

Montgomery Planning

IGLESIA VIDA NUEVA CHURCH

PRELIMINARY PLAN NO. 120210020



Request to create one lot to construct a building for a religious assembly use with a capacity of up to 270 persons.

No. 120210020
Completed: 4-25-2022

MCPB
Item No. 5
5-5-2022

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902

Planning Staff

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LOCATION/ADDRESS

12450 Old Columbia Pike

MASTER PLAN

Fairland Master Plan (1997)

ZONE

RE-2C (Residential Estate)

PROPERTY SIZE

4.10 acres

APPLICANT

Benning and Associates, Inc.

ACCEPTANCE DATE

April 6, 2021

REVIEW BASIS

Chapters 50, 59, 22A



Summary:

- Staff recommends approval of the Preliminary Plan including Preliminary/Final Forest Conservation Plan, with conditions.
- The Applicant proposes to create one 3.8-acre lot from a deeded parcel of land to construct a building for a religious assembly use in the RE-2C zone.
- The Subject Property is part of the Conley House/Green Ridge Historic Site.
- The Applicant will construct an 11-foot-wide side path along the Subject Property on Old Columbia Pike, and an offsite extension from the southernmost corner of the Subject Property to the existing bus stop at the northwest corner of Carters Cove Drive and Old Columbia Pike.
- Staff has received community correspondence raising concerns about connections to existing public water/sewer lines and stormwater management implications of this Application.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120210020

Staff recommends approval with conditions of Preliminary Plan No. 120210020 to create one 3.8-acre lot from an unplatted parcel of land. All site development elements shown on the latest electronic version of the Preliminary Plan as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

GENERAL

1. This Preliminary Plan is limited to one (1) lot to construct a building for a 270-seat religious assembly use and associated parking spaces.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date as defined in Section 50.4.3.J.5.

PLAN VALIDITY PERIOD

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date 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 filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County **Department of Transportation (“MCDOT”)** in its letter dated April 13, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. 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 September 3, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of approval. MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
6. The Planning Board has reviewed and accepts the recommendations of the **MCDPS Fire Department Access and Water Supply Section** in its letter dated March 15, 2022, 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 Fire Department Access and Water Supply Section may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

OTHER APPROVALS

7. Prior to any land disturbance, demolition, or the issuance of any building permit, the Applicant must obtain an approved **Historic Area Work Permit (HAWP)** from the Montgomery County Planning Department Historic Preservation Division.
8. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.

TRANSPORTATION

9. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. All land necessary to accommodate 48 feet from the existing pavement centerline along the Subject Property frontage for Old Columbia Pike.
10. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by the Montgomery County Department of Transportation (“MCDOT”).
11. Prior to the release of the use and occupancy permit, the Applicant must satisfy all necessary requirements of MCDOT to ensure construction of an 11-foot-wide side path along the Subject Property on Old Columbia Pike; and a minimum ten-foot-wide side path, or as illustrated in the Certified Preliminary Plan that may accommodate minor reductions from the 10 ft. minimum, from the southernmost corner of the Subject Property to connect to an existing bus stop at the northwest corner of the intersection of Carters Cove Drive and Old Columbia Pike.
12. The Applicant must provide one (1) access easement on the northeast portion of the Property on the Certified Preliminary Plan to allow for future vehicular inter-parcel connectivity consistent with the 1997 Fairland Master Plan. The easement must provide rights to access and the ability to construct a vehicular and pedestrian connection to the vehicular and pedestrian circulation on the Subject Property, as demarcated on the Plan as “Area Reserved for Possible/Future Pedestrian & Vehicular Connections to P194” on the Preliminary Plan dated March 17, 2021.
13. The record plat must reflect a common use and access covenant for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records.
1. Prior to the installation of the required afforestation/reforestation plantings, the Applicant shall provide a natural surface trail onsite in the approximate location as shown on the Certified Preliminary Plan to eventually connect to the existing trail network on the adjacent Manors of Paint Branch Homeowners Association property. This trail must connect with the internal sidewalk network on the Subject Property and allow pedestrian access.

CERTIFIED PRELIMINARY PLAN

2. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
3. The certified Preliminary Plan must contain the following note:
 - a. *Unless specifically noted on this plan drawing or in the 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 issuance of building permit(s). 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.*
 - b. *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*
4. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set.
 - b) Include the approved Fire and Rescue Access plan in the certified set.
 - c) Ensure consistency between the data table in the staff report and the certified set, including the maximum fixed seating as 270 seats.

PRELIMINARY/FINAL FOREST CONSERVATION PLAN

The Applicant must comply with the following conditions of approval of Preliminary/Final Forest Conservation Plan ("FFCP") No. 120210020, approved as part of this Preliminary Plan:

5. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
6. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree saving measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspection Staff.
7. Prior to recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved FFCP. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
8. Prior to the initial acceptance of the reforestation plantings for this development Application, the Applicant must install permanent conservation easement signage along the perimeter of

the Category I Conservation Easement as shown on the FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

9. Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the 0.02 acres of new forest planting, variance mitigation plantings and maintenance, including invasive species management controls, credited toward meeting the requirements of the FFCP.
10. Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures. All proposed maintenance measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.
11. The Applicant must install the Afforestation/Reforestation plantings for the 0.02-acre area (inside the LOD), as shown on the approved FFCP, in the first planting season following stabilization of the applicable disturbed area.
12. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of three caliper inches totaling 65.55 caliper inches as shown on the approved FFCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
13. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings as shown on the FFCP.
14. Prior to submittal of the Certified FFCP, the Applicant must show the potential alignment of the natural surface trail on the FFCP, specifying that the trail is to be a mowed trail and with a notation that the final alignment of the trail will be field located by the M-NCPPC Inspection Staff in order to minimize environmental impacts.
15. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP

SECTION 2: SITE DESCRIPTION

VICINITY

The Property is part of the Rolling Acres community in Fairland, which is generally bounded by Paint Branch Stream Valley Park on the west and south, US Route 29 on the east and Randolph Road to the north. The residential areas comprise most of the land between Old Columbia Pike and the park, and contains detached homes, townhomes, and apartments. Between Old Columbia Pike and US Route 29 are non-residential uses, including office buildings, a gas station, a convenience store, a restaurant, and institutional uses. The Property is located in the RE-2C zone. Property to the north and west is zoned R-200 (Residential), to the east the zoning is EOF (Employment-Office), and to the south is the R-90 (Residential) zone Figure 2.

The historic Conley House (Master Plan Site No. 34/010) is located adjacent to the Property on the north property line. Under review is Local Map Amendment (H-145) located to the north of the Property at 2131 East Randolph Road Figure 1. If approved by the Hearing Examiner, H-145 would rezone the property from R-200 to the CRTF zone. The Applicant for H-145 proposes to develop the site with townhomes, multifamily units, and a neighborhood grocery store.



Figure 1: Vicinity map and subject property.

PROPERTY DESCRIPTION

The Property (Property or Subject Property) is located at 12450 Old Columbia Pike and comprises 4.10 acres of land area as shown and outlined in orange in Figure 3 below. The Property is located in the RE-2C (Residential Estate) zone. It is currently improved with a barn of about 2,800 square feet. It is mainly used for storage. There is also a small outbuilding along the northern boundary of about 130 square feet. .

As shown on Figure 1, the Subject Property is designated as Parcel 355 as shown on the county tax map. The Conley House is located on the adjacent Parcel 300. The historic environmental setting of the Conley House includes both Parcel 300 and Parcel 355.

The Property is located within the Paint Branch watershed Class III and is located outside of the Paint Branch Special Protection Area. The Property slopes gradually down from northeast to southwest.

The approved NRI/FSD indicates 1.94 acres of high priority forest is present on a predominant portion of the Property. The Property also contains a perennial stream, 1.55 acres of stream buffer, a small pond and 0.04 acres of wetlands. One specimen tree, located near Old Columbia Pike in the southwest quadrant of the Property, is present.

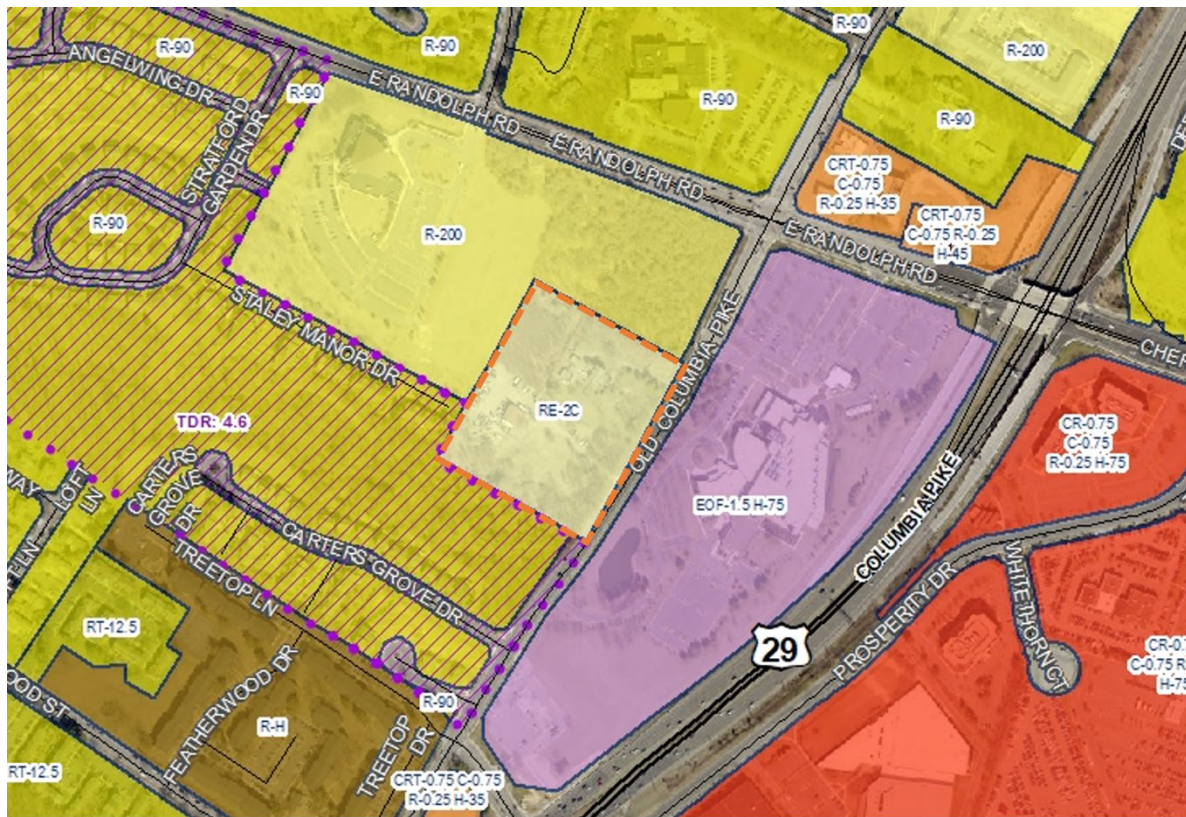


Figure 2: Zoning map with subject property and surrounding area.

