



November 4, 2010

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Glenn Kreger, Acting Chief *HK*
Vision/Community-Based Planning Division

Khalid Afzal, Team Leader, East Transit Corridor Team *KA*
Vision/Community-Based Planning Division

FROM: Kristin O'Connor, Senior Planner (301.495.2172) *KO*
East Transit Corridor Team
Vision/Community-Based Planning Division

SUBJECT: Discussion Item: Sale of Former Peary High School to the Melvin J. Berman Hebrew Academy (former Mandatory Referral No. 05506-DPWT-1), 13300 Arctic Avenue, Rockville Maryland, R-90 Zone, 1994 Aspen Hill Master Plan

RECOMMENDATION: Transmit comments to the County Council recommending disapproval of proposed property disposition.

BACKGROUND

On October 18, 2010, the County Executive submitted a draft resolution that seeks Council approval of the sale of former Peary High School to the Melvin J. Berman Hebrew Academy of Greater Washington, which has been leasing the former Peary High School since March 1996. Pursuant to the lease agreement, the academy is exercising its option to purchase the 19.5-acre property with approximately 220,000 square feet of building space located in Aspen Hill. The County Council has scheduled a public hearing on November 23, 2010.

The sale of the former Peary High School site was the subject of a previous mandatory referral by the Planning Board in September 2005 (attached circle pages 5-12). The Planning Board unanimously opposed the sale of the site. On October 17, 2005, the County Council's Management and Fiscal Policy Committee held a worksession on the proposed sale, and after an economic analysis of the terms of the proposed sale, concluded that the sale terms were not in the County's best interest. The Council took no action after the Committee's worksession.

The history of the school, the details of the 2005 disposition proposal, master plan recommendations against a possible disposition of the property, and staff recommendations against the 2005 proposed sale are included in the attached September 2005 staff report to the Planning Board. The terms of the current proposal are generally similar to the 2005 proposal except for the sale price (\$1,914,680 now v \$1.5 million in 2005).

ANALYSIS

Master Plan

The former Peary High School site is located within the 1994 Aspen Hill Master Plan area. Under Community Facility Recommendations, Public Schools, on page 170, the Master Plan states: "Support the retention of school sites and the modernization and utilization of the existing schools." Regarding the subject property the Master Plan has specific comments in two places:

- 1) In the Facilities Chapter, Public Schools, it states: "The former Peary High School site might reopen as a holding school. This will depend upon the decision of the Board of Education on two other school sites in another part of the County. If it is not used as a holding school and then reopened as a high school, the site might be returned to the County for reuse as a public facility or disposed of for a private use." (p. 186).
- 2) The Land Use Chapter of the Master Plan includes an extensive discussion of this site identified as Parcel #14 (page 63, attached). It states that after closing in 1984, the site was transferred to the County in 1987. The County Executive started the reuse process for the site and proposed the site be reused as a combination regional recreation center, children and youth services center and fine arts center. Before that recommendation was finalized, the Board of Education requested to get the site back for public education. However, funding was not available for converting the site to a holding facility and nothing happened on the site. By 1994, the site was in a major state of disrepair, the Board of Education had no plans to use it for public education use, and the master plan urged "positive action to restore the building and site for the benefit of the County and the neighboring community."

The Master Plan states on page 63 that a public school use would be the most desirable use of the site if such a need is found by the Board of Education. Recognizing that the site may not be needed for a public school use, the Plan envisions other uses such as a private school, among others. "In any event," the Plan states, "if the site is surplus by the Board of Education, it should be kept in public ownership."

School Capacity

In 2005, Montgomery County Public Schools (MCPS) staff indicated that this site was not needed for public education purposes, but the Board of Education opposed the sale of the property. With the current proposal, the Montgomery County Board of Education President, in a letter dated October 25, 2010 (attached, circle page 13) has expressed opposition to the proposed sale of the former Peary High School:

“It is important to note that enrollment is increasing throughout the county, including the Rockville cluster. In order to address enrollment increases in the past, MCPS has found it necessary to rebuild and reopen a number of schools that were closed. Since 1985, three elementary schools, six middle schools, and one high school have been reopened or built at the sites of formerly closed schools. It is important in this era of enrollment increases to maintain all possible facilities and school sites to address enrollment growth.

