

2811 14TH STREET NE GOSPEL HALL, INC. CHURCH

**PRELIMINARY PLAN NO. 120250050 &
FINAL FOREST CONSERVATION PLAN NO. F20250170**

Description

Request to create one (1) lot for an existing detached dwelling unit, one (1) lot for an existing telecommunications tower and a new 10,549 SF religious assembly building, and one (1) parcel for parkland dedication.

COMPLETED: 5/23/2025

PLANNING BOARD HEARING DATE: 6/5/2025

MCPB ITEM NO. 10

Planning Staff

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LOCATION/ADDRESS

211 Ednor Road

MASTER PLAN

1997 *Cloverly Master Plan*

ZONE

Residential Estate-2 (RE-2)

PROPERTY SIZE

15 acres

APPLICANT

Walter Bowie

ACCEPTANCE DATE

October 30, 2024

REVIEW BASIS

Chapters 22A, 50, and 59

Summary:

- Staff recommends approval of Preliminary Plan No. 120250050 and Final Forest Conservation Plan No. F20250170, with conditions.
- The Application will create one (1) 2.0-acre lot for an existing detached dwelling unit, and one (1) 7.9-acre lot for a new 10,549 square foot religious assembly building and an existing telecommunications tower.
- The Applicant will convey to M-NCPPC a 4.86-acre parcel for use as public parkland with a natural surface trail.
- The Applicant will grade the Site's frontage on Ednor Road to accommodate a future ten (10)-foot-wide sidepath, and make a fee-in-lieu of construction of the sidepath to MCDPS before the issuance of the right-of-way permit.
- The existing telecommunications tower will remain in place and operational as approved by Special Exception No. S-2432.
- The Application meets the applicable requirements under Section 50-4.3.C.1.b for flag lots.
- To date, no community correspondence has been received.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120250050

Staff recommends approval, with conditions, of Preliminary Plan No. 120250050 to create one (1) 2.0-acre lot for an existing detached dwelling unit, one (1) 7.9-acre lot for a new 10,549 SF religious assembly building and an existing telecommunications tower, and one (1) 4.86-acre parcel for parkland dedication. All site development elements shown on the latest electronic version of Preliminary Plan No. 120250050, 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 APPROVAL

1. This Preliminary Plan is limited to one (1) 2.0-acre lot for an existing detached dwelling unit, one (1) 7.9-acre lot for a new 10,549 square foot religious assembly building and an existing telecommunications tower, and one (1) 4.86-acre parcel.¹

ADEQUATE PUBLIC FACILITIES

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 Montgomery County Code 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 before 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 January 28, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Water Resources Section in its stormwater management concept letter dated January 14, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated April 18, 2025 and updated as noted on May 20, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

TRANSPORTATION

Frontage Improvements

8. Along the Subject Property frontage of Ednor Road, the Applicant must provide the following dedications, public utility easements ("PUE"), public improvements easements ("PIE"), and public access easements ("PAE"), and show them on the record plat:
 - a) All land necessary to accommodate forty (40) feet of right-of-way dedication from the existing pavement centerline to the Property line.
 - b) An eight (8)-foot-wide PIE/PAE for future sidepath to be constructed by others.
 - c) An eighteen (18)-foot-wide public utility easement ("PUE").
9. Prior to record plat approval and as shown on the certified preliminary plan, the Applicant must satisfy all the requirements from MCDOT to ensure that the final grading along the property frontage of Ednor Road is sufficient for a 10-foot-wide sidepath to be constructed in the future by others.
10. Prior to issuance of the use and occupancy permit for the church (excluding core and shell occupancy) and as shown on the certified preliminary plan, the Applicant must complete the final grading for the ten (10) foot-wide sidepath along the property frontage of Ednor Road.
11. The Applicant must pay the cost to construct a ten (10) foot-wide sidepath, per the Bicycle Master Plan, along their Ednor Road site frontage. Prior to certified preliminary plan approval, the Applicant must obtain an approved engineer cost estimate that includes a contingency for the sidepath and all related improvements (as determined by MCDOT), based on the latest version of the LATR Cost Estimation Tool. This estimate must receive approval from MCDOT and Planning Staff. Before the issuance of the right-of-way permit, the Applicant must make

the fee-in-lieu of construction payment to MCDPS. The payment will be inflated based on the Federal Highway Administration's National Highway Construction Cost Index from the mailing date of the Planning Board Resolution to the date of payment.

12. Prior to record plat approval and as shown on the certified preliminary plan, the Applicant must satisfy all the requirements from MCDOT to ensure the final grading and pavement along the Site's frontage of Ednor Road is sufficient for a six (6)-foot-wide shoulder.
13. Prior to issuance of the use and occupancy permit for the church (excluding core and shell occupancy) and as shown on the certified preliminary plan, the Applicant must complete final grading and pavement for a six (6)-foot-wide shoulder along the Site's frontage of Ednor Road.
14. Prior to issuance of the use and occupancy permit for the church (excluding core and shell occupancy), the Applicant must install a mid-block, high-visibility crosswalk that will connect the future sidepath to the existing sidewalk opposite the Site's frontage on Ednor Road. The Applicant must receive approval from MCDOT, Planning, and Parks Staff for the location of the high-visibility crosswalk.

SURETY

15. Before issuance of any building permit or sediment control permit, whichever comes first, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond or other form of surety, with the following provisions.
 - a) A cost estimate of the materials and facilities, which, upon Planning Staff approval, will establish the surety amount.
 - b) The cost estimate must include only elements associated with the Landscape and Lighting Plan.
 - c) Completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
 - d) The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement, including all relevant conditions.
16. Before issuance of the use and occupancy permit for the church (excluding shell and core occupancy), the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan.

RECORD PLATS

17. There must be no clearing or grading of the site before recordation of plat(s).
18. The record plat must show necessary easements and minimum building restriction lines (BRL).
19. The record plat must reflect common ingress/egress easements over all shared driveways and the locations for utility easements.
20. 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.

PARKLAND DEDICATION

21. The Applicant must dedicate to the Maryland-National Capital Park & Planning Commission (“M-NCPPC”) the 4.86-acre portion of the Subject Property identified as “Parcel A” on the approved Preliminary Plan for use as parkland.
22. The land must be dedicated through notation on the plat and by conveyance at the time of record plat in a form of no consideration deed approved by the M-NCPPC’s Office of General Counsel. The deed of conveyance must be executed by the Applicant and delivered to Montgomery Parks before the recordation of the plat. Montgomery Parks will hold the deed of conveyance in escrow until all other relevant conditions of approval and any conditions of the Park Construction Permit have been completed, at which time Montgomery Parks will formally accept the conveyance and record the deed. At the time of formal acceptance of the dedication, the land to be dedicated must be free of trash and unnatural debris. The Applicant must not grant any new easements over the parkland without permission from Parks Staff and must extinguish any unneeded easements prior to dedication.
23. Any activity or work on existing parkland or the land to be dedicated for parkland requires an approved Park Construction Permit and is subject to the full Park Construction Permit process as directed by Montgomery Parks staff, including, but not limited to, the construction of the sewer connection within the future parkland. To minimize impacts to the existing natural resources, Parks will require alternative construction methods and mitigation, including replanting, habitat enhancement, and stream restoration and stabilization as part of the Permit for the sewer connection.

