



Consent Item - Washington Christian Academy (Bethel World Outreach Church): Preliminary Plan Amendment 12004055B

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John Carter, Chief, Area 3

Staff Report Date: 07/11/14

Description

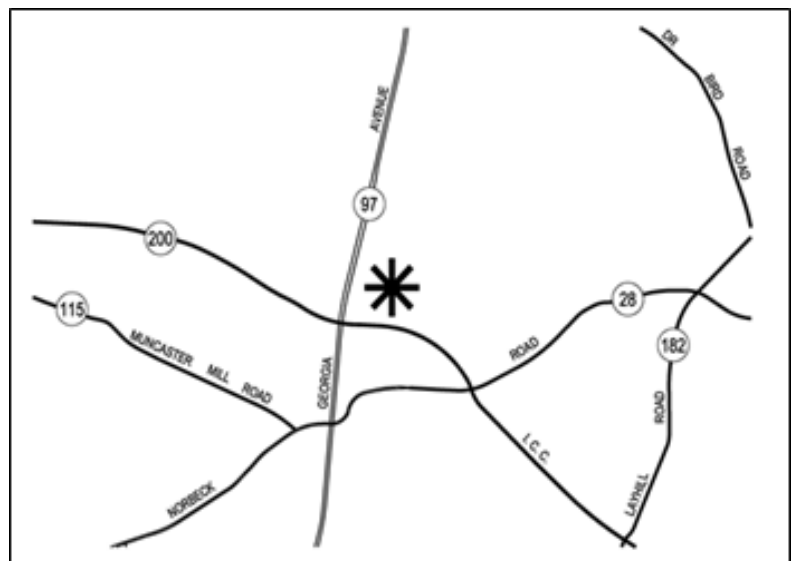
Consent Item - Washington Christian Academy (Bethel World Outreach Church): Preliminary Plan Amendment 12004055B

A request to allow a house of worship with no weekday child day care as a use on the property located at 16227 Batchellors Forest Road, 57.86 acres; zoned Rural Cluster; Olney Master Plan area.

Staff Recommendation: Approval with conditions

Applicants: Bethel World Outreach Church

Submittal Date: 5/2/2014



Summary

This Application is a request by Bethel World Outreach Church, recent purchasers of the Washington Christian Academy campus and property, to allow a house of worship on the property in addition to the previously approved uses for a private educational institution with up to 1,140 students, 100 faculty and 12 faculty housing units. A house of worship is a permitted use in the Rural Cluster zone and a house of worship is exempt from an adequate public facilities review.

RECOMMENDATIONS AND CONDITIONS

Staff recommends approval of the Preliminary Plan amendment with the following modified condition

- 1) Approval under this preliminary plan is limited to a house of worship with no weekday child daycare and a private educational institution for grades K-12 with up to 1,149 students, 100 faculty/staff, and 12 faculty/staff housing units such that trips related to the proposed school (with the TMA referenced in Condition #2e below contained in Planning Board Opinion dated May 6, 2005 for the Washington Christian Society) do not exceed 189 total peak-hour vehicle trips during the weekday morning peak-period and 91 total peak-hour vehicle trips during the weekday evening peak-period.

All other conditions not modified herein and the Planning Board findings contained in the Planning Board Opinion dated May 06, 2005 for Preliminary Plan No. 120040550 - Washington Christian Society and Preliminary Plan No. 12004055A – Washington Christian Society remain valid and in full force and effect.

SITE

The Washington Christian Society property is recorded by Record Plat No. 23530 as a 57.86 acre lot and is located at 16227 Batchellors Forest Road in Olney (“Property” or “Subject Property”). The Property is in the RC Zone and is located in the southeast quadrant section of the Olney Master Plan area.



The Subject Property is improved with two buildings, associated parking, and a baseball diamond, representing a portion of the approved development for the private educational institution campus. The remainder of the Property is mostly forested, however much of that forest is considered cleared for purposes of forest conservation since it may be removed for further development on the Property.

BACKGROUND

On December 4, 2004, Preliminary Plan No. 120040550 (1-04055) for the Washington Christian Society was approved by the Montgomery County Planning Board for a private educational institution for grades K-12 with up to 1,149 students, 100 faculty/staff, and 12 faculty/staff housing units and subject to conditions including a Trip Mitigation Agreement to control the morning and peak hour vehicle trips. The Planning Board Opinion was mailed May 6, 2005 (Attachment 1). With the approval of the preliminary plan, the Planning Board also approved a forest conservation plan that showed a building envelope for numerous campus buildings, ball fields, access drives, stormwater management and parking.

Subsequent to this approval, a limited amendment to the preliminary plan was considered by the Planning Board on February 26, 2009, for the Washington Christian Society No. 12004055B to revise the forest conservation plan for the purpose of allowing additional right-of-way dedication for the Inter-County Connector (ICC). With the approval of this amendment (MCPB Resolution 09-59 dated June 19, 2009) the forest conservation easements were adjusted to accommodate the additional ICC right-of-way.

Development of the Washington Christian Society (aka, Washington Christian Academy) (“WCA”) campus began in 2006-2007. To date, only two of the nine buildings shown on the preliminary plan and forest conservation plan have been constructed and only 100 of the 200 parking spaces have been constructed. Enrollment at the WCA peaked at 410 students in the late 2000’s but decreased to 225 students for the 2013-2014 school year, well below the 1,140 students allowed under the Planning Board’s approval.

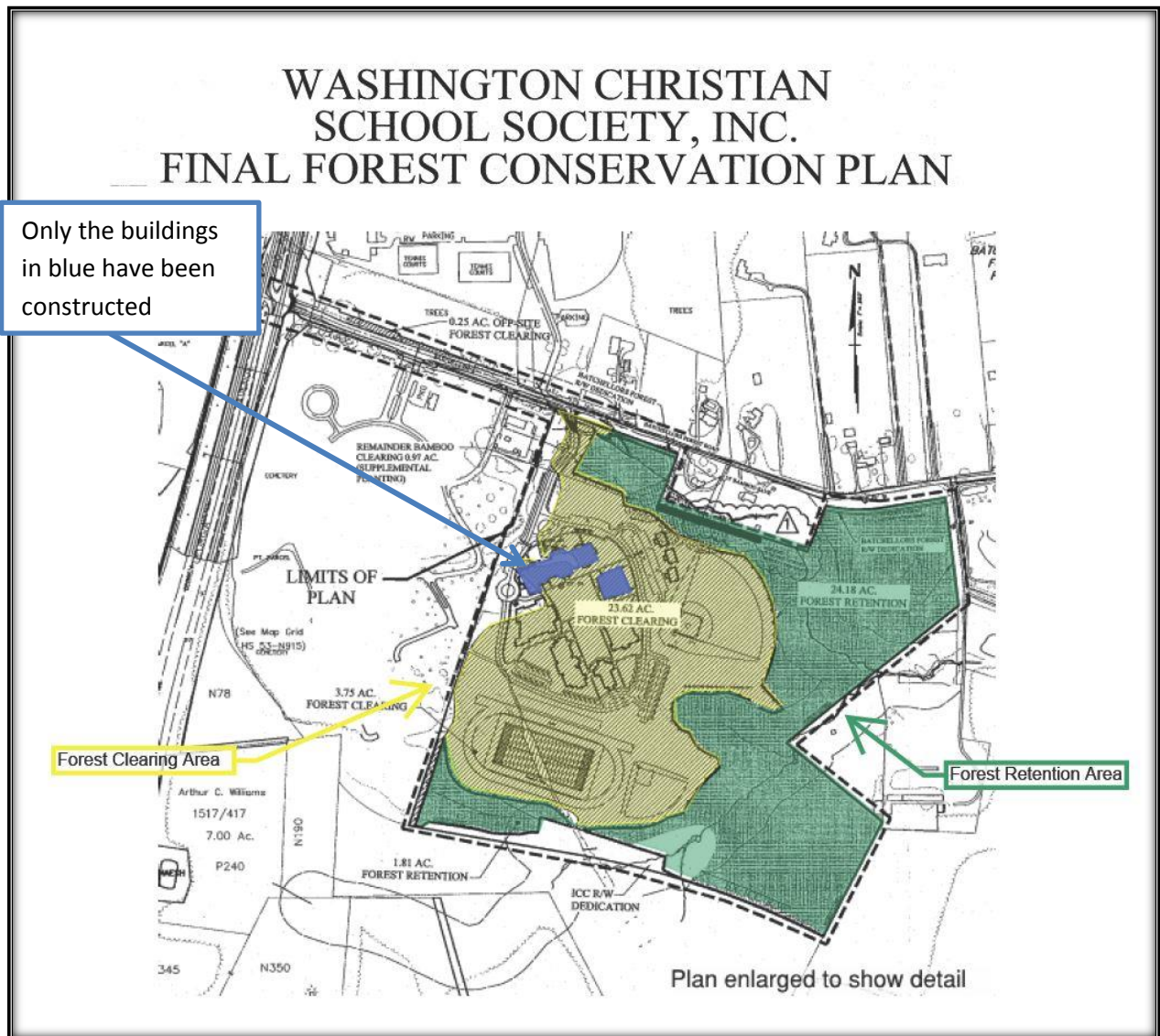
Bethel World Outreach Church (“Bethel” or “Applicant”), purchased the property in January of 2014. As new owners of the Property, Bethel assumes the preliminary plan approvals for the Property and may continue operating the private school and continue developing the Property in accordance with the existing conditions of approval including adherence to the trip mitigation measures established for the Property. Bethel, under a private agreement, has allowed the WCA to continue to operate the private education institution.

Bethel has filed this request to amend the conditions of the original approval to add language that will specifically recognize a house of worship as an allowed use on the property as outlined in their statement of justification (Attachment 2).

DISCUSSION

Staff has no objection to the Applicant’s request to include a house of worship as an approved use on the Subject Property. A house of worship is a permitted use in the RC Zone and is exempt from Adequate Public Facility review per section 50-35(k)(6) of the Montgomery County Subdivision Regulations. The approved Forest Conservation Plan shows a development envelope that includes room for the nine buildings and associated parking approved for the school campus and provides ample room

for the Applicant to host religious services on the Subject Property in conjunction with the private educational institution (see figure below). Any land disturbing activity that requires a sediment control permit will initiate a Planning Department Staff review for compliance with the approved forest conservation plan, including adherence to the limits of disturbance and forest conservation easements. Should any limit of disturbance shown on a sediment control plan conflict with the limits of disturbance shown on the approved forest conservation plan, a preliminary plan amendment will likely be required for Planning Board consideration. The Montgomery County Department of Permitting Services is responsible for determining the size and location of any building modifications or construction and associated changes to parking. Included in their Statement of justification the Applicant has forwarded a letter from the County Executive giving his support for this project at this location (Attachment 2).



