

SHAARE TEFILA CONGREGATION

PRELIMINARY PLAN AMENDMENT NO. 12006056A

Description

Application to eliminate a condition that precludes a Day Care Center use on the property, eliminate a condition that allows a nursery school and kindergarten through grade nine school, while continuing the operation of a Religious Assembly use.

No. 12006056A

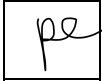
Completed: 10-18-2024

MCPB

Item No. 9
10-31-2024

Montgomery County
Planning Board
2425 Reddie Drive, Floor 14
Wheaton, MD 20902

Planning Staff



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LOCATION/ADDRESS

16620 Georgia Avenue, Olney

MASTER PLAN

2005 *Olney Master Plan*

ZONE

R-200 (Residential)

PROPERTY SIZE

4.09 acres

APPLICANT

Trustees of Shaare Tefila

ACCEPTANCE DATE

May 29, 2024

REVIEW BASIS

Chapters 22A, 50, and 59

Summary

- Staff recommends approval of the Preliminary Plan Amendment with conditions.
- Pursuant to Sec. 59-3.4.4.B (Day Care Facility), a Day Care Center with over 30 persons is exempt from obtaining a Conditional Use if the Day Care Center is operated by a non-profit and located in a structure owned or leased by a religious organization used for worship.
- The Applicant requests to remove a Preliminary Plan condition of approval that prohibits a Day Care Center. The existing Religious Assembly Use will continue to operate. The currently operating nursery school and kindergarten through grade nine school will cease operations.
- No increase in density or number of trips is proposed. The Day Care Center is estimated to result in an overall net reduction of total person trips, and is therefore expected to have less of an impact than the current uses.
- The Applicant will provide bicycle parking spaces and stripe a crosswalk at Georgia Avenue (as directed by SHA).
- To date, staff has received no correspondence from the community.

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SECTION 1: RECOMMENDATION AND CONDITIONS

PRELIMINARY PLAN AMENDMENT 12006056A

Staff recommends approval of Preliminary Plan Amendment No. 12006056A, to allow the operation of a Day Care Center, the continued operation of a Religious Assembly use and closure of an approved private school on the Subject Property. The development must comply with the conditions of approval for Preliminary Plan No. 120060560, as listed in MCPB Resolution No. 06-109 dated January 7, 2007, except as modified below by revised Condition Nos. 1, 2, 8, and new Condition Nos. 16, 17, and 18.¹ All other conditions remain in full force and effect.

All site development elements shown on the latest electronic version of the Preliminary Plan Amendment, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified below.

REVISED CONDITIONS

1. Development on the Property is limited to a ~~place of worship~~ Religious Assembly use with a 500-seat sanctuary, a 300-seat social hall, ~~a 150-student nursery school (with no more than 23 staff members), and a 272-student K-9 religious school (with no more than 18 staff members)~~ and a 128-person Day Care Center with no more than 35 staff members. ~~The nursery school shall not function as a child day care center.~~
2. The hours of operation for the ~~nursery school~~ Day Care Center are restricted to 7:30 AM to 6:00 PM, Monday through Thursday, and 7:30 AM to 4:00 PM Friday; ~~and that of the religious school to 4:30 PM to 6:30 PM on Wednesdays, and anytime on Sundays.~~ On-site activities other than those of the ~~nursery and religious school~~ Day Care Center shall be scheduled to either start, or end, at least 30 minutes prior to, or subsequent to, the standard weekday peak-periods of 6:30-~~to~~ 9:30 AM and 4:00-~~to~~ 7:00 PM to minimize the impact of site-related traffic at intersections adjacent to the site.
8. The applicant shall provide ~~two inverted LI bike racks in front of the sanctuary and two inverted LI bike racks in the front of the classroom buildings~~ a minimum of three (3) long-term and five (5) short-term bicycle parking spaces as shown on the Certified Plan.

¹ For the purposes 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.

NEW CONDITIONS

16. The Day Care Center must be operated by a non-profit organization and located in a structure owned or leased by a religious organization used for worship, unless a Conditional Use is approved for a for-profit Day Care Center.
17. The Certified Preliminary Plan must contain the following notes:
 - a. *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 issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b. *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*
18. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a. Show approved Resolutions on the certified plan set.
 - b. Show a minimum of three (3) long-term and five (5) short-term bicycle parking spaces.

