



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 15-34
Preliminary Plan No. 11996015B
The Goddard School in North Bethesda
Date of Hearing: April 30, 2015

MAY 6 2015

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on October 2, 1995, the Planning Board, by Planning Board Opinion dated October 6, 1995, approved Preliminary Plan No. 1-96015, creating one (1) lot on 0.68 acres of land in the C-T zone, located on the south side of Edson Lane, 500 feet west of the intersection with Rockville Pike ("Subject Property"), in the White Flint Policy Area, White Flint Sector Plan ("Sector Plan") area; and

WHEREAS, on July 6, 2006, the Planning Board, by Planning Board Opinion dated October 26, 2006, approved an amendment to Preliminary Plan No. 1-96015, The Higgins Estates, to allow up to 13,150 square feet of general office space on the Property; and

WHEREAS, on December 3, 2014, Edson Lane Development, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plans to eliminate the general office use and increase the approved density to allow for a maximum of 14,465 square feet of child day care facility on the Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11996015B, the Goddard School in North Bethesda ("Preliminary Plan", "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated April 20, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 30, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency

Christina Scott 4/22/15

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WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 11996015B subject to the following conditions, which supersede the conditions of approval of Preliminary Plan Nos. 1-96015 and 11996015A:¹

1. Approval is limited to one (1) lot for a maximum of 14,465 square feet of child day care use to accommodate up to 225 children and 32 staff/faculty.
2. Prior to the issuance of any Use and Occupancy Certificate, the Applicant must amend the existing Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to update it with the approved land use and square footage and bring it in compliance with the *White Flint Sector Plan*.
3. The Planning Board accepts the recommendations of the MCDOT in its letter dated March 13, 2015 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) - Water Resources Section in its letter of stormwater management concept acceptance dated October 29, 2014. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. No demolition, clearing, grading, or submission of plats can occur prior to Certified Site Plan approval.
6. In the event that a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment (except the modifications required by these conditions), the Applicant must obtain approval of a Preliminary Plan Amendment prior to approval of the Site Plan.
7. The Certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Other limitations for site development may also be included in the conditions of the Planning Board's approval."

8. All necessary easements must be shown on the Record Plat.
9. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Sector Plan.*

This Application substantially conforms to the 2010 Approved and Adopted White Flint Sector Plan. The Site is located in the NoBe District on Block 4 as identified by the Sector Plan. The recommendations for this area provide opportunities for new mixed-uses and public use spaces while maintaining residential and office uses and ensuring a buffer for existing residential communities. (p.34)

The development directly fulfills one of the Sector Plan's area-wide land use priority of providing child daycare. The Sector Plan states, "One difficulty working families face is finding child daycare near work or home. Child daycare is an optional incentive in the CR Zone. Child daycare should be incorporated in new office and residential development, especially near transit facilities" (p.25).

While there are no specific recommendations for the Subject Property in the White Flint Urban Design Guidelines, the development is consistent with its general recommendations, which include maintaining continuity with adjacent buildings and transition to adjacent, lower density neighborhoods (p.17). The Application also includes pedestrian facilities to ensure continuity of the pedestrian network (p.34).

2. *Public facilities will be adequate to support and serve the area of the approved subdivision.*

Site Location and Access Points

The Subject Property has frontage on Edson Lane with vehicular and pedestrian access into the Site. The development provides pedestrian access across the entire frontage along Edson Lane. The development would close the easternmost existing driveway

entrance and reconstruct the westernmost entrance (slightly east of its current location) to be in accordance with commercial driveway standards.

Transportation Demand Management

The Subject Property is within the boundary of the North Bethesda Transportation Management District (TMD). The *White Flint Sector Plan* recommends that the TMD establish a 50% non-auto driver mode-share (NADMS) goal for employees. The TMD currently has a 26% transit mode-share.

Sector Plan Roadways and Bikeways

In accordance with the Sector Plan, the recommended roadways and bikeways are as follows:

1. Edson Lane is designated as a business street, B-5, with a recommended 70-foot right-of-way, no additional right-of-way dedication is required. The Sector Plan recommends a dual bikeway, DB-13. A shared use path exists on the north side of Edson Lane. A bicycle lane will be striped from Woodglen Road to Rockville Pike (MD 355) as part of a future MCDOT project, not in conjunction with this development.

Site Generated Traffic

According to the Applicant's submitted traffic data, the arrival times of children will be staggered with a 7:00 AM start time for children of the full-day program (70% of children), 9:00 AM for children of both the half-day program (15% of children), and early afternoon release program (15% of children). Similarly, the departure times of children will also be staggered with half-day programs letting out at noon, early afternoon releasing at 3:00 PM, and full-day ending at 6:00 PM. Based on the staggering of start/end times, there is adequate space and circulation on-site for pick-up/drop-off traffic to prevent overflow onto Edson Lane.

The approved daycare will generate 35 more weekday AM peak hour trips and 43 more weekday PM peak hour trips as compared to the previously approved office building. This increase in site-generated traffic will not result in an adverse impact to the surrounding transportation network.

Transportation Adequate Public Facilities Test

The White Flint Special Taxing District, established by Council Bill No. 50-10 and Resolution No. 16-570, excludes the typical Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR) requirements for development within the White Flint Sector Plan area.

Other Public Facilities and Services

All other public facilities and services are available and will be adequate to serve the development. The Subject Property is served by public water and sewer. Gas, electric

and telecommunications services are also available to the Subject Property. Police stations, firehouses, and health services are currently operating within the standards set by the effective Subdivision Staging Policy. The Application has been reviewed and conditionally approved by the Montgomery County Fire and Rescue Service (MCFRS), which must verify that the development has adequate access for emergency vehicles prior to recordation of the plat.

- 3. The size, width, shape, and orientation of the approved lot are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application does not alter the size, width, shape, and orientation of the lot. It remains appropriate for this type of subdivision and continues to comply with the dimensional requirement of the C-T Zone as specified in the Zoning Ordinance. The Application meets the requirement and standards of all applicable sections of Chapter 50 of the Montgomery County Code.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Subject Property received a Forest Conservation Plan Exemption (No. 42015025E) on August 15, 2014. The approval is confirmed with a tree save plan required pursuant to Chapter 22A-5(s)(2) and Chapter 22A-6(b). Planning Board finds the submitted tree save plan to be acceptable.

- 5. All stormwater management requirements shall be met as provided in Chapter 19, Article II, title "stormwater management", Section 19-20 through 19-35.*

The Stormwater Management Concept meets required stormwater management goals through ESD to the maximum extent practicable (MEP) with techniques incorporated including the use of permeable pavement. The Planning Board finds the development meets the requirements of Chapter 19.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 16 2015 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, April 30, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board