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

Preliminary Plan No. 120210020 requests to create a lot from an unplatted parcel of land identified by Liber 36319 and Folio 0052 in the Land Records of Montgomery County. As a result, subdivision would create one buildable lot with approximately 325 feet of frontage along Old Columbia Pike (MCDOT right-of-way) with a depth of approximately 550 feet.

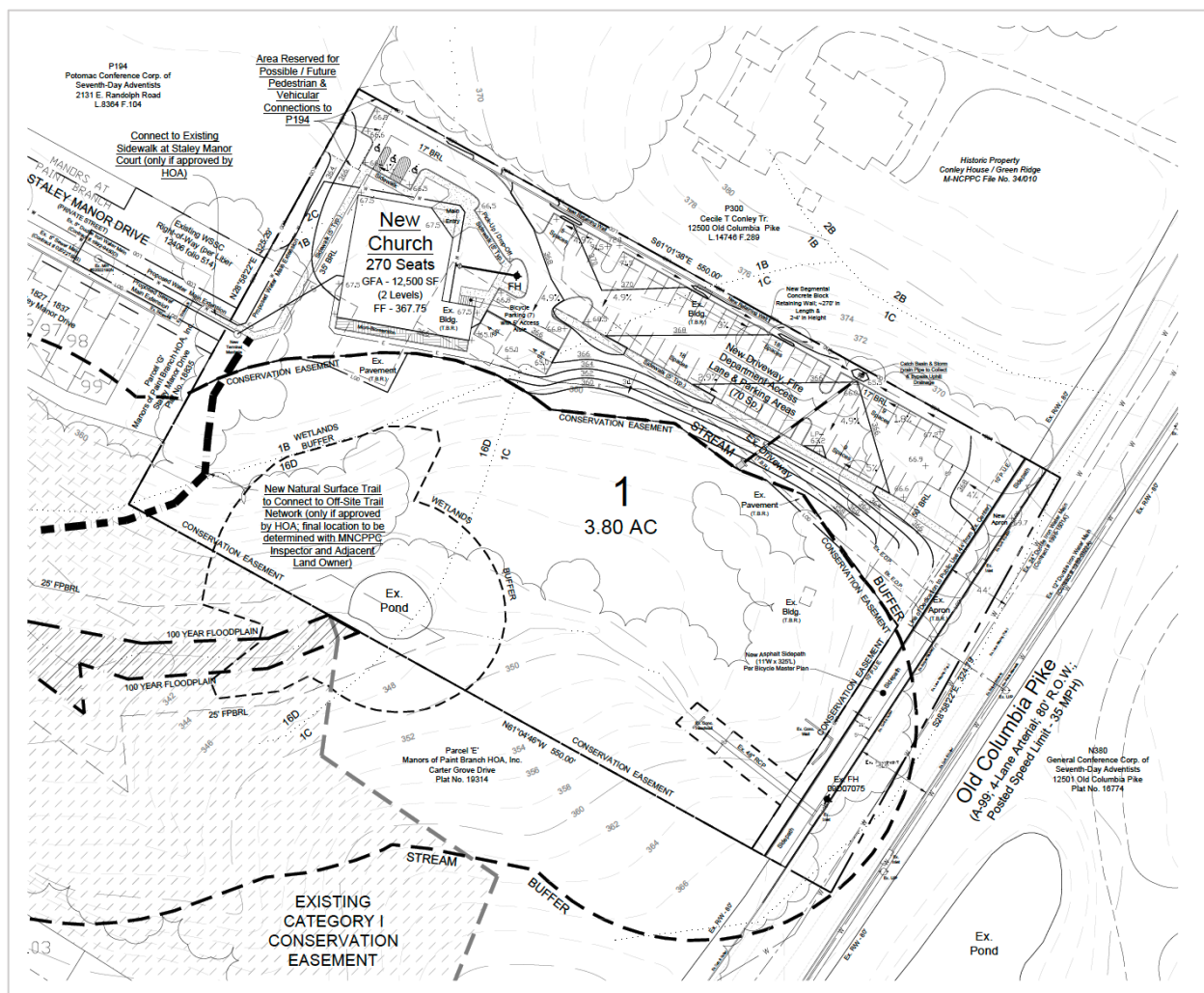
The Applicant proposes to remove the existing storage building and build a 12,500 square foot religious assembly building and 79 parking spaces, in compliance with the RE-2C zone (Figure 4). The proposed development is located along the northern part of the Property to avoid impacts to the existing perennial stream, forest, and historic environmental setting associated with the property to the north.

The Applicant proposes to abandon the existing asphalt driveway from Old Columbia Pike and construct a new 20-foot driveway apron consistent with MCDOT standards at the northeastern corner of the Property. The existing driveway apron would be reconstructed to accommodate a new asphalt side path. The Applicant proposes an 11-foot-wide side path along the Property's Old Columbia Pike frontage, and a minimum ten-foot-wide side path from the southernmost corner of the Property to connect to an existing bus stop at the northwest corner of the intersection of Carters Cove Drive and Old Columbia Pike.

As shown on the plans, the Applicant has configured the siting of the religious assembly building, parking areas and vehicle driveways to allow for a possible future connection to the adjoining property, which is under review for a proposed mixed-use development to the northwest, known as 2131 Randolph Road (LMA-H-145).

A Category I Forest Conservation Easement will be provided. The easement, located on the lower portion of the property (Figure 5), encompasses 1.29 acres and includes a perennial stream and small pond.





SECTION 5: PRELIMINARY PLAN FINDINGS AND ANALYSIS

The Preliminary Plan would create one lot measuring 3.8 net acres of land with approximately 325 feet of frontage along Old Columbia Pike and a depth of approximately 550 feet, with a maximum density of up to 12,500 square feet of religious assembly use. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies. The Application meets all applicable sections. The shape and orientation of the proposed lot is appropriate for the location of the subdivision taking into account the type of development and use contemplated. Montgomery County Department of Transportation has approved site access and the proposed driveway apron.

SECTION 50.4.2.D (REQUIRED FINDINGS)

Subdivision for creation of certain residential lots. Up to 3 lots for detached houses may be created in any residential or rural residential zone under these procedures if:

- 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 size, width, shape and orientation of the proposed lot are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the building type and religious assembly use contemplated for the Property.

The lot was reviewed for compliance with the dimensional requirements for the RE-2C zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage and can accommodate the religious assembly building which can reasonably meet the width and setbacks requirements in that zone. A summary of this review is included in Table 2.

There are a number of environmental constraints on the Property (Figure 6), which substantially restrict where development can occur, including the building, driveway access, and parking. The environmental constraints include:

- 4.10 acres of land with 1.94 acres are high priority forest.
- Perennial stream.
- 1.55 acres of stream buffer with a small pond and 0.04 acres of wetlands.
- Located within a Maryland State Water Use Class designation of Use Class III, which requires a minimum 150-foot stream buffer.
- One specimen tree.
- Located within the historic environmental setting of the Conley House.

Given these environmental constraints, locating the building toward the rear of the property is the safest, most adequate, and reasonable location. Additionally, the proposed building location away from Old Columbia Pike is also the least impactful visually to the environmental setting of the Historic Conley House. The Applicant is scheduled for a Preliminary Consultation with the Historic Preservation Commission (HPC) at their May 4, 2022, meeting. The HPC will consider the proposed site layout and impacts within the environmental setting of the Conley House/Green Ridge (Master Plan Site #34/010). The HPC will provide feedback to the Applicant for consideration before a HAWP submission. Historic Preservation staff will brief the Planning Board on the HPC's findings and recommendations at the May 5, 2022, Planning Board meeting.

The Applicant proposes to construct the religious assembly building under the standard method in accordance with Section 4.4.8.A of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

Table 1: RE-2C Development Standards Analysis

Development Standard	Required by the RE-2C Zone	Proposed
Tract Area	n/a	4.10 acres
Dedications	n/a	0.33 acres
Net Tract Area	n/a	3.77 acres
Minimum Lot Area	2.0 acres	+/-3.77 acres
Lot width at front building line (min)	150 feet	150 feet or greater
Lot width at front lot line (min)	25 feet	25 feet or greater
Frontage on street or open space	Required, except as exempt under Chapter 50	Provided
Maximum Lot Coverage	25%	Less than 25%
Setbacks (min)		
Front	50 feet	50 feet or greater
Side	17 feet	17 feet or greater
Sum of side setbacks	35 feet	35 feet or greater
Rear	35 feet	35 feet or greater
Building Height (max)	50 feet	50 feet max
Parking	68 spaces	70 spaces
Bicycle Parking	7 spaces	7 spaces
Site Plan Required	No	No

2. The preliminary plan substantially conforms to the master plan.

The Property is located in the Rolling Acres community of the 1997 *Fairland Master Plan* which is comprised of residential and non-residential uses. The Property is further identified as Area 7b and the Plan provides two specific recommendations for the Subject Property:

Provide sufficiently large lot sizes to achieve a cluster layout in keeping with the historic structure (Conley House) and setting.

The existing lot size is approximately 8 acres. The Applicant proposes to create one lot of 3.8 acres, which is nearly half the size of Area 7b. Further, the Applicant proposes one structure, which is situated the greatest distance feasible from the historic structure. Due to topography, the proposed structure is situated at a lower elevation than the historic structure reducing any visual impact.

Consider the historic structure and setting for special exception uses, such as a bed-and-breakfast, to preserve the structure and setting.

The Application is not a special exception (conditional use) or a bed-and-breakfast. The Applicant does not propose to alter the Conley House. However, because the Property is located within the historic environmental setting of the historic resource, as conditioned, a Historic Area Work Permit (HAWP) will be required. An approved HAWP will ensure that any new development will comply with the Historic Preservation Ordinance and any applicable guidelines. Therefore, this recommendation is satisfied.

Provide connection to Paint Branch Stream Valley Park.

To satisfy this Master Plan recommendation, the Applicant proposes a new onsite natural surface trail that can eventually connect to the off-site trail network to the southeast of the Property (Attachment B). This existing off-site trail network is located on property owned by the Manors of Paint Branch Homeowners Association (HOA). As conditioned, the Applicant will provide for a natural surface trail that will eventually connect to the existing off-site trail network on the adjoining Manors of Paint Branch Homeowners Association property. The proposed onsite trail will fall just short of the existing trail offsite, as the HOA declined the Applicant's offer to make the connection. However, as evidenced by the recent Fairland and Briggs Chaney Existing Conditions report and presentation to the Planning Board on April 21, 2022, further connectivity in this community is greatly needed. Ideally, this connection will be fulfilled in the near future. Additionally, the onsite trail will further the Master Plan recommendation to provide connections to the Paint Branch Stream Valley Park trail network.

As conditioned, the Application substantially conforms to the Master Plan.

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

As discussed below in this section, as conditioned adequate public facilities exist to support and service the Property in accordance with Section 50.4.2.D of the Subdivision Regulations. Therefore, this finding is satisfied.