Final forest conservation plan

FINDINGS

Olney Master Plan

In a discussion of the 59-acre Gandel property (Subject Property), the 2005 Olney Master Plan (“Master Plan”) mentioned that, “Since this property has an approved preliminary plan for institutional use for the Washington Christian Academy, the appropriate zoning for the property would be RC.” As such, the Master Plan recommended rezoning of the property from RE-2 to RC, given the approval for an institutional use. Clustering development on the property was encouraged by the Master Plan to protect forest. Therefore, the Application is in substantial conformance with the Master Plan since it is also for an institutional use that can utilize an existing building that is within the existing developable envelope created for the Washington Christian Academy.

Adequate Public Facilities

The original WCA application was subject to an Adequate Public Facilities review and was found to meet all requirements for public facilities when it was approved in 2005. A house of worship is exempt from the Adequate Public Facilities review requirements pursuant to Section 50-35(k)(6) of the Subdivision Regulations as part of this Application.

Forest Conservation

The Property is subject to an approved forest conservation plan and complies with Chapter 22A, the Montgomery County Forest Conservation Law. New development on the Property, including new buildings for the school, must comply with the approved forest conservation plan. No changes are proposed with this Application to the existing forest conservation plan.

Lot Design and Zoning

The existing lot is approximately 57 acres in size and has approximately 20 acres of developable area. The lot is of an appropriate size, shape, width and orientation to accommodate a house of worship. A house of worship is a permitted use in the RC zone.

CONCLUSION

Staff recommends approval of the Application, with the revised condition cited above.

ATTACHMENTS

Attachment 1 – Planning Board Opinion 5/6/05

Attachment 2 – Statement of Justification w/ County Executive Letter



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MAY 06 2005

Date Mailed:

Action: Approved staff Recommendation
Motion of Commissioner Bryant, seconded by
Commissioner Perdue, with a vote of 4-1;
Chairman Berlage and Commissioners
Perdue, Bryant, and Robinson voting in favor.
Commissioner Wellington voting against.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-04055
NAME OF PLAN: Washington Christian Society

MAY 06 2005

The date of this written opinion is _____ (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

On 1/30/04, Washington Christian Society, Inc. ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the RE-2 zone. The application proposed to create 1 lot on 59.99 acres of land located at south side of Batchellors Forest Road, approximately 1,300 feet east of Georgia Avenue (MD 97), in the Olney Master Plan area. The application was designated Preliminary Plan 1-04055 ("Preliminary Plan"). On 12/2/04, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

Washington Christian Society
Preliminary Plan 1-04055
Page 2

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application; and all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION AND SURROUNDING AREA:

The subject property is a 59.99-acre undeveloped property located within the Olney Master Plan area ("Subject Property"). The Subject Property is located on the south side of Batchellors Forest Road approximately 1,300 feet east of Georgia Avenue. The Subject Property is zoned RE-2. The site is currently completely forested and contains two tributary streams to Northwest Branch (Use Class IV-P stream), which bisect the property from northwest to east, and southwest to east. The site contains approximately 54.5 acres of forest, 4.3 acres of wetlands, and 15 acres of environmental buffer.

The Norbeck Memorial Park Cemetery is located to the west of the property, within the southeast quadrant of the MD 97/Batchellors Forest Road intersection. The Trotters Glen Golf Course and the William H. Farquhar Middle School are located to the east/northeast of the property along Batchellors Forest Road. The Olney Manor Recreational Park is located immediately to the north of the proposed school. The master planned alignment of the proposed Intercounty Connector (ICC) is along the southern property line.

PROJECT DESCRIPTION

This Preliminary Plan proposes to create a private school with associated ball fields, faculty residences, and parking on one lot. The school will include grades K through 12 and will have a maximum student enrollment of 1,140 students with 100 faculty/staff. Twelve residential units are proposed for faculty housing. The residential units will be located along the western property boundary and are currently proposed to be attached townhouses. The housing is an accessory use for the school and will not be located on individual recorded lots. The plan preserves the stream valleys and environmentally sensitive areas. Safe and adequate access for vehicles and pedestrians will be provided by existing Batchellors Forest Road and the internal vehicular, sidewalk and bike path system.

Washington Christian Society
Preliminary Plan 1-04055
Page 3

COMPLIANCE WITH THE 1980 OLNEY MASTER PLAN AND PENDING MASTER PLAN AMENDMENT

The approximately 60-acre Gandel property is currently zoned RE-2 and is located in the southeast area of the Olney Master Plan. The current 1980 Olney Master Plan does not have any specific comments about this site or the proposed use on the Subject Property. The 1980 Plan states that the southeast portion of Olney is a transitional agricultural area and recommends the RC (or LDRC) zone for properties in this area. Currently, the Olney Master Plan is being revised and the County Council is reviewing the proposed Planning Board Draft of the plan amendment.

The Planning Board discussed the potential use of the Subject Property by the Washington Christian Academy during its review of the Staff Draft of the Olney Master Plan ("Draft Plan"). Although the Draft Plan states that the preferred option for this site would be preservation in its entirety, if possible, it acknowledges the potential use of the site by Washington Christian Academy. The Draft Plan recommends that new development, residential or institutional, be clustered in appropriate areas to minimize new imperviousness on the site and preserve as much of the existing forest as possible. The Draft Plan also recommends a trail connection on the property that would connect the Olney Manor Recreational Park to the future ICC on the south side of the property.

Since the Draft Plan recommends that this property be rezoned to RC, staff recommends that the proposed preliminary plan be consistent with the controls of the RC zone to avoid non-conformance issues for the proposed development if rezoning occurs. Consistency with the RC zone also preserves future renovation or expansion opportunities for the school under the RC zone. The proposed school plan meets the 60 percent open space requirement for the RC zone by providing extensive forest and stream valley protection and in ball fields and other non-preservation open areas. Given the Draft Plan recommendations and the open space preservation on other properties in the southeast quadrant, staff recommended a minimum 50 percent of the property be preserved through forest conservation easement and that the remaining 10 percent (or less) open space be provided by the proposed ball fields and other open spaces on the site. The proposed plan provides approximately 50 percent of the site in conservation easement, which satisfies this recommendation.

TRANSPORTATION

Adequate Public Facilities

Adequate public facilities ("APF") review of the subject application required the Preliminary Plan to satisfy Local Area Transportation Review ("LATR") and Policy Area Transportation Review ("PATR") components of the APF test since the development was estimated to generate more than 50 total weekday peak hour trips during the morning and evening peak periods. The Applicant is proposing to satisfy the above

Washington Christian Society
Preliminary Plan 1-04055
Page 4

requirements with a Traffic Mitigation Agreement ("TMA") to sponsor, develop, implement, and operate a monitored trip mitigation program.

Access

Vehicular access to and from the property is proposed via a driveway to Batchellors Forest Road at the northwest corner of the property. Montgomery County Department of Public Works and Transportation ("DPWT") has required channelization at this driveway to restrict movements to right-turns in/left-turns out only to orient school-related traffic towards Georgia Avenue. Parking within the school is provided to the rear (southwestern portion of the site), as well as, along the west side of the property. The bus queuing plan for the school will queue/stack the buses entirely within the school property.

Proposed Intercountry Connector

As part of its preparation of the Draft Environmental Impact Statement ("DEIS") for the proposed ICC, the State Highway Administration ("SHA") is currently developing detailed engineering mapping for the roadway. The road is proposed as a limited-access east-west highway intended to link areas between I-270 and I-95/US 1, through central/eastern Montgomery and western Prince George's Counties, including an interchange with Georgia Avenue in the vicinity of the property.

The ICC planning process has concurrence on two alternative alignments, selected through the Alternatives Retained for Detailed Study ("ARDS"), called Corridor 1 and Corridor 2. Corridor 1 is the southern alignment that generally follows the ICC alignment incorporated in the area master plans, and the Corridor 2 alignment diverts to the north on the east side of Georgia Avenue. The ICC Corridor 2 alignment is not represented in any area master plans.

Based on the current information available in the ICC DEIS, the Corridor 1 alignment has minimal right-of-way and grading impacts on the Subject Property. The Corridor 2 alignment options in the area (the southern Norbeck Option A and the northern Norbeck Option B) would physically impact the Subject Property as well. The Norbeck Option A alignment impacts the southeastern corner of the Subject Property, and the Norbeck Option B alignment splits the Subject Property in two.

Staff is of the opinion that by preventing the Applicant from filing record plat(s) until the earlier of September 1, 2005, or a final Record of Decision is issued by the Federal Highway Administration, development within the Norbeck Options can be effectively limited while permitting clearing and grading to occur. It is the opinion of Transportation Planning staff that this limitation fully protects the ICC alignments pending the DEIS review process.

Washington Christian Society
Preliminary Plan 1-04055
Page 5

Site-Generated Traffic

Peak-hour trips estimated for the proposed school during weekday morning (6:30 am to 9:30 am) and evening (4:00 pm to 7:00 pm) peak-periods were included in the traffic study. The trip generation estimate assumed 100 percent student busing, and arrival of all faculty/staff within the peak hour as single-occupant vehicles. The school buses were assumed to be stored on-site and not contribute to the peak hour trip generation while departing in the morning. All the faculty/staff were also conservatively assumed to arrive within the peak hour as single-occupant vehicles even though the school is providing 12 dwelling units on the property for faculty/staff to live in. Slightly more than half the students were assumed to depart the school prior to the evening peak period.

The Applicant has proposed installation/implementation of certain non-automobile transportation amenities within the Olney Policy Area (through coordination with DPWT and SHA) to offset impact of up to 60 weekday peak hour trips within the policy area. The plan also caps the weekday morning, and evening peak hour trips to/from the school within the respective peak periods at 189 and 91 "total" trips. This will ultimately provide the school some flexibility with its peak-hour trip generation and will permit some students to drive to the school instead of taking the school bus.

Transportation Staff recommended approval of the Preliminary Plan and found that the Preliminary Plan will provide safe and adequate access for vehicles and pedestrians, and satisfies the APF requirements.

ENVIRONMENTAL

The Subject Property contains 54.5 acres of forest, 4.3 acres of wetlands, and 15 acres of environmental buffers. The proposed forest conservation plan exceeds the requirements for forest retention onsite and meets all forest conservation requirements through the retention of existing forest. Environmental buffers on the property were identified on the approved Natural Resources Inventory/Forest Stand Delineation. Environmental buffers include wetlands and their buffers, floodplains, and streams and their buffers. The plan includes protection of all environmental buffers and forest retention areas in Category I conservation easements. Environmental Staff recommended approval of the Preliminary Plan and found that the Preliminary Plan satisfied the *Environmental Guidelines* and complies with the requirements of the Forest Conservation Law (Montgomery County Code Chapter 22A).

