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December 4, 2024

**VIA ELECTRONIC SUBMISSION**

Mr. Patrick Butler, Upcounty Planning Chief  
Montgomery County Planning Department  
2425 Reddie Drive, 14th Floor  
Wheaton, Maryland 20902

Mr. Artie Harris, Chair  
And Members of the  
Montgomery County Planning Board  
2425 Reddie Drive, 14th Floor  
Wheaton, Maryland 20902

Re: Amended Statement of Justification in support of  
Application for Preliminary Plan No. 120205050,  
filed on behalf of: 2811 14th Street NE Gospel Hall,  
Inc. (the “**Applicant**”); Property Address: 211 Ednor  
Road, Silver Spring, MD 20905 (the “**Property**”).

To the Planning Department and Planning Board:

The Applicant, by and through counsel, submits this Statement of Justification setting forth the facts and reasons in support of Planning Board approval for the proposed Preliminary Plan of Subdivision Application (the “**Application**”), pursuant to Section 50.10.01.05 of the Administrative Procedures for Development Review, and to demonstrate compliance with Section 50.4.2. of the Subdivision Code, the applicable Sections of the Montgomery County Zoning Ordinance, Chapter 59, and conformance to the applicable Master Plans.

**I. The Application and Proposal**

The Applicant’s request is to create two lots: An 8.03+/- acre lot to accommodate the construction of a primary building for Religious Assembly (“**Lot 2**”); and a 2.0 acre lot to accommodate the existing single family home (“**Lot 1**”). The Applicant also proposes to dedicate

4.73 acres of parkland, which is located on a third parcel. Planned right of way dedications are proposed as well. The proposed primary building is intended to seat 500 congregants, and is proposed to be supported by greater than the minimum number of parking spaces required, including an adequate supply of ADA parking spaces on Lot 2. Additional adequate parking is provided for the home located on Lot 1. Religious Assembly uses are permitted use in the RE-2 Zone, pursuant to Sections 59-3.4.10 and 3.1.6 of the Zoning Ordinance. The Applicant is filing on behalf of the Church congregation and with consent of the Property owner, Ednor Land, LLC.

Currently, the Applicant's congregation is about 130 members which meet at a congregation hall located on Adelphi Road, in College Park, Prince George's County, Maryland. The Church leadership estimates that approximately 70% of this growing congregation live in Montgomery County in the surrounding neighborhoods and in close proximity to the site, and therefore, they have been pursuing a community-oriented location where the Church can house a new congregation hall. The subject Property posed a unique opportunity because it was important to the Church to find a property that was large enough to house both the church building as well as ample parking, while retaining the existing home for potential future use, or replacement as an administration building. The Applicant Church is also excited to find a site that affords it the opportunity to maintain and leave undisturbed a scenic and bucolic setting for church members, and for the public, to enjoy. The subject Property, which is incidentally currently owned by congregation members, meets those goals.

## **II. The Subject Property and Surrounding Neighborhood**

### **A. Property Description**

The subject Property is a 15-acre RE-2 Zoned single parcel, bearing the street address 211 Ednor Road. The Property currently is improved with a vacant residential building and associated out-buildings (garages, sheds, barn, etc.) each of which are not currently used. A cell tower is located several hundred feet away from Ednor Road near the southern end of the Property. The cell tower is approved under Special Exception No. S-2432, as amended; and cell tower operations are permitted by the Property owner pursuant to the terms of a private agreement. The lessee is the Special Exception holder. The cell tower is currently accessed via a private driveway and the

Applicant's proposal maintains access via a to-be-relocated private driveway. The Applicant's plan reflects an adequate 162+ foot "fall zone" as required for structures.