Transportation

The Subject Property is located along Old Columbia Pike, identified by the *Master Plan of Highways and Transitways* as a four-lane arterial with an 80-foot right-of-way (ROW). The Applicant will provide 48 feet of dedication from the existing pavement centerline along the Subject Property frontage for Old Columbia Pike to accommodate all land necessary to accommodate the full Master Plan ROW. As conditioned, the Applicant must provide an access easement on the northeast portion of the Property to allow for future vehicular inter-parcel connectivity consistent with the 1997 *Fairland Master Plan*.

The 2018 *Bicycle Master Plan* recommends a side path along the west side of Old Columbia Pike fronting the Subject Property, which will be constructed as part of this Application. Therefore, as a condition of approval, the Applicant will construct an 11-foot-wide side path along the Subject Property frontage on Old Columbia Pike, and a minimum ten-foot-wide side path from the

southernmost corner of the Subject Property to connect to an existing bus stop at the northwest corner of the intersection of Carters Cove Drive and Old Columbia Pike.

The Subject Property is transit accessible. There is existing Metro and Rideon bus service on Randolph Road and Old Columbia Pike. Additionally, the FLASH Tech Road stop is located approximately ¼ mile to the southeast of the site.

Water and Sewer

As identified by the County Department of Environmental Protection, the Property is located in the W-1 water service and the S-1 sewer service categories. Properties designated as Category 1 are deemed eligible to receive public water and/or sewer service.

Local Area Transportation Review (LATR)

For the proposed religious assembly use, the Project would predominantly produce trips over weekend hours. As stated in the Transportation Study Exemption Letter, few, if any trips will be produced during weekday peak hours. Therefore, the Application is exempt from additional LATR review as it does not generate 50 or more person trips during the LATR defined weekday peak periods of 6:30 a.m. to 9:30 a.m. and 4:00 p.m. to 7:00 p.m.

Schools

The proposed use is a non-residential, religious assembly use and does not generate students.

Other Facilities

The Property is served by the Third Police District of the Montgomery County Police Department. The Third Police District station is located at 1002 Milestone Drive, Silver Spring, which is approximately three miles south of the Property.

Montgomery County Fire and Rescue Service operates the Burtonsville Volunteer Fire Department which serves the Property. The Burtonsville Volunteer Fire Department fire station is located at 13900 Old Columbia Pike Road, Silver Spring (Burtonsville), which is approximately two miles north of the Property.

There are numerous medical clinics located within the approximately one mile of the Property, including medical, dental, pediatrics. The Adventist White Oak Medical Center hospital is located approximately one mile to the southeast of the Property.

Therefore, this finding is satisfied.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”), plan number 420211010, for this Property was approved in December 2020. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Subject Property is not located within a Special Protection Area (“SPA”). The NRI/FSD calls out the site to be a total of 4.10 acres of which 1.94 acres are high priority existing forest. The site also contains a perennial stream, 1.55 acres of stream buffer a small pond and 0.04 acres of wetlands. The Property is located within a MD State Water Use Class designation of Use Class III with a required minimum 150-foot stream buffer. The site also contains 1 specimen tree, ST-2, located toward Old Columbia Pike in the southeast quadrant of the property, and 2 specimen trees just off site near the property line on adjacent properties.

Forest Conservation Plan

The Applicant has submitted a Preliminary/Final Forest Conservation Plan (“FFCP”) as part of the current Application (Attachment A). The Application satisfies all applicable requirements of Montgomery County Code, Chapter 22A, Forest Conservation Law, and is in compliance with the Montgomery County Planning Department’s Environmental Guidelines.

The Property is zoned RE-2C and is classified as Medium Density Residential (“MDR”) as defined in Section 22A-3 of Chapter 22A of the Montgomery County Forest Conservation Law (“FCL”) and specified in the Trees Technical Manual. This land use classification gives the site an afforestation requirement of 20% and a conservation threshold of 25% for the net tract area of the application.

The FFCP shows a net tract area of 4.27 acres which includes the total tract area of 4.10 acres plus 0.17 acres for off-site work associated with this application. The FFCP shows a total forest cover of 1.94 acres, proposes to remove 0.65 acres and retain 1.29 acres of forest. When the numbers of the total tract area, land use category, total amount of forest, forest removed, and forest retained are entered into the Forest Conservation Worksheet it results in a total afforestation/reforestation requirement of zero (0.00) acres. Of the 0.65 acres of forest removal, 0.02 acres is being removed adjacent to the proposed sidewalk in order to regrade the side slope for the PUE and to remove a retaining wall within this area. The Applicant will reforest this 0.02-acre area. All of the retained forest, the planted forest and stream buffer area will be protected by a Category I Conservation Easement.

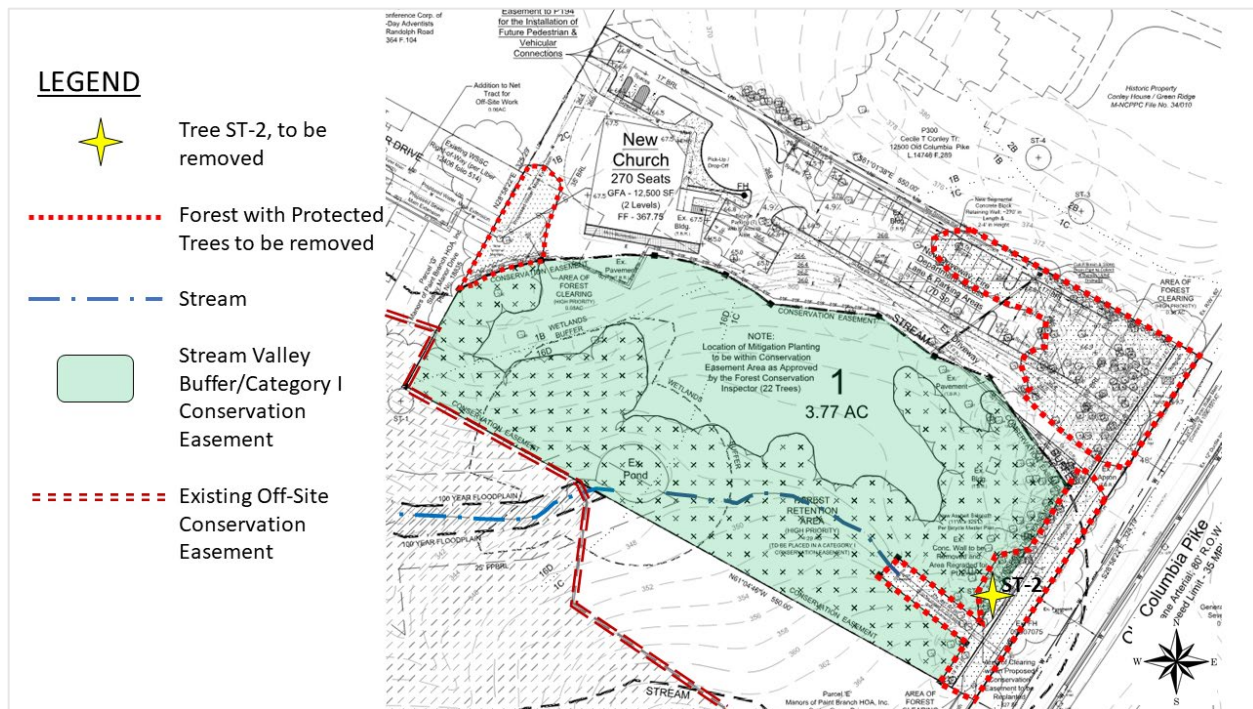


Figure 5: Areas indicated as forest with protected trees for removal.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). The Subject Property is part of the Conley House/Green Ridge Historic Site and as a result, any tree that is 1-inch in caliper or greater is considered a Protected Tree under Section 22A-12(b)(3)(B). Any impact to these trees, including removal of the subject trees or disturbance within the any tree’s critical root zone (“CRZ”) requires a variance from Section 22A-12(b)(3) (“Variance”) of the FCL. Otherwise, these trees must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request

The Applicant submitted a variance request in a letter dated February 25, 2022 (Attachment B) in order to remove or impact 134 Protected Trees. The Applicant proposes to remove one tree, ST-2, that is 30 inches or greater DBH (Table 1) and remove an additional 107 trees that are two inches and greater DBH that are associated with the Conley House/Green Ridge Historic Site. In addition, another 26 trees that are two inches or greater DBH also associated with the historic site are to have their CRZs

impacted, but will be retained, as shown on the FFCP. Each of these 134 trees are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. The forested area located along Old Columbia Pike at the subject property was not historically forested. The Protected Trees on the Property are not historically significant and Historic Preservation staff finds their removal will not adversely impact the historic character of the Conley House/Green Ridge (#34/010).

Table 2: Protected trees to be removed or impacted.

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
ST-2	White Oak (<i>Quercus alba</i>)	38.9"	100	To Be Removed. Located within LOD adjacent to proposed side path and concrete wall to be removed.
107 Trees	Various	2" to 19"	100	To Be Removed. 86 of these Protected Trees are located within the forest cover on the Subject Property and 21 are outside of the forest.
26 Trees	Various	2" to 19"	Various	To Be Impacted but retained.

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the necessary layout of the proposed development on the Property and Montgomery County agency requirements. There one tree, ST-2, that is 30-inches or greater in diameter that is requested to be removed which is located adjacent to the proposed required 11-ft side path and within the area of side-slope grading for the side path and the removal of a concrete wall. In addition, there are 133 Protected Trees that are associated with the Conley House/Green Ridge Historic Site which are within the existing forest stands on the property. These trees are being impacted or removed in order to install site access, parking, the 11-ft side path along Old Columbia Pike, improvements to the SWM outfall, and grading for the proposed church and utility connections.

The inability to impact or remove these trees would potentially render portions of the site undevelopable for this project, preventing site access, utility connections and frontage improvements. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to use the Property for the proposed church, which is a reasonable and significant use of the Property.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted.

Variance Findings

a. 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 removal of the Protected Trees is due to the location of the trees and necessary site design requirements required by county agencies. Therefore, the granting of this variance is not a special privilege that would be denied to other applicants.

b. Is not based on conditions or circumstances which are the result of the actions by the applicant.

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary site design requirements of county agencies for this Application, including street frontage improvements.

c. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

The requested variance is a result of the existing conditions and county agency requirements, not as a result of land or building use on a neighboring property.

d. Will not violate State water quality standards or cause measurable degradation in water quality.

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. There are a total of 21 Protected Trees proposed for removal along Old Columbia Pike within the existing forest cover that is located within the stream valley buffer. These trees range in caliper from 3-inches up to 16-inches. The Applicant is proposing to install 22 3-inch caliper MD native overstory trees within open areas of the stream buffer. These newly planted trees will mimic the form and function of the trees being removed and as such will provide improvements in water quality for this stream.