While it is not possible to project our exact facility needs for the future, we know future sites will be needed given the burgeoning enrollments we have seen at all school levels. For these reasons, we continue to oppose the sale of the former Robert. E. Peary High School.”

School Enrollment Estimates

School enrollment figures (based on Montgomery County Public School’s FY 2011 Capital Budget and FY 2011-2016 CIP) for several elementary schools and one middle school in the service area contiguous to the former Peary High School are as follows:

School	Available Space 2010-11	Comments	Available Space 2015-16
Brookhaven ES	(149)	Addition Complete	43 equals 10% of capacity
Rock Creek Valley ES	6		(10)
Sargent Shriver ES	(45)		(70)
Twinbrook ES	(102)	Facility Planning Underway	(175)
Wheaton Woods ES	(116)	Modernization Underway	(106)
Parkland MS	72		80 equals 10% of capacity

- Four of the five elementary schools in the service area contiguous to Peary HS are currently over capacity. Projected enrollment and capacity figures for the 2015-16 school predict that four of five elementary schools will remain over capacity.

- The neighborhood middle school has approximately ten percent of its capacity available for enrollment, currently and projected for 2015-16.
- If County school enrollment pressures continue, further over capacity will continue.
- Even with facility planning to alleviate overcrowding in the lower grades, eventually upper level facilities such as middle schools and high schools will be affected.
- Over the past three years approximately nine school clusters have been over 105 percent of capacity. During the same time period, as many as three school clusters have been in moratorium for new development being more than 120 percent of capacity.

CONCLUSION

Based on the Aspen Hill Master Plan recommendation against the sale of the subject site, the Board of Education's recommendation to retain the site in public ownership, and the possible rise in the future school enrollment primarily through turnover in the existing housing stock, Vision/Community-Based Planning staff continue to believe that the preferred option is to retain the site in public ownership. Staff recommends the Planning Board transmit comments to the County Council recommending disapproval of the proposed disposition of the former Peary High School site.

Attachments:

1. October 26, 2010 memorandum from County Council staff (circle pages 1-3)
2. September 29, 2005 letter from the Planning Board Chairman to County Council (circle page 4)
3. September 8, 2005 staff report to the Planning Board for the 2005 Mandatory Referral No. 05506-DPWT-1 (circle pages 5-12)
4. October 25, 2010 letter from Montgomery County Board of Education President (circle page 13)

The memorandum from the County Executive, Amendment No. 1 to the Lease, Declaration of Covenants, Deed of Reservation of Right of Repurchase, Resolution for Council Introduction, Resolution authorizing the lease/sale 11/29/94 and other documents can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=6&event_id=9&meta_id=13074.

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ATTACHMENT 1

AGENDA ITEM 5T

October 26, 2010

Introduction

MEMORANDUM

TO: County Council

FROM: *JL* Jeffrey L. Zyontz, Legislative Attorney
MF Michael Faden, Senior Legislative Attorney

SUBJECT: **Introduction:** Resolution to approve the sale of Peary High School

On October 18, 2010 the County Executive submitted a draft resolution that seeks Council approval of the sale of Peary High School to the Berman Hebrew Academy, to which the school is now leased.

The proposed terms are different from the previous Executive's 2005 sale recommendation in 3 ways:

- 1) the price rejects one appraisal – the 2005 proposal called for a payment of \$1,500,000 – the 2010 proposal requires a payment of \$1,914,860;
- 2) the repurchase price is tied to the price paid plus the lesser of the fair market value of improvements made by the tenant or the depreciated actual costs of improvements; and
- 3) the Academy's use of the site is limited to school uses. (The public will continue to have use of the fields, the gym, and the auditorium during non-school use times.)

The 1996 lease requires the County to undertake a process for acceptance that "is in accordance with all applicable State and local statutes and regulations governing the disposition of property." The lease expressly requires the sale to be approved by the State Board of Public Works. The sale of Peary High School was reviewed by the Planning Board in 2005 as a mandatory referral.