LANDSCAPE AND LIGHTING PLANS

24. Before issuance of a building permit for the religious assembly facility, a landscape, and lighting plan must be submitted to and approved by Staff that includes the following elements at a minimum: street trees, parking lot lighting and perimeter trees, and shade and ornamental tree plantings for Lot No. 1 and Lot No. 2.

CERTIFIED PRELIMINARY PLAN

25. The certified Preliminary Plan must contain the following notes:

- a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
- 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.*
- c) *Any work on parkland conveyance property or existing parkland property requires an approved Park Construction Permit.*
- d) *The Applicant must complete replanting, habitat enhancement, and stream restoration and stabilization as required by an approved Parks Construction Permit for the sewer connection.*

26. Before 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 approved Fire Department Access Plan.
- c) Update the label of the parcel for conveyance to M-NCPPC as “Parcel A” or other label name as advised by staff.

FINAL FOREST CONSERVATION PLAN F20250170

Staff recommends approval of Final Forest Conservation Plan No. F20250170 (“FFCP”). All site development elements shown on the latest electronic version of the Final Forest Conservation Plan No. F20250170, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions²:

1. 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.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
4. Before the start of any demolition, clearing, grading, or construction, whichever comes first, for the development shown on the accompanying Preliminary Plan No. 120250050 (the “Accompanying Plan”), the Applicant must:
 - a) 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. At time of dedication of 4.86 acres of Parkland Conveyance Parcel as shown on the FFCP to Montgomery County Department of Parks (“Parks”), the Category I Conservation Easement will be automatically extinguished by its express terms, without the necessity for further action by the Applicant, and the dedicated Parkland Conveyance Parcel will thereafter be maintained by Parks as a conservation area.
 - b) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the 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 FFCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff. All proposed measures should be chosen

² For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

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 wherever practical.

- d) Submit a cost estimate for the reforestation/afforestation and other FFCP requirements, which includes but is not limited to trees and shrubs, variance mitigation trees, five years of maintenance including invasive species management controls, permanent easement posts and signage, natural surface trails, split rail fencing, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the FFCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.
 - e) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the 2.78 acres of new forest planting, variance mitigation trees, and maintenance, including invasive species management controls, credited toward meeting the requirements of the FFCP.
- 5. 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 2.78 acres of afforestation plantings as shown on the approved FFCP.
 - 6. 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 on the Subject Property as shown on the approved FFCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches, totaling 68.5 caliper inches, as shown on the approved FFCP. Adjustments to the planting locations of these trees are permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

SECTION 2: SITE DESCRIPTION

VICINITY AND ZONING

The Property is located at 211 Ednor Road, approximately 900 feet southwest of Old Orchard Road in the Residential Wedge district and Old Orchard Road neighborhood of the 1997 *Cloverly Master Plan* (“Master Plan”). The Property is zoned Residential Estate-2 (RE-2) (“Subject Property” or “Property”) (Figure 1).

Land to the north is zoned RE-2 and Rural Neighborhood Cluster (RNC) and is developed with low-density single-family detached houses and Woodlawn Manor Cultural Park. Land to the east is zoned RE-2 and is developed with a plant nursery and landscaping contractors. Land to the south is zoned RE-2 and is developed with low-density single-family detached houses. Land to the west is zoned RE-2 and is developed with a single-family detached house and M-NCPPC parkland. (Figure 1 and Figure 2).



Figure 1 - Vicinity map

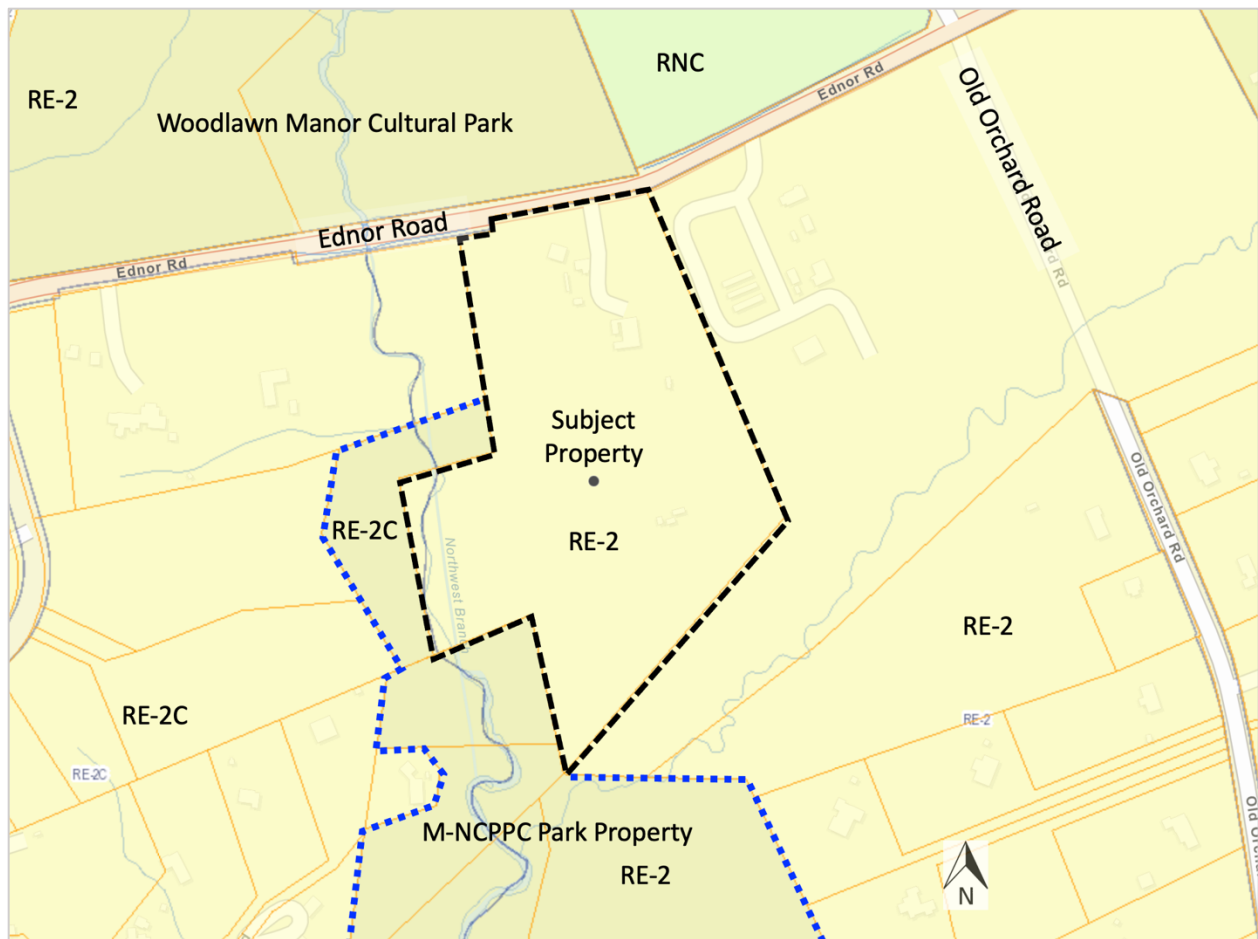


Figure 2 - Zoning map

PROPERTY DESCRIPTION

The Property consists of an un-platted parcel (P542) of 15.0 gross acres with approximately 444 feet of frontage along Ednor Road. The Property is currently developed with a single-family detached house (to remain), a barn (to be removed), and a 150-foot-tall telecommunications tower (to remain) (Figure 3). Access to the Property is via one driveway from Ednor Road.