SECTION 2: SITE DESCRIPTION

VICINITY

The Property is located at 16620 Georgia Avenue, approximately 200 feet south of Tavenner Court, in Olney (“Property”). The Property is located in the Southern Olney area of the 2005 *Olney Master Plan* (“Master Plan”) (Figure 1).

Land to the west, north, and south of the Property is zoned Residential-200 (R-200) and are developed with single-family houses. East of the Property, across Georgia Avenue, is the 61-acre Olney Manor Recreational Park and it is zoned Residential Estate-2 (RE-2) (Figure 2).



Figure 1 - Vicinity Map

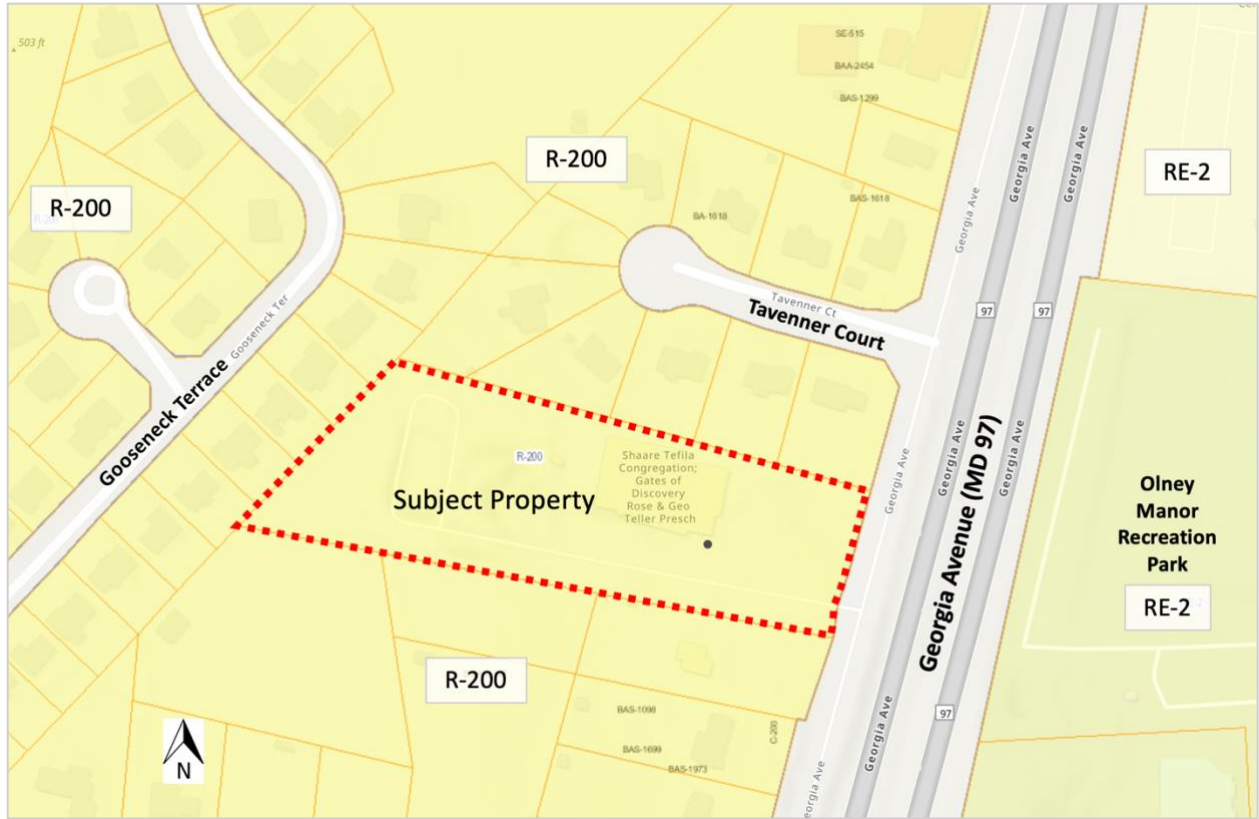


Figure 2 - Zoning Map

PROPERTY DESCRIPTION

The Property, commonly known as Shaare Tefila Congregation, is 4.09 acres in land area and is presently developed with a 27,791 square foot building used for Religious Assembly, a nursery school, and a kindergarten through ninth grade school (Figure 3).