**B. Surrounding Neighborhood**

The immediately surrounding neighborhood primarily consists of large RE-2 Zoned estate lots; however, this specific Property is bounded on two sides by a commercial nursery located at 219 Ednor Road. Further to the East of the Property, and unaffected by this project, is the Hampshire Greens subdivision. To the West, the Property is bounded by a large single family estate home, and partially bounded by parkland known as "Northwest Branch Stream Valley #7". The Northwest Branch of the Anacostia River flows through and adjacent to the Property. Across Ednor Road, is a portion of the Woodlawn Manor Cultural Park, which is designated as an Individual Historic Site (Resource Number 28/014-000A, per the Master Plan for Historic Preservation in Montgomery County).

**III. Pre-Application Steps**

The Applicant conducted a pre-submission community meeting on August 1, 2024, at 6:00 P.M., at the Property, to present information about the proposed Preliminary Plan. Notices of the pre-application meeting and posting of the Property was accomplished in conformance with the Subdivision Code and the Administrative Procedures for Development Review. Three community members attended the meeting, together with Church representatives, the project land planners, and project attorney. Evidence of the posting, notice mailings, and a copy of the meeting minutes, notice list, sign-in sheet, and notices, are included with the Application materials.

**IV. Approval Criteria**

For the reasons set forth herein below, the Application, and such further evidence and testimony presented to the Planning Board, the Applicant's request enables the Planning Board to approve the proposed preliminary plan by making the required findings as set forth in Section 50.4.2.D of the Montgomery County Subdivision Code.

***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 proposed layout of the subdivision, the principal and accessory buildings proposed and associated parking, are appropriate for the location, and for a Religious Assembly in the RE-2 Zone. Standard Method Development Standards applicable to the lot, density, and placement of all structures for a Religious Assembly in the Zone are satisfied for both Lots as shown on the proposed plans. Maximum lot coverage for the Property is required to be no greater than 25%. In achieving compliance with the more restrictive Master Plan recommendations, the Applicant's request easily satisfies the Zoning Ordinance maximum lot coverage standards.

Pursuant to Section 6.2.4.B., one parking space is required for every four assembly seats. For the proposed 500 seat church, this equates to a minimum requirement of 125 spaces. The Applicant seeks to provide more parking than necessary by providing 156 spaces, of which 6 are ADA accessible spaces. This is primarily driven by the Applicant's desire to accommodate its patrons and to provide for a safe and inviting site for future congregants, and also serves to mitigate against general community perceptions that Religious Assembly uses sometimes do not account for adequate parking, notwithstanding Code requirements. The Applicant does not hold regular special events beyond the regular congregation services; however, expanded parking does allow for an ability to safely schedule such events in the future if the need were to arise. Lot 1 is supported by 9 spaces, of which 1 is ADA accessible. This surpasses the 8 spaces required by Code.

Lot 2 has been categorized by Staff to constitute a “flag lot”, which would be subject to further review pursuant to Section 50-4.3.C. of the Subdivision Code. Pursuant to the additional criteria, 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 the Board determines that appropriate separation between building envelopes can be achieved. In this case, granting a flag lot designed to accommodate this institutional use is appropriate.

First, a combination of factors in this case makes it infeasible to subdivide the Property without creating a flag lot for Lot 2. Foremost, the existing structure on Lot 1 is intended to remain. Accommodating the location of the existing structure on Lot 1 on a 2-acre minimum Lot while meeting BRL requirements, and accounting for the parkland dedication area required by the applicable Master Plan, results in a very restricted portion of the overall Property available for use as Lot 1. The configuration necessary for Lot 1, while still retaining adequate frontage and access for Lot 2, results in the flag lot proposal for Lot 2. The shape and location of the parkland dedication area is primarily driven by the environmental conditions that make it desirable for Montgomery Parks to accept this dedication area, and also by excluding areas of unusual topography (steep slopes) from the parkland dedication area, which is intended to remain primarily as part of Lot 1 and Lot 2. As a result of those factors, Lot 2 is necessarily a flag lot.