The Property has no forest stand on site. On the westerly portion of the Property, there is an intermittent perennial stream with approximately 129 square feet of wetlands, approximately 3.85 acres of 100-year flood plain, and approximately 3.85 acres of stream valley buffers. Elsewhere on the Property there are slopes 25 percent or greater with a limited area of highly erodible soils.

There are no known rare, threatened or endangered species; or other sensitive environmental features on site. The Property is not located within an environmental Special Protection Area. No historic resources or burial sites are known to exist on the Property.

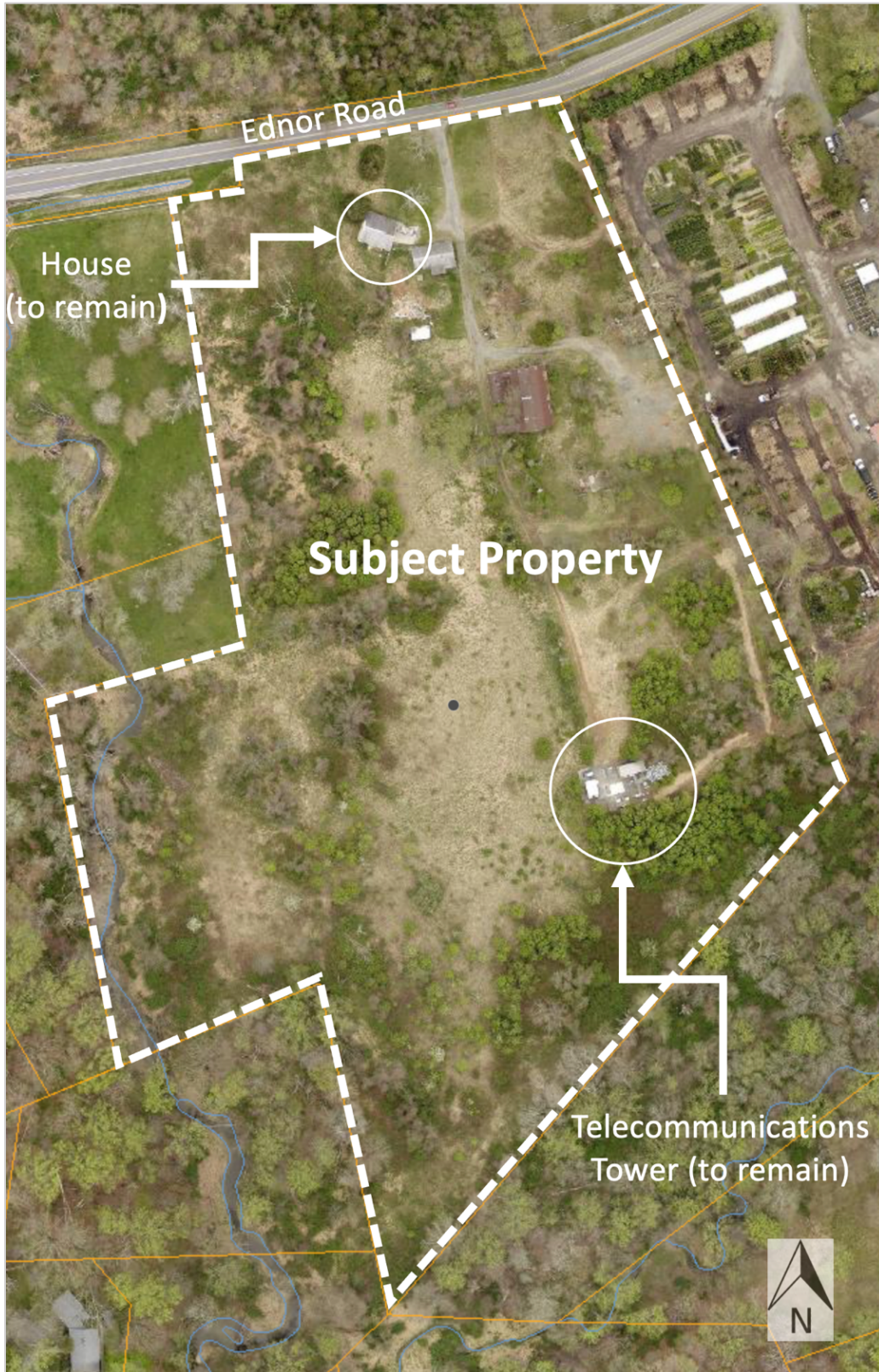


Figure 3 - Subject Property with existing house and telecommunications tower to remain

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Special Exception No. S-2432 was approved on August 11, 2000, by the Montgomery County Board of Appeals for a 150-foot-high telecommunications tower within a 50 by 50 feet area on the southern portion of the Property. The monopole included nine (9) panel antennas and an equipment shelter.

PROPOSAL

On October 30, 2024, Walter Bowie (“Applicant”) filed Preliminary Plan No. 120250050 and Forest Conservation Plan No. F20250170 (“Application” or “Project”).

The Applicant proposes to create one (1) 2.0-acre lot for an existing detached dwelling unit, one (1) 7.9-acre lot for a new 10,549 SF religious assembly building and an existing telecommunications tower, and one (1) 4.86-acre parcel for parkland dedication, with other site-related and frontage improvements. The proposed landscape plan consists of ornamental and shade trees planted along the Ednor Road frontage and distributed around the proposed parking lot area of the religious assembly building and the driveway area serving the existing dwelling.

On proposed Lot No. 1, there are no proposed changes to the existing single-family detached dwelling. The existing barn will be removed. However, the driveway is realigned, and a new parking area with additional trees and landscaping along the driveway and around the parking area are proposed.

On proposed Lot No. 2, the religious assembly building is an illustrative location for the proposed 10,549 square foot building and will require subsequent building permits to finalize layout and design. A site plan application is not required for a religious assembly use. The religious assembly building may accommodate up to 500 fixed seats and provide a minimum of 125 parking spaces (Figure 4). There are no proposed changes to the existing telecommunications tower. However, the easement access for the telecommunications tower is realigned to avoid conflicts with the proposed parking lot of the religious assembly building. Landscaping is proposed to screen the parking area from off-site views with trees and shrub plantings.

A proposed, 4.86-acre parcel will be conveyed to M-NCPPC for use as public parkland and a natural surface trail.

Additionally, the Applicant will provide a crosswalk on Ednor Road to improve pedestrian access and circulation near the eastern edge of the Property to connect with an existing sidewalk on the north side of the road.