The Council is not required by law or regulation to hold a public hearing at this point. The most recent public hearing the Council held on this school was in 1994.

Background

In 1984 Peary High School was closed due to a decline in enrollments. The site was turned over to the County as a surplus school in 1987. The unoccupied building deteriorated over time. Sometime between 1987 and the adoption of the Aspen Hill Master Plan the Board of Education

recommended using the school as a holding school while other schools were being renovated. After funds for this proposal were not authorized, the Board of Education transferred the property to the County by deed in 1994. The Aspen Hill Master Plan (approved April 1994), which included the Peary High School site, recommended maintaining public ownership of the school site under all circumstances.

On November 29, 1994 after a public hearing, the Council approved Resolution 12-1874 to allow a lease of the property to a private school and a sale under the following conditions:

Any sale of the property is subject to prior consent of the Council which will consider appropriate elements of the Aspen Hill Sector Plan at that time. (see ©69).

The 1994 resolution gave the Executive the authority to seek a long term tenant or a sale with Council approval. In 1995 the Executive solicited private sector proposal for the site. After considering other options the Executive signed a lease with the Berman Hebrew Academy in 1996. The lease include an option to purchase under the following circumstances:

The Lessee shall have the right to purchase at any time during the lease term or any extension thereof, subject to the approval of the Montgomery County Council and the Montgomery County Executive, and subject to any restrictions, conditions or requirements which the County Executive and County Council may elect to attach to such a purchase. The Lessees right to purchase is further subject to the approval of the Board of Public Works which may also elect to place restrictions, conditions, and requirements on the purchase. The Lessees right to purchase and the County's acceptance thereof shall be exercised in accordance with all applicable State and local statutes and regulations governing the disposition of property....(lease, p.8; see ©31)

The definition provisions of the lease state the following:

Wherever the phrase "approval of the County" is used it shall, unless otherwise provided, mean that such approval shall not be unreasonably withheld. (lease p.5; see ©28)

In 2001 the Council approved Regulation 4-99 governing the disposition of closed schools. Any lease which predated the regulation, including the lease for Peary High School, was not subject to the regulation.

In 2005 the then-County Executive recommended that the Council approve a resolution to sell the school and site to the Academy. The Management and Fiscal Policy committee held a worksession on the proposed resolution on October 17, 2005. Both the Planning Board and the Board of Education advised against selling the school (see ©71-72). The Committee Chair commissioned an independent economic analysis of the terms of the proposed sale, which concluded that the 2005 sale terms were not in the County's best interest. The Council took no action after the Committee's worksession.

This packet contains

© number

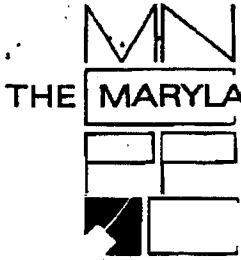
Memorandum from the County Executive	1-2
Amendment No. 1 to Lease	3-10
Declaration of Covenants	11-19
Deed of Reservation of Right of Repurchase	20-23
Lease 3/29/96	24-65
Resolution for Council Introduction	66-67
Resolution authorizing the lease/sale 11/29/94	68-70
Planning Board recommendation 2005	71
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Aspen Hill Master Plan Extract	73

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ATTACHMENT 2

RW
CC
SBF
LL
MF

U. S. ZONING



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760
(301) 495-4605

Montgomery County Planning Board
Office of the Chairman

September 29, 2005

The Honorable Thomas E. Perez, President
Montgomery County Council
100 Maryland Avenue, 6th Floor
Rockville, Maryland 20850-2540



017762

SUBJECT: Mandatory Referral No. 05506-DPWT-1
Sale of the Former Peary High School Property to the Hebrew Academy of
Greater Washington

Dear ^{Tom}Mr. Perez:

At its regular meeting on September 15, 2005, the Planning Board reviewed the proposed sale of the former Peary High School property to its current lessee, the Melvin J. Berman Hebrew Academy of Greater Washington, located at 13300 Arctic Avenue, Rockville, Maryland. According to the Executive Regulation 4-99 AM, Reuse, Leasing and Sale of Closed Schools, the Planning Board is required to review the proposed disposition as a mandatory referral and to submit a statement to the County Council whether the site would be needed for park uses.

