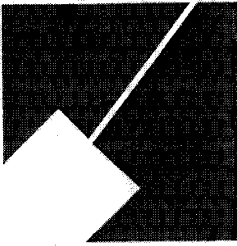


M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

**MCPB**  
**Item # 3**  
**February 17, 2005**



**MEMORANDUM**

**DATE:** February 11, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Development Review Division

**FROM:** Catherine Conlon, Acting Supervisor (301) 495-4542 *CC*  
Dolores M. Kinney, Senior Planner (301) 495-1321 *DK*

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Amendment to previously approved conditions

**PROJECT NAME:** Mother of God

**CASE #:** Preliminary Plan No. 1-87040A

**REVIEW BASIS:** Chapter 50 Montgomery County Subdivision Regulations

**ZONE:** R-200

**LOCATION:** Located in the southeast quadrant of the intersection of Goshen Road and Warfield Road

**MASTER PLAN:** Gaithersburg

**APPLICANT:** Mother of God School

**FILING DATE:** July 13, 2004

**HEARING DATE:** January 13, 2005

**STAFF RECOMMENDATION:** Approval, Pursuant to Section 50 of the Subdivision Regulations subject to the following conditions:

- 1) Limit the preliminary plan amendment to a private educational institute with an enrollment up to 250 students, staff persons up to 27 persons, and a child day care program for up to 63 students attending the educational institute.
- 2) Provide \$52,500 to fund the construction of a concrete, five-foot-wide sidewalk along the Goshen Road frontage including street trees (i.e., placed 50 foot from center) and handicapped ramps in accordance with the County standards for a master-planned major highway. Payment should be made to the beneficiary of the Montgomery County Department of Public Works and Transportation (DPWT) so they can transfer the funds into their Capital Improvements Program (CIP) Project No. 506747, Annual Sidewalk Program. The funds should be transferred to DPWT within 30 days after date of the Planning Board opinion.
- 3) Construct a concrete four-foot-wide lead-in sidewalk from Goshen Road into the site's parking lot opposite the school's drop-off/pick-up point within 120 days after the date of the Planning Board opinion.
- 4) Provide three bike racks to store six total bicycles with credit for equivalent bike facilities now on the site within 30 days after date of the Planning Board opinion.
- 5) Prohibit access to Warfield Road until DPWT determines that Warfield Road is built to or satisfy their standards.

**PROJECT DESCRIPTION:**

This is an application for the amendment to the approved Preliminary Plan conditions for the Mother of God School, Preliminary Plan No.1-87040A. The Subject Site is identified as Williams Range Parcel A, Block W, a religious school located in the southeastern quadrant of the intersection of Goshen Road and Warfield Road. The vehicular access point into the parking lot is from the existing curb-cut on Goshen Road and opposite Saint John Newman Catholic Church's driveway. The property contains 8.80168 acres and is zoned R-200.

**PRIOR APPROVAL:**

In 1987, Potomac Charismatic Community submitted an application for the approval of a preliminary plan of subdivision for property in the R-200 zone. On June 25, 1987, the subject plan was brought before the Planning Board for a public hearing, at which time the Board approved the preliminary plan subject to certain conditions. Preliminary Plan No. 1-87040 was originally approved for a weekday private educational institute with the conditions of approval limiting it to operating from 9:30 a.m. to 3:30 p.m., up to 250 students, and up to 20 staff persons. An existing, before and after daycare program was not included with the approval of the original plan. The Planning Board's

opinion (attached) was issued in 1987. The sequential Record Plat No. 2-87338 was approved.

The school's operating hours were restricted to satisfy Policy Area Transportation Review because the Montgomery Village/Airpark Policy Area was in a moratorium for non-residential development in 1987 under the FY 1987 Annual Growth Policy. By restricting the operating hours, the site's vehicular traffic would not be on the roads during the two-hour weekday morning peak period (7:00 to 9:00 a.m.) and evening peak period (4:00 to 6:00 p.m.). This same operating restriction also satisfied Local Area Transportation Review.

## **DISCUSSION OF THE PRELIMINARY PLAN REVISION**

Subsequent to the approval of Preliminary Plan No. 1-87040 in June 1987, the school made inquiries with Planning Board Staff concerning changing the operating restrictions contained in the original approval. The original approval was originally approved by the Planning Board at its public hearing on June 25, 1987. In the course of these inquiries, MNCPPC Staff was informed that the school started their operations before 9:30 a.m. in violation of their condition of approval. The Park and Planning staff had several meetings to work with the applicant and their representatives to resolve the violation of the program operating hours. With no resolution at hand, the applicant was sent a letter of warning dated August 9, 2002. After allowing a reasonable time to respond with a feasible alternative, the applicant was cited by the Park and Planning staff on March 10, 2004 and resolved to amend the preliminary plan under the then-to-be-adopted *FY 2005 Annual Growth Policy* that eliminated the Policy area Transportation Review test.

This amendment proposes to address the desired changes in operating hours and the new before and after childcare program. The preliminary plan maintains the total enrollment of 250 students (including the before and after child care program for students attending the educational institute), but limits the before and after care program to 63 students or 25% of the maximum enrollment. To meet the current requirements the applicant is required to contribute \$52,500 via bond, letter of credit or other acceptable security to the construction cost for a five-foot wide, 1,360 linear foot sidewalk along the property's Goshen Road frontage including street trees and handicapped ramps. The dollar amount recommended was based on actual 2004 construction costs of DPWT CIP Project #506747, Annual Sidewalk Program and other CIP roadway projects. Other improvements required with this plan include a four-foot lead-in sidewalk from Goshen Road to the site's parking lot, bike racks to store 6 bikes, and prohibited access to Warfield Road until it is built to ultimate County standards and/or until such time DPWT determines that Warfield Road meets standards.

## **CONCLUSION:**

The subject preliminary plan was approved by the Planning Board on June 25, 1987. Among other requirements, the conditions of approval regulated the hours of operation and placed a limit on the number of students and staff personnel because at the

time, the Gaithersburg Policy Area was in moratorium and was restricted by the requirements of the AGP. Subsequent to the approval of the preliminary plan, the school changed the hours of operation, and added a before and after care operation, without seeking prior approval. The school was issued a violation by the Planning Board and is now requesting an amendment to the preliminary plan as a means of resolving the issue permanently.

Since the Gaithersburg Policy Area is no longer in moratorium, the restrictions on the hours of operation are no longer applicable. Additionally, the plan amendment to increase the staff from 20 persons to 27 is acceptable. The amendment requires a contribution from the applicant to fund frontage improvements on Goshen Road. Staff supports the proposed conditions and recommends approval of the preliminary plan amendment.

Attachments:

Attachment A	Vicinity Map
Attachment B	Preliminary Plan
Attachment C	Previous Conditions of Approval
Attachment D	Applicant's Amendment Request Letter
Attachment E	Transportation Memorandum