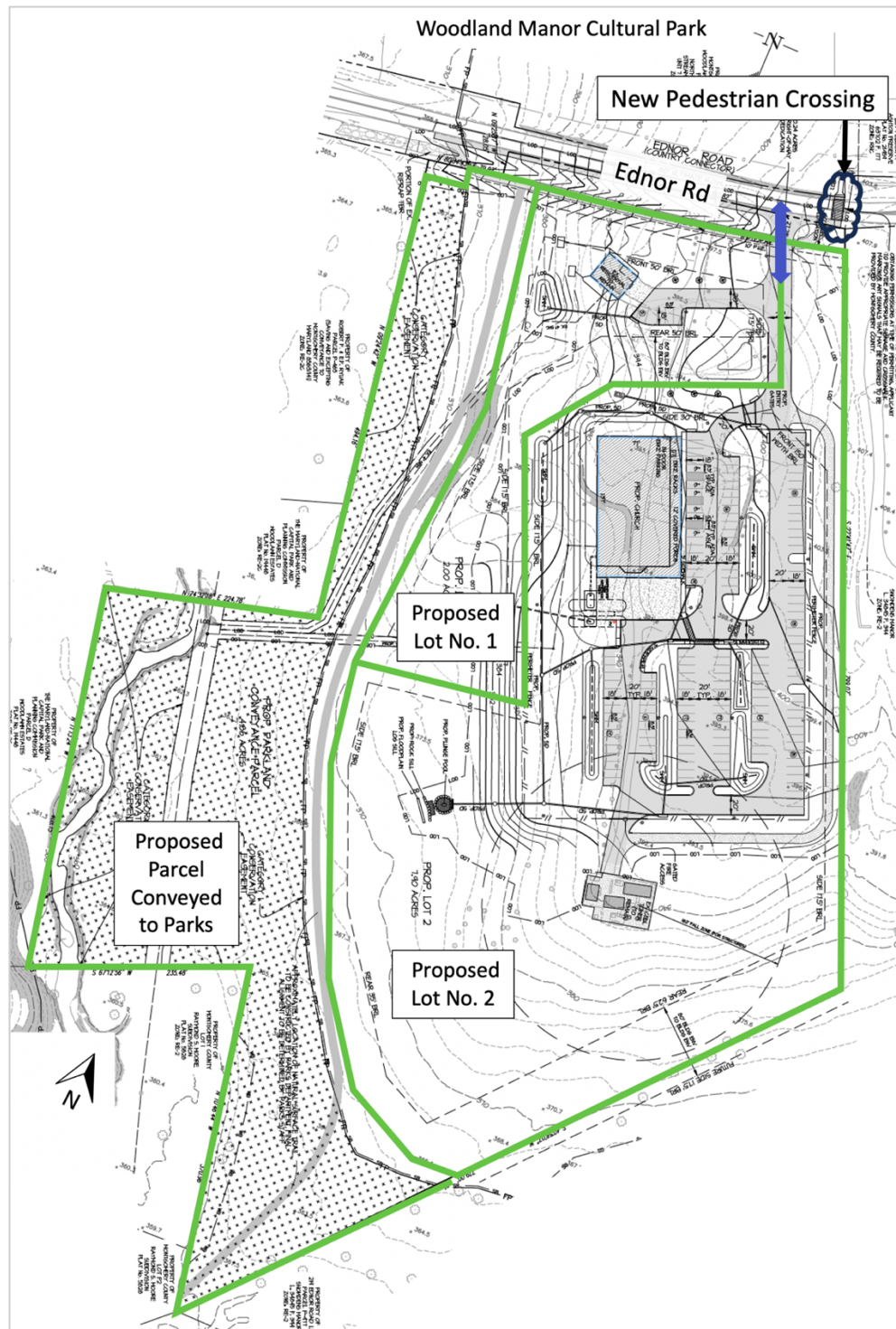


Figure 4 - Proposed Preliminary Plan

ENVIRONMENT AND SUSTAINABILITY

The approved Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) Plan shows no forests, wetlands, springs or seeps on the Property. The NRI/FSD does show two (2) perennial streams that flow parallel to the west and south Property lines. The stream on the west side flows partially onto the Property. The stream valley buffers from both streams and associated floodplain extend onto the Site. Please refer to a detailed description of the NRI/FSD in Section 6.

The Property is unforested and contains stream valley buffers (“SVB”) associated with the two (2) perennial streams on and adjacent to the Property. The Applicant is afforesting the 2.78 acres of onsite SVB. The area of SVB and afforestation is within a larger area of 4.86 acres to be conveyed to the M-NCPPC Montgomery County Parks Department.

TRANSPORTATION

The Property will have access along Ednor Road through a single driveway, constructed in compliance with MCDOT’s standards. The proposed consolidated driveway will provide motor vehicle access to the existing single-family detached unit, the existing telecommunications tower, and the proposed church. The proposed driveway is approximately 21 feet wide.

The proposed graded area along the Property’s frontage on Ednor Road will provide an adequate surface for a future 10-foot-wide sidepath. In addition, a high visibility mid-block crosswalk is proposed. The crosswalk will connect the existing sidewalk on the north side of Ednor Road to a future sidepath and an M-NCPPC natural surface trail at this location. The Applicant will also provide a six-foot-wide (6 ft.) shoulder along their frontage on Ednor Road.

SECTION 4: COMMUNITY OUTREACH

Pursuant to Division 50.10 (Administrative Procedures), the Applicant has complied with all noticing requirements, including the mailing of a notice of application letter and posting a notice sign on the Property. A pre-submittal public meeting was held virtually on August 1, 2024 (Attachment F). There were three (3) attendees present for the meeting. Attendees asked questions regarding traffic, church operations, the construction schedule, Ednor Road travel lanes, well and septic permitting, stormwater management design, impervious calculations, and the Master Plan recommendations on impervious surfaces.

The Applicant indicated they would hold customary Sunday religious service hours, with occasional weekday meetings, all of which would be outside of peak vehicle travel times. Additionally, the Applicant stated the proposed facility will seat up to 500 persons; the current congregation has approximately 134 members. A construction date of the summer of 2025 was provided. Further, the

Applicant indicated no changes to travel lanes are required. As discussed in this report below, a stormwater management concept plan is approved, and the impervious calculations are satisfied.

To date, no community correspondence has been received.

SECTION 5: PRELIMINARY PLAN 120250050 FINDINGS AND ANALYSIS

The Preliminary Plan will create one (1) two 2.0-acre lot for an existing detached dwelling unit, one (1) 7.9-acre lot for an existing telecommunications tower, and a new 10,549 square foot religious assembly building, and one (1) 4.86-acre parcel for parkland dedication. This Application has been reviewed for compliance with Montgomery County Code, Chapter 50, Subdivision Regulations and by other applicable County agencies, all of which have recommended approval of the Application, with conditions.

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.*

a. *The block design is appropriate for the development or use contemplated.*

The Application does not propose any new blocks. The proposed subdivision is within an existing community with an established block design.

b. *The lot design is appropriate for the development or use contemplated.*

The Application meets all applicable sections of the Subdivision Ordinance for lot design, including the requirements under Section 50-4.3.C.1.b for flag lots. The proposed lots are appropriate in size, shape, width, and orientation, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and the building types contemplated in the zone. Proposed Lot 1 is irregularly shaped, and proposed Lot 2 is a flag lot. Lots in the vicinity are typical of those following the existing curvilinear street pattern in a low-density area: a mix of regular- and irregular-shaped lots, and flag lots.

Per Section 50-4.3.C.1.b, the Board must not approve flag lots, except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way permit no other feasible way to subdivide, and that appropriate separation between building envelopes can be achieved.

In approving a flag lot, the following criteria apply:

“In residential zones, the Board must require building restriction lines as needed to provide separation of at least 80 feet between the building envelope of the proposed flag lot and (a) the building envelopes of all lots that are adjacent to the rear lot line of the proposed flag lot; and (b) the building envelopes of all lots that are between the proposed flag lot and the road on which it fronts.”