The Peary High School site is not needed for park uses at this time. The recreation facilities and ballfields on the site should continue to be available to the community through the County's Community Use of Public Facilities Program.

After reviewing the mandatory referral application, the Planning Board voted unanimously to disapprove the proposed sale for the reasons enumerated in the attached staff report. The Planning Board expressed serious concerns about the County policy of selling former school properties to private entities, especially large sites located in down county areas, such as the former Peary High School property. The Planning Board believes that the current long-term lease with the Hebrew Academy is the appropriate mechanism to continue the existing use of the site as a private education institution until such time when it may be needed for public school purposes.

Sincerely,

Derick P. Berlage
Derick P. Berlage
Chairman

DPB:KA:ha:
Attachment

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SEP 29 11:55 AM '05

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

September 8, 2005

MEMORANDUM—MANDATORY REFERRAL

TO: Montgomery County Planning Board

VIA: John A. Carter, Chief, Community-Based Planning Division *JC*

FROM: Khalid Afzal, Team Leader, Georgia Avenue Team (301-495-4650) *KA*

SUBJECT: Mandatory Referral No. 05506-DPWT-1: Sale of Former Peary High School to the Melvin J. Berman Hebrew Academy – 13300 Arctic Avenue, Rockville Maryland, R-90 Zone, 1994 Aspen Hill Master Plan

RECOMMENDATION: Disapproval. Staff recommends retention of the property in public ownership, and a continuation of the existing lease.

THE PROPOSAL

The Hebrew Academy of Greater Washington has been leasing the Former Peary High School since March 1996. Pursuant to the lease agreement, the Academy is exercising its option to purchase the property, which is located in the Aspen Hill area and contains approximately 220,000 square feet of building space on a 19.5-acre site. According to the Executive Regulation 4-99 AM, Reuse, Leasing, and Sale of Closed Schools, Section 7: Process for Disposition by Sale or Lease with Option to Buy, Paragraph 7.3, "The Executive must request the Planning Board to review the proposed disposition under the mandatory referral process in the Regional District Act, and to submit a statement to the Council within 60 days that the site will not be needed for park uses."

BACKGROUND

The Robert E. Peary High School was closed in 1984, and the property was transferred from Montgomery County Public Schools to the County in 1994. The County signed a lease agreement with the Hebrew Academy of Greater Washington in March 1996 with an initial two-year renovation period, a twenty-five year lease term, with three additional five-year option periods, all commencing upon completion of the renovation period. The County retained the right, after the twenty-five year term, to reclaim the property for public education upon a five-year notice. The lease also granted the Academy the right to purchase the property upon approval of the County Council and the County Executive. The auditorium, gymnasium, and playing fields were made available in accordance with the guidelines for community use of public facilities. The renovation work, estimated to be \$8 million in 1997 dollars, was more extensive than initially projected causing the renovation period to be extended by approximately one year.

Article III of the 1996 Lease Agreement granted the Academy the right to purchase the property at any time during the lease subject to the approval of the County Council and the County Executive. According to the mandatory referral application, "the purchase or 'baseline' price was established by appraisal upon the commencement date of the lease and was premised upon the poor condition of the property." The application indicates that the purchase price is \$1,500,000 and that the deed between the County and the Academy will include the following conditions:

1. Continued use of auditorium, gymnasium, and playing fields through Community Use of Public Facilities;
2. The property may be used only for private education use, and accessory uses such as daycare and worship services, private educational day camps, and private religious education center;
3. County's right to repurchase if the land use changes; and
4. The County retains the right to repurchase for a public school commencing in 2026.

SUMMARY OF ISSUES

1. The Aspen Hill Master Plan recommends retention of this site in public ownership.
2. Repurchase of the site if needed for public education purposes.