Second, when approving a flag lot in a residential zone, “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;”. In this case, the building envelope of the proposed flag lot (Lot 2) is behind a 50’ front setback, while the building envelope of the lot between the flag lot and the road on which it fronts is in excess of the 35’ rear setback. The Applicant’s separation between the building envelopes is greater than 80’ and therefore demonstrates compliance with this Code criteria. The rear lot line of the proposed flag lot is several hundred feet from the proposed building on Lot 2.

## ***2. The Preliminary Plan Substantially Conforms to the Master Plan***

The Application substantially conforms to the applicable 1997 Cloverly Master Plan (“Cloverly Master Plan”), and the 2018 Bicycle Master Plan, as amended (“Bicycle Master Plan”).

### **A. Cloverly Master Plan**

This Application allows for the development of the buildable portions of a difficult property, while simultaneously promoting the area master plan recommendations and promoting the environmental sensitivities of the site and Master Plan. This Application promotes the applicable recommendations of the Cloverly Master Plan because it 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. (See, e.g., page 21-22.) Although the Zoning Ordinance imposes a 25% impervious cap for this site, the Cloverly Master Plan promotes an approximate “10 to 15 percent range” for properties near the Northwest Branch. See Page 22 and Page 88. The Applicant’s proposal satisfies this Master Plan goal by proposing 14.6% impervious area of the net acreage following right of way dedication and conveyance. The impervious area is also intentionally situated away from the Northwest Branch to avoid encroachment on sensitive environmental areas.

The Applicant’s plan is carefully curated to avoid sensitive environmental features like the Northwest Branch of the Anacostia River, as well as the steep slopes and the stream valley buffer that surround it, in furtherance of the Cloverly Master Plan environmental recommendations to promote low density land uses as a means of promoting continued watershed and stream protections in the upper Northwest Branch watershed, in conformance with the Master Plan recommendations of encouraging low-density uses in this region and avoiding significant negative impacts to the Northwest Branch. See Pages 21, 88-89. The Applicant’s proposal is to encumber substantially all of the environmentally sensitive areas with perpetual forest conservation easements and parkland dedicated to Montgomery Parks.

The Applicant acknowledges that the subject Property is identified as potential “park/open space” on the Land Use Plan map contained at Page 20 of the Cloverly Master Plan. Although the

Applicant disagrees that the entire parcel is appropriate for future open space, the Applicant intends to promote this recommendation by dedicating 4.73 acres as public parkland (i.e., approximately 30% of the gross area of this parcel). The Applicant is working closely with Montgomery Parks to agree upon the exact area and dimensions of the parkland dedication. This is consistent with the identified proposal featured on Page 71 of the Cloverly Master Plan, which would allow for a part of this Property to include a “Major Greenway” connector trail along the Northwest Branch, which appears to be the primary purpose for the Master Plan’s designation of this Property as potential parkland. The Applicant hopes Montgomery Parks would utilize the 4.73 acres area to protect the Northwest Branch as well as to connect to the Underground Railroad Experience Trail that presently terminates on the other side of Ednor Road (on the “Woodlawn” historic site). This would also allow for further trail connections beyond this Property as well. Alternatively, this dedicated parkland could be used to facilitate the bikeway path that is recommended on Page 64-65 of the Cloverly Master Plan. The proposed dedication area boundaries are substantially the same as those which have been reviewed by Montgomery Parks previously as part of a Concept Plan for a potential residential use of the same parcel. The Applicant proposes that this dedication of parkland also satisfies the requirements of Section 50-4.3.D.1. of the Subdivision Code, and requests that the Planning Board make a specific finding foregoing its right to determine that future reservation may become necessary, and to instead find that upon the Applicant’s dedication of parkland as shown on the plans, no further portion of the Property is intended or suitable for future public reservation or acquisition for public parkland.