The Application meets the applicable criteria to approve a flag lot. The position of the land in relation to surrounding properties, Ednor Road, the existing house to remain, the existing telecommunications tower to remain, environmental features, and conveyance of land for parkland dedication allows no other feasible way to reasonably subdivide the Property in a manner consistent with the Property’s zoning. The Application meets all applicable development standards in the RE-2 zone and is in substantial compliance with the recommendations in the Master Plan. Also, as shown on Figure 4, and as applicable to flag lots (Sec. 50-4.3.C.1.b), the Application meets all appropriate building restriction lines (BRL) and separation distances.

c. The Preliminary Plan provides for required public sites and adequate open areas.

The Property was reviewed for compliance with Section 50-4.3.D (Public Sites and Adequate Public Facilities) of the Subdivision Code. As discussed in the findings below, the Applicant will convey one (1) 4.86-acre parcel for parkland dedication, which satisfies the Master Plan recommendation of proposed parkland. There are no other master planned public sites or recreation areas associated with the Property.

d. The Lot(s) and Use comply with the basic requirements of Chapter 59.

The proposed lots were reviewed for compliance with the dimensional requirements for the RE-2 zone. The lots will meet all the dimensional requirements for area, frontage, and width. A summary of this review is included below in **Error! Reference source not found..**

Table 1 - 2811 14th Street NE Gospel Hall, Inc. Church Preliminary Plan Data Table for RE-2 zone, Standard Method, Section 59.4.4.4.B

| Development Standard (59-5.3.5) | Permitted/ Required | Proposed Lot No. 1 (Single-Family Detached Dwelling) | Proposed Lot No. 2 (Religious Assembly and Telecommunications Tower) |
|--|------------------------|--|---|
| Lot Area (min.) | 2 acres | 2 acres | 7.9 acres |
| Lot Coverage (max.) | 25% | 4.2% | 3.8% |
| Lot Width at Front Building Line (min.) | 150 FT | 150 FT | 150 FT |
| Setbacks (min.) | | | |

| Development Standard (59-5.3.5) | Permitted/ Required | Proposed Lot No. 1 (Single-Family Detached Dwelling) | Proposed Lot No. 2 (Religious Assembly and Telecommunications Tower) |
|---|-----------------------------|--|---|
| Front | 50 FT | 50 FT | 50 FT |
| Side | 17 FT, 35 FT total | 17 FT, 35 FT total | 17 FT, 35 FT total |
| Rear | 35 FT | 35 FT | 35 FT |
| Building Restriction Line, Flag Lot ³ | 80 FT | 80 FT | 80 FT |
| Building Height (max.) | 50 FT | 50 FT | 50 FT |
| Vehicle Parking (min.) ⁴ | | | |
| Single-family detached | 2 spaces | 5 spaces | n/a |
| Religious assembly, 500 seats (1 space per 4 fixed seats) | 125 spaces | n/a | 156 spaces |
| Bicycle Parking | | | |
| Religious assembly (1 space per the greater of 2,000 SF of GFA or 200 fixed seats, 15% long-term) | 5 short-term 1 long-term | n/a | 5 short-term 1 long-term |
| Site Plan Required? | -- | No | No |

2. *The Preliminary Plan substantially conforms to the master plan.*

The Preliminary Plan substantially conforms to the Master Plan. The Application is located within the 1997 *Cloverly Master Plan* (“Master Plan”).

The Property is identified as planned park/open space on the Land Use Plan map (p. 20) and is located along a corridor identified as proposed public parkland (p. 71) as part of a proposed Major Greenway connecting existing parkland and trails along the Northwest Branch. This greenway is also identified as the proposed Northwest Branch bikeway, PB-12, in the Master Plan’s Bikeway Plan (p. 64-65). As conditioned, the 4.86- acre parcel is sufficient in size and location to meet the goals of the Master Plan to accommodate a public greenway and connected parkland. As proposed, the Application is consistent with the applicable recommendations of the Master Plan relative to the retention of a single detached residential home and construction of a place of worship which preserves the rural, low- density character of those master plan areas which are beyond the “Commercial Center” and the “Suburban Communities” in the Cloverly area (p. 21-22).

a) *Environment*

³ Building restriction line (BRL) must satisfy Sec. 50-4.3.C.1.b (Flag Lots).

⁴ Vehicle and bicycle parking requirements may be adjusted, as determined by DPS at building permit.

The Property is located within the Sandy Spring South sub-watershed and drains to the Northwest Branch stream. The Master Plan's objective for the Northwest Branch mainstem is to assure that new development in the sub-watershed does not create significant negative impacts on the mainstem. Page 84 of the Master Plan further recommends that projects:

“Protect headwater streams in the Northwest Branch by assuring that the ultimate sub watershed imperviousness remains within the 10–15% range that the generally acceptable limit for protection of cold-water stream systems in Maryland and by discouraging individual developments with high site imperviousness.”

The current impervious surface within the Sandy Spring South sub-watershed as shown on the M-NCPPC GIS database, MCATLAS, is 9.52 percent. With the addition of the impervious surfaces specified for this Development, the projected overall impervious surfaces for the Sandy Spring South sub-watershed would be approximately 10.58 percent. As such, the existing and proposed development on the Property meets the Master Plan recommendation by ensuring that site imperviousness is kept to an appropriate level within the sub-watershed so as to meet the 10 to 15 percent maximum range and shown on the submitted Impervious Surface Plan.

b) Transportation

The Master Plan calls for enhancing and maintaining the suburban, rural, and commercial character of its streets “while accommodating the needs of vehicular and pedestrian travel” (P.52). The Master Plan also asks for separated sidewalks and bikeways from travel lanes to “improve safety and visual character” (p.53). Similarly, the Master Plan calls for crosswalks at locations of expected pedestrian crossings, with the intention of providing residents and visitors with safe, adequate, and efficient pedestrian and bicyclist mobility.

The Application meets the Master Plan recommendations by creating the conditions for safe and adequate pedestrian and bicyclist access in the near and long-term future. As conditioned, the Applicant is responsible for grading the Site's frontage for a 10-foot-wide sidepath to be installed in the future by others. Additionally, as part of this Application, a high-visibility crosswalk will be installed east of the Site's frontage along the end of the Property line. This will ensure safe and adequate pedestrian and bicyclist crossing to the existing sidewalk on the opposite side of Ednor Road. Both frontage improvements will enhance the current pedestrian and bicyclist street conditions, as it will make it easier for residents and visitors to bicycle or walk along Ednor Road.

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

As conditioned, transportation facilities are adequate to support and serve the area of the subdivision. The Property has frontage on Ednor Road, a County-owned and maintained street. Ednor Road is classified as an Area Connector with a master planned right-of-way of 80 feet, per the *Master Plan of Highways and Transitways*. As part of this Application, the Applicant will dedicate all necessary land to accommodate 40 feet of right-of-way from the centerline of the pavement to the Property's line. Pursuant to the 2018 *Bicycle Master Plan* and the design parameters under the 2024 *Complete Streets Guide*, the Applicant will also provide an eight-foot-wide (8 ft) public improvement easement ("PIE")/public access easement ("PAE"), and an 18-foot-wide public utility easement ("PUE").