Issue No. 1: Master Plan Recommendation

The former Peary High School site is located within the 1994 Aspen Hill Master Plan area. The reuse of this school site was being considered while the master plan amendment process was underway. The Aspen Hill Master Plan includes general comments on school sites in the Community Facilities Chapter. Under Community Facility Recommendations, Public Schools, on page 170, it states: "Support the retention of school sites and the modernization and utilization of existing schools." Regarding the subject property the Master Plan has specific comments in two places:

- 1) In the Facilities Chapter, Public Schools, it states: "The former Peary High School site might reopen as a holding school. This will depend upon the decision of the Board of Education on two other school sites in another part of the County. If it is not used as a holding school and then reopened as a high school, the site might be returned to the County for reuse as a public facility or disposed of for a private use." (p. 190).

- 2) The Land Use Chapter of the Master Plan includes an extensive discussion of this site identified as Parcel #14 (page 63, Attachment 3). It states that after closing in 1984, the site was transferred to the County in 1987. The County Executive started the reuse process for the site and proposed the site be reused as a combination regional recreation center, children and youth services center and fine arts center. However, before that recommendation was finalized, the Board of Education requested to get the site back for public education. However, funding was not available for converting the site to a holding facility and nothing happened on the site. By 1994, the site was in a major state of disrepair, the Board of Education had no plans to use it for public education use, and the Master Plan urged "positive action to restore the building and site for the benefit of the County and the neighboring community."

In summary, the Master Plan states that a public school use would be the most desirable use of the site. But recognizing that the site may not be needed for a public school use, the Plan envisions other uses such as a private school, among others. "In any event", the Plan states, "if the site is surplus by the Board of Education, it should be kept in public ownership."

Issue No. 2: Sale of Former School Properties as Public Policy

The second issue is a public policy question—whether the former public school site should be retained in public ownership even if current projections show that it would not be needed for public education purposes in the foreseeable future. The site is located in the Rockville high school cluster, and the MCPS staff has indicated that this site would not be needed for public education purposes (Attachment 2). Staff notes that long-term demographic and school-age population projections are extremely complicated and unreliable. There have been instances where a closed school site was surplus and leased to a private entity and later reclaimed for public education purposes (a recent example is the former Belt Junior High School site). Even though the sale is proposed to be subject to a deed restriction that would allow the County to repurchase the site if needed for education purposes, it would create a more complicated process making it more difficult to repurchase the site than terminating the lease with a five-year notice and compensating the lessee for improvements to the facilities per the terms of the lease. Staff believes that the current lease structure, which allows the Hebrew Academy to continue to use the site until such time when the site is needed for public education purposes, is the most appropriate arrangement and serves both the private and the long-term public interests by retaining the site in public ownership.

Staff from the Park Planning and Resource Analysis unit of the Countywide Planning Division has raised some concerns regarding the sale of the property, which includes ballfields, tennis courts and play areas needed for community use (Attachment 4). Countywide staff has suggested that if the entire property is not retained in the public ownership the feasibility of selling only the building but retaining the open areas in the public ownership should be considered. The Countywide Planning staff believes that such large, fairly level parcels of land in the downcounty area are scarce, and this option would give the County the ability to improve, alter or expand the active recreation areas (lighting and artificial turf, for example) in the future if need be.

Community Notification

A mandatory referral hearing notice was mailed to all adjoining homeowners and the area homeowner associations on August 16, 2005. As of the writing of this report, staff has not received any communication from any citizen civic group on this proposal.

CONCLUSION

Based on the Aspen Hill Master Plan discussion and recommendation for this site, staff believes that the preferred option is to retain the site in public ownership and that the Hebrew Academy of Greater Washington should continue to use it under the terms of the current lease. The second option would be to sell only the building but keep the open active recreation areas in the public ownership.