WATER AND SEWER SERVICE

The Subject Property is currently in water and sewer categories W-6 and S-6, respectively, which would not be served by public water or sewer. The Applicant has applied for a Water and Sewer Map Amendment (WSSCR 03A-OLN-03) under the county Water and Sewer Plan's Private Institutional Facility (PIF) policy. Both the

Washington Christian Society
Preliminary Plan 1-04055
Page 6

County Executive and Planning Staff have reviewed the category change request and have recommended approval. Staff concluded that water service is consistent with the Water and Sewer Plan's general policies for public water service with regard to development in large lot areas. They also concluded that provision of public sewer service is consistent with the Plan's policies for service to private institutional facilities. Sewer service can be provided to the property via a low-pressure sewer main extension, which will be dedicated only to the school's use. The extension would, therefore, only serve the school and not any other nearby properties, which would generally be ineligible for service. Planning Staff recommended approval of the Preliminary Plan conditioned on the County Council's final action to approve the pending category change request.

STAFF RECOMMENDATION

Staff recommended approval of this Preliminary Plan with conditions. Staff's review indicated that the Preliminary Plan complies with the requirements of Chapter 50, the Subdivision Regulations, and conforms to the recommendations of the Olney Master Plan, and pending Master Plan amendment and is consistent with the Master Plan's goal for a transitional agricultural area. Staff found that the Preliminary Plan will provide safe and adequate access for vehicles and pedestrians. Staff further found that the Preliminary Plan protects all environmentally sensitive areas in the proposed conservation easements and that the forest conservation requirements are met by retention of existing forest.

A letter dated March 31, 2004, was received from representatives of the adjacent Norbeck Memorial Park raising concerns regarding 1) potential backups from school traffic queuing impacting the existing cemetery; 2) noise from the school impacting the cemetery; and 3) vandalism or unlawful entrance to the cemetery resulting from the location of the proposed public use easement and bike path.

In the Staff's Report, Planning Staff stated that, in their opinion, the queuing concern is addressed by the school's plan to bus 100% of the students to the school and provide necessary space for queuing of the school buses within the school grounds. With regard to impacts from noise and the location of the proposed trail easement, Staff recommended that the Applicant install fencing and either retain or plant a natural screen within the proposed public use easement as a condition of approval of the Preliminary Plan.

PUBLIC HEARING

At the hearing, Staff submitted into the Record revised conditions of approval. Applicant was represented by legal counsel and stated that it agreed with the Staff's revised conditions with a few exceptions. First, the Applicant requested that the language of Condition 2(e) be changed so that the term of the TMA is consistent with the language in the Board's standard TMA. The Planning Board agreed to the Applicant's modification of Condition 2(e).

Washington Christian Society
Preliminary Plan 1-04055
Page 7

Second, the Applicant objected to being required to provide a bikepath along the front of the Subject Property as required in Conditions 2(l) and 8 and objected to being required to provide 1300 feet of bikepath off-site as set forth in Condition 2(g)(ii). The Planning Board, Staff and the Applicant had extensive discussions regarding the need for the two sections of bikepath. Staff stated that the 1300 feet of off-site bikepath was required to mitigate 20 trips as part of the Applicant's transportation requirements under LATR. Ultimately, the Applicant and Planning Board agreed to modify the Conditions to require that the Applicant provide 1300 feet of bikepath off-site within the Olney Policy Area and only require dedication of an easement for the bikepath along the Subject Property.

John Lyons, President of the South East Rural Olney Civic Association (SEROCA), testified at the hearing and submitted a letter stating that SEROCA does not oppose WCA's Preliminary Plan. Notwithstanding SEROCA's position, Mr. Lyons went over some continuing concerns that SEROCA has regarding the proposed development including concerns about school lighting, stormwater management, the pending sewer category change, traffic mitigation, and proposed pedestrian path on Batchellors Forest Road. Mr. Lyons requested that the conditions of approval specifically reference the need for a school lighting plan which limits the amount and kind of exterior lighting utilized in order to minimize halo and spillover effects on adjacent properties, and limits number of night-time events held in the proposed stadium. He also expressed concern about negative impacts the project may have on water quality and quantity in streams and wetlands on and off the property, particularly during the construction phase of the project. With regard to the pending sewer category change request, Mr. Lyons requested that such approval be limited only to an institutional school use on the property. Mr. Lyons testified that the Applicant should further reduce the number of permissible a.m. peak hour trips rather than allow mitigation of the trips. Mr. Lyons also noted that the applicant should construct a path consistent with a hiking/biking trail rather than conventional sidewalks to maintain rural character of Batchellors Forest Road.

Deanna and Rodger Nelson, abutting property owners, expressed concerns about stormwater management, specifically that proposed facilities would not function over time without proper monitoring and maintenance and that the number of facilities might not be adequate for the area they would control. They also expressed concern that poor storm drainage and sediment control from the site could affect their wells and questioned how wells would be monitored. Finally, they expressed concerns that Batchellors Forest Road will experience back-ups at intersections as a result of a new school.

In rebuttal, the Applicant proffered to add a lighting condition in response to SEROCA's concerns to reflect that 1) only the stadium field will be lit; 2) the stadium field will be lit a maximum of 30 evenings a year; 3) stadium field lights will be turned off by 10 p.m.; and 4) cut-off lighting fixtures will be used for all lights on the school. With respect to SEROCA's concerns regarding peak hour trip limitations, the Applicant noted

Washington Christian Society
Preliminary Plan 1-04055
Page 8

that it has agreed to a very restricted transportation arrangement and will continue to work with the community to ensure that the Applicant meets its transportation goals. Applicant proffered to add a condition to its TMA to provide for an annual meeting with the community.

The Applicant stated that it does not object to a rustic road designation for Batchellors Forest Road from Georgia Avenue to its driveway except for any prohibition on providing a sidewalk. The Applicant further stated on the Record that they would pursue construction of an asphalt pathway along Batchellors Forest Road rather than a concrete sidewalk. The County's Department of Public Works and Transportation (DPWT) has ultimate authority over the sidewalk.

With respect to stormwater management, the Applicant stated that it would abide by all required standards. In response to questions from Board members, Staff stated that the County's Department of Permitting Services (DPS) has the ultimate authority over the onsite stormwater management plan. In their letter of October 8, 2004, DPS approved the stormwater management concept. Maintenance and monitoring of the stormwater management facilities will be enforced by DPS or the County's Department of Environmental Protection (DEP) should the school opt to request county maintenance of any of the facilities.

Commissioner Wellington objected to the wording of proposed Condition 2(a) providing that, in order to preserve potential Intercounty Connector ("ICC") options, the Applicant shall not record the record plats for the Subject Property until the earlier of (a) September 1, 2005; or (b) a final Record of Decision is issued by the Federal Highway Administration, provided that the Record of Decision does not include the Norbeck Options, or any portions thereof, within the final ICC alignment. Commissioner Wellington noted that the wording of Condition 2(a) is not consistent with the wording of a similar condition related to preserving ICC options in a prior preliminary plan for the Briarcliff subdivision, which required the applicant in that case to give the State Highway Administration ("SHA") 90 days notice prior to submission of building permits. Chairman Berlage and Commissioner Perdue pointed out that, in their opinion, the language in the current condition is not inconsistent with the condition placed on the Briarcliff subdivision but rather clarifies the Planning Board's intent to allow SHA a certain amount of notice prior to the recordation of plats. Commissioner Wellington voted against the motion for approval of the Preliminary Plan based on her opinion that Condition 2(a) is inconsistent with the condition placed on the Briarcliff subdivision related to protection of the proposed ICC alignments.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies;¹ the Applicant's position; and other

¹ The application was referred to outside agencies for comment and review, including

Washington Christian Society
 Preliminary Plan 1-04055
 Page 9

evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, with the conditions of approval, that:

- a) Preliminary Plan No. 1-04055 substantially conforms to the Olney Master Plan and the Staff Draft of the pending master plan amendment as described in the analysis set forth above.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision. The TMA as proposed will adequately limit peak-hour trips during the morning and evening peak periods and vehicular and pedestrian access, as proposed, is safe, adequate and efficient. The Planning Board also accepts the Applicant's proffer to meet annually with the community in connection with its obligations under the TMA. The Board further agrees with and accepts the Applicant's position to construct 1300' of bikepath off-site as required in Condition 2(g)(ii) below and dedicate an easement for the bikepath along the Subject Property as required in Condition 7 below. The Planning Board has also included Applicant's proffer to limit its lighting of the school as set forth in Condition 9 below.
- c) The size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-04055 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04055, subject to the following conditions:

1. Approval under this preliminary plan is limited to a private educational institution for grades K-12 with up to 1,140 students, 100 faculty/staff, and 12 faculty/staff housing units such that trips related to the proposed school (with the TMA referenced in Condition #2e below) do not exceed 189 total peak-

the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

Washington Christian Society
Preliminary Plan 1-04055
Page 10

hour vehicle trips during the weekday morning peak-period and 91 total peak-hour vehicle trips during the weekday evening peak-period.

2. Compliance with the following transportation related conditions:
 - a) To preserve potential Intercounty Connector (ICC) options related to this application per the request of Maryland State Highway Administration (SHA) in their letter dated November 19, 2004, the record plat(s) for the property shall not be recorded until the earlier of (a) September 1, 2005; or (b) a final Record of Decision is issued by the Federal Highway Administration ("FHWA"), provided that Record of Decision does not include the Norbeck Options, or any portions thereof, within the final ICC alignment.
 - b) If the FHWA final Record of Decision includes either of the Norbeck Options, the Applicant shall submit a revised preliminary plan that appropriately reconfigures all development within the property not affected by the Norbeck Options.
 - c) If FHWA issues a final Record of Decision that includes the Master Plan Option, the Applicant shall dedicate and show on final record plat, consistent with the 1980 Approved and Adopted Olney Master Plan (and the May 2004 Olney Master Plan Planning Board Draft) necessary right-of-way along the ICC (a minimum of 150 feet from the roadway centerline) as shown on Attachment D to the Staff Report dated November 23, 2004 (Proposed Corridor 1 (Master Plan) ICC Alignment).
 - d) Any future contract of sale between the Applicant and any prospective buyer of the property must (a) advise the buyer in writing of the location of the Master Plan Option and the Norbeck Options; and (b) advise the buyer that they can contact the SHA for current information on these alignments. This notification requirement is binding on the applicant's heirs/successors and/or assigns, and shall be required as long as the Applicant is precluded from making an application for building permits under Condition No. 2a, above.
 - e) The Applicant shall satisfy the LATR and PATR components of the APF test by entering into a TMA with the Planning Board to sponsor, develop, implement, and operate a monitored trip mitigation program prior to the release of any building permits for the school. The TMA shall provide that Applicant will meet with the community annually regarding its obligations under the TMA. The agreement shall continue in force in perpetuity or until the Planning Board evaluates the progress of the

Washington Christian Society
 Preliminary Plan 1-04055
 Page 11

program and determines that components of the program, in whole or in part, need to be adjusted or are no longer appropriate or necessary.

