.*

The Property is not located in a transportation management district and, therefore, this section does not apply to the Application.

- **§ 50-35(d) Road grade and road profile**

*Before the Board finally approves a preliminary plan, the subdivider must furnish road, and pedestrian path grades and a street profile approved in preliminary form by the County Department of Transportation.*

The Application includes the required road and pedestrian path grades and profiles, which will be reviewed by the Montgomery County Department of Transportation and the State Highway Administration, because New Hampshire Avenue is a State Road, as part of their review of the Application.

- **§ 50-35(e) Wells and septic systems**

This section is not applicable to the Application.

- **§ 50-35(h)(2)(A) Duration of validity**

*An approved preliminary plan for a multi-phase project remains valid for the period of time allowed in the phasing schedule approved by the Planning Board. The Planning Board must assign each phase a validity period on a case-by-case basis, the duration of which the applicant must propose as part of an application for preliminary plan approval, revision, or amendment, after considering such factors as the size, type, and location of the project. The time allocated to any phase must not exceed 60 months after the initiation date for that particular phase for any preliminary plan approved on or after April 1, 2009, but before April 1, 2017, and for 36 months after the initiation date for that particular phase for any preliminary plan approved on or after April 1, 2017. The cumulative validity period of all phases must not exceed the APFO validity period which begins on the date of the initial preliminary plan approval, including any extension granted under Section 50-20(c)(5). A preliminary plan for a phase is validated when a*

*final record plat for all property delineated in that phase of the approved preliminary plan is recorded in the County land Records.*

As noted above, the record plat for the entire Property will be recorded within 60 months of approval, which recordation will validate the Preliminary Plan for the entire Project.

- **§ 50-35(j) *Sediment control***

*All preliminary plans and extensions of previously approved plans must provide for erosion and sediment control, in accordance with all applicable laws and regulations governing sediment control.*

The Application provides for erosion and sediment control measures in accordance with all applicable erosion and sediment control requirements.

- **§ 50-35(k) *Adequate Public Facilities***

*The Planning Board must not approve a preliminary plan of subdivision unless the Board finds that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities and services to be examined for adequacy include roads and public transportation facilities, sewerage and water service, schools, police stations, firehouses, and health clinics.*

- (1) ***Roads and public transportation facilities***

Existing vehicular access to the Property is via a right-in, right-out access point on New Hampshire Avenue. This access point is proposed to be modified as part of the Project to become full-movement, through the creation of a median break along New Hampshire Avenue in front of the site and the creation of turning and acceleration and deceleration lanes into and out of the site. As described and detailed in the Traffic Study included with the Application, the traffic generated by the Project can be accommodated on adjacent roadways without exceeding the congestion standard and the Project passes the Local Area Transportation Review (LATR) test.



Pedestrian circulation within the site will be provided by a series of sidewalk connections and an open plaza area. A five-foot sidewalk currently exists along the entire length of the Property's New Hampshire Avenue frontage and extends south for over a mile.

Metrobus service is provided along New Hampshire Avenue during peak periods, and Ride-On bus service (Route 39) operates on Bonifant Road, Good Hope Road, and Briggs Chaney Road near the site during peak hours with 30-minute headways.

(2) ***Sewerage and water services, schools, police stations, firehouses and health clinics***

Other public facilities and services are also adequate to serve the Project. The Property is located in the S-3 and W-1 sewer and water categories and, as noted above, was the subject of a sewer category change. The Application does not constitute a request for residential development, and therefore consideration of school capacity and utilization is not required. Police stations and firehouses are both located proximate to the Property and are considered adequate under the Annual Growth Policy unless there is evidence that a local area problem will be generated. There are no circumstances present that would rebut this presumption of adequacy.

- **§ 50-35(l) *Relation to Master Plan***

*In determining the acceptability of a preliminary plan submitted under this Chapter, the Planning Board must consider the applicable master plan, sector plan, or urban renewal plan. A preliminary plan must substantially conform to the applicable master plan, sector plan, or urban renewal plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan, sector plan, or urban renewal plan recommendation no longer appropriate.*

The Property is subject to the 1997 Cloverly Master Plan ("Master Plan") and is identified as part of the "Residential Wedge" and Northwest Branch watershed. *See* Master Plan, pp. 22, 84. While there are no recommendations specific to the Property, the Plan generally

recommends that the existing zoning and single-family residential use for the Property be retained. *Id.* at 20, 23. With regard to the Plan’s residential areas, the Master Plan notes, “[i]nstead of monolithic areas of uniform density, the variety of house and lot sizes continues to enhance Cloverly’s distinctive character.” *Id.* at 31. With regard to properties fronting on New Hampshire Avenue specifically, the Master Plan recommends “non-residential development in residential and agricultural zones should be set back 100 feet [from New Hampshire Avenue] to maintain the open nature of the road.... The additional setback for non-residential uses is designed to minimize the impact of buildings that tend to be taller, wider, and more massive than homes” *Id.*, p. 32. With regard to this setback, the Master Plan further notes, “[t]he setback area should be forested or landscaped in a naturalistic manner.” *Id.* As shown on the Preliminary Plan, the proposed Project meets and exceeds these recommendations, with a building setback of approximately 343 feet from New Hampshire Avenue with naturalized open space, trees and stormwater facilities provided within the buffer area. The Project would also add further variety to the density and lot sizes of the area, contributing to its distinctive character.

