

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 # 5
2/24/05

MEMORADUM

DATE: February 18, 2005

TO: Montgomery County Planning Board

FROM: Charles Loehr, Director 
Montgomery County Dept of Park and Planning

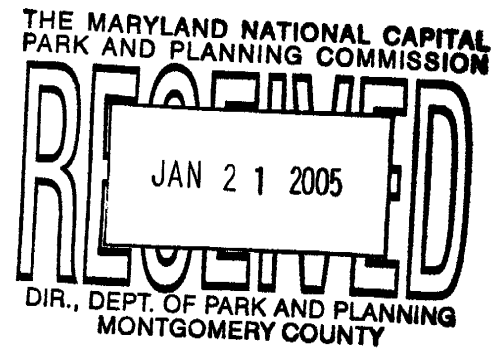
SUBJECT: Priority Funding Area Amendment

RECOMMENDATION: Approval to Transmit to County Council

The attached letter from Steve Kaufman requests an amendment to the County Priority Funding Area boundary to include the proposed Good Counsel High School site in Olney. The letter suggests that the boundary change consider the adjacent existing Saint Andrew Kim Church and Andrew Kim Assisted Living Facility as well. A letter is also attached from the school's financial advisor indicating why they need priority funding area status. Finally, my 1998 staff report dealing with the original designation of priority funding areas is included for background.

Staff recommends that the Planning Board approve this request including the two existing facilities, and forward it to the County Council for its approval and transmittal to the State. Although institutional uses are not specifically addressed in the State's Priority Funding area categories (see 1998 memo or map), the Maryland Dept of Planning has indicated that expanding existing priority funding areas to include institutional uses served by public sewer and water is consistent with the program. In this case, all of the properties under consideration are in Category One for both water and sewer. The proposed area is adjacent to existing priority funding areas on both the north and west. In fact, the area to the north directly across Md. Rt. 108 is the Olney Theatre Complex, which is designated in the priority funding area employment category. Staff recommends the same designation for these properties.

LINOWES
AND **BLOCHER LLP**
ATTORNEYS AT LAW



January 21, 2005

Stephen Z. Kaufman
301.961.5156
skaufman@linowes-law.com

Via Hand Delivery

Mr. Charlie Loehr
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20902

Re: Request for Priority Funding Boundary Amendment in the Olney Planning Area for
Inclusion of Our Lady of Good Counsel High School Site

Dear Mr. Loehr:

As a follow up to our recent conversation, we are writing to formally request that the Planning Board and County Council consider amending the priority funding boundary in the Olney Planning Area to include Our Lady of Good Counsel High School ("Good Counsel") site located along Route 108 and west of Batchellors Forest Road. In considering this boundary change, we understand that the Planning Board and County Council will also take into account the Saint Andrew Kim Church and Victory Housing (or Andrew Kim Assisted Living Facilities) located directly across from the Good Counsel site. In addition, we understand there is a set of criteria promulgated by the State Department of Planning that must be satisfied. Among the criteria are sufficient intensity of uses and availability of sewer service. All the properties involved are institutional in nature and would constitute sufficient intensity of uses. Also, all the properties are served by public sewer.

In a conversation with Marlene Michaelson of the Council Staff, our understanding is subject to further confirmation that the Council will not require a public hearing for the proposed boundary change. However, Ms. Michaelson indicated there may be an issue with compliance with the State criteria. We will need your assistance in determining an appropriate State classification for the Good Counsel site. In light of the school's time constraint, we appreciate your assistance on proceeding forward with this request in an expeditious manner. At your earliest convenience, we would like to meet with you and representatives of Good Counsel and their financial advisor to discuss how we can best proceed forward in this endeavor.

Mr. Charlie Loehr
January 21, 2005
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Thank you in advance for your assistance and guidance on this request. Please give me a call and let me know of your availability as soon as possible.