- f) Extend existing southbound Muncaster Mill Road to eastbound Norbeck Road left-turn lane by 100 feet with adequate transition, through coordination with SHA.
- g) Provide within the Olney Policy Area the following to reduce LATR impact from the proposed school (per Section IV-B of the LATR Guidelines) by 60 peak hour vehicle trips:
 - i. One thousand three hundred feet of sidewalk,
 - ii. One thousand three hundred feet of bike path,
 - iii. Two bus shelters, including a concrete pad, and
 - iv. Two real-time transit information signs.

Coordinate with Montgomery County Department of Public Works and Transportation (DPWT), the Department of Permitting Services (DPS) and the Transit Services Division for guidance on the implementation of above representative trip reduction measures.

- h) Manage all school-related vehicle queues including any parking related to student drop-offs and pick-ups within the school property to prevent spillover to Batchellors Forest Road or other adjacent local streets/driveways.
- i) Dedicate, and show on final record plat, consistent with the 1980 Approved and Adopted Olney Master Plan (and the May 2004 Olney Master Plan Planning Board Draft) adequate right-of-way along Batchellors Forest Road to provide 35 feet of right-of-way from the roadway centerline.
- j) Coordinate with Montgomery County Department of Public Works and Transportation (DPWT) per letter dated November 12, 2004, on improvements to Batchellors Forest Road between Georgia Avenue and school access driveway.
- k) Coordinate with the DPWT per letter dated November 12, 2004, on design requirements and adequate sight distance for the proposed school access driveway to Batchellors Forest Road. The driveway should be designed to permit the largest vehicle anticipated at the school, including a school bus, to safely enter/exit the site from/to Batchellors Forest Road.

Washington Christian Society
Preliminary Plan 1-04055
Page 12

- I) Coordinate with DPWT and DPS on satisfying relevant on-site County requirements, including parking and traffic circulation.
- 3) Compliance with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or DPS issuance of sediment and erosion control permits.
- 4) Compliance with the conditions of approval of the DPS stormwater management approval dated October 8, 2004.
- 5) Compliance with conditions of DPWT letter dated, November 12, 2004, unless otherwise amended.
- 6) Access and improvements as required to be approved by DPWT prior to recordation of plat(s).
- 7) Record plat to reflect a minimum 25' wide Public Use Trail Easement in a location to be determined by the Applicant and M-NCPPC staff, along the entire west side of the Subject Property from Batchellors Forest Road to the land owned by Montgomery County to the south of the property wherein the master planned hiker/biker trail will be located.
- 8) Prior to recordation of plat, applicant shall submit for M-NCPPC technical staff approval, a landscape plan for the western property boundary, which provides natural screening (existing or planted vegetation) and/or appropriate fencing between the school and the adjacent cemetery property, and incorporating the future hiker-biker trail.
- 9) Prior to recordation of the plat, applicant to submit a lighting plan for technical staff review and approval. The lighting plan shall include: limiting field lighting to the stadium field; limiting use of stadium field lights to 30 evenings per year; stipulation that stadium field lights be turned off by 10pm; and cut-off lighting fixtures for all lights on the school.
- 10) No recordation of plat prior to final County Council approval of Water and Sewer Map Amendment No. WSCCR 03A-OLN-03 extending water and sewer service to this property for a Private Institutional Facility.
- 11) Record plat to reflect a Category I easement over all stream valley buffers and forest conservation areas.
- 12) Record Plat to reflect all stormwater management areas.

Washington Christian Society
Preliminary Plan 1-04055
Page 13

- 13) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 14) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h)). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]


APPROVED AS TO LEGAL SUFFICIENCY

0210 4/22/05
M-RCPPC LEGAL DEPARTMENT

Washington Christian Society
Preliminary Plan No. 1-04055
Page 14

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, April 28, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 1-04055, Washington Christian Society. Commissioner Wellington abstained.



Certification As To Vote of Adoption
Technical Writer

WASHINGTON CHRISTIAN SCHOOL SOCIETY, INC.
TRAFFIC MITIGATION AGREEMENT

THIS TRAFFIC MITIGATION AGREEMENT ("Agreement") is made this 11 day of October, 200~~4~~6 by and between WASHINGTON CHRISTIAN SCHOOL SOCIETY, INC. (better known as The Washington Christian Academy), a Maryland nonprofit corporation ("WCA"), and THE MONTGOMERY COUNTY PLANNING BOARD OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (the "Planning Board").

RECITALS

A. The subject property is comprised of approximately 59.99 acres located to the east of Georgia Avenue and south of Batchellors Forest Road in the Olney area of Montgomery County, Maryland, known as the Gandel Tract and designated as Parcel N44 on Tax Map HS 563 and HS 562 (the "Property").

B. WCA intends to build a school and related athletic and other facilities on the Property, which could accommodate 1140 students and 100 faculty / staff at full build-out. WCA intends to take occupancy of the Property in 2006.

C. WCA has filed and received Planning Board approval of a preliminary plan of subdivision, designated Preliminary Plan No. 1-04055, pursuant to an Opinion mailed May 6, 2005 (the "Preliminary Plan Opinion"), attached hereto as Exhibit A. The execution of this Agreement is one of the conditions of approval set forth in the Preliminary Plan Opinion.

NOW, THEREFORE, in consideration of the above Recitals, each of which is made a part of this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which each of the parties acknowledges, the parties agree as follows:

1. Commencement Date. The obligations and requirements set forth in this Agreement shall commence upon issuance of the first use and occupancy permit for the school. WCA shall notify the Planning Board when the initial use and occupancy permit(s) is received.

2. Transportation Management Program. The parties agree to the following Transportation Management Program ("TMP"):

A. Access to the Property. There will be one access point (a directional driveway oriented toward Georgia Avenue) to the Property, located on Batchellors Forest Road at the northwest corner of the Property. All access to the Property will otherwise be from Georgia Avenue (as shown on the On-Site Vehicle Circulation Exhibit attached hereto as Exhibit B). All vehicles exiting the Property must turn left on Batchellors Forest Road and no vehicles may turn left into the Property from Batchellors Forest Road. Access to Batchellors Forest Road from Georgia Avenue is limited to right-in/right-out, as well as left turns for vehicles coming from the north.

B. On Site Parking During Daytime Hours.

1. The Property will have parking areas that will provide at least 204 parking spaces, some of which will be handicapped-accessible spaces. Where appropriate, the parking areas will have two-way drive aisle circulation.

2. All vehicles that park on site during daytime hours, other than vehicles that park in the visitor or handicapped-accessible parking spaces, will be required to display a parking pass on their rear view mirror or a sticker in a designated spot on their front windshield.

3. WCA shall issue parking passes or stickers to faculty / staff and students in numbers that are consistent with the requirements of this Agreement. No more than 75 parking permits will be available to students, per section E.4 below. The remaining spaces will be for visitor and handicapped-accessible parking. In issuing parking passes and stickers to students, the school will give priority to members of the senior class.

C. Traffic Circulation Pattern.

1. The circulation pattern for school buses, vehicles entering the Property to park there, and vehicles entering the Property to drop off or pick up students is shown on the On-Site Vehicle Circulation Exhibit attached as Exhibit B.

2. WCA will manage all school-related vehicle queues, including any parking related to student drop-offs and pick-ups within the Property, to prevent spillover to Batchellors Forest Road or other adjacent local streets/driveways.

D. Trip Mitigation Goal. Trips related to the school will not exceed 189 total peak-hour trips during the weekday morning peak period and 91 total peak-hour vehicle trips during the weekday evening peak period.

E. Trip Mitigation Program.

1. WCA will promote an aggressive program to promote non-single-occupant auto driver modes of transportation including walking, biking, carpooling, school-provided busing and Metro / Ride-On public transportation.

2. WCA will provide busing for the student body in a manner that is consistent with the trip limitations contained in this Agreement. The number of buses and the locations of the bus routes will reflect student enrollment and student population departure patterns. Subject to Planning Board's Transportation Planning staff approval prior to implementation, off-site pick up and drop off locations will be selected such that no more than 14 vehicles will pick up or drop off at a particular location. WCA will provide activity buses during the weekday evening peak traffic period, as appropriate, for students who participate in afternoon activities. The bus queuing plan will queue/stack the buses entirely on the Property.

3. As a matter of school policy, students may not be dropped off during the AM peak traffic hour for nearby intersections except within the applicable trip limitations.

4. At a minimum, 75% of the student body will travel to and from school via non-single-occupant vehicle modes of transportation, including walking, biking, carpooling, school-provided busing and Metro / Ride-On public transportation. No more than 75 students will be allowed to drive to and from school.

F. Transportation Coordinator.

1. WCA will appoint a Transportation Coordinator (“TC”) prior to the issuance of the initial use and occupancy permit for the school.

2. The duties of the TC will include monitoring the parking lots on a daily basis; serving as the contact person for the community on matters regarding the school; coordinating transportation among the students, parents, faculty and staff; and supervising the education of students, parents, faculty and staff regarding the school’s transportation management policies.

3. The TC will undertake comprehensive measures to inform students, parents, faculty and staff of the school’s TMP. WCA will publish its TMP in the student handbook that is provided to all students and their families. This handbook is part of each family’s agreement with the school. The annual enrollment contract, which is signed by each family, will require adherence to the TMP.

The TC will serve as the contact person for parents and students who want to form carpools and will share information with these parents and students about students who live in their area.

G. Special Events.

1. Parking for special events will be available in the visitor parking spaces and the designated spaces. Additional parking will be available on the hard-surface play area adjacent to the gymnasium.

2. At the present time, WCA hosts approximately 30 special events during the course of the academic year. The special events consist of athletic events such as home soccer, basketball and volleyball games and non-athletic events such as band and choral concerts, dramatic productions, awards banquets and social events. WCA anticipates that other special events, such as home football games, will be instituted when the school approaches full build-out. Based on WCA’s experience at its present location, the school expects that it may exceed on-site parking capacity for 5 non-athletic events and some varsity home athletic events during the year.