Mitigation for Trees Subject to the Variance Provision

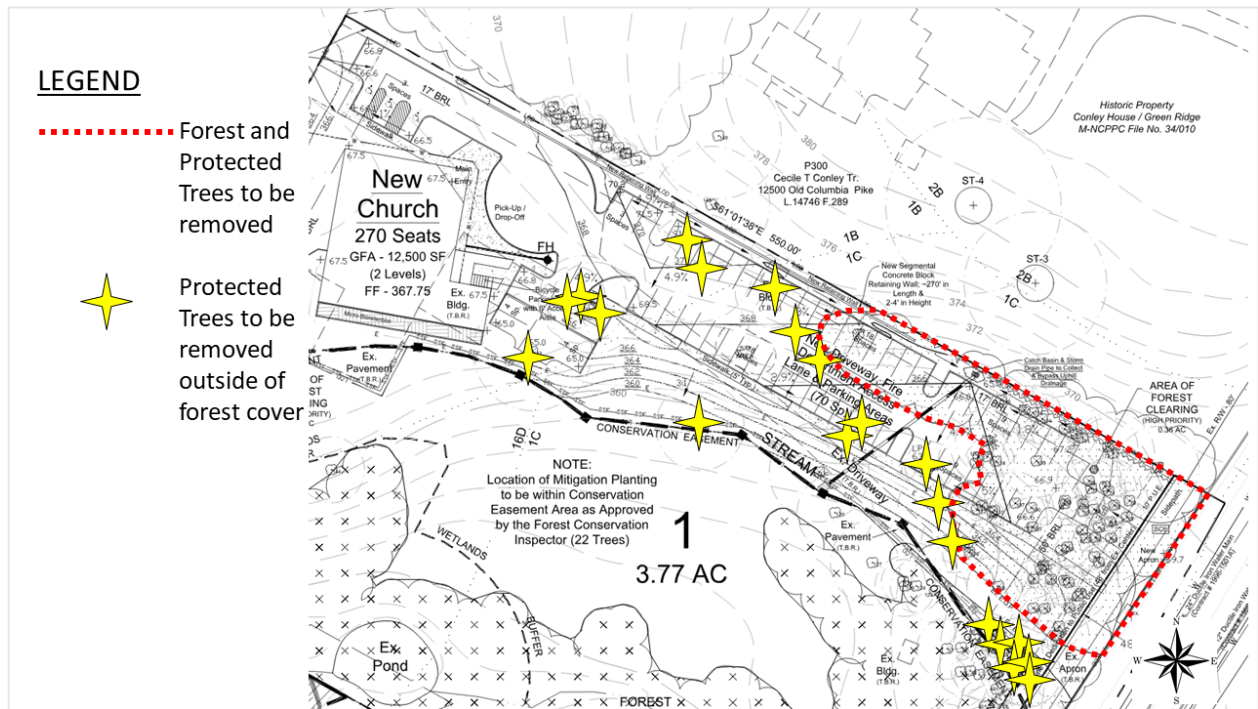


Figure 6: Protected trees to be removed outside of forest cover requiring mitigation.

Table 3: Protected trees to be removed requiring mitigation.

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
50	Pignut Hickory (<i>Carya glabra</i>)	12.0	100	Moderate condition
51	Black Locust (<i>Robinia pseudoacacia</i>)	15.4	100	Moderate condition
52	Black Locust (<i>Robinia pseudoacacia</i>)	11.1	100	Moderate condition
53	Black Locust (<i>Robinia pseudoacacia</i>)	12.4	100	Moderate condition
54	Black Locust (<i>Robinia pseudoacacia</i>)	9.8	100	Moderate condition
55	Bradford Pear (<i>Pyrus calleryana</i>)	3.5	100	Non-native invasive, moderate condition
111	Bradford Pear (<i>Pyrus calleryana</i>)	11.7	100	Non-native invasive, moderate condition
122	Bradford Pear (<i>Pyrus calleryana</i>)	14.7	100	Non-native invasive, moderate to poor condition
128	Scarlet Oak (<i>Quercus coccinea</i>)	9.0	100	Good to moderate condition
131	Bradford Pear (<i>Pyrus calleryana</i>)	9.3	100	Non-native invasive, moderate condition
132	Bradford Pear (<i>Pyrus calleryana</i>)	6.0	100	Non-native invasive, poor condition
134	Bradford Pear (<i>Pyrus calleryana</i>)	10.3	100	Non-native invasive, poor condition
135	Bradford Pear (<i>Pyrus calleryana</i>)	18.3	100	Non-native invasive, moderate condition
136	Black Walnut (<i>Juglans nigra</i>)	13.3	100	Moderate condition
137	Bradford Pear (<i>Pyrus calleryana</i>)	19.8	100	Non-native invasive, poor condition
138	Bradford Pear (<i>Pyrus calleryana</i>)	2.0	100	Non-native invasive, good condition
139	Bradford Pear (<i>Pyrus calleryana</i>)	16.1	100	Non-native invasive, moderate condition
140	Bradford Pear (<i>Pyrus calleryana</i>)	16.6	100	Non-native invasive, moderate to poor condition

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
141	Bradford Pear (<i>Pyrus calleryana</i>)	16.0	100	Non-native invasive, moderate condition
142	Chokecherry (<i>Prunus virginiana</i>)	11.3	100	Moderate to poor condition
143	Black Walnut (<i>Juglans nigra</i>)	21.6	100	Moderate condition

There are 21 Protected Trees proposed for removal in this variance request that are located outside of the existing forest cover resulting in a total of 260.2 inches of DBH being removed needing mitigation. No mitigation is required for the removal of Protected Trees within existing forest stands on the Subject Property. It has been M-NCPPC policy not to require mitigation for Protected Trees removed within forest stands since the removal of the forest is accounted for through the Forest Conservation Worksheet.

The Applicant proposes mitigation at a rate that approximates the form and function of the trees removed. These trees will be replaced at a ratio of approximately 1-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 65.05 inches with the installation of 22 3-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. These trees will be planted on the Property within the non-forested areas of the stream valley buffer and provide some immediate benefit, ultimately replacing the canopy lost by the removal of these trees. In addition, the majority of Protected Trees being removed are Bradford Pears (*Pyrus calleryana*) which is a non-native invasive species. These trees are being replaced with MD native trees species and will provide enhanced ecological benefits over the trees being removed.

There is some disturbance within the CRZ of 26 trees; however, they will receive adequate tree protection measures, their roots will regenerate, and the functions they currently provide will continue. Therefore, no mitigation is recommended for trees that are impacted but retained. As conditioned, the mitigation trees will be protected as part of a 5-year maintenance and management agreement.

County Arborist's Recommendation on the Variance

The Subject Property is part of the Conley House/Green Ridge Historic Site and in accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection. The request was forwarded to the County Arborist as part of the eplans review process on 3/1/2022. The County Arborist has not responded with a recommendation as of the date of this report, so under Section 22A-21(c)(3) the County Arborist's recommendation is presumed to be favorable.

Variance Recommendation

Staff recommends approval of the variance request.

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

The Application received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on September 3, 2020 (Attachment E). The Application will meet stormwater management goals through the use of Environmental Site Design (“ESD”) to the Maximum Extent Practicable (“MEP”) using drywells and landscape infiltration. Therefore, the Application meets all requirements of Chapter 19.

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

The Property does not contain any known burial site as referenced in the Montgomery County Burial Sites Inventory. Therefore, this finding is satisfied.

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

Other than as provided in the conditions of approval, the Application does not have any other specific provisions necessary for approval. Therefore, this finding is not applicable.

SECTION 7: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on December 22, 2020 related to the Application. Due to COVID-19 guidelines, the meeting was conducted virtually and has complied with all submittals and noticing requirements. In addition to the required public meeting, the Applicant has conducted additional outreach. All public correspondence is included in Attachment F.

Staff received public correspondence from the adjacent HOA indicating opposition to the Applicant connecting to public water and sewer lines located on the HOA property and concerns about stormwater management. There is an existing WSSC right-of-way easement on the HOA property; therefore, the Applicant is entitled to access the HOA property for the purposes of connecting to the existing water and sewer service. With respect to stormwater management concerns, the Applicant has received approval of a combined stormwater management concept/site development stormwater management plan (Attachment E); therefore, no other action is required at this time.

The Application was originally accepted on April 6, 2021. The Applicant subsequently requested three extensions of the review period. The review periods were extended by the Planning Board on July 1, 2021, October 28, 2021, and January 27, 2022. The final approved extension established a Planning Board hearing no later than May 5, 2022.

SECTION 8: CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations in Chapter 50, Forest Conservation Law in Chapter 22A, Montgomery County Planning Department's Environmental Guidelines and the proposed use substantially conforms to the applicable recommendations of 1997 *Fairland Master Plan*. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan with the conditions provided. Therefore, Staff recommends approval of this Application, with the conditions specified above.

ATTACHMENTS

Attachment A: Statement of Justification

Attachment B: Preliminary Plan

Attachment C: Preliminary/Final Forest Conservation Plan

Attachment D: Tree Variance Request

Attachment E: Agency Approval Letters

Attachment F: Community Correspondence

ATTACHMENT A

Benning & Associates, Inc.

Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240

March 17, 2021 (Updated 02-25-2022)

Mr. Patrick Butler, Chief
Upcounty Planning Division
Montgomery County Planning Department
2425 Reddie Drive
Wheaton, MD 20902

Re: Statement of Justification for Iglesia Vida Nueva Church (MNCPPC #120210020)

Dear Mr. Butler,

This statement accompanies a Preliminary Plan Application for the subject property. The property located at 12450 Old Columbia Pike lies within the limits of the Fairland Master Plan area. The property consists of 4.10 acres of land area which is zoned RE2C.

The applicant proposes to convert the deeded parcel of land to one (1) building lot using the standard method of the RE2C zone. A new church with capacity for up to 270 persons has been planned for the site. A parking facility with 68 parking spaces is also proposed.

The property currently contains an existing barn and an outdoor gravel storage lot which are located in the northern corner of the site where the new church is planned to be built. Access to the barn and gravel lot are by way of an existing gravel driveway from Old Columbia Pike. Other than the improvements noted, the property is mostly open field and forest area. The approved Natural Resources Inventory / Forest Stand Delineation Plan depicts the existing conditions of the site.

Regarding the required findings of Chapter 50.4.2.D for approval of a Preliminary Plan, please note the following:

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 proposed lot is 3.77 acres in size after dedication of land area to Old Columbia Pike for public use. Lot size and other dimensional requirements of the RE2C zone under standard method development are all being met with this plan.

The proposed church use (religious gathering) is a permitted use in the RE2C zone. The new church building is proposed to be placed in the northern corner of the site due to topographic and environmental limitations in other areas of the site. Most of the property is encumbered by a stream buffer which limits the area available for development. A new private driveway access from Old Columbia Pike is proposed along the northern edge of the site with parking bays along both sides. The parking area terminates at the north end of the site where the building is to be located. At the north end, provisions have been made for drop-off and pick-up of visitors and accessible parking. In addition, after consultation with MNCPPC staff, placement of the building and the configuration of parking has been done to accommodate the possible/ future connection (vehicular and pedestrian) to P194 which may be developed in the future. This area of possible connection is identified on the plan with an easement to be established for the benefit of the owners of P194 for possible / future installation of vehicular and pedestrian connections.