Presently, there is a playground located behind the building with 100 surface parking spaces located to the side and rear of the building. Landscaping primarily consists of an open lawn, ornamental plantings, and a hedge with trees along the west, north, and south property lines. The existing building is set back approximately 190 feet from Georgia Avenue. Vehicular, bicycle, and pedestrian access is provided from the service road on the west side of Georgia Avenue (MD-97).



Figure 3 - Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

On October 26, 2006, the Planning Board approved Preliminary Plan No. 120060560 (MCPB No. 06-109) to create one (1) lot on 4.09 acres for a Religious Assembly use, a 150-student nursery school, and a 272-student kindergarten through grade nine (9) school. The total gross square footage approved was 55,665.

There are no other known regulatory approvals for the Property.

PROPOSAL

Trustees of Shaare Tefila (“Applicant”) request to revise the conditions of approval of Preliminary Plan No. 120060560 in order to allow a Day Care Center for 128 persons and 35 staff members with the continued operation of a Religious Assembly use, the discontinuation of both the nursery school and the kindergarten through grade nine (9) school, and the installation of bicycle parking spaces (“Amendment”) (Figure 4).

Presently on the Property is a 27,791 square foot building, which will contain both the Religious Assembly use and Day Care Center. There is a parking lot of 100 spaces and a playground located to the rear of the building. Although no additional density or immediate construction is proposed with this Amendment, the Applicant desires to maintain the existing approved density of 55,665 square feet for possible future expansion.

Vehicular access is from the service road on the west side of Georgia Avenue via a two-way internal driveway with a passenger discharge lane on the south side of the building near the entrance. Vehicles circulate toward the rear parking area and then exit at Georgia Avenue. The existing parking lot and driveway configuration are the same as shown in Figure 4.

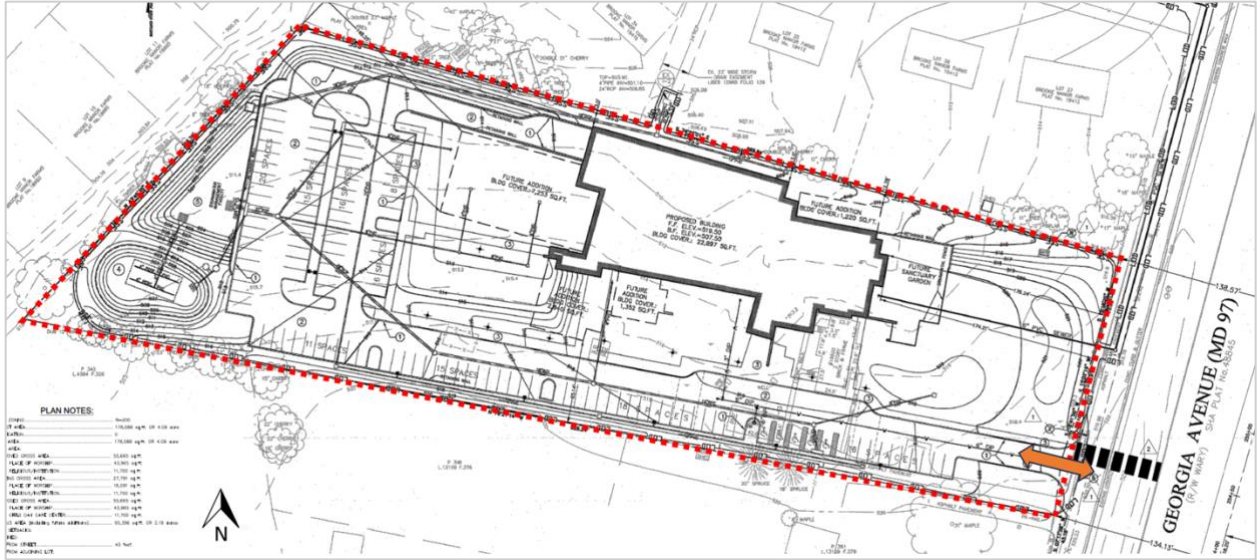


Figure 4 - Proposed Preliminary Plan Amendment showing no changes to the existing approved site layout

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all noticing requirements including posting a sign on the Property and mailed notification to required parties. A pre-submittal public meeting is not required for a Preliminary Plan Amendment application.

To date, no community comments have been received.

SECTION 5: PRELIMINARY PLAN AMENDMENT 12006056A FINDINGS AND ANALYSIS

This Amendment