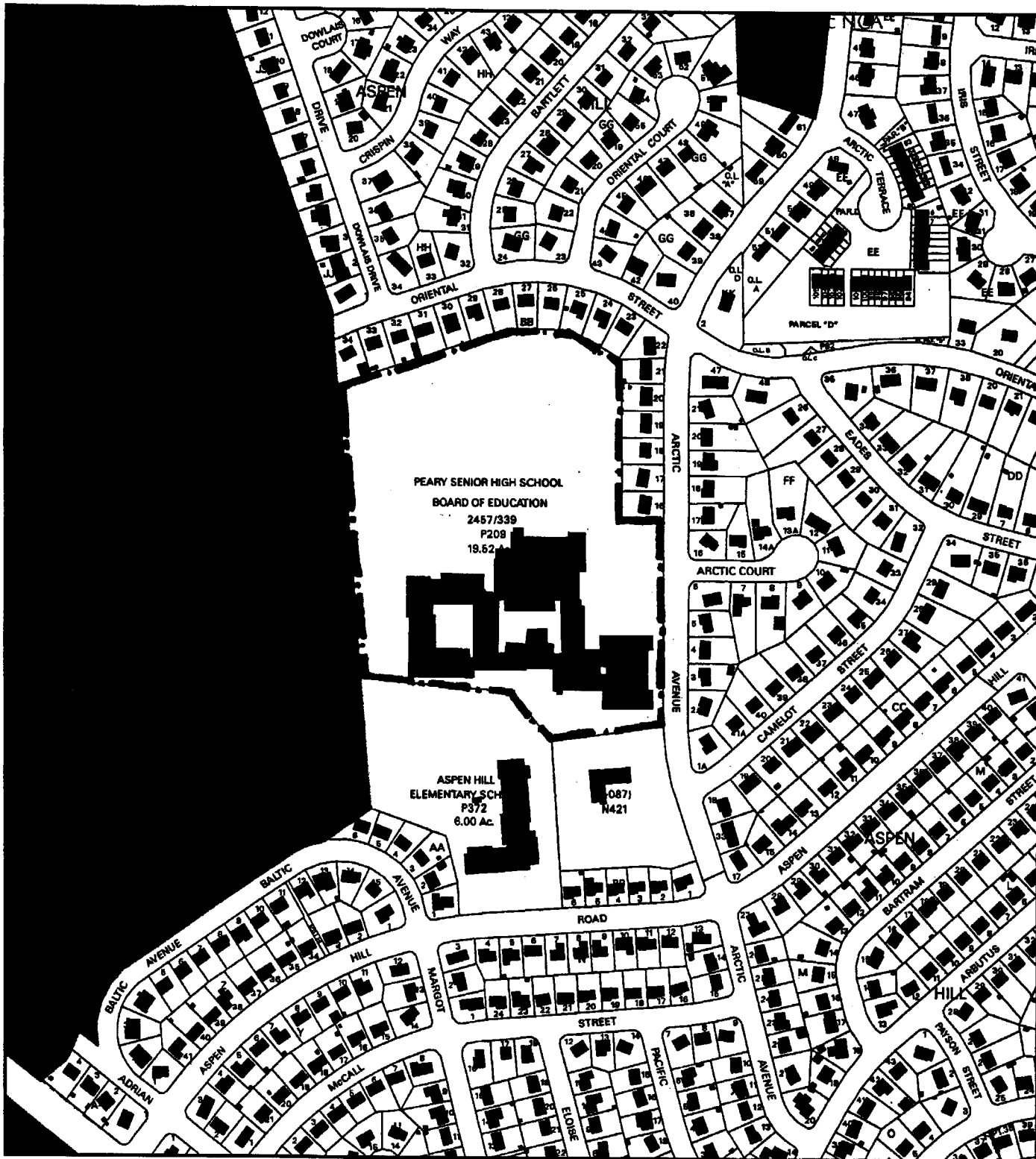
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Attachments

1. Vicinity Map
2. Email from MCPS staff
3. Excerpt from Aspen Hill Master Plan
4. Memo from Countywide Planning Division



FORMER PEARY HIGH SCHOOL SITE



Map compiled on August 19, 2005 at 3:38 PM | Site located on base sheet no - 217NW06

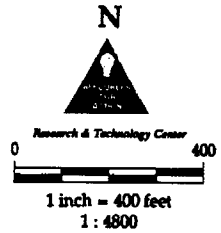
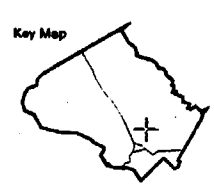
NOTICE

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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 6787 Georgia Avenue - Silver Spring, Maryland 20910-3760



9

ATTACHMENT 2**Afzal, Khalid**

From: Crispell, Bruce [Bruce_Crispell@mcpsmd.org]
Sent: Wednesday, August 10, 2005 3:25 PM
To: Afzal, Khalid
Cc: Turpin, Janice
Subject: FW: Former Peary High School

Khalid,

As per our conversation I am providing this e-mail concerning the former Peary High School facility.