Pedestrian circulation and connectivity are provided by the proposed plan to the greatest extent practical. An attempt was made to secure sidewalk trail connections with the existing adjacent identified as Manors of Paint Branch. However, the homeowner's association declined to permit those connections. The plan still provides internal connections, the possible/future connection to P194, and a sidewalk connection to a sidepath to be built along the site frontage.

In addition, the plan proposes an off-site improvement with existing right-of-way along Old Columbia Pike in the form of a 10-foot sidepath. This off-site sidepath will extend approximately 360 feet from the southern tip of the subject property to an existing bus stop located near Carters Grove Drive. While MNCPPC staff requested that this off-site connection be in the form of an 11-foot sidepath, the existing right-of-way width in the area of the off-site improvement is not wide enough to allow for the full width of the sidepath and lawn panel buffer. The plan proposes a 2-foot buffer strip and 10-foot sidepath for this off-site improvement. The final design of this off-site improvement is subject to change at the time of permit and final review by the Department of Permitting Services.

The plan provides parking for a 270-seat church and the parking facility had been designed to meet the dimensional requirements stated in Section 6.2 of the Zoning Ordinance. Sixty-eight (68) vehicular parking spaces are proposed including 3 accessible spaces along with an area for the parking of 7 bicycles. Requirements for landscaping, green space, and buffering for parking facilities will all be met as demonstrated on the Concept Landscape & Lighting Plan included with the application.

the preliminary plan substantially conforms to the master plan;

The property is located within the limits of the *Fairland Master Plan* as approved and adopted in 1997. The site is located within the Rolling Acres community as described in the Master Plan (pages 50-51) and is part of the Conley Farmhouse historic site which was an 8+ acre property when the Master Plan was written. The Conley tract (identified as Area 7b in the Master Plan (page 50) was rezoned from R-90/TDR to RE2C "to

provide sufficiently large lot sizes to achieve a cluster layout in keeping with the historic structure and setting”.

The Conley family sold the southern half of the 8.2 acre tract to Iglesia Vida Nueva, Inc., the current owners, in December of 2008. The historic structure is located on the northern half of the Conley tract and was retained by the family. The proposal to convert the southern portion of the Conley tract into one building lot is consistent with the intent of the Master Plan in that only one “large lot” is proposed. The proposed new church will sit significantly lower in elevation than the Conley Farmhouse and will be set to the very back of the site.

The Bicycle Master Plan adopted on December 19, 2018 recommends a bicycle “sidepath” along the west side of Old Columbia Pike. Accordingly, as noted above, an 11-foot sidepath is proposed along the site frontage and the on-site sidewalk is extended to connect to the sidepath.

public facilities will be adequate to support and service the area of the subdivision;

The subject property is located along Old Columbia Pike, an existing arterial roadway. There is an existing access into the site which will be abandoned and removed and replaced with a new point of access at the eastern corner of the site.

The property is located in sewer service category S-1 and water service category W-1 and will be served by public water and public sewer. The property has been reviewed by WSSC for water and sewer service and a Hydraulic Planning Analysis (HPA) was completed and approved in 2019. The HPA determined that sewer and water are present in an adjacent community located to the west of the site along Staley Manor Court. With short extensions of the existing main lines to the site, the proposed new church can be provided with water and sewer service. The planned extensions will be located within an existing WSSC controlled easement in accordance with a document recorded at Liber 12406 liber 514.

Water supply for fire protection is available from a WSSC fire hydrant located within close proximity to the site. In addition, to comply with Fire Code requirements, a new hydrant will be installed on-site near the new church building.

Finally, public facilities including police stations and fire houses service the area where the property is located and are adequate to meet the needs of the proposed new church.

all Forest Conservation Law, Chapter 22A requirements are satisfied;

Per Chapter 22A-4(a), the Forest Conservation Law is applicable to this subdivision project. In accordance with Chapter 22A-10(a) and 22A-10(g), a Natural Resources Inventory / Forest Stand Delineation Plan (NRI/FSD) was prepared and submitted and was ultimately approved for the property. The NRI/FSD documents that 1.94 acres of forest exists on the site.

In accordance with Chapter 22A-10(a) and 22A-10(h), a Preliminary / Final Forest Conservation Plan (FCP) is being submitted for concurrent review with the Preliminary Plan. The FCP identifies areas of forest clearing and areas of forest retention. Based

upon the amount of forest shown to be retained which includes all of the forest located within an on-site stream buffer, no reforestation is required.

A variance has been requested under separate correspondence from certain requirements of Chapter 22A-12. Specifically, removal of one specimen tree requires approval of a variance from 22A-12(b)(3)(C), and removal of other trees which are part of a historic site also requires a variance from Chapter 22A-12(b)(3)(B). The approved NRI/FSD and the proposed FCP (subject to approval of the requested variances) demonstrate that the requirements of Chapter 22A are shown to be met.

all stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied;

Stormwater management for the project is to be addressed by utilizing Environmental Site Design (ESD) practices. A stormwater management concept plan was approved for the project on September 3, 2020 (SM #28638).

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

There is no evidence of any burial site on the subject property. To the best of the applicant's knowledge and belief, no burial site has ever existed at the site.

CONCLUSION

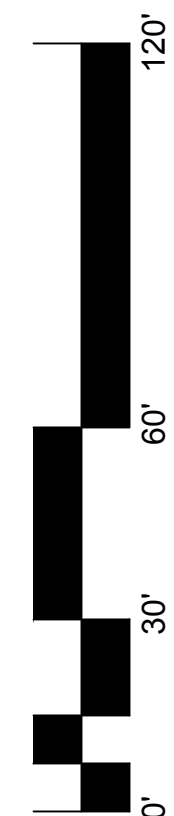
The Preliminary Plan application as presented is consistent with the requirements and recommendations of the Master Plan and is in compliance with all zoning and subdivision standards for development within the RE2C zone. Based upon the information provided, we respectfully request approval of this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'David W. McKee', with a stylized, flowing script.

David W. McKee

Scale: 1" = 30'



DEVELOPER'S CERTIFICATE

The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120210020.

Forest planning, implementation and monitoring shall be completed in accordance with the terms of the Forest Conservation Agreement.

Developer's Name: Iglesia Vida Nueva Church

Forest Company Name: Potomac Conference Corp.

Contact Person or Owner: German Pineda

First Name: German

Last Name: Pineda

Address: 13624 North Gate Drive, Silver Spring, MD 20906

Phone # and Email: (301) 873-7092 Yancipineda@gmail.com

Signature: _____

Professional Certification:

I, the undersigned, certify that I am a duly licensed landscape architect and that I am a duly licensed landscape architect.

Signature: _____

Date: 02-25-2022

Exp. Date: 10-21-2022

NOTES:

- Floodplain area shown herein is from Record
- Two-foot contour interval topography from M-NCPPC GIS map data.
- Survey conducted by Thomas A. Madison, Professional Land Surveyor.

FOREST CONSERVATION WORKSHEET

Iglesia Vida Nueva Church

NET TRACT AREA:

- Total Tract Area: 4.10
- Area of forest above conservation threshold: 1.94
- Area of forest above conservation threshold: 1.30
- Area of forest above conservation threshold: 1.09
- Area of forest above conservation threshold: 1.07
- Area of forest above conservation threshold: 0.87
- Area of forest above conservation threshold: 0.65
- Area of forest above conservation threshold: 1.29
- Area of forest above conservation threshold: 0.16
- Area of forest above conservation threshold: 0.00
- Area of forest above conservation threshold: 0.44
- Area of forest above conservation threshold: 0.00
- Area of forest above conservation threshold: 0.00
- Area of forest above conservation threshold: 0.00
- Area of forest above conservation threshold: 0.00

LAND USE CATEGORY (from Chapter 22A-3. Definitions)

Input the number "1" under the appropriate land use, limit to only one entry.

AREA MFR IDA HDR MPD CIA

0 0 1 0 0 0

0.64 0.85 15% 20%

EXISTING FOREST COVER:

1. Existing forest cover: 1.94

2. Area of forest above conservation threshold: 1.30

3. Area of forest above conservation threshold: 1.09

4. Area of forest above conservation threshold: 1.07

5. Area of forest above conservation threshold: 0.87

6. Area of forest above conservation threshold: 0.65

7. Area of forest above conservation threshold: 1.29

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LEGEND:

CANOPY COVERAGE

EXISTING BUILDINGS

EXISTING CATEGORY I CONSERVATION EASEMENT

INDEX CONTOUR (2' INTERVAL)

PROPERTY LINE (SUBJECT)

SOILS SERIES DIVIDE

STREAM

STREAM BUFFER

UTILITY POLE

100 YEAR FLOODPLAIN

PROPOSED BUILDING

SEWER LINE

WATER LINE

PROPOSED CONTOUR

BUILDING RESTRICTION LINE

LIMIT OF DISTURBANCE

CONSERVATION EASEMENT (CATEGORY I)

PROPOSED SPOT ELEVATION

MICRO-BIOTEXTURE (PLANTER BOX)

CONCRETE WALKWAYS

FOREST CLEARED

FOREST RETAINED

SIGNIFICANT / SPECIMEN TREE (24" DBH)

HISTORIC SITE TREE (2" DBH)

TREE TO BE REMOVED

SUPER SILT FENCE

STOCKPILE AREA

TREE PROTECTION FENCE & SIGNS

CONSERVATION EASEMENT MARKER

CRITICAL ROOT ZONE

CONSTRUCTION ENTRANCE

SOIL TYPE / DIVIDE LINE

ELECTRIC (Underground)

Off-Site LOD for Sidewalk

1" = 30'

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Easement to P194

Potomac Conference Corp. of

Seventh-Day Adventists

2131 E. Randolph Road

L 8364 F 104

Vehicle Connections

Addition to Net

Tract for

Off-Site Work

0.08 AC

Existing WSSC

Pick-Up / Drop-Off

12006 1010 G 14

Proposed Water Main Extension

Proposed Water Main Extension

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ATTACHMENT D

Benning & Associates, Inc.

LAND PLANNING CONSULTANTS
8933 Shady Grove Court
Gaithersburg, MD 20877
Phone: 301-948-0240
Fax: 301-948-0241
E-mail: jmaisel@benninglandplan.com

To: Mr. Doug Johnsen – MNCPPC Up-County Planning Area
From: David McKee
Date: 02-25-2022
Re: Iglesia Vida Nueva Church (MNCPPC No. 120210020)

Dear Mr. Johnsen,

In accordance with the requirements of Section 22A-21 of the County Code and on behalf of the applicant for this project, I am writing to request a variance from provisions of Chapter 22 as it applies to this project.

A variance is required to remove one specimen tree located on the subject property which is required to be retained under Section 22A-12(b)(3)(C) of the Forest Conservation Law. The specimen tree proposed to be removed is shown on the Final Forest Conservation Plan (FFCP) for the subject project.

SPECIMEN TREE CHART						
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	%CRZ IMPACTED	Status
ST-2	Quercus alba	White Oak	38.9"	Good- Moderate	100%	Remove

The subject application involves conversion of a property to a building lot so a new church can be built. Development of the site is to include construction of the church building, associate driveway and parking, and grading of the site to accommodate these features. In addition, the applicant is required to construct an 11-foot wide sidepath along the frontage of the site.