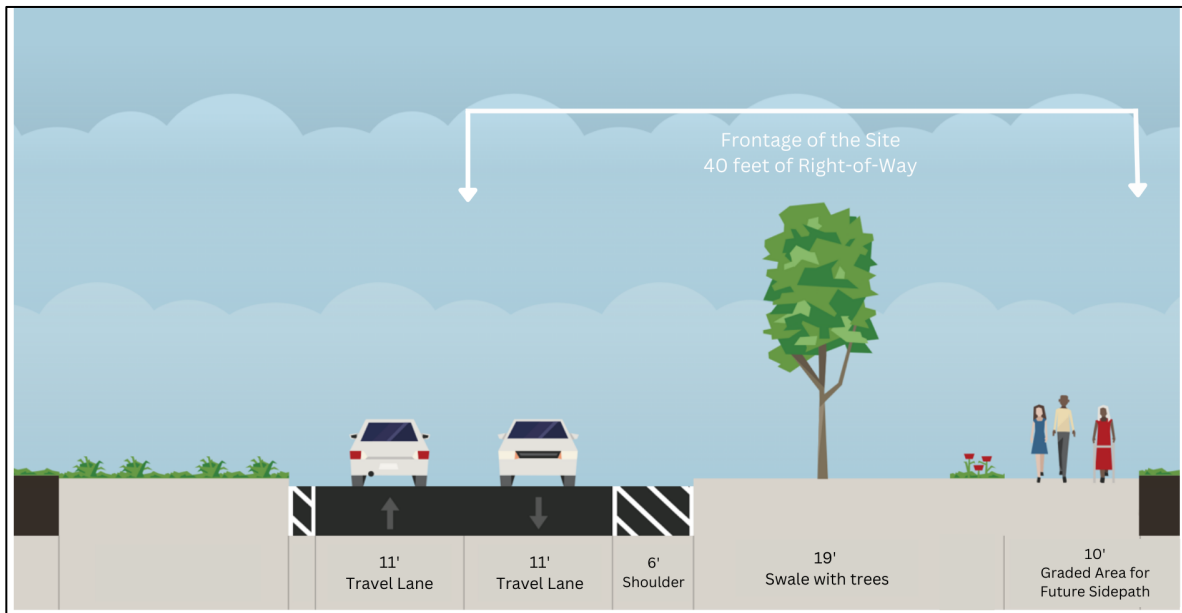


Figure 5 - Proposed cross-section for Ednor Road, as conditioned.

Ednor Road currently has two (2) travel lanes (one in each direction) of approximately 11 feet in width. As part of this Application, the street configuration will change. As conditioned, the Applicant will provide a six (6)-foot-wide paved shoulder (Figure 5 and Figure 5). Additionally, the Applicant will grade the Site's frontage to accommodate a ten (10)-foot-wide sidepath that will be built in the future and not as part of this Application and make a fee-in-lieu of construction of the sidepath payment to MCDPS before the issuance of the right-of-way permit. The future ten (10)-foot-wide sidepath will be buffered by a 19-foot-wide street buffer with swale and trees. The proposed street buffer with swale and trees will be constructed following MCDOT's design parameters under MC-2004.33. The proposed frontage improvements will fulfill the requirements of both the 2018 *Bicycle Master Plan* and the 2024 *Complete Streets Design Guide*. The proposed frontage improvements will create the foundation for improved pedestrian and bicyclist facilities in the near and long-term future.

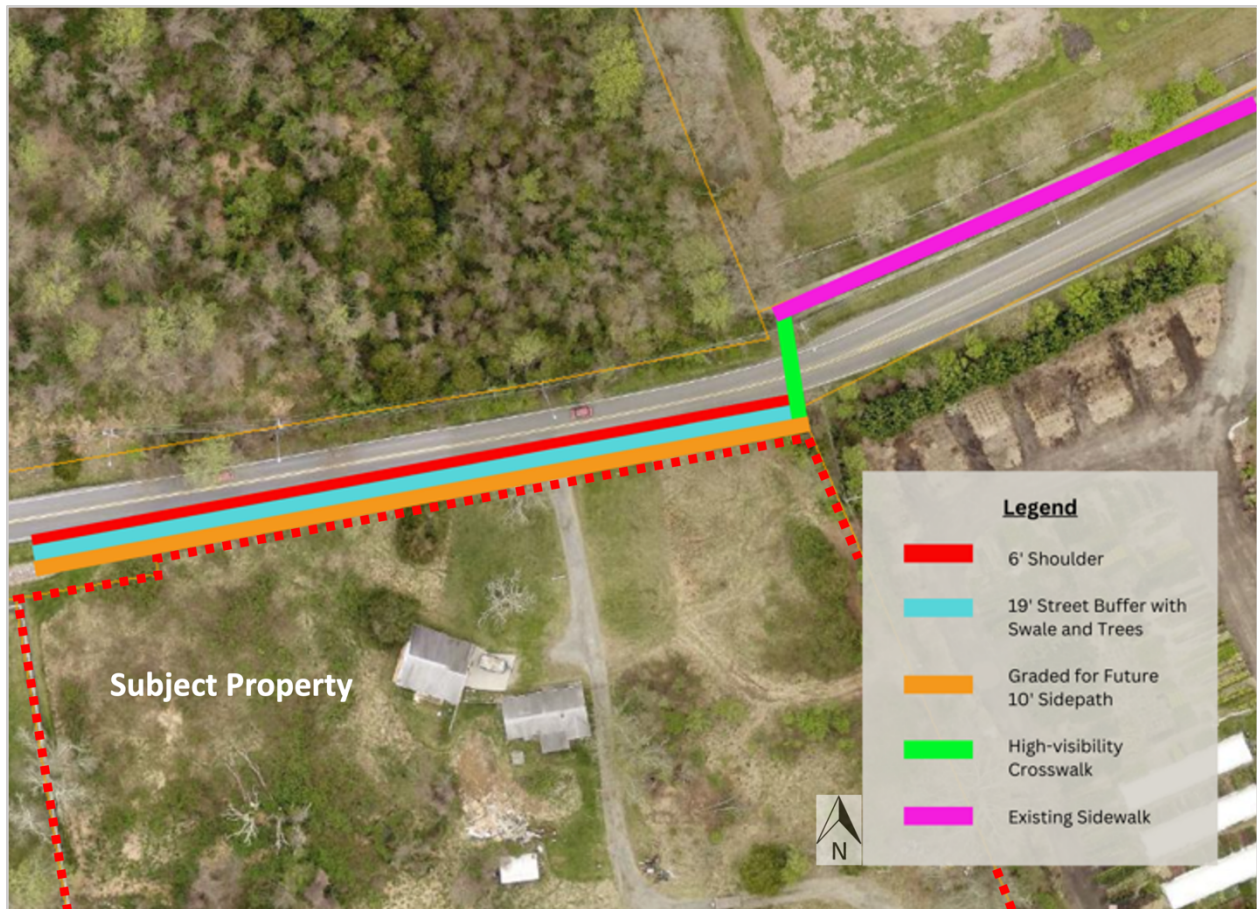


Figure 6 - Proposed and existing frontage improvements along Ednor Road, as conditioned

As conditioned, the Applicant is responsible for installing and operating a safe mid-block high-visibility crosswalk, on the east side of the Site's frontage along Ednor Road (Figure 6). The exact location of the high-visibility crosswalk will be determined at the right-of-way permit stage, following the direction from MCDOT and Staff. The proposed high-visibility crosswalk is intended to connect the future ten-foot-wide (10 ft) and a proposed M-NCPPC trail to existing sidewalk facilities on the opposite side of Site's frontage along Ednor Road (Figure 6). This will allow residents and visitors to cross safely to the other side of the Ednor Road, where there is an existing pedestrian facility. When the future sidepath is installed, it will provide the area with safe, adequate, and uninterrupted pedestrian and bicycle facilities in an area of the county currently with limited non-motorized mobility options.

