

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

AUG 17 2020

MCPB No. 20-035
Adequate Public Facilities Determination, APF 202001
Alef Bet Montessori School
Date of Hearing: July 30, 2020

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 8-31(b), the Montgomery County Department of Permitting Services (“MCDPS”) may issue a building permit only if the Planning Board has made a timely determination that public facilities will be adequate to serve the proposed development encompassed by the permit application; and

WHEREAS, this provision applies to each applicant for a building permit (use and occupancy certificate) on a recorded lot for which no valid finding of adequate public facilities (“APF”) has been made, including any recorded lot for which an original finding of adequate public facilities has expired; and

WHEREAS, no preliminary plan approval is required for this development because the Property is a recorded lot, Lot 19, as recorded in 1964 on Plat 7383, without a current APF; and

WHEREAS, on November 22, 2019, Alef Bet Montessori School (“Applicant”) filed an application for approval of an APF determination for an existing school, to expand enrollment from 39 to 90 students, on approximately 0.59 acres zoned R-200, located at 6125 Tuckerman Lane, North Bethesda; and

WHEREAS, Applicant’s application for the APF determination was designated Adequate Public Facilities Test No. APF202001 (“Application”); and

WHEREAS, Planning Board staff (“Staff”) issued a memorandum to the Planning Board, dated April 13, 2020, and amended by a subsequent addendum dated July 20, 2020, setting forth its analysis and recommendation for approval of the Application subject to certain conditions (“Staff Report”); and

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Approved for legal sufficiency
MNCPPC Office of the General Counsel

WHEREAS, on April 23, 2020, the Planning Board held a public hearing on the Application at which it received evidence submitted for the record on the Application and at which time the Planning Board voted to defer the Application; and

WHEREAS, on July 30, 2020, the Planning Board held a continuation of the public hearing on the Application at which it received evidence submitted for the record on the Application and at which time the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation set forth in the Staff Report, as amended, which is hereby incorporated by reference, and hereby approves the Adequate Public Facilities determination subject to the following conditions:

1. Maximum daily student enrollment is limited to 90 students, including early care, toddlers, preschool children, and elementary age children, and 12 staff members, for a total of 102 people.
2. Prior to issuance of the Use and Occupancy Certificate for a maximum daily enrollment of 90 students and continuing on all days the school is in session throughout the five years following APF approval, the Applicant must have an onsite certified traffic manager to direct traffic operations during the morning drop-off period (7:30 – 9:00 a.m.). The certified traffic manager shall have received certification as a “Temporary Traffic Control Traffic Manager” or equivalent accepted by the Maryland State Highway Administration or may be an off-duty police officer. A copy of this certification or off-duty police officer contract must be filed with the Planning Department, the Montgomery County Department of Permitting Services, and the Montgomery County Department of Transportation.
3. Prior to issuance of the Use and Occupancy Certificate for a maximum daily enrollment of 90 students, the Applicant must enter into a binding agreement with the Planning Board to perform a Transportation Management Plan (TMP) for a minimum of five years. The Applicant may apply to remove the condition at the conclusion of five years, if the history of compliance to the TMP demonstrates satisfaction to the Planning Board that the condition is no longer necessary. The Planning Board also reserves the right to extend the TMP beyond five years and may rely on Staff's input on whether the condition remains necessary. The TMP must be updated and filed annually with the Montgomery County Department of Permitting Services and the Montgomery County Department of Transportation. This TMP must be submitted within one month of the start of each school year. The Applicant must also hold an annual meeting with community members prior to the submittal of the TMP to present and discuss findings from the TMP. The TMP must meet the following requirements:

- A) Outline the responsibilities of the onsite certified traffic manager. The onsite certified traffic manager must direct traffic operations during the morning drop-off period (7:30 – 9:00 a.m.) and prohibit queuing onto Tuckerman Lane.
 - B) The Applicant must record the number of vehicle trips entering the site during the peak morning period (7:30-8:30 a.m.) using automated vehicle counting technology. Daily vehicle counts must be uploaded to a publicly accessible website for review by Planning Department staff and community members. This website must be maintained by a traffic or monitoring consultant contracted by the Applicant.
 - I. The Applicant will be fined \$100 for each vehicle trip exceeding 50 vehicle trips accessing the site during the morning peak period (7:30-8:30 a.m.)
 - II. The Applicant must share daily vehicle count data with the Planning Department's Intake and Regulatory Coordination (IRC) Division (formerly the Development Applications and Regulatory Coordination) once per month. If the 50-vehicle trip threshold is exceeded during the morning peak period (7:30-8:30 a.m.), the per vehicle fine (\$100) must be paid to the IRC Division.
 - C) The TMP must include the following information:
 - I. Current and projected student enrollment
 - II. Daily AM peak vehicle counts onto the site, as recorded by the automated vehicle counting technology
 - III. Efforts to promote student family carpooling and teacher/staff carpooling
 - IV. Student pick-up/drop-off data
 - V. On-site and adjacent street queuing trends and any operational changes to address potential queuing on Tuckerman Lane
 - VI. Any transportation issues observed on the property within the previous 12 months
 - VII. Off-site parking agreements
4. No vehicles may queue within the public right-of-way on Tuckerman Lane while accessing the Site. As with all traffic regulations, vehicle queuing in the public right-of-way where prohibited may be subject to enforcement.
 5. The Applicant must limit vehicle drop-offs during the morning peak hour (7:30-8:30 a.m.) to 50 vehicle drop-offs.
 6. Prior to issuance of the Use and Occupancy Certificate for a maximum daily enrollment of 90 students, the Applicant must contribute \$1,200 to the Montgomery County Department of Transportation's CIP 507154 to support intersection improvements at Old Georgetown Road and Tuckerman Lane.
 7. Prior to issuance of the Use and Occupancy Certificate for a maximum daily enrollment of 90 students, the Applicant must provide two (2) short-term bicycle parking spaces on-site, either inverted u-racks or an acceptable alternative.

8. The Applicant must maintain off-site parking agreements to provide parking during special events. The off-site parking agreements must be included and updated annually in the Transportation Management Plan.
9. Prior to issuance of the Use and Occupancy Certificate for a maximum daily enrollment of 90 students, the Applicant must construct a second ADA accessible entrance, per request of the Department of Permitting Services. This entrance must include a wheelchair ramp, a 5-foot by 5-foot landing pad, and a 5-foot access aisle.
10. All Alef Bet staff members are required to park on site in one of the 12 designated staff parking spaces.

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, as amended, 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:

As the Property is a recorded lot created by Plat No. 7383 in 1964, neither a Preliminary Plan nor a Site Plan are required. Alef Bet Montessori School is a Jewish Montessori Day School, and per Chapter 59, Section 3.4.5.B of the 2014 Montgomery County Zoning Ordinance, a conditional use is not required for private educational institutions on premises owned or leased by a religious organization. No expansion of the building footprint is being requested as part of this APF review.

Adequate Public Facilities

A Local Area Transportation Review (LATR) was required to test adequate public facilities. The LATR analyzed the transportation impact of the proposed increased enrollment and was completed in February 2020. The school is staggering student arrivals during the morning period and is estimated to generate 42 vehicle trips arriving in the morning peak-hour and seven vehicle trips arriving in the evening peak-hour. Vehicular access to the Property is proposed directly from Tuckerman Lane through an existing full-movement driveway; pedestrian and bicycle access to the Property is also provided from Tuckerman Lane. The Applicant is providing a \$1,200 contribution to MCDOT to fund traffic signal modifications at the intersection of Old Georgetown Road and Tuckerman Lane and is providing two bicycle parking spaces. Additionally, the Applicant agrees to a Transportation Management Plan which optimizes circulation, requires extensive monitoring, and includes enforcement mechanisms to limit vehicle trips during the morning peak period. Therefore, with these mitigation efforts, the Planning Board finds that adequate public facilities are sufficient to support the Applicant's proposed increased enrollment.

BE IT FURTHER RESOLVED, that this Adequate Public Facilities determination will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution and that prior to the expiration of this validity period, a request for an extension must be filed; and

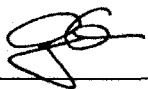
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 17 2020 (which is the date that this Resolution is mailed to all parties of record); and

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).

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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 Verma, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Cichy and Verma voting in favor, and Vice Chair Fani-González and Commissioner Patterson absent at its regular meeting held on Thursday, July 30, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board