Specific impacts to specimen trees included in this variance request are as follows:

ST-2 is a 38.9" White Oak in good-moderate condition. The tree is proposed to be removed on the FFCP due to proposed impacts from the required sidepath and grading within the adjacent public utility easement. A wall was previously built very near the tree to protect the

tree from improvements to Old Columbia Pike. However, the tree sustained loss of root zone from the improvements which include a nearby storm drain. Additional grading and disturbance resulting from the required sidepath will impact 100% of the critical root zone of the tree. The tree is proposed to be removed due to these impacts.

In addition to the requirement for a variance noted above, a variance from the requirements stated in Section 22A-12(b)(3)(B) is also needed. The subject property is within the “environmental setting” of a historic resource (Conley House located at 12500 Old Columbia Pike). A Tree Variance Table is included on sheet 2 of the proposed Forest Conservation Plan. This table identifies 133 trees which will be impacted by the planned development in addition to specimen tree ST-2. These 133 trees range in size from 2” to 19” in caliper (DBH) with most less than 10” in diameter.

Of the 134 trees identified in the variance table (including ST-2), 108 are proposed to be removed. The other 26 trees are impacted but will be retained with appropriate tree protection and stress reduction measures. A great majority of the variance table trees are Bradford Pear, a non-native invasive species.

Requirements for Justification of Variance:

Section 22A-21(b) *Application requirements* states the applicant must:

1. Describe the special conditions peculiar to the property which would cause unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of granting of the variance; and
4. Provide any other information appropriate to support the request.

There are special conditions peculiar to the property which would cause unwarranted hardships should the variances not be approved. The applicant is required to construct a bikepath in a location which will be near specimen tree ST-2. In addition, the retaining wall previously built to protect the tree will be located within a new public-utility-easement to be provided by the applicant. The wall will most likely need to be removed to make the PUE “free and clear” of any obstructions. In addition, the PUE must be graded at a maximum slope of 4:1 per County requirements. These circumstances are beyond the control of the applicant. If the variance to remove a specimen tree was denied, the applicant would be precluded from developing the subject property and providing the public improvements and public easement required in the area adjacent to Old Columbia Pike.

Regarding the variance requested to remove any tree which is located on a historic site, the circumstances of the property leave the applicant with no other option other than what is proposed for the development. The property new building lot is 3.77 acres in size. Of this, 2.15 acres (57%) is to be placed into a category one conservation area for protection of an on-site stream. The site contain 1.94 acres of forest and 1.29 acres will be retained within the conservation area. Most of the 133 historic site variance trees are located outside of the stream buffer in the developable area of the property. If the variance was not approved, the

site could not be developed for religious assembly which is a permitted use in the RE2C zone.

Should this variance not be approved, the property owner would be deprived of rights commonly enjoyed by others in similar circumstances. The property has been carefully planned to provide for a permitted use including access, utilities, and stormwater management. Other property owners with land in this zone have been allowed to impact certain trees in order to develop their properties for a permitted use.

The granting of a variance to remove trees will not result in a violation of State water quality standards or any measurable degradation in water quality. The majority of this site is to be placed within a category one conservation easement for stream valley buffer protection. In addition, tree planting is proposed to occur within the open area of the conservation easement to mitigate for the removal of variance trees. Finally, on-site stormwater management measures will be provided using environmental site design techniques as identified on the approved stormwater management plan for the project.

In addition to the above, Section 22A-21(d) indicates that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

This request for a variance will not confer a special privilege that would be denied to other applicants. Approval of the requested variance will allow the property owner to develop the property in a manner appropriate for the zone including allowable uses.

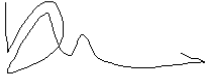
This variance request is not based on conditions and circumstances which are the result of actions by the applicant. The applicant has not taken any actions other than to propose development of the site for a permitted use.

The request for a variance does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality. As noted above, the majority of the site will be placed into easement for environmental protection, mitigation planting will occur within the stream valley buffer, and environmental site design techniques will be employed for on-site stormwater management.

For the above reasons, we respectfully request approval of this request for a variance from provisions of Section 22A-21 of the Montgomery County Code. If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'David McKee', with a stylized, flowing script.

David McKee

ATTACHMENT E



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher Conklin
Director

April 13, 2022

Mr. Phillip Estes, Planner III
Up-County Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Drive
Wheaton, Maryland 20902

RE: Preliminary Plan No. 120210020
Iglesia Vida Nueva Church

Dear Mr. Estes:

We have completed our review of the revised administrative plan uploaded to Eplans on February 28, 2022. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on April 27, 2021. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

Significant Plan Review Comments

1. The applicant will be required to construct an 11'-wide, asphalt path along the site frontage of Old Columbia Pike and continue the path offsite at a 10'-width to the existing RideOn bus stop at the corner of Old Columbia Pike and Carters Grove Drive.
2. The storm drain study was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan. However, prior to the right-of-way permit, the applicant will be required to relocate the existing inlet at the proposed entrance southwest in order to accommodate the proposed driveway apron.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Standard Plan Review Comments

3. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.
4. Relocation of utilities along Old Columbia Pike to accommodate the required driveway installation shall be the responsibility of the applicant.
5. Trees in the County rights-of-way – spacing and species are to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
6. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
 - A. Curb, gutter, storm drain, asphalt path and street trees along Old Columbia Pike.
 - B. Permanent monuments and property line markers, as required by Section 50.4.3(G) of the Subdivision Regulations.
 - C. Erosion and sediment control measures as required by Chapter 19 and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Thank you for the opportunity to review this administrative plan. If you have any questions or comments regarding this letter, please contact me at william.whelan@montgomerycountymd.gov or (240) 777-2173.

Sincerely,

William Whelan

William Whelan
Development Review Team
Office of Transportation Policy

Mr. Phillip Estes
Preliminary Plan No. 120210020
April 13, 2022
Page 3

Enclosures (1)

Sight Distances

Sharepoint/transportation/director's office/development review/WhelanW/120210020 Iglesia Vida Nueva Church - MCDOT Review Letter 041322.docx

cc: Sharepoint Correspondence Folder FY2022

cc-e:	David McKee	Benning & Associates
	Sam Farhadi	MCDPS RWPR
	Marie LaBaw	MCFRS
	Wayne Miller	MCDOT DTS



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

September 3, 2020

Benning & Associates, Inc.
Mr. David McKee, RLA
8933 Shady Grove Court
Gaithersburg, MD 20877

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
12405 Old Columbia Pike
Iglesia Vida Nueva Church
PP # 120210020
SM File #: 286328
Tract Size/Zone: 3.83 ac/RE-2C
Total Concept Area: 3.83 ac
Parcel P355 to be subdivided into a lot
Watershed/Class: Paint Branch/III

Dear Mr. McKee:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via micro-bioretenention and permeable paving.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. All facilities must be designed using latest available MCDPS guidance documents.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permitting-services

Mr. David McKee
September 3, 2020
Page 2 of 2

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mary Fertig at 240-777-6340 or at mary.fertig@montgomerycountymd.gov.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: MMF

cc: N. Braunstein
SM File # 286328

ESD: Required/Provided 3,392 cf / 3,397 cf
PE: Target/Achieved: 1.2"/1.2"
STRUCTURAL: n/a
WAIVED: n/a

ATTACHMENT F



Department of Permitting Services Fire Department Access and Water Supply Comments

DATE: 15-Mar-22
TO: David McKee
Benning and Associates
FROM: Marie LaBaw
RE: Iglesia Vida Nueva Church
120210020

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **14-Mar-22**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Benning & Associates, Inc.

8933 Shady Grove Court
Gaithersburg, MD 20877
Phone: 301-948-0240
Fax: 301-948-0241
dmckee@benninglandplan.com

To: S. Marie LaBaw, PhD PE - MCDPS / Fire Code Enforcement Office

Date: December 2, 2021

Re: Iglesia Vida Nueva Church - MNCPPC #120210020

Dear Ms. LaBaw:

Attached herewith is the proposed Fire Department Apparatus Access Plan for your review. Your comments provided earlier in Eplans for this Preliminary Plan application have been addressed.

This project proposes a small church with an associated parking area. The plan was recently revised to address comments from MNCPPC. The attached plan identifies a fire department access lane and a fire department compliant turnaround area near the new building. For water supply, a new WSSC water line is to be extended into the site. The plan identifies the locations of a Fire Department Connection (FDC) and a new on-site fire hydrant.

To address your specific comments on an earlier version of the plan, please note the following:

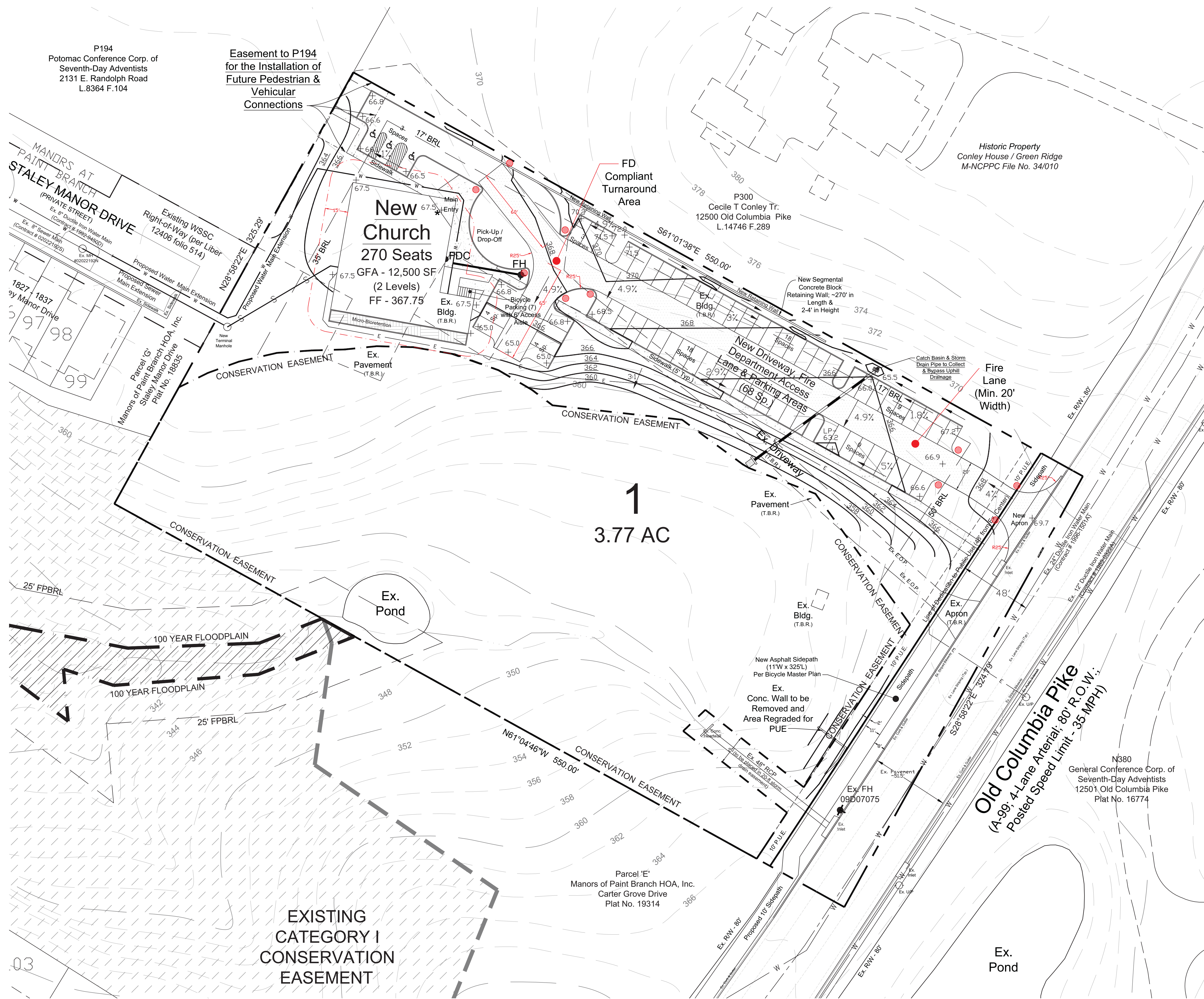
- The main entrance to the building has been identified on the plan.
- The micro-bioretenction area shown on the plan for stormwater management will be designed flush to the ground in order to not interfere with access around the building. The area will contain herbaceous landscape materials and shrubs.