3. For any event which might require parking for vehicles in excess of on-site parking capacity, WCA will arrange off-site parking at a nearby location and will provide a shuttle bus from the off-site parking location to the school, if necessary.

4. WCA will hire off duty police officers or other appropriate personnel to provide security and to assist with the flow of traffic for special events on an as needed basis.

H. Deliveries. WCA will instruct delivery companies to make their deliveries outside of the AM / PM peak traffic periods.

I. Reporting and Monitoring.

1. Prior to the end of September of each academic year, WCA will provide a report to the Planning Board's Transportation Planning staff of the location of off-site pick up and drop off points and the number of vehicles assigned to each location.

2. WCA will conduct an annual community meeting to discuss the operations of the TMP and related topics. All community, civic and homeowner associations/groups within one-mile of the school will be notified of this meeting at least two weeks in advance.

3. For the term of the Agreement, WCA will fund a traffic monitoring plan for the Planning Board's consultants to conduct quarterly driveway counts of vehicles entering and exiting the Property during the AM and PM peak traffic periods. These quarterly counts will commence upon the issuance of the first use and occupancy permit.

4. In the event that driveway counts by the Planning Board reveal non-compliance for two or more consecutive quarters, Planning Board staff will notify WCA of non-compliance and/or request a meeting to discuss the traffic counts and to identify additional trip mitigation measures to help WCA meet its goals.

J. Term of Agreement. The provisions of this Agreement will continue in force in perpetuity or until the Planning Board evaluates the progress of the TMP and determines that the components of the program, in whole or in part, need to be adjusted or are no longer appropriate or necessary.

K. Enforcement. If WCA fails to comply with the terms and conditions of this Agreement, the Planning Board shall be entitled to take such enforcement action against WCA as may be permitted under the Montgomery County Code and other applicable law.

L. Modifications. This Agreement may only be modified in writing signed by the parties hereto, or their heirs, successors and assigns.

M. Interpretation. This Agreement will be interpreted according to the laws of the State of Maryland.

N. Assignment. This Agreement is assignable, in whole or in part, by WCA, to any entity that takes ownership of, or a leasehold interest in, the Property, without the consent of the Planning Board. WCA shall provide written notice to the Planning Board of any such assignment.

O. Notices. All notices and other communications under this Agreement shall be in writing and shall be deemed fully given upon mailing by first-class mail, postage prepaid, to (a) Washington Christian Society School, Attention: Headmaster, P.O. Box 9847, Silver Spring, Maryland 20916 with a copy to Robert G. Brewer, Esquire, Lerch Early and Brewer, Chartered, 3 Bethesda Metro Center, Suite 460, Bethesda, Maryland, 20814 and (b) the Planning Board, Attention: Chairman, Montgomery County Planning Board, 8787 Georgia Avenue, Silver Spring, Maryland 20910, with a copy to the Office of General Counsel, 8787 Georgia Avenue, Silver Spring, Maryland 20910. Each notice recipient shall be responsible for notifying the other notice recipients of any change of address.

P. Binding Agreement. This Agreement shall be binding upon the heirs, successors, and assigns of all parties hereto.

Q. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Maryland.

R. Record Plat. The existence of this Agreement shall be referenced on the record plat(s) for the Property. The reference on the record plat shall be notice that the obligations and this Agreement shall bind WCA's successors and/or assigns, to the extent permitted by law.

IN WITNESS WHEREOF, this Agreement has been executed by the parties on the day and year indicated above.

WITNESS:

WASHINGTON CHRISTIAN SCHOOL SOCIETY, INC.

Pat O'Neil

By: [Signature]
Name: Andrew Warren
Title: President, Board of Directors

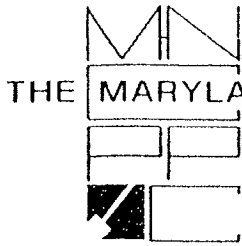
WITNESS:

MONTGOMERY COUNTY PLANNING BOARD

[Signature]

By: [Signature]
Name (Printed): ROSE Krasnow
Title: Chief DRP

REC'D AS TO LEGAL SUPPORT
BY: RYD 10/6/06
LEGAL DEPARTMENT



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date Mailed: MAY 06 2005

Action: Approved staff Recommendation
Motion of Commissioner Bryant, seconded by
Commissioner Perdue, with a vote of 4-1;
Chairman Berlage and Commissioners
Perdue, Bryant, and Robinson voting in favor.
Commissioner Wellington voting against.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-04055
NAME OF PLAN: Washington Christian Society

The date of this written opinion is MAY 06 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

On 1/30/04, Washington Christian Society, Inc. ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the RE-2 zone. The application proposed to create 1 lot on 59.99 acres of land located at south side of Batchellors Forest Road, approximately 1,300 feet east of Georgia Avenue (MD 97), in the Olney Master Plan area. The application was designated Preliminary Plan 1-04055 ("Preliminary Plan"). On 12/2/04, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

Washington Christian Society
Preliminary Plan 1-04055
Page 2

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application; and all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION AND SURROUNDING AREA:

The subject property is a 59.99-acre undeveloped property located within the Olney Master Plan area ("Subject Property"). The Subject Property is located on the south side of Batchellors Forest Road approximately 1,300 feet east of Georgia Avenue. The Subject Property is zoned RE-2. The site is currently completely forested and contains two tributary streams to Northwest Branch (Use Class IV-P stream), which bisect the property from northwest to east, and southwest to east. The site contains approximately 54.5 acres of forest, 4.3 acres of wetlands, and 15 acres of environmental buffer.

The Norbeck Memorial Park Cemetery is located to the west of the property, within the southeast quadrant of the MD 97/Batchellors Forest Road intersection. The Trotters Glen Golf Course and the William H. Farquhar Middle School are located to the east/northeast of the property along Batchellors Forest Road. The Olney Manor Recreational Park is located immediately to the north of the proposed school. The master planned alignment of the proposed Intercounty Connector (ICC) is along the southern property line.

PROJECT DESCRIPTION

This Preliminary Plan proposes to create a private school with associated ball fields, faculty residences, and parking on one lot. The school will include grades K through 12 and will have a maximum student enrollment of 1,140 students with 100 faculty/staff. Twelve residential units are proposed for faculty housing. The residential units will be located along the western property boundary and are currently proposed to be attached townhouses. The housing is an accessory use for the school and will not be located on individual recorded lots. The plan preserves the stream valleys and environmentally sensitive areas. Safe and adequate access for vehicles and pedestrians will be provided by existing Batchellors Forest Road and the internal vehicular, sidewalk and bike path system.

Washington Christian Society
 Preliminary Plan 1-04055
 Page 3

COMPLIANCE WITH THE 1980 OLNEY MASTER PLAN AND PENDING MASTER PLAN AMENDMENT

The approximately 60-acre Gandel property is currently zoned RE-2 and is located in the southeast area of the Olney Master Plan. The current 1980 Olney Master Plan does not have any specific comments about this site or the proposed use on the Subject Property. The 1980 Plan states that the southeast portion of Olney is a transitional agricultural area and recommends the RC (or LDRC) zone for properties in this area. Currently, the Olney Master Plan is being revised and the County Council is reviewing the proposed Planning Board Draft of the plan amendment.

The Planning Board discussed the potential use of the Subject Property by the Washington Christian Academy during its review of the Staff Draft of the Olney Master Plan ("Draft Plan"). Although the Draft Plan states that the preferred option for this site would be preservation in its entirety, if possible, it acknowledges the potential use of the site by Washington Christian Academy. The Draft Plan recommends that new development, residential or institutional, be clustered in appropriate areas to minimize new imperviousness on the site and preserve as much of the existing forest as possible. The Draft Plan also recommends a trail connection on the property that would connect the Olney Manor Recreational Park to the future ICC on the south side of the property.

Since the Draft Plan recommends that this property be rezoned to RC, staff recommends that the proposed preliminary plan be consistent with the controls of the RC zone to avoid non-conformance issues for the proposed development if rezoning occurs. Consistency with the RC zone also preserves future renovation or expansion opportunities for the school under the RC zone. The proposed school plan meets the 60 percent open space requirement for the RC zone by providing extensive forest and stream valley protection and in ball fields and other non-preservation open areas. Given the Draft Plan recommendations and the open space preservation on other properties in the southeast quadrant, staff recommended a minimum 50 percent of the property be preserved through forest conservation easement and that the remaining 10 percent (or less) open space be provided by the proposed ball fields and other open spaces on the site. The proposed plan provides approximately 50 percent of the site in conservation easement, which satisfies this recommendation.

TRANSPORTATION

Adequate Public Facilities

Adequate public facilities ("APF") review of the subject application required the Preliminary Plan to satisfy Local Area Transportation Review ("LATR") and Policy Area Transportation Review ("PATR") components of the APF test since the development was estimated to generate more than 50 total weekday peak hour trips during the morning and evening peak periods. The Applicant is proposing to satisfy the above

Washington Christian Society
Preliminary Plan 1-04055
Page 4

requirements with a Traffic Mitigation Agreement ("TMA") to sponsor, develop, implement, and operate a monitored trip mitigation program.

Access

Vehicular access to and from the property is proposed via a driveway to Batchellors Forest Road at the northwest corner of the property. Montgomery County Department of Public Works and Transportation ("DPWT") has required channelization at this driveway to restrict movements to right-turns in/left-turns out only to orient school-related traffic towards Georgia Avenue. Parking within the school is provided to the rear (southwestern portion of the site), as well as, along the west side of the property. The bus queuing plan for the school will queue/stack the buses entirely within the school property.

Proposed Intercounty Connector

As part of its preparation of the Draft Environmental Impact Statement ("DEIS") for the proposed ICC, the State Highway Administration ("SHA") is currently developing detailed engineering mapping for the roadway. The road is proposed as a limited-access east-west highway intended to link areas between I-270 and I-95/US 1, through central/eastern Montgomery and western Prince George's Counties, including an interchange with Georgia Avenue in the vicinity of the property.

The ICC planning process has concurrence on two alternative alignments, selected through the Alternatives Retained for Detailed Study ("ARDS"), called Corridor 1 and Corridor 2. Corridor 1 is the southern alignment that generally follows the ICC alignment incorporated in the area master plans, and the Corridor 2 alignment diverts to the north on the east side of Georgia Avenue. The ICC Corridor 2 alignment is not represented in any area master plans.