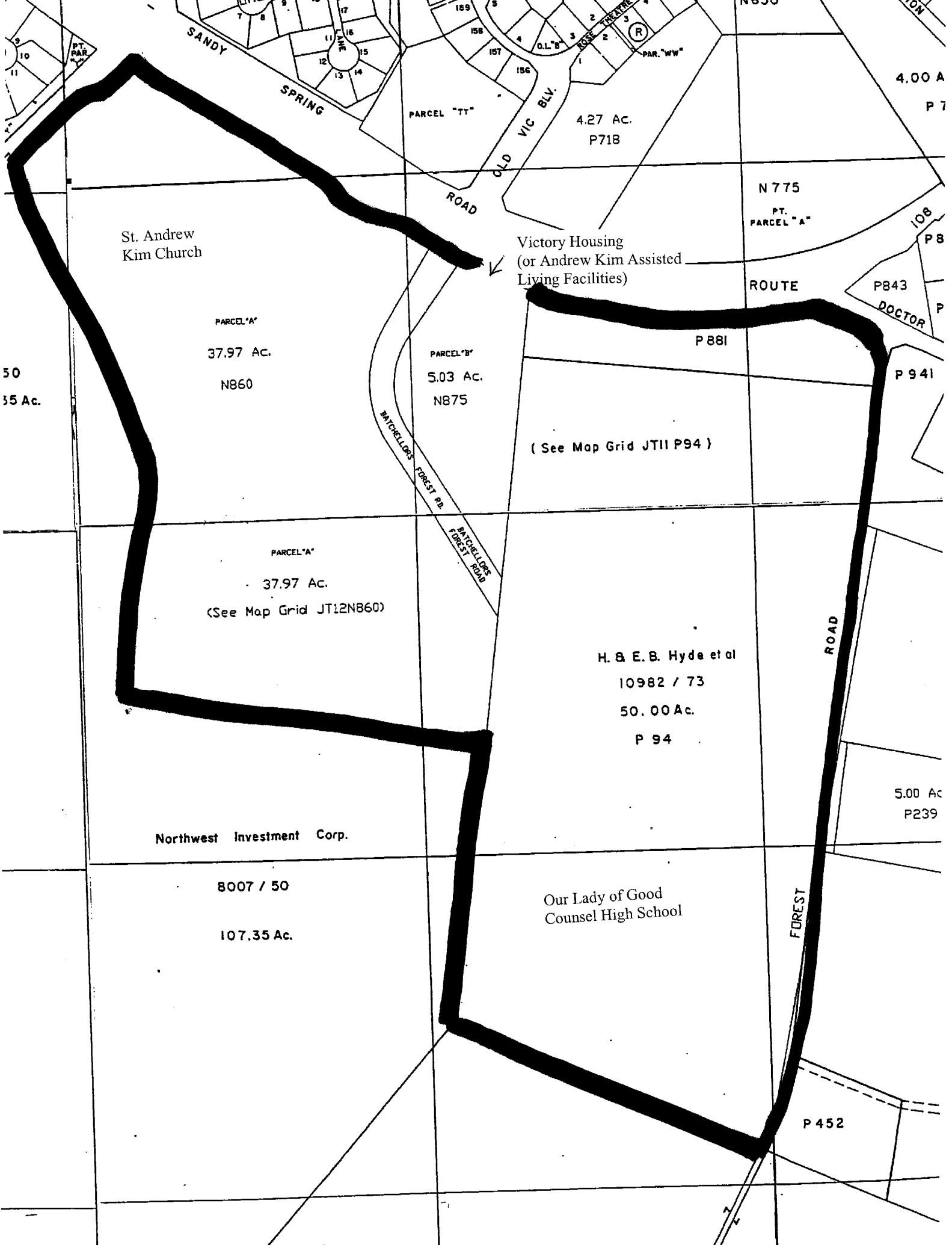
Sincerely yours,

LINOWES AND BLOCHER LLP

Stephen Z. Kaufman / yyc

Stephen Z. Kaufman

cc: Mr. Art Raimo
Ms. Marlene Michaelson
Mr. Kevin Quinn
Janet Meiburger, Esq.
Yum Yu Cheng, Esq.



St. Andrew
Kim Church

PARCEL "A"
37.97 Ac.
N860

PARCEL "A"
37.97 Ac.
(See Map Grid JT12N860)

Northwest Investment Corp.

8007 / 50
107.35 Ac.

Victory Housing
(or Andrew Kim Assisted
Living Facilities)

(See Map Grid JT11 P94)

H. & E. B. Hyde et al
10982 / 73
50.00 Ac.
P 94

Our Lady of Good
Counsel High School

4.27 AC.
P718

N 775
PT.
PARCEL "A"

P 881

5.00 Ac
P239

P 452

SANDY
SPRING

PARCEL "TT"

ROAD

OLD VIC BLV.

MATCHELERS FOREST RD.
MATCHELERS FOREST ROAD

PARCEL "B"
5.03 Ac.
N875

ROUTE

P843
DOCTOR

ROAD

FOREST

4.00 A
P 7

P 8

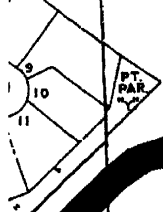
P 941

P 452

N630

10N

50
35 Ac.



PT. PAR

(R)

PAR. "WW"

O.L."B"

ROSE TREYNE

4.00 A

P 7

P 8

P

P 941

5.00 Ac

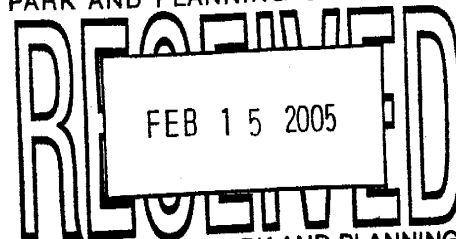
P239

P 452

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

February 15, 2005

THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION



Director, DEPT. OF PARK AND PLANNING
301.961.5158
MONTGOMERY COUNTY

skaufman@linowes-law.com

Via Hand Delivery

Mr. Charlie Loehr
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20902

Re: Request for Priority Funding Boundary Amendment in the Olney Planning Area for
Inclusion of Our Lady of Good Counsel High School Site

Dear Mr. Loehr: *Charlie*

As a follow up to my e-mail to you earlier today, please find attached a hard copy of a letter dated February 10, 2005 from the School's Financial Advisor, Wye River Group, Inc., stating the reasons MIDFA financing is necessarily the preferred bond issuer for the school.

Thank you for your continued attention to this matter. Should you have any further questions or need anything else, please give me a call.

Sincerely yours,

LINOWES AND BLOCHER LLP

Stephen Z. Kaufman

Enclosure

cc: Mr. Art Raimo
Ms. Marlene Michaelson
Mr. Kevin Quinn
Michele Rosenfeld, Esq.
Janet Meiburger, Esq.
Yum Yu Cheng, Esq.