A general land use recommendation of the Master Plan is also to “[p]rotect existing homes from the effects of traffic and road improvements, including stormwater management facilities, through careful design, minimal grading, tree preservation, and landscape treatments.” *Id.* at 32. As shown by the Application materials, the Project also meets these objectives. As detailed further in the Traffic Study, many of the uses associated with the Project would generate off-peak hour traffic, and what traffic is generated during peak hours can be accommodated on the adjacent road network. To further facilitate circulation to the site, however, a new median break and turning lanes are proposed on New Hampshire Avenue to minimize the impact of the Project on through travel. Also, as shown on the stormwater management concept plan that has

been approved by the Department of Permitting Services, the site incorporates significant new stormwater management features that will minimize any stormwater impacts on adjacent properties and the watershed. Finally, the Application proposed the retention of 5.86 acres of forest, all in conformance with these objectives.

As noted throughout the Master Plan, watershed protection is the fundamental planning principle of the plan. *Id.*, p. 81. With regard to the Northwest Branch in particular, the Master Plan states, “The ultimate subwatershed imperviousness levels should remain in the 10 to 15 percent range which is within the generally acceptable limits for the protection of cold water stream systems in Maryland.” *Id.* at 22. In this regard, the Master Plan further notes, “Individual developments with high site imperviousness should be discouraged.” *Id.* In observance of these recommendations, the Project has been designed to minimize impervious areas on the Property, as evidenced by the stacking of uses and buildings over parking. This design results in a total site impervious level of 27.3%, which is relatively low. Moreover, given the existing development in the area and significant open spaces in the subwatershed, much of which is protected in perpetuity by forest conservation easements and wetland and stream valley buffers, even with approval of the Project, the subwatershed imperviousness levels would be expected to remain well within the 15 percent range recommended in the Plan.<sup>1</sup>

Associated with the objective of protecting the watershed, the Master Plan also recommends the “use of Best Management Practices (BMPs), such as: clustering, maintaining vegetation, phased land clearing, application of stringent stormwater management, and sediment

---

<sup>1</sup> The Master Plan notes, “[t]he current master plan analysis on imperviousness levels indicate that 1990 levels for the Northwest Branch headwater subwatersheds ranged from 5.3 to 8.0 percent” and predicted that a full build-out of the Plan under the recommended zoning “would result in subwatershed imperviousness ranges from 9.2 to 15.0%.” *Id.* at 88. However, much of the area has not been redeveloped as envisioned by the Plan and significant areas have been protected since the Plan’s adoption, making it reasonable to assume that the total imperviousness levels remain well below 15%.

and erosion controls” and the “conserve[ation] and protect[ion] [of] natural resources to provide a healthy and beautiful environment for present and future generations.” *Id.* at 81, 85. As noted above, the Application achieves these objectives through the retention of 5.86 acres of forest, incorporation of best management practices for stormwater, and the clustering and stacking of the proposed uses so as to minimize footprint and site imperviousness.

Based on the foregoing, the Application substantially conforms with the goals, objectives and recommendations of the Master Plan.

- **§ 50-35(o) Forest Conservation**

*If a forest conservation plan is required under Chapter 22A, the Board must not approve a preliminary plan or any extension until all requirements of that law for plan approval are satisfied. Compliance with a required forest conservation plan, including any plan reviewed on a preliminary or final basis, must be made a condition of any approved preliminary plan.*

The Applicant will adhere to the requirements of Chapter 22A of the Montgomery County Code, as detailed in the Forest Conservation Plan included with the Application.

- **§ 50-35(r) Water Quality**

*If a water quality plan is required under Chapter 19, the Planning Board must not approve a preliminary plan or any extension until all requirements of Chapter 19 for plan approval are satisfied. Compliance with a required water quality plan, including any plan reviewed on a preliminary or final basis, must be made a condition of any approved preliminary plan.*

The Stormwater Management (“SWM”) Concept Plan for the Property is included with this Application and has been approved by the Department of Permitting Services. As demonstrated in the SWM Concept Plan, the proposed stormwater management facilities meet all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the disturbed portion of the site.

## **VII. CONCLUSION**

Based on the foregoing, the Applicant respectfully requests that the Planning Board grant approval of this Preliminary Plan. As explained in more detail above and in the plans submitted with the Application, the Application satisfies the findings that the Planning Board must make in approving a Preliminary Plan application under the Subdivision Regulations.