Based on the current information available in the ICC DEIS, the Corridor 1 alignment has minimal right-of-way and grading impacts on the Subject Property. The Corridor 2 alignment options in the area (the southern Norbeck Option A and the northern Norbeck Option B) would physically impact the Subject Property as well. The Norbeck Option A alignment impacts the southeastern corner of the Subject Property, and the Norbeck Option B alignment splits the Subject Property in two.

Staff is of the opinion that by preventing the Applicant from filing record plat(s) until the earlier of September 1, 2005, or a final Record of Decision is issued by the Federal Highway Administration, development within the Norbeck Options can be effectively limited while permitting clearing and grading to occur. It is the opinion of Transportation Planning staff that this limitation fully protects the ICC alignments pending the DEIS review process.

Washington Christian Society
Preliminary Plan 1-04055
Page 5

Site-Generated Traffic

Peak-hour trips estimated for the proposed school during weekday morning (6:30 am to 9:30 am) and evening (4:00 pm to 7:00 pm) peak-periods were included in the traffic study. The trip generation estimate assumed 100 percent student busing, and arrival of all faculty/staff within the peak hour as single-occupant vehicles. The school buses were assumed to be stored on-site and not contribute to the peak hour trip generation while departing in the morning. All the faculty/staff were also conservatively assumed to arrive within the peak hour as single-occupant vehicles even though the school is providing 12 dwelling units on the property for faculty/staff to live in. Slightly more than half the students were assumed to depart the school prior to the evening peak period.

The Applicant has proposed installation/implementation of certain non-automobile transportation amenities within the Olney Policy Area (through coordination with DPWT and SHA) to offset impact of up to 60 weekday peak hour trips within the policy area. The plan also caps the weekday morning, and evening peak hour trips to/from the school within the respective peak periods at 189 and 91 "total" trips. This will ultimately provide the school some flexibility with its peak-hour trip generation and will permit some students to drive to the school instead of taking the school bus.

Transportation Staff recommended approval of the Preliminary Plan and found that the Preliminary Plan will provide safe and adequate access for vehicles and pedestrians, and satisfies the APF requirements.

ENVIRONMENTAL

The Subject Property contains 54.5 acres of forest, 4.3 acres of wetlands, and 15 acres of environmental buffers. The proposed forest conservation plan exceeds the requirements for forest retention onsite and meets all forest conservation requirements through the retention of existing forest. Environmental buffers on the property were identified on the approved Natural Resources Inventory/Forest Stand Delineation. Environmental buffers include wetlands and their buffers, floodplains, and streams and their buffers. The plan includes protection of all environmental buffers and forest retention areas in Category I conservation easements. Environmental Staff recommended approval of the Preliminary Plan and found that the Preliminary Plan satisfied the *Environmental Guidelines* and complies with the requirements of the Forest Conservation Law (Montgomery County Code Chapter 22A).

WATER AND SEWER SERVICE

The Subject Property is currently in water and sewer categories W-6 and S-6, respectively, which would not be served by public water or sewer. The Applicant has applied for a Water and Sewer Map Amendment (WSCCR 03A-OLN-03) under the county Water and Sewer Plan's Private/Institutional Facility (PIF) policy. Both the

Washington Christian Society
Preliminary Plan 1-04055
Page 6

County Executive and Planning Staff have reviewed the category change request and have recommended approval. Staff concluded that water service is consistent with the Water and Sewer Plan's general policies for public water service with regard to development in large lot areas. They also concluded that provision of public sewer service is consistent with the Plan's policies for service to private institutional facilities. Sewer service can be provided to the property via a low-pressure sewer main extension, which will be dedicated only to the school's use. The extension would, therefore, only serve the school and not any other nearby properties, which would generally be ineligible for service. Planning Staff recommended approval of the Preliminary Plan conditioned on the County Council's final action to approve the pending category change request.

STAFF RECOMMENDATION

Staff recommended approval of this Preliminary Plan with conditions. Staff's review indicated that the Preliminary Plan complies with the requirements of Chapter 50, the Subdivision Regulations, and conforms to the recommendations of the Olney Master Plan, and pending Master Plan amendment and is consistent with the Master Plan's goal for a transitional agricultural area. Staff found that the Preliminary Plan will provide safe and adequate access for vehicles and pedestrians. Staff further found that the Preliminary Plan protects all environmentally sensitive areas in the proposed conservation easements and that the forest conservation requirements are met by retention of existing forest.

A letter dated March 31, 2004, was received from representatives of the adjacent Norbeck Memorial Park raising concerns regarding 1) potential backups from school traffic queuing impacting the existing cemetery; 2) noise from the school impacting the cemetery; and 3) vandalism or unlawful entrance to the cemetery resulting from the location of the proposed public use easement and bike path.

In the Staff's Report, Planning Staff stated that, in their opinion, the queuing concern is addressed by the school's plan to bus 100% of the students to the school and provide necessary space for queuing of the school buses within the school grounds. With regard to impacts from noise and the location of the proposed trail easement, Staff recommended that the Applicant install fencing and either retain or plant a natural screen within the proposed public use easement as a condition of approval of the Preliminary Plan.

PUBLIC HEARING

At the hearing, Staff submitted into the Record revised conditions of approval. Applicant was represented by legal counsel and stated that it agreed with the Staff's revised conditions with a few exceptions. First, the Applicant requested that the language of Condition 2(e) be changed so that the term of the TMA is consistent with the language in the Board's standard TMA. The Planning Board agreed to the Applicant's modification of Condition 2(e).

Washington Christian Society
Preliminary Plan 1-04055
Page 7

Second, the Applicant objected to being required to provide a bikepath along the front of the Subject Property as required in Conditions 2(l) and 8 and objected to being required to provide 1300 feet of bikepath off-site as set forth in Condition 2(g)(ii). The Planning Board, Staff and the Applicant had extensive discussions regarding the need for the two sections of bikepath. Staff stated that the 1300 feet of off-site bikepath was required to mitigate 20 trips as part of the Applicant's transportation requirements under LATR. Ultimately, the Applicant and Planning Board agreed to modify the Conditions to require that the Applicant provide 1300 feet of bikepath off-site within the Olney Policy Area and only require dedication of an easement for the bikepath along the Subject Property.

John Lyons, President of the South East Rural Olney Civic Association (SEROCA), testified at the hearing and submitted a letter stating that SEROCA does not oppose WCA's Preliminary Plan. Notwithstanding SEROCA's position, Mr. Lyons went over some continuing concerns that SEROCA has regarding the proposed development including concerns about school lighting, stormwater management, the pending sewer category change, traffic mitigation, and proposed pedestrian path on Batchellors Forest Road. Mr. Lyons requested that the conditions of approval specifically reference the need for a school lighting plan which limits the amount and kind of exterior lighting utilized in order to minimize halo and spillover effects on adjacent properties, and limits number of night-time events held in the proposed stadium. He also expressed concern about negative impacts the project may have on water quality and quantity in streams and wetlands on and off the property, particularly during the construction phase of the project. With regard to the pending sewer category change request, Mr. Lyons requested that such approval be limited only to an institutional school use on the property. Mr. Lyons testified that the Applicant should further reduce the number of permissible a.m. peak hour trips rather than allow mitigation of the trips. Mr. Lyons also noted that the applicant should construct a path consistent with a hiking/biking trail rather than conventional sidewalks to maintain rural character of Batchellors Forest Road.

Deanna and Rodger Nelson, abutting property owners, expressed concerns about stormwater management, specifically that proposed facilities would not function over time without proper monitoring and maintenance and that the number of facilities might not be adequate for the area they would control. They also expressed concern that poor storm drainage and sediment control from the site could affect their wells and questioned how wells would be monitored. Finally, they expressed concerns that Batchellors Forest Road will experience back-ups at intersections as a result of a new school.

In rebuttal, the Applicant proffered to add a lighting condition in response to SEROCA's concerns to reflect that 1) only the stadium field will be lit; 2) the stadium field will be lit a maximum of 30 evenings a year; 3) stadium field lights will be turned off by 10 p.m.; and 4) cut-off lighting fixtures will be used for all lights on the school. With respect to SEROCA's concerns regarding peak hour trip limitations, the Applicant noted

Washington Christian Society
Preliminary Plan 1-04055
Page 8

that it has agreed to a very restricted transportation arrangement and will continue to work with the community to ensure that the Applicant meets its transportation goals. Applicant proffered to add a condition to its TMA to provide for an annual meeting with the community.

The Applicant stated that it does not object to a rustic road designation for Batchellors Forest Road from Georgia Avenue to its driveway except for any prohibition on providing a sidewalk. The Applicant further stated on the Record that they would pursue construction of an asphalt pathway along Batchellors Forest Road rather than a concrete sidewalk. The County's Department of Public Works and Transportation (DPWT) has ultimate authority over the sidewalk.

With respect to stormwater management, the Applicant stated that it would abide by all required standards. In response to questions from Board members, Staff stated that the County's Department of Permitting Services (DPS) has the ultimate authority over the onsite stormwater management plan. In their letter of October 8, 2004, DPS approved the stormwater management concept. Maintenance and monitoring of the stormwater management facilities will be enforced by DPS or the County's Department of Environmental Protection (DEP) should the school opt to request county maintenance of any of the facilities.

Commissioner Wellington objected to the wording of proposed Condition 2(a) providing that, in order to preserve potential Intercounty Connector ("ICC") options, the Applicant shall not record the record plats for the Subject Property until the earlier of (a) September 1, 2005; or (b) a final Record of Decision is issued by the Federal Highway Administration, provided that the Record of Decision does not include the Norbeck Options, or any portions thereof, within the final ICC alignment. Commissioner Wellington noted that the wording of Condition 2(a) is not consistent with the wording of a similar condition related to preserving ICC options in a prior preliminary plan for the Briarcliff subdivision, which required the applicant in that case to give the State Highway Administration ("SHA") 90 days notice prior to submission of building permits. Chairman Berlage and Commissioner Perdue pointed out that, in their opinion, the language in the current condition is not inconsistent with the condition placed on the Briarcliff subdivision but rather clarifies the Planning Board's intent to allow SHA a certain amount of notice prior to the recordation of plats. Commissioner Wellington voted against the motion for approval of the Preliminary Plan based on her opinion that Condition 2(a) is inconsistent with the condition placed on the Briarcliff subdivision related to protection of the proposed ICC alignments.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies;¹ the Applicant's position; and other

¹ The application was referred to outside agencies for comment and review, including

Washington Christian Society
 Preliminary Plan 1-04055
 Page 9

evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, with the conditions of approval, that:

- a) Preliminary Plan No. 1-04055 substantially conforms to the Olney Master Plan and the Staff Draft of the pending master plan amendment as described in the analysis set forth above.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision. The TMA as proposed will adequately limit peak-hour trips during the morning and evening peak periods and vehicular and pedestrian access, as proposed, is safe, adequate and efficient. The Planning Board also accepts the Applicant's proffer to meet annually with the community in connection with its obligations under the TMA. The Board further agrees with and accepts the Applicant's position to construct 1300' of bikepath off-site as required in Condition 2(g)(ii) below and dedicate an easement for the bikepath along the Subject Property as required in Condition 7 below. The Planning Board has also included Applicant's proffer to limit its lighting of the school as set forth in Condition 9 below.
- c) The size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-04055 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04055, subject to the following conditions:

1. Approval under this preliminary plan is limited to a private educational institution for grades K-12 with up to 1,140 students, 100 faculty/staff, and 12 faculty/staff housing units such that trips related to the proposed school (with the TMA referenced in Condition #2e below) do not exceed 189 total peak-

the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

Washington Christian Society
Preliminary Plan 1-04055
Page 10

hour vehicle trips during the weekday morning peak-period and 91 total peak-hour vehicle trips during the weekday evening peak-period.