**B. Bicycle Master Plan**

Bicycle Master Plan recommendations are met by providing a separated bikeway sidepath along the property frontage, as recommended for this portion of Ednor Road (See Page 237; See also Pages 48-50), a feature which is shown on the Applicant’s plan as part of the additional right of way proposed. There are no other pipeline projects within the vicinity of this site that would immediately connect into the Applicant’s bikeable sidepath; therefore, the Applicant agrees with Staff recommendations for a fee in lieu payment. As future properties along Ednor Road are

approved for redevelopment, those properties will have the opportunity to connect into the Applicant's bike path area. An on-site bike rack will also be provided.

***3. Public Facilities will be Adequate to Support and Service the Area of the Subdivision***

Water and Sewer: The subject property is currently connected to sewer. Lot 1 and Lot 2 are both proposed to be supported by connection to public sewer systems. The Property is not currently served by public water supply, and is not within the planned service envelope for public water. The Applicant's proposal is to locate and utilize on-site private wells for water supply.

Fire Access and Life Safety: The Application is supported by a Fire Access Plan in compliance with Montgomery County Code Section 22-32. The Fire Access Plan provides fire code compliant access from Ednor Road to both Lot 1 and Lot 2 via the parking lot entrance area, and further provides adequate access to the cell tower site, as well as from the rear of the parking lot. The interior parking areas and ingress and egress routes contained within the Property have been designed to meet all required turning radii, widths, and turnaround area requirements, as shown on the Fire Access Plan submitted with this Application. A fire hydrant is located approximately 1,250 feet from the property line, along Alexander Manor Drive, which is well within the one mile proximity requirement for life safety code compliance. The Applicant intends to also meet on-site requirements via an appropriately sized and sited underground cistern and dry hydrant system.

Public Roads: The Property is served by Ednor Road, a Country Connector Road with a 80-foot planned ultimate right of way, per the Master Plan of Highways and Transitways (See MPOHT Classification Table). The Applicant proposes dedication of 0.24 acres of land necessary to fulfill the master planned right of way area. Portions of the right of way were previously dedicated and conveyed prior to this application. The current land use is for one single family home, which is vacant. The Applicant's proposed institutional land use is for a Church. When LATR Guidelines applicable to the Cloverly Policy Area are applied to analyze this Property, the proposed development results in a generation of three (3) total additional peak hour weekday AM trips; and nine (9) total peak hour weekday PM trips. This net increase is below the threshold for



a traffic study under LATR Guidelines. Trip generation is measured based on square footage, in accordance with ITE Trip Generation Manual standards for a Church, which is a metric that has been reliably relied upon by staff and the Planning Board in other comparable cases. The Applicant submits with this application, and incorporates by reference, the findings and conclusions of Lenhart Traffic Consulting, Inc., in its Traffic Statement dated July 2, 2024. As a result, this Application is also exempt from the APF requirements of Subdivision Code Section 4.3.J., pursuant to Subsection 4.3.J.3.b.

Access: Access to the site is proposed by a 24-foot wide two-way private driveway that will extend a depth of approximately 160 feet onto the site before continuing into the proposed surface parking area, as shown on the plans. This is also the point of access for both proposed Lots and for emergency protection vehicles to both Lots and to the cell tower leased area. The cell tower will be accessed by this entry point and a proposed unpaved private driveway along the eastern side of the property, separate from the drive aisles for Church congregant access and parking. The Applicant will enter into a private agreement with the cell tower lessee for this proposed access route. The Applicant submits with this Application the Sight Distance Evaluation prepared by Timothy Longfellow, P.E., and reviewed by the Montgomery County Department of Transportation and Montgomery County Department of Permitting Services, as of November 8, 2023. The evaluation demonstrates that the Applicant's proposed driveway entrance to the site conforms with County requirements by providing for 571 feet of sight lines to the left, and 391 feet of sight lines to the right. Both sight lines are in excess of the minimum required for the Property.