LOCAL AREA TRANSPORTATION REVIEW (LATR)

The Application is located in the Cloverly Transportation Policy Area, which is classified as a Yellow Policy Area under the 2021-2024 *Growth and Infrastructure Policy* (“the GIP”). The Application is estimated to generate one (1) net new peak hour person trip in the morning and nine (9) net new peak hour person trips in the evening (Table 2). As demonstrated in the Applicant’s transportation exemption statement (“TES”), dated July 2, 2024, the Application will generate fewer than 50 net new peak-hour person trips. Therefore, a Transportation Impact Study (“TIS”) is not required to satisfy Local Area Transportation Review (“LATR”) requirements, and transportation facilities are adequate for the Site.

Table 2 - Trip generation as submitted by the Applicant on July 2, 2024, modified by planning staff

| Use | ITE Trips | | Policy Area Trips | | Person Trips | |
|--|-----------|----|-------------------|----|--------------|----|
| | AM | PM | AM | PM | AM | PM |
| <i>Existing:</i> 1 Single Family Detached House | 1 | 1 | 1 | 1 | 2 | 2 |
| <i>Proposed:</i> Church (10,549 SF) | 2 | 8 | 2 | 8 | 3 | 11 |
| Net New Person Trips | - | - | - | - | 1 | 9 |

OTHER PUBLIC FACILITIES AND SERVICES

Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the GIP currently in effect.

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

The Property is subject to Chapter 22A of the County Code. As conditioned, the accompanying Forest Conservation Plan No. F20250170 satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s *Guidelines for Environmental Management of Development in Montgomery County* (“Environmental Guidelines”) as further discussed in the findings for the Final Forest Conservation Plan F20250170 in Section 6 below.

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

The Application satisfies the applicable requirements of Chapter 19. DPS approved a Site Development Stormwater Management Concept Plan on January 14, 2025. The plan proposes to meet required stormwater management goals via drywells, landscape infiltration, and micro-bioretenement facilities.

- 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 Applicant has no actual notice or constructive notice of a burial site, and the Property is not included in the Montgomery County Cemetery Inventory.

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

There are no other applicable provisions that are specific to the Property or necessary for approval of the subdivision.

SECTION 6: FINAL FOREST CONSERVATION PLAN F20250170 FINDINGS AND ANALYSIS

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and described further below. Included with the Forest Conservation Plan is a request for a tree variance for impacts to subject trees greater than 30 inches diameter at breast height (“DBH”) per Section 22A-12(b)(3)(C).

NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION PLAN

Natural Resource Inventory/Forest Stand Delineation Plan No. 420242480 (“NRI/FSD”) was approved for the Property on October 3, 2024. The Property has a high point in the northeast corner adjacent to Ednor Road with a ridge line that extends for a short distance south along the eastern property line. The flatter area of the Property is located in this region along the eastern property line. The site has a moderate slope to the south and to the west. Adjacent to the western property line and running through a portion of the property is the Northwest Branch stream, a perennial stream flowing north to south. A perennial tributary to the Northwest Branch runs in proximity and parallel to the southern property line. Both of these streams are classified as Use Class IV-P by the State of MD with a minimum stream valley buffer (“SVB”) of 125 feet. The SVB is slightly larger than the specified 125 feet due to an associated floodplain, which expanded the SVB anywhere from 180 feet out to about 240 feet from the top of the stream bank. The SVB associated with the Northwest Branch stream encumbers the western portion of the Property, with the SVB from the tributary covering the southwest corner of the Property.

FINAL FOREST CONSERVATION PLAN

2.78 ac. Afforestation and Stream Valley Buffer placed into Conservation Easement

Stream Valley Buffer/Floodplain

4.86 acres Park Conveyance

Northwest Branch

NTS

2811 14th Street NE Gospel Hall, Inc. Church – 120250050, F20250170

Since the 2.78 acres of afforestation is being used to meet the requirements of the FFCP worksheets and also to afforest the SVB as required under Sec. 22A-12(e)(1)(B) of the FCL, the afforestation plantings must be provided long term protection as required under Sec 22A-12(h)(2) of the FCL. It is standard practice to protect forest plantings and sensitive environmental features like SVBs by placing a Category I Conservation Easement (“FCE”) over these items. Even though the afforestation plantings and the SVB are within the area of future proposed Parks conveyance, that dedication of land will not be accepted until such time that the afforestation has been installed, has finished the five (5) year maintenance period, has been fully accepted by M-NCPPC and the financial surety has been released. This process could take several years or more and the placement of a Category I Conservation Easement over the afforestation plantings and SVB offers protection until such time that the Parks Department accepts the dedicated land. Once this area has been dedicated to the Parks Department and they become the property owners, the previously recorded FCE will no longer be effective, since the owner of the land, M-NCPPC, and the designee of the FCE, M-NCPPC, would be the same entity. After dedication, Parks will manage the forested area as a conservation area using their best management practices, which is also considered to be a long-term protection measure sufficient to meet Sec. 22A-12(h)(2) of the FCL and Code of Montgomery County Regulations, Chapter 22A, Sec. 22A.00.01.15.

TREE VARIANCE REQUEST

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-21 (“Variance”). Otherwise, such resources as defined under Section 22A-12(b)(3) must be left in an undisturbed condition.

This Application will require CRZ impacts to two (2) and the removal of five (5) Protected Trees as identified in

Table 3 and Table 4, below. The Variance request is for the impacts to two (2) and removal of five (5) Protected Trees for the construction of a church, associated parking and the installation of an access drive for the existing telecommunications tower. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a Variance to be granted. Staff has made the following determinations in the review of the Variance request and the proposed Forest Conservation Plan.