Peary High School was closed in 1984 and conveyed to the county in 1994. Prior to being conveyed to the county, it was determined that this facility was no longer needed for public school use. This continues to be true.

The Peary facility is within the current service area for Rockville High School. Rockville High School is to the north of the Peary facility. This school was modernized in 2004 and has a capacity for 1,633 students. Enrollment is projected to remain in the 1,200 to 1,400 range for the foreseeable future. Therefore, ample space is available at Rockville High School.

In other high schools in the vicinity of the former Peary High School facility space is either adequate now, or construction is underway to ensure space is adequate in the future. To the east and south of the Peary facility, Kennedy and Wheaton high schools have recently been relieved by the reopening of Northwood High School and formation of the Downcounty High Schools Consortium. To the west of the Peary facility, a large addition to Walter Johnson High School has recently been completed and further work to modernize the school is underway. Capacity is projected to be adequate at this high school when this project is completed in 2009. Also to the west of the Peary facility, the modernization and expansion of Richard Montgomery High School is getting underway this summer. This project will ensure space is adequate at this school when the new facility is opened in 2007.

Although high school enrollment has grown, the next high school that is needed further north than Peary, in the area Shady Grove west area. The Peary facility's location is ill suited to these future needs.

Let me know if I can be of further assistance.

Bruce Crispell

Director
Division of Long-range Planning
Montgomery County Public Schools

(301) 279-3334

10

9/7/2005

Facility right-of-way, the entire area should be acquired and managed as a park.

PARCELS OR AREAS WITH COMMENTS

14 *Robert E. Peary High School*

The 19.52-acre site is located on the western side of Arctic Avenue (Figure 24). The site is zoned for single-family detached houses on 9,000-square-foot lots. The property is bordered by single-family detached houses to the north and east. A church and the Frost Center school site are to the south. The Rock Creek Stream Valley Park borders the site to the west.

After years of neglect, the Peary High School building in its present condition is no longer an asset to the Aspen Hill community. Peary High School graduated its last class in 1984. In 1987, after the Board of Education turned the site over to the County as surplus property, the County Executive proposed that the auditorium and gymnasium wings of the building be renovated, the remainder of the building be demolished, a new connecting piece be constructed between the auditorium and gymnasium wings and that the facility be used as a combination regional recreation center, children and youth services center and fine arts center. Before that recommendation could be fully acted upon, the Board of Education requested that the site be transferred back to them so that the facility could once again be used for public education. Funding to renovate the building to serve as a holding school was not available at the time it was requested. In 1994, the Board of Education is once again considering giving the site to the County as surplus property. The building has been unoccupied since 1988. Positive action is now required to restore the building and site for the benefit of the County and the neighboring community.

The reuse of Peary High School as a public school, if such a need is found by the Board of Education, would be the most desirable future for the site. In any event, if the site is sur-

plused by the Board of Education, it should be kept in public ownership. If a determination is made that it is not needed as a public school, any use of the site that would not preclude its eventual reuse as a public school would be desirable. Such uses include, but are not limited to, a private school, a specialized indoor recreational facility and the use of the auditorium for theater productions and other community use. It is conceivable that only a portion of the structure would find qualified tenants acceptable to the public owner. To the extent that the building is not renovated and not used, it should be considered for demolition.

Consideration should also be given to adding the site into the Rock Creek Stream Valley Park to provide additional playing fields. Regardless of who controls the site, the existing outdoor recreation facilities should be repaired and made available for public use.

15 *Rock Creek Village Shopping Center*

The 9.39-acre neighborhood center is located in the southwest corner of the Norbeck Road and Bauer Drive intersections (Figure 25). The center has approximately 89,000 square feet of gross retail space. It is bordered to the south by townhouses and condominiums. To the northwest, there is a small strip of unimproved land that is a residual from the Norbeck and Baltimore Roads improvements.