***4. All Forest Conservation Law,  
Chapter 22A Requirements are Satisfied***

The proposed Final Forest Conservation Plan submitted with this Application demonstrates compliance with the applicable requirements of Chapter 22A. Forest conservation is proposed in accordance with the 20% afforestation, and 35% forest conservation thresholds required by Section 22A-12(a) for a medium density residentially zoned area: a one-acre forest conservation easement is proposed for this Property. The Applicant's Forest Conservation Plan is prepared in accordance

with the requirements of Chapter 22A-12, and proposes afforestation within the 100-year floodplain as shown on the proposed Preliminary/Final Forest Conservation Plan submitted with this Application. The Applicant intends to seek the appropriate credit for those existing native trees located within the proposed afforestation areas. As shown on the Natural Resources Inventory/Forest Stand Delineation (“NRI/FSD”), the Property is identified to have 43 significant and/or specimen trees, which are primarily located along the Property boundaries and are far-removed from the development activity areas. The Applicant will be requesting a variance for the removal of four specimen trees and to impact the critical root zone of one specimen tree. These affected trees are located along the eastern property line; the variance is necessary to accommodate the unpaved access driveway for cell tower access.

***5. All Stormwater Management, Water Quality Plan, and Floodplain Requirements of Chapter 19 are Satisfied***

Stormwater management facilities are proposed via the addition of nine micro bio-retention facilities, all as shown on the Stormwater Concept Plan prepared as part of the plan set. These facilities are scattered evenly throughout the parking lot islands and will be made up of native plant materials and soil media, designed to capture runoff in compliance with the Code and specifically designed to drain toward the downward slopes on the western end of the Property, away from Ednor Road, away from the developed portions of the Property, and away from the nearby subdivision to the East. The Applicant’s proposed plan is consistent with County law and the Stormwater Design Manual. The Property is not located within a special protection area. There is a floodplain area along the Northwest Branch, all of which would be protected by the dedication area for parkland and in conformance with the requirements of Chapter 19. Likewise, the dedication of parkland serves to protect from disturbance the existing forest, steep slopes, and erodible soils which also exist on the western end of the Property.

***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***

There are no existing burial sites of which the Applicant has actual or constructive notice, as demonstrated by the Montgomery County Cemetery Inventory. The Applicant does not propose any burial sites at the Property.

***7. Any other Applicable Provision Specific to the Property  
and Necessary for Approval of the Subdivision is  
Satisfied***

The Applicant submits with this Application a proposed landscaping and lighting plan, in compliance with Section 4.3.N. of the Subdivision Code. As shown thereon, approximately one-half acre of the Property is utilized for additional landscaping in accordance with the requirements of Section 6.4 of the Zoning Ordinance, as applicable to places of worship in the RE-2 Zone. The Applicant is giving special attention to the specific landscaping used, as well as fencing, with the aim of making this proposed development complementary to the adjacent historic site and to provide an additional natural buffer that is consistent with the rural and bucolic nature of the neighborhood. The landscaping proposed also advances the interest of the congregation in maintaining privacy. There are no other applicable specific provisions necessary to address at this time. The Applicant will supplement its Application and this Statement of Justification as, and when, necessary.

**V. Conclusion**

Mr. Patrick Butler, Upcounty Planning Chief  
Montgomery County Planning Department

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As outlined hereinabove, and as further demonstrated by the Application materials, and the evidence and testimony to be presented at the Planning Board hearing, the proposed Preliminary Plan complies with the applicable provisions of the Subdivision Code, Chapter 50 of the Montgomery County Code, as amended. The layout of the proposed subdivision, including the size, width, shape, and orientation of the proposed structures and parking, are appropriate, and consistent with the applicable requirements of the Zoning Ordinance for Religious Assembly use in the RE-2 Zone. The Application allows for development of a sensitive site in conformance with the applicable Master Plan. For those reasons and as elaborated upon at the public hearing, the undersigned certifies that the information set forth in this Statement of Justification is true, complete, and correct, to the best of the undersigned's knowledge, information, and belief and requests Board approval on behalf of the Applicant.

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Respectfully submitted,

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