



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #10
July 7, 2011

MEMORANDUM

DATE: June 30, 2011

TO: Montgomery County Planning Board

FROM: Mary Dolan, Acting Chief, Functional Planning Division *MD*
Rose Krasnow, Chief, Area 1 Division *RK*

SUBJECT: Proposed Amendment to the Subdivision Staging Policy: Exclusion of Day Care Centers from the Local Area Transportation and Policy Area Mobility Review Requirements

Recommendation: Transmit Comments to the County Council

Instead of amending the Subdivision Staging Policy to exempt day care uses, staff recommends amending the Planning Board's Local Area Transportation Review and Policy Area Mobility Review guidelines to provide smaller development projects with options for providing their share of combined mitigation requirements, without being obligated to construct the entire improvement if they are the first project to begin.

Background

The Montgomery County Subdivision Staging Policy, formerly the Growth Policy, is established by the County Council through a resolution every four years in the second year of a Council term. Pursuant to the Policy, the Planning Board must not approve a subdivision if it finds that an unacceptable weekday peak-hour level of congestion will result after considering existing roads, programmed roads, available or programmed mass transportation, and physical improvements or trip mitigation measures to be provided by the applicant. If it is shown that a subdivision that generates more than 30 new peak-hour vehicle trips will have an adverse affect on traffic at a nearby intersection for which congestion is already unacceptable, then the subdivision may only be approved if conditions are added to ensure that improvements will be made that improve the situation. This analysis is done as part of Local Area Transportation Review and the subdivision staging resolution goes further to state that all preliminary plans of those projects generating more than three new peak-hour trips must also comply with the requirements of Policy Area Mobility Review (PAMR). In other words, these reviews determine, based on the levels of congestion that are deemed acceptable at affected intersections, if mitigation should be required for any percentage of the trips generated. An amendment has been proposed by Councilmember Floreen to exclude day care centers from these reviews.

The LATR/PAMR test is based on a traffic study completed by the applicant that analyzes vehicle trips generated by the development and their affect on nearby intersections. When traffic from the site increases the amount of traffic (critical lane volumes) to a level that, either alone or combined with other projected projects, would cause intersections to fail, the applicant must provide funding for the necessary improvements on a pro-rata basis, and the improvements must be constructed before the development is complete. If more than one project is responsible for the same intersection, the first project to move forward is required to build the improvements at the applicant's expense. The applicant would then be reimbursed by other applicants for their pro-rata share as they move ahead with their projects. This ensures that the improvements are in place before any new trips are on the road and avoids the issue of waiting indefinitely for an improvement since one or more of the other projects may not move forward in a timely way. The disadvantage is that the first applicant may have only a small part of the responsibility for a complex or expensive project.

This is the case with the Goddard School, which is required not only to participate in the improvement of the intersection of MD 355 and Old Baltimore Road but also, as the first project to move forward, to design and build the improvements, even though the project is complex and expensive and will require State Highway Administration participation in right of way acquisition and design work that is not yet underway. The Goddard School project would be held hostage to the design and construction schedule of the intersection improvements.

The solution proposed by the proposed resolution (see Exhibit A) is to exempt all day care facilities from the requirement to mitigate their traffic impacts. While this would resolve the issue for the Goddard School, the following issues remain:

- Day Care facilities, especially of the size proposed by the Goddard School, generate many peak hour trips, adding to critical lane volumes at congested intersections.
- The conditions caused by these additional peak hour trips could extend for long periods of time until another applicant is required to construct the necessary improvements or the government chooses to move ahead with them.
- Other types of uses that may generate more than three peak-hour trips but do not create severe congestion would also want to be excluded from the LATR and PAMR requirements.
- Even if all of the funding is available, the County (or State Highway Administration) may not be ready to move ahead if funding, design, or right of way acquisition is not resolved.

In staff's opinion, all development that may negatively impact existing road conditions should be subject to the LATR/PAMR requirements. Rather than exempting day care facilities, staff recommends that an effort be undertaken to explore amending the Planning Board's Local Area Transportation Review and Policy Area Mobility Review guidelines to provide smaller development projects with options for providing their share of combined mitigation requirements without being obligated to construct the entire improvement if they are the first project to begin.

Resolution No. _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Floreen

SUBJECT: Amendment to County Subdivision Staging Policy regarding child day care centers

BACKGROUND

1. Under County Code §33A-15(h), the County Council may amend an adopted County Subdivision Staging Policy by resolution after notifying certain agencies and holding a public hearing.
2. A public hearing was held on this resolution on (date).
3. This amendment is necessary to encourage the provision of child day care in the County by removing certain disincentives to opening new child day care centers..

ACTION

The County Council for Montgomery County, Maryland approves the following resolution:

The 2009-2011 County Subdivision Staging Policy (formerly the County Growth Policy), as adopted by Resolution 16-1187, is amended as follows:

* * *

Guidelines for Transportation Facilities

* * *

TP2.2.2 Determination of Adequacy

* * *

An applicant for a preliminary plan of subdivision need not take any action under TP Policy Area Mobility Review if the proposed development will generate 3 or fewer peak-hour trips, or if the development will consist only of a child day care center, as defined in Chapter 59.

* * *

TL Local Area Transportation Review (LATR)

Exhibit A

TL1 Standards and Procedures

* * *

Local area transportation review must be completed for any subdivision that would generate 30 or more peak-hour automobile trips unless that subdivision consists only of a child day care center, as defined in Chapter 59. For any subdivision that would generate 30-49 peak-hour automobile trips, the Planning Board after receiving a traffic study must require that either:

* * *

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

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