Table 3 - Impacted Protected Trees

| Tree ID | Common Name | Scientific Name | DBH | % Impact | Status |
|---------|--------------|--------------------------------|--------|----------|---|
| ST12 | Tulip Poplar | <i>Liriodendron tulipifera</i> | 52 in. | 16% | Tree in poor condition, minor impacts to CRZ; save tree |

| Tree ID | Common Name | Scientific Name | DBH | % Impact | Status |
|---------|--------------|--------------------------------|--------|----------|---|
| ST13 | Tulip Poplar | <i>Liriodendron tulipifera</i> | 36 in. | 1.5% | Tree in good condition, minor impacts to CRZ; save tree |

Table 4 - Removed Protected Trees

| Tree ID | Common Name | Scientific Name | DBH | % Impact | Status |
|---------|--------------|--------------------------------|-------------------|----------|---|
| ST3 | Sycamore | <i>Plantus occidentalis</i> | 30 in. and 52 in. | 48% | Tree divides below 3.5-ft into 2 main stems; Tree in fair condition, excessive impacts from LOD; LOD removes ½ of structural roots; remove tree |
| ST4 | Pin Oak | <i>Quercus palustris</i> | 34 in. | 60% | Tree in fair condition, main stem in LOD, structural roots removed; remove tree |
| ST9 | Pin Oak | <i>Quercus palustris</i> | 38 in. | 58% | Tree in fair condition, main stem in LOD, structural roots removed; remove tree |
| ST10 | Red Maple | <i>Acer rubrum</i> | 36 in. | 36% | Tree in fair condition |
| ST11 | Tulip Poplar | <i>Liriodendron tulipifera</i> | 84 in. | 42% | Very poor condition, main stem trunk hallow, main stem in LOD, ½ structural roots removed; remove tree |

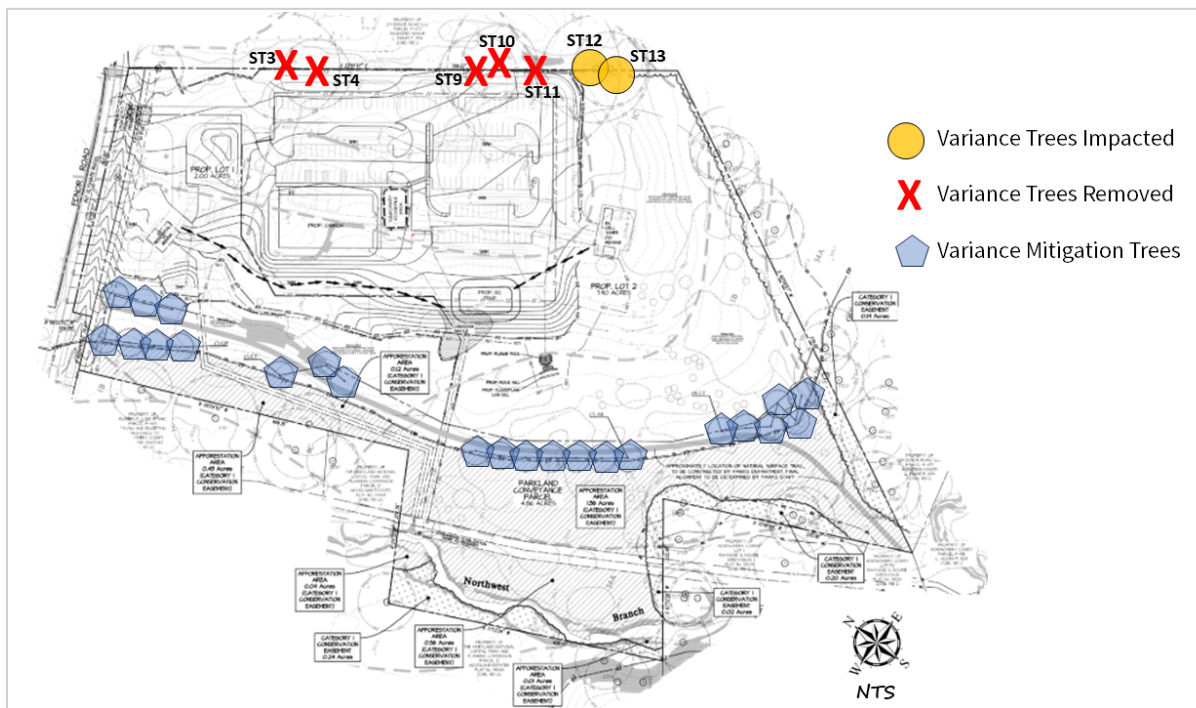


Figure 8 - Variance trees and mitigation plantings

Unwarranted Hardship

In accordance with Section 22A-21(a), the Applicant requested a Variance (Attachment D). Staff concurs that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Property without approval of the Variance. The Applicant has demonstrated that the denial of the Variance request would cause an unwarranted hardship by preventing the construction of the proposed church structure and the required parking lot in the most logical and best location. The optimal location for the structure and the parking lot is on the flatter, more level area of the Property located along the eastern property line toward the northeast corner of the site. Moving away from this area of the site in both the southern and westerly directions, the steepness of the slope increases making construction much more difficult and costly. The Protected Trees that are proposed to be impacted or removed are also located along the eastern property line as a result, the LOD will impact or will encompass these Protected Trees. Staff has reviewed the Application and concurs that there is an unwarranted hardship.

Tree Variance Findings

The following determinations are based on the required findings for granting of the requested variance:

1. Will not confer on the Applicant a special privilege that would be denied to other applicants.

Granting the Variance to impact Tree Nos. ST12 and ST13, and to remove Tree Nos. ST3, ST 4, ST9, ST10, and ST11 will not confer a special privilege on the Applicant as the impacts or removals are due to necessary development requirements of installing the parking for the 500-seat church, installing the access drive to the existing telecommunications tower and the necessary location of development on the Property. All seven (7) trees in

Table 3 and Table 4 are either impacted or removed with the installation of the parking lot and the access drive for the telecommunications tower. Therefore, the granting of this Variance is not a special privilege for this Applicant nor one that would be denied to other applicants.

2. 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 on the necessary development standards of providing adequate parking for a 500-seat church and the requirement to provide safe and efficient access to the existing telecommunications tower. This is combined with the construction being limited to the most topographically level area of the site and that the Protected Trees are located in this same area.

3. 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 the required improvements, and not as a result of land or building use on a neighboring property.

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

The Variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being impacted are not located within a stream buffer, wetland, or a special protection area. Additionally, the required mitigation plantings for the removal of these Protected Trees are being installed both within and adjacent to the SVB on the Property and thereby providing some increased measure of water quality treatment for the Northwest Branch stream.

Mitigation for Trees Subject to the Variance Provision

There are five (5) Protected Trees proposed for removal in this Variance request resulting in a total of 274 inches of DBH being removed. The FFCP includes mitigation at a rate that approximates the form and function of the trees removed. These trees will be replaced at a ratio of approximately one (1) inch caliper for every four (4) inches removed using trees that are a minimum of three (3) inch caliper in size. This results in a total mitigation of 68.5 inches which will be met with the installation of 23, three (3) inch caliper trees.

Although the installed mitigation trees will not be as large as the trees lost, the mitigation trees will provide some immediate benefit and ultimately replace the canopy lost by the removal of Tree Nos. ST3, ST4, ST9, ST10, and ST11. These mitigation trees must be overstory trees native to the Piedmont Region of Maryland the installed on the Property outside of any rights-of-way and/or utility easements.

Variance Recommendation

Staff recommends approval of the variance request, with individual tree mitigation plantings as conditioned to address the removal of the five (5) Protected Trees.

SECTION 7: CONCLUSION

As conditioned, the Preliminary Plan application satisfies the applicable standards of the Zoning Ordinance, substantially conforms to the recommendations of the 1997 *Cloverly Master Plan* and satisfies the findings of the Subdivision Regulations. The Final Forest Conservation Plan Amendment No. F20250170 satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Therefore, Staff recommends approval of the Preliminary Plan and Final Forest Conservation Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Prior Approval (Special Exception No. S-2432)

Attachment B: Statement of Justification

Attachment C: Preliminary Plan

Attachment D: Forest Conservation Plan

Attachment E: Tree Variance Request

Attachment F: Agency Letters

Attachment : Affidavit of Community Meeting and Minutes