Please contact us with any questions or if any additional information is needed to complete your review of this matter.

Sincerely,



David W. McKee

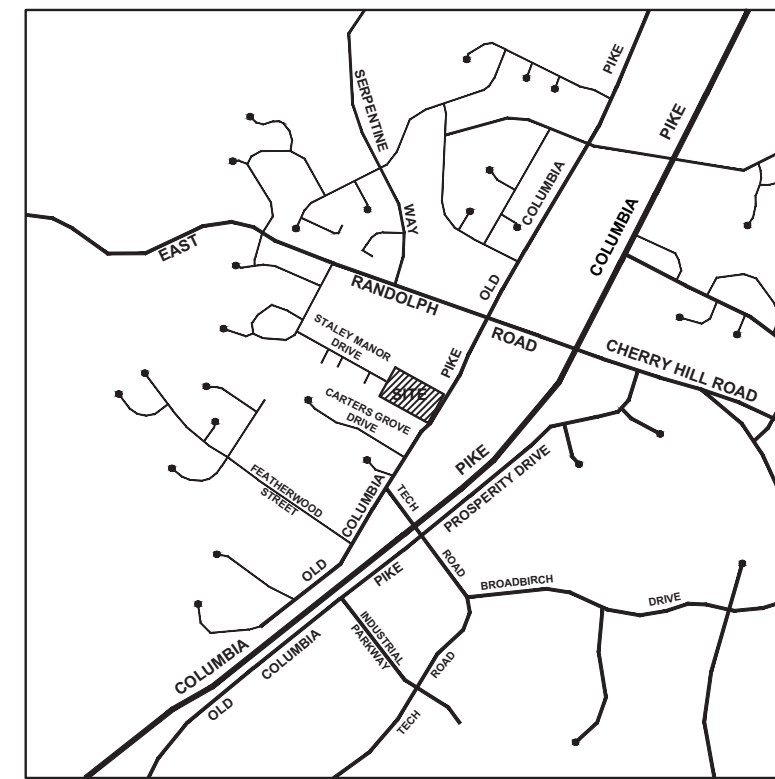


LEGEND:	
EXISTING BUILDING	
EXISTING CATEGORY I CONSERVATION EASEMENT	
EX. CONTOUR (2' INTERVAL)	
PROPERTY LINE (SUBJECT)	
STREAM	
UTILITY POLE	
100 YEAR FLOODPLAIN	
PROPOSED BUILDING	
SEWER LINE	
WATER LINE	
PROPOSED CONTOUR	
BUILDING RESTRICTION LINE	
CONSERVATION EASEMENT (CATEGORY I)	
PROPOSED SPOT ELEVATION	
MICRO-BIORETENTION (PLANTER BOX)	
CONCRETE WALKWAYS	
FIRE LANE (20')	
FIRE LANE SIGN	
FIRE HYDRANT	
FIRE DEPARTMENT CONNECTION	
ELECTRIC (Underground)	
MAIN SIDE-HINGE DOOR	



FIRE LANE SIGNS

VICINITY MAP
SCALE: 1" = 2,000'



NOTES:
1. Floodplain area shown hereon is from Record Plat # 19314.
2. Two-foot contour-interval topography from M-NCPPC GIS map data.
3. Property boundary from a survey conducted by Thomas A. Maddox, Professional Land Surveyor.

NOTES:
1. AREA OF PROPERTY - 4.1 AC
2. AREA TO BE DEDICATED TO PUBLIC USE - 0.3 AC
3. EXISTING ZONING: RE-2C
4. METHOD OF DEVELOPMENT - STANDARD
5. NO. OF LOTS PROPOSED - 1
6. PROPOSED USE - RELIGIOUS ASSEMBLY
7. LOT TO BE SERVED BY PUBLIC WATER & PUBLIC SEWER.
8. EXISTING WATER SERVICE CATEGORY IS W-1; EXISTING SEWER SERVICE CATEGORY IS S-1.
9. LOCATED IN PAINT BRANCH WATERSHED (CLASS III; not an SPA).

Professional Certification:
I hereby certify that this Fire Department Apparatus Access Plan has been prepared in accordance with the requirements of Executive Regulation 8-16 (Fire Department Apparatus Access and Water Supply) to the best of my knowledge and belief.
Signature: Date: 02-25-2022

FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based only upon information contained on this plan. Does not cover unsatisfactory layout, resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
BY: PM: 43 DATE: 3/11/2022

FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY NOTES:

- The purpose of this plan is to address requirements of Executive Regulation 8-16 (Fire Department Apparatus Access and Water Supply) as appropriate for the subject property and proposed use.
- The proposed use at this site is a Religious Assembly.
- The property is accessed by way of Old Columbia Pike which has a posted speed limit of 35 mph.
- The property will be served by the WSSC public water system and a new on-site fire hydrant is proposed to be installed for fire protection.
- Fire Department access to the site is provided by a new commercial driveway (minimum width of 20 feet) with "No Parking" signs to be installed along both sides of the Fire Lane.
- Refer to "Fire Lane Sign Requirements Information Packet for Private Streets" by Montgomery County Fire & Rescue, May 2008 (edited July 8, 2014) for sign installation requirements.
- Maximum distance from on-site fire hydrant to FDC is 100'.
- Maximum distance from FDC to main side-hinge door is 50'.

Prepared for:
Iglesia Vida Nueva, Inc.
c/o Pastor German Pineda
13624 North Gate Drive
Silver Spring, MD 20906-2211
(301)873-7092

Revisions
Rev. 02-25-2022

date: 03/17/2021
scale: 1" = 30'

Benning & Associates, Inc.
1800 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240

B&A

FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY PLAN
Iglesia Vida Nueva Church
12450 Old Columbia Pike
Montgomery County, Maryland

WSSC GRID 218NE02
TAX MAP KQ123
M-NCPPC FILE NO.
120210020
SHEET 1 OF 1

Benning & Associates, Inc.

Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, Md 20877

Sent via email: dmckee@benninglandplan.com

Mr. David W McKee,

A member of our Willows Run Homeowner Association recently received a communication informing us of a "Pre-Submission Meeting" scheduled for this past December 22 regarding plans for the Iglesia Vida Nueva Church and Benning & Associates, Inc. to connect a proposed sewer line up to the western boundary of the property for access to the existing sewer main near Staley Manor Drive. We received your notice after December 22. We are not aware of any new project being considered that would require our homeowner association to resume dialog with the church and its builders regarding connecting their proposed sewer line to any part of the sewer system serving the residents of Willows Run.

As all parties should be aware, we have had several meetings with the church, its previous builders and the WSSC while at the same time attempting to gather data to ascertain long term effects such a project would have on our community.

As such, we would like to remind the all parties that the Willows Run community has previously, through the voting process, disapproved with written notification this proposed connection to any part of the existing sewer system that serves the Willows Run homeowner community.

We wish the church well in its pursuit of other sewer connection options in the future.

If there are any questions regarding our community's decision in the matter, please contact David Lockett, President, Willows Run Homeowners Association at your earliest convenience. His contact information is shown below.

Mr. David Lockett
1618 Angelwing Drive
Silver Spring, Md 20904
240-216-4965

Respectfully,

The Willows Run Homeowners Association

cc: Craig Chung, The Management Group Associates, Inc.

From: dluckett@utcllc.com,

To: sandra.pereira@montgomeryplanning.org,

Cc: CChung@tmgainc.com, ghmagnum@verizon.net, farhad99@verizon.net, veary@outlook.com, mimifikre@gmail.com, tojohnp@aol.com, jrliebenguth@yahoo.com, oladoib@yahoo.com, aderonke07@aol.com,

Subject: Proposed plans for Iglesia Vida Nueve Church Sewer Connection Project

Date: Wed, Jan 6, 2021 2:54 pm

Attachments: Iglesia Vida Nueve Church-Sewer Project 12-29-2020.docx (14K),

Good afternoon Ms. Pereira,

My name is David Luckett, President of the Manor of Paint Branch HOA association. Our board and community residents are concerned about the project being proposed by the Iglesia Vida Nueve Church in where access and connection to our private easement and sewer system is again being discussed. A member of our board received notification of a meeting to discuss this project on December 22, 2020 which was after the date of the meeting. I have attached a letter/email we issued to the current builder indicating the community's overwhelming disapproval of such a connection with the results of the community's decision forwarded to both the church and Warder & Associates, the builder they hired at that time.

I would like to have a discussion with you to further understand where things stand at this moment.

Respectfully,

David Luckett

240-216-4965

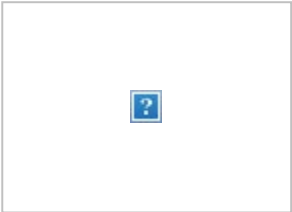
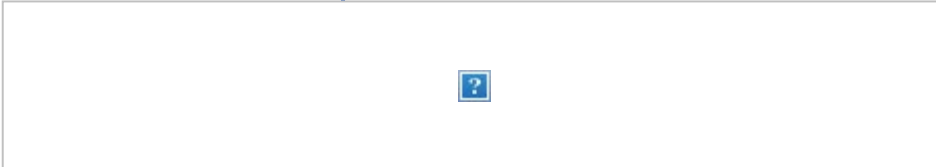
From: [Gonzalez, Angelica](#)
To: [Nicole A. Williams](#)
Cc: [041387_000001 _ MANORS OF PAINT BRANCH HOA_GENERAL _ General Email](#)
Subject: RE: Iglesia Vida Nueva Church / Manors of Paint Branch
Date: Tuesday, July 27, 2021 12:29:00 PM
Attachments: [image004.png](#)
[image006.png](#)
[image008.png](#)
[image010.png](#)
[image012.png](#)
[image013.jpg](#)
[image014.jpg](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.jpg](#)

Good Afternoon Ms. Williams,

Thank you for your email. I will include the documents as part of the application records. If the HOA board is interested in meeting with staff in the future, please let me know so I can coordinate this.