There is a perception that the rear parking lot is inaccessible and unsafe. The shopping center previously had two points of access from the rear lot to the front parking lot. One of those entrances was closed to create additional retail space, leaving one access point to serve the entire parking lot. Efforts should be made to correct this situation and improve access to this parking lot.

The existing two-way light at the shopping center's entrance on Bauer Drive near the supermarket only stops traffic on Bauer Drive. It is activated by pedestrians crossing Bauer Drive. This light is near the crest in the road-

ATTACHMENT 4

September 7, 2005

MEMORANDUM

TO: Khalid Afzal, Georgia Avenue Team Leader
Community Based Planning Division

VIA: Jeff Zyontz, Chief, Countywide Planning Division

FROM: Tanya Schmieler, Planning Supervisor

SUBJECT: **COMMENTS ON THE SALE OF THE FORMER PEARY HIGH SCHOOL
TO THE HEBREW ACADEMY OF GREATER WASHINGTON**

The former Peary High School includes outdoor athletic facilities that are essential to the community, including a full size football / soccer field and circumferential track, and tennis and multi-use courts. It is adjacent to Aspen Hill Local Park.

The Council approved the sale of the school contingent on continuing access by the community to the gymnasium auditorium and playing fields through the office of Community Use of Public Facilities (CUPF). The proposed deed indicates that weekdays after 6:00 p.m. and weekends should generally be available for community use.

It is suggested that instead of a sale, the County consider retaining the outdoor recreation space with a long term lease of the recreation facilities. The lease should require continued community use through CUPF and maintenance by the tenant. There is currently a long term lease on the building and land which appears to have worked well.

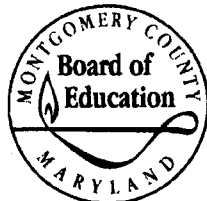
It is questionable whether open space and recreation facilities that benefit the general public should be sold, particularly when it is in an urban area and adjacent to an existing park. It is possible that the ballfield initiatives program may want to consider future lighting/and or artificial turf of the football/soccer field. Although county shortage of rectangular fields are severe, lease of the property to the tenant would still preserve the field. It would not appear feasible to convert this area to parkland at this time, as the primary user would be a private school.

TS:ccq

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cc : Bill Mooney

JZ
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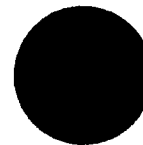
MONTGOMERY COUNTY BOARD OF EDUCATION

850 Hungerford Drive ♦ Rockville, Maryland 20850

October 25, 2010

The Honorable Nancy Floreen, President
Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, 6th Floor
Rockville, Maryland 20850

059206



Dear Ms. Floreen:

This letter is regarding the proposed sale of the former Robert E. Peary High School, which is on the agenda for the County Council meeting on Tuesday, October 26, 2010. The former Robert E. Peary High School is located at 13300 Arctic Avenue, Rockville, Maryland. This site is within the Rock Creek Valley Elementary School service area and the Rockville Cluster of schools.

In October 2005, in response to a request from the County Council's Management and Fiscal Policy Committee to provide the Board's position on the proposed sale of the former Robert E. Peary High School, the Board of Education passed a resolution opposing the sale on the basis that the facility may be needed for educational purposes in the future. Since that time, enrollment in Montgomery County Public Schools (MCPS) has continued to increase substantially. Preliminary enrollment this year is 144,458 students, which is 5,071 more students than in 2005. Another 10,000 students are projected to be enrolled by the 2016-2017 school year.

It is important to note that enrollment is increasing throughout the county, including the Rockville Cluster. In order to address enrollment increases in the past, MCPS has found it necessary to rebuild and reopen a number of schools that were closed. Since 1985, three elementary schools, six middle schools, and one high school have been reopened or built at the sites of formerly closed schools. It is important in this era of enrollment increases to maintain all possible facilities and school sites to address enrollment growth.

While it is not possible to project our exact facility needs for the future, we know future sites will be needed given the burgeoning enrollments we have seen at all school levels. For these reasons, we continue to oppose the sale of the former Robert E. Peary High School.

Thank you for your consideration of these remarks.

Sincerely,

Patricia B. O'Neill
President

PBO:jlc

Copy to:

Members of the Board of Education
Dr. Weast

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