2. Compliance with the following transportation related conditions:
 - a) To preserve potential Intercounty Connector (ICC) options related to this application per the request of Maryland State Highway Administration (SHA) in their letter dated November 19, 2004, the record plat(s) for the property shall not be recorded until the earlier of (a) September 1, 2005; or (b) a final Record of Decision is issued by the Federal Highway Administration ("FHWA"), provided that Record of Decision does not include the Norbeck Options, or any portions thereof, within the final ICC alignment.
 - b) If the FHWA final Record of Decision includes either of the Norbeck Options, the Applicant shall submit a revised preliminary plan that appropriately reconfigures all development within the property not affected by the Norbeck Options.
 - c) If FHWA issues a final Record of Decision that includes the Master Plan Option, the Applicant shall dedicate and show on final record plat, consistent with the 1980 Approved and Adopted Olney Master Plan (and the May 2004 Olney Master Plan Planning Board Draft) necessary right-of-way along the ICC (a minimum of 150 feet from the roadway centerline) as shown on Attachment D to the Staff Report dated November 23, 2004 (Proposed Corridor 1 (Master Plan) ICC Alignment).
 - d) Any future contract of sale between the Applicant and any prospective buyer of the property must (a) advise the buyer in writing of the location of the Master Plan Option and the Norbeck Options; and (b) advise the buyer that they can contact the SHA for current information on these alignments. This notification requirement is binding on the applicant's heirs/successors and/or assigns, and shall be required as long as the Applicant is precluded from making an application for building permits under Condition No. 2a, above.
 - e) The Applicant shall satisfy the LATR and PATR components of the APF test by entering into a TMA with the Planning Board to sponsor, develop, implement, and operate a monitored trip mitigation program prior to the release of any building permits for the school. The TMA shall provide that Applicant will meet with the community annually regarding its obligations under the TMA. The agreement shall continue in force in perpetuity or until the Planning Board evaluates the progress of the

Washington Christian Society
 Preliminary Plan 1-04055
 Page 11

program and determines that components of the program, in whole or in part, need to be adjusted or are no longer appropriate or necessary.

- f) Extend existing southbound Muncaster Mill Road to eastbound Norbeck Road left-turn lane by 100 feet with adequate transition, through coordination with SHA.
- g) Provide within the Olney Policy Area the following to reduce LATR impact from the proposed school (per Section IV-B of the LATR Guidelines) by 60 peak hour vehicle trips:
 - i. One thousand three hundred feet of sidewalk,
 - ii. One thousand three hundred feet of bike path,
 - iii. Two bus shelters, including a concrete pad, and
 - iv. Two real-time transit information signs.

Coordinate with Montgomery County Department of Public Works and Transportation (DPWT), the Department of Permitting Services (DPS) and the Transit Services Division for guidance on the implementation of above representative trip reduction measures.

- h) Manage all school-related vehicle queues including any parking related to student drop-offs and pick-ups within the school property to prevent spillover to Batchellors Forest Road or other adjacent local streets/driveways.
- i) Dedicate, and show on final record plat, consistent with the 1980 Approved and Adopted Olney Master Plan (and the May 2004 Olney Master Plan Planning Board Draft) adequate right-of-way along Batchellors Forest Road to provide 35 feet of right-of-way from the roadway centerline.
- j) Coordinate with Montgomery County Department of Public Works and Transportation (DPWT) per letter dated November 12, 2004, on improvements to Batchellors Forest Road between Georgia Avenue and school access driveway.
- k) Coordinate with the DPWT per letter dated November 12, 2004, on design requirements and adequate sight distance for the proposed school access driveway to Batchellors Forest Road. The driveway should be designed to permit the largest vehicle anticipated at the school, including a school bus, to safely enter/exit the site from/to Batchellors Forest Road.

Washington Christian Society
Preliminary Plan 1-04055
Page 12

- l) Coordinate with DPWT and DPS on satisfying relevant on-site County requirements, including parking and traffic circulation.
- 3) Compliance with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or DPS issuance of sediment and erosion control permits.
- 4) Compliance with the conditions of approval of the DPS stormwater management approval dated October 8, 2004.
- 5) Compliance with conditions of DPWT letter dated, November 12, 2004, unless otherwise amended.
- 6) Access and improvements as required to be approved by DPWT prior to recordation of plat(s).
- 7) Record plat to reflect a minimum 25' wide Public Use Trail Easement in a location to be determined by the Applicant and M-NCPPC staff, along the entire west side of the Subject Property from Batchellors Forest Road to the land owned by Montgomery County to the south of the property wherein the master planned hiker/biker trail will be located.
- 8) Prior to recordation of plat, applicant shall submit for M-NCPPC technical staff approval, a landscape plan for the western property boundary, which provides natural screening (existing or planted vegetation) and/or appropriate fencing between the school and the adjacent cemetery property, and incorporating the future hiker-biker trail.
- 9) Prior to recordation of the plat, applicant to submit a lighting plan for technical staff review and approval. The lighting plan shall include: limiting field lighting to the stadium field; limiting use of stadium field lights to 30 evenings per year; stipulation that stadium field lights be turned off by 10pm; and cut-off lighting fixtures for all lights on the school.
- 10) No recordation of plat prior to final County Council approval of Water and Sewer Map Amendment No. WSCCR 03A-OLN-03 extending water and sewer service to this property for a Private Institutional Facility.
- 11) Record plat to reflect a Category I easement over all stream valley buffers and forest conservation areas.
- 12) Record Plat to reflect all stormwater management areas.

Washington Christian Society
Preliminary Plan 1-04055
Page 13

- 13) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 14) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h)). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY

QVD 4/22/05
MONTGOMERY LEGAL DEPARTMENT

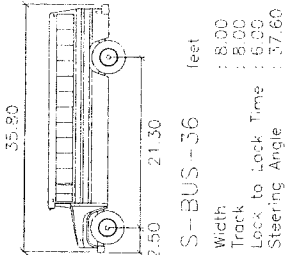
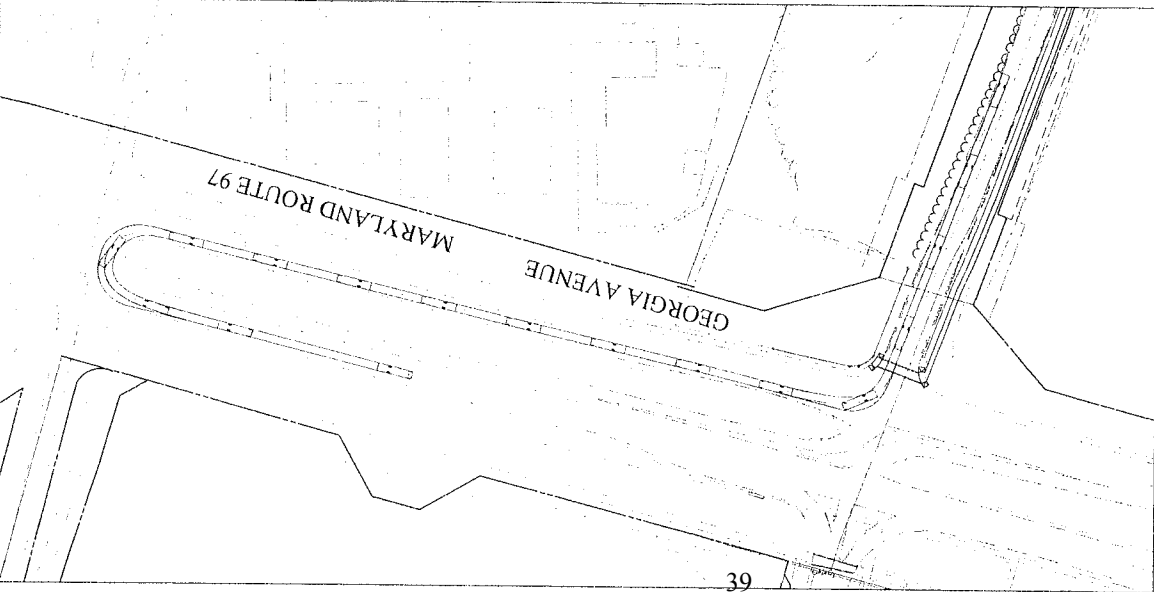
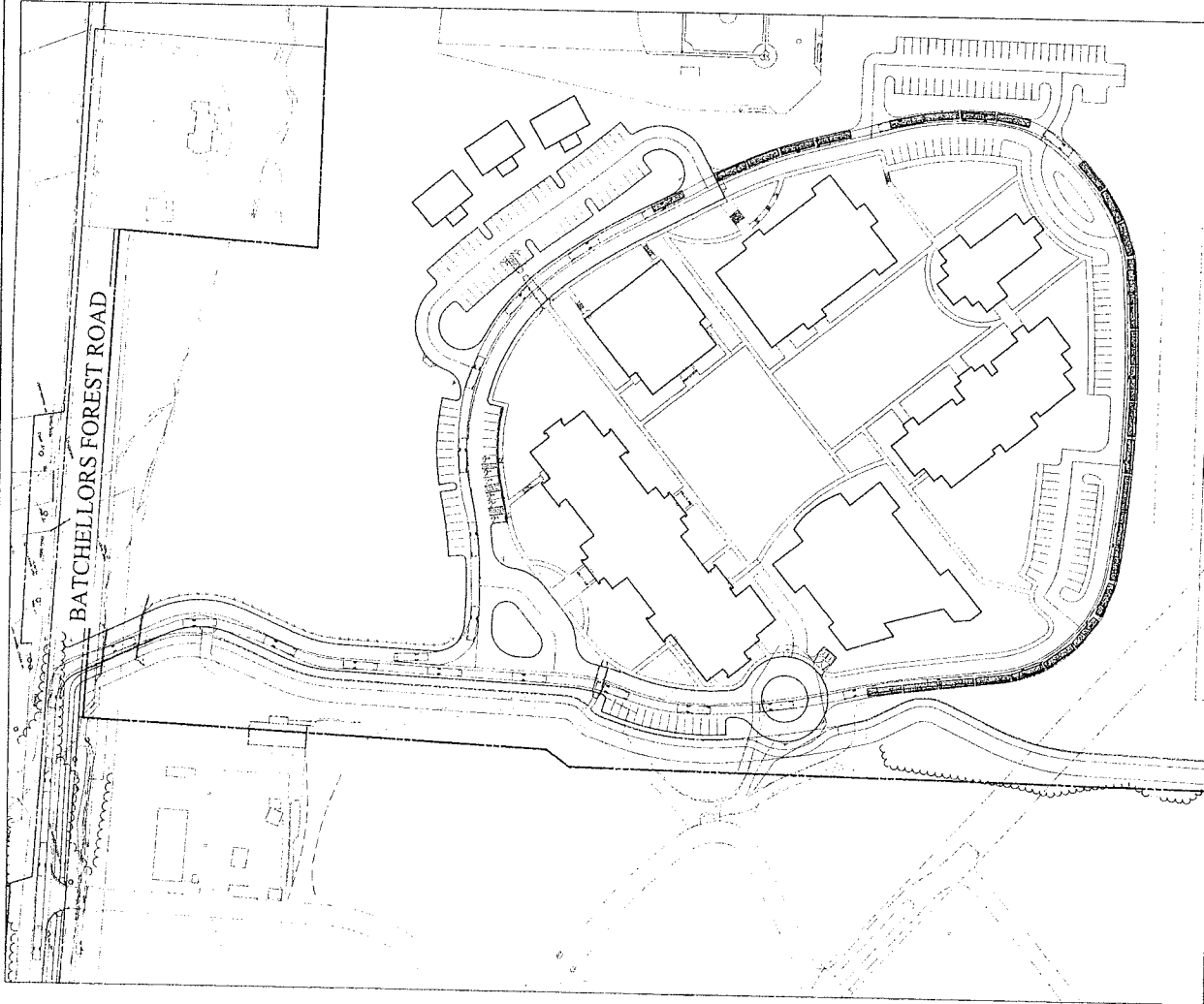
Washington Christian Society
Preliminary Plan No. 1-04055
Page 14