Should you have any additional questions, do not hesitate to contact me.

Thank you,
Angelica

	<p>Angelica P. Gonzalez Planner Coordinator Upcounty Division Angelica.Gonzalez@montgomeryplanning.org 301.495.4583</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
	

From: Nicole A. Williams <NWilliams@reesbroome.com>
Sent: Monday, July 26, 2021 5:29 PM
To: Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org>
Cc: 041387_000001 _ MANORS OF PAINT BRANCH HOA_GENERAL _ General Email
<{F1110997}.RBIMANAGE@40b51.imatege.work>
Subject: RE: Iglesia Vida Nueva Church / Manors of Paint Branch

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good Afternoon Angelica,

I really appreciate you getting back to me the three documents that my client wishes to make sure is part of the record are the following:

1. Craig Chung's Email to Jerry Warder (2019 church representative) informing him of community/board's rejection of the church's request for permission to connect to our sewer systems – Dated July 15, 2019
2. David Lockett's letter/email to D. McKee (2020 church representative) after receiving a late notice about the December 2020 meeting. The letter/email reiterated our community's rejection of the church's request – Dated December 29, 2020
3. David Lockett's email to Sandra Pereira (Regulatory Review Supervisor at Montgomery Planning) informing her of our community's rejection of the church's request. Letter to D. McKee (item #4 above) was attached to this email – Dated January 6, 2021

The referenced letters/emails are attached. Yes, please list us as a person of record for purposes of notices regarding any upcoming hearings.

I will let my client know about the tentative November hearing date. If the HOA Board wishes to schedule a meeting with you regarding its concerns with this project is that a possibility.

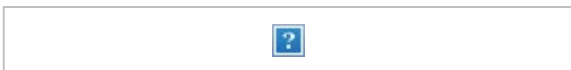
Sincerely,
Nicole Williams

Nicole Williams, ESQ. | Rees Broome, PC

Attorney

7101 Wisconsin Ave, Suite 1201 | Bethesda, Maryland 20814

☎ 301.222.0152 | 📠 240.802.2109



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This email constitutes an attempt to collect a debt. Any information obtained may be used for that purpose.

From: Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org>

Sent: Wednesday, July 21, 2021 11:10 AM

To: Nicole A. Williams <NWilliams@reesbroome.com>

Cc: 041387_000001 _ MANORS OF PAINT BRANCH HOA_GENERAL _ General Email
<{F1110997}.RBIMANAGE@40b51.imatege.work>

Subject: RE: Iglesia Vida Nueva Church / Manors of Paint Branch

Good Morning Ms. Williams,

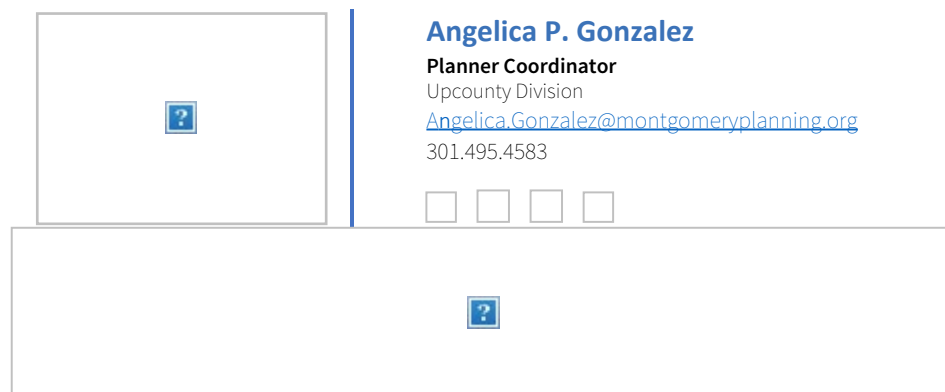
Thank you for your email. I have been assigned as the lead reviewer for Iglesia Vida Nueva preliminary plan. The Application is tentatively scheduled for a public hearing on November 5th.

I do not have a copy of the letter provided in 2019. Could you please send me a copy of the letter so it is in our records? Also moving forward, I will make sure to include you as a person of record to receive notices for the public hearing for the preliminary plan application.

Should you have any additional questions, do not hesitate to contact me.

Best Regards,

Angelica



From: Nicole A. Williams <NWilliams@reesbroome.com>

Sent: Friday, July 16, 2021 10:25 AM

To: Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org>

Cc: 041387_000001 _ MANORS OF PAINT BRANCH HOA_GENERAL _ General Email
<{F1110997}.RBIMANAGE@40b51.imatech.work>

Subject: Iglesia Vida Nueva Church / Manors of Paint Branch

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good Morning Ms. Gonzalez,

My firm represents Manors of Paint Branch Homeowners Association which is an adjacent property to the Iglesia Vida Nueva Church. We understand that the Church has submitted plans to the Montgomery County Planning Department for construction on the land that it owns. The preliminary plan number is 120210020. First we would like to know who is the lead reviewer for the planning department regarding this matter?

Second, there was a community meeting that the property owner and developer held in 2019 with the

community as required pursuant to the County regulations. Our client is stating that at that time they submitted a letter to the developer regarding their concerns with the project. We would like to know if that 2019 letter from the homeowners association was ever placed in the record of this case that was present to the planning board. We see that the preliminary site plan was accepted on April 6th. I am assuming that this was simply an acceptance of the plan by staff and it has not been approved yet by the planning board. If I am in correct in that, please let me know. My client would like to know the date of when the planning board will approve the preliminary site plan and to make sure that it is listed as a person of record to receive notices of upcoming hearing dates.

Any assistance you can provide is greatly appreciated.

Sincerely,
Nicole Williams

Nicole Williams, ESQ. | Rees Broome, PC

Attorney

7101 Wisconsin Ave, Suite 1201 | Bethesda, Maryland 20814

☎ 301.222.0152 | 📠 240.802.2109



This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by the attorney-client privilege. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying of the this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify Rees Broome, PC by telephone at (703) 790-1911. You will be reimbursed for reasonable costs incurred in notifying us.

This email constitutes an attempt to collect a debt. Any information obtained may be used for that purpose.

From: [Nelson, Katherine](#)
To: [Pereira, Sandra](#); dluckett@utcllc.com
Cc: CChung@tmgainc.com; ghmagnus@verizon.net; farhad99@verizon.net; veary@outlook.com; mimifikre@gmail.com; 'John'<tojohnp@aol.com>; jrliebenguth@yahoo.com; oladoib@yahoo.com; aderonke07@aol.com
Subject: RE: Proposed plans for Iglesia Vida Nueve Church Sewer Connection Project
Date: Thursday, January 7, 2021 1:01:24 PM
Attachments: [image001.gif](#)
[image007.png](#)
[image009.png](#)
[image011.png](#)
[image013.png](#)
[image016.png](#)
[image017.png](#)
[image018.jpg](#)
[image002.jpg](#)
[image004.png](#)
[image006.png](#)
[image008.png](#)
[image010.png](#)
[image012.png](#)
[image014.jpg](#)

Mr. Luckett,

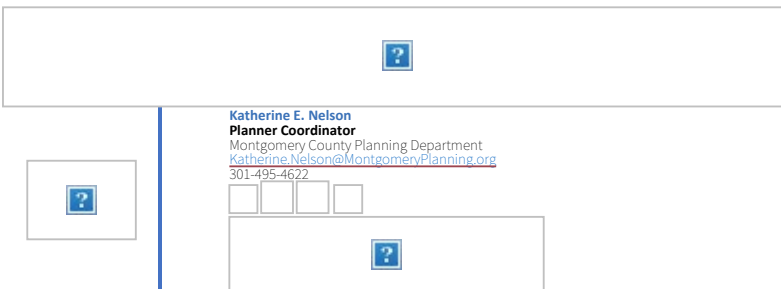
The church property is within the sewer envelope and has the sewer category that will allow a sewer connection.

The community's plat (see below) grants WSSC the right to the system within their private street. This may include the ability to further extend the system to other properties.

Regarding the process, when our Department received a plan, we distribute it for comment to all affected agencies. Comments received from these agencies must be addressed prior to allowing the plan to reviewed in a public hearing. We will look forward to receiving WSSC's comments on this proposed plan.

Normally WSSC decides how a connection should be made. I see that there are sewer lines in a number of locations near the church property.

Katherine



From: Pereira, Sandra <sandra.pereira@montgomeryplanning.org>

Sent: Wednesday, January 6, 2021 5:05 PM

To: dluckett@utcllc.com

Cc: CChung@tmgainc.com; ghmagnus@verizon.net; farhad99@verizon.net; veary@outlook.com; mimifikre@gmail.com; 'John' <tojohnp@aol.com>; jrliebenguth@yahoo.com; oladoib@yahoo.com; aderonke07@aol.com; Nelson, Katherine <katherine.nelson@montgomeryplanning.org>

Subject: RE: Proposed plans for Iglesia Vida Nueve Church Sewer Connection Project

Good afternoon Mr. Luckett,

Thank you for reaching out last week and for the follow-up today. Katherine Nelson on our team (copied) will follow-up shortly on the concerns raised. Please stay tuned. It appears that a Preliminary Plan Application was created for this project in our system (Preliminary Plan no. 120210020), and is in the "initial applicant upload" stage. Once the application is accepted by the Intake and Regulatory Coordination Division, the application will be sent to our team for distribution and review.

Sincerely,

Sandra



Sandra Pereira, RLA

Upcounty Planning Division Regulatory Supervisor

Montgomery County Planning Department

2425 Reedy Drive, Wheaton, MD 20902

sandra.pereira@montgomeryplanning.org

direct: 301-495-2186 | main: 301-495-4645



From: dluckett@utcllc.com <dluckett@utcllc.com>

Sent: Wednesday, January 6, 2021 2:55 PM

To: Pereira, Sandra <sandra.pereira@montgomeryplanning.org>

Cc: CChung@tmgainc.com; ghmagnus@verizon.net; farhad99@verizon.net; veary@outlook.com; mimifikre@gmail.com; 'John' <tojohnp@aol.com>; jrliebenguth@yahoo.com; oladoib@yahoo.com; aderonke07@aol.com

Subject: Proposed plans for Iglesia Vida Nueve Church Sewer Connection Project

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good afternoon Ms. Pereira,

My name is David Lockett, President of the Manor of Paint Branch HOA association. Our board and community residents are concerned about the project being proposed by the Iglesia Vida Nueve Church in where access and connection to our private easement and sewer system is again being discussed. A member of our board received notification of a meeting to discuss this project on December 22, 2020 which was after the date of the meeting. I have attached a letter/email we issued to the current builder indicating the community's overwhelming disapproval of such a connection with the results of the community's decision forwarded to both the church and Warder & Associates, the builder they hired at that time.

I would like to have a discussion with you to further understand where things stand at this moment.

Respectfully,
David Lockett
240-216-4965