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, April 28, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 1-04055, Washington Christian Society. Commissioner Wellington abstained.



Certification As To Vote of Adoption
Technical Writer



S-BUS-36 (feet)
 Width : 2.50
 Track : 21.30
 Lock to Lock Time : 16.00
 Steering Angle : 37.60

PARKED BUS (29 SPACES)

BUS CIRCULATION & PARKING

BUS CIRCULATION & PARKING PLAN

APPLICANT: WASHINGTON CHRISTIAN SCHOOL SOCIETY, INC.
 1421 GEORGIA AVENUE
 SILVER SPRING, MARYLAND 20906
 CONTACT: MR. LARRY DANNER

NO.	DATE	REVISION

RODGERS
 C.D. CONSULTING
 CONSULTING THE VALUE OF LAND

RODGERS CONSULTING, INC.
 2000
 GREENBELT, MD 20777
 301-261-8252 (fax)
 301-261-6600

NO.	DATE	REVISION

WASHINGTON CHRISTIAN SCHOOL SOCIETY
 OLNEY DISTRICT NO. 8
 MONTGOMERY COUNTY, MARYLAND



April 16, 2014

Todd D. Brown
301.961.5218
tbrown@linowes-law.com

Françoise M. Carrier, Chair
and Members of the Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Preliminary Plan No. 12004055B (Washington Christian Academy) – Consent Agenda Amendment

Dear Ms. Carrier and Members of the Planning Board:

This office represents Bethel World Outreach Ministries (“Bethel”) in connection with property located in the RC Zone at 16227 Batchellors Forest Road in Olney (“Property”). The purpose of this letter is to request a consent agenda amendment to Preliminary Plan No. 1-04055 (“Preliminary Plan”) to also allow a house of worship with no weekday day care.

Background and Preliminary Plan Amendment

The Property is comprised of 57.86 acres and is located in the RC Zone just east of the intersection of Batchellors Forest Road with Georgia Avenue. Bethel purchased the Property in January 2014 for its use for church services, religious assembly and associated administrative offices. The Washington Christian Academy (“WCA”) is the former owner and will continue to operate a K-12 private educational religious institution on the Property.

The Planning Board approved the Preliminary Plan by its Opinion dated May 6, 2005. Condition No. 1 of the Opinion provides:

“Approval under this preliminary plan is limited to a private educational institution for grades K-12 with up to 1,140 students, 100 faculty/staff, and 12 faculty/staff housing units such that trips related to the proposed school (with the TMA referenced in Condition #2e below) do not exceed 189 total peak-hour vehicle trips during the weekday morning peak-period and 91 total peak-hour vehicle trips during the weekday evening peak-period.”

Bethel requests a Consent Agenda Amendment of this condition to allow the continued operation of the private educational institution and to allow a house of worship with no weekday day care. This amendment is being filed as what we believe is a housekeeping matter to confirm that in addition to the operation of a private religious school, a house of worship, religious assembly and associated administrative offices are also allowed on the Property. As written, Condition No. 1

**L&B 2813385v2/12511.0001



Françoise M. Carrier, Chair
 and Members of the Montgomery County Planning Board
 April 16, 2014
 Page 2

of the Preliminary Plan could be interpreted to require an amendment to the Preliminary Plan prior to the use of the Property for such uses. Accordingly, this request is made out of an abundance of caution and to eliminate any question concerning the permitted uses of the Property.

Bethel currently leases space to WCA for its continued use of the Property as a private religious school. Bethel will also use the Property for religious services and activities on weekends, in addition to some evening use during the week. Initially, Bethel does not anticipate any new construction on the Property, although a modest expansion of the existing gymnasium is possible. In all events, however, any new construction on the Property would adhere to the limits of disturbance approved by the Board as a part of the final forest conservation plan for the Property.

Traffic Statement

Regarding adequate public facilities, we note WCA has only about 225 students registered for the 2013-2014 school year (as opposed to the 1,140 students authorized by the approved Preliminary Plan). We understand the maximum number of students enrolled for any school year at WCA since it has operated on the Property is only 410. Accordingly, the Property is considerably underutilized relative to its APF approval which, *inter alia*, limits peak hour trips to 189 am and 91 pm peak hour trips.

The use of the Property is also subject to a Traffic Mitigation Agreement (“TMA”) which establishes, *inter alia*, a peak-hour trip cap for all operations, quarterly driveway counts and regular reporting requirements. The TMA is binding on successors and assigns and allows for assignment to a purchaser of the Property.

Bethel agrees WCA will continue to be bound by the am and pm peak-hour trip caps established by the existing APF approval and other requirements of the TMA previously established. We also note that although the APFO does not apply to a house of worship, worship services will typically be held on the weekend, and any weekday activity associated with the house of worship would likely occur outside the peak hour.

Record Plat

We also note the existing Record Plat limits the Property to the uses and conditions of the Preliminary Plan. If the Planning Board approves this application, we believe the plat limitation would also permit the uses approved under the Amended Preliminary Plan. We ask that the Planning Board confirm this fact as a part of any decision it issues in this matter.

Françoise M. Carrier, Chair
and Members of the Montgomery County Planning Board
April 16, 2014
Page 3

Off-Site Parking and Shuttle Service

To assure a harmonious relationship with its neighbors, Bethel will use an off-site parking facility and a shuttle system for any event or worship service which requires parking for vehicles in excess of on-site parking capacity. In this regard, the TMA already authorizes off-site parking for events. However, to the extent the Board believes express off-site parking authority is also required for worship services if on-site parking capacity might be exceeded, Bethel requests such authority.

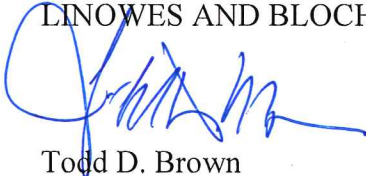
We have also enclosed a letter from the Montgomery County Executive supporting Bethel's use of the Norbeck Park and Ride Facility and private shuttle for Sunday services. The Park and Ride lot contains 228 parking spaces and is located approximately one mile south of the Property at the intersection of Norbeck Road with Georgia Avenue. The Park and Ride lot is a public parking facility and is almost empty on Sundays. It is an excellent location for off-site parking in connection with Bethel's worship services.

Compliance with Subdivision Regulations

This application concerns the uses permitted under the approved Preliminary Plan only. All such uses are permitted by right under the Zoning Ordinance. The Planning Board previously determined the subdivision itself was in compliance with applicable regulations, and the use of the Property in the future will continue to comply with all applicable requirements.

Thank you for your consideration.

Sincerely,

LINOWES AND BLOCHER LLP

Todd D. Brown

Attachment



Françoise M. Carrier, Chair
and Members of the Montgomery County Planning Board
April 16, 2014
Page 4

cc: Bishop Darlington Johnson
Mr. Hannibal Brumskine II
Ms. Rose Krasnow
Ms. Catherine Conlon
Mr. Richard Weaver
Phillip A. Hummel, Esq.



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

February 19, 2014

Françoise M. Carrier, Chair
and Members of the Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Chair Carrier and Members of the Planning Board:

Please accept this letter on behalf of Montgomery County, Maryland, in support of and for Bethel World Outreach Ministries' ("Bethel") use of the Norbeck Park and Ride Lot (commuter parking lot at the corner of Norbeck Road and Georgia Avenue) for Sunday worship services at Bethel's property located at 16277 Batchellors Forest Road in Olney, Maryland. It is the County's understanding that Bethel will use a private shuttle service to transport its parishioners from that Park and Ride lot (off-site parking) to its new Church located on Batchellors Forest Road.

This use of the commuter parking lot is an effective means of reducing traffic on our roadways and in our residential neighborhoods. Thank you for your attention to this matter.

Sincerely,

Isiah Leggett
County Executive

cc: Craig Rice, Council President
Montgomery County Council
Todd D. Brown, Esquire
Counsel for Bethel World Outreach Ministries
Rose Krasnow, Maryland-National Capital Park and Planning Commission
Richard Weaver, Maryland-National Capital Park and Planning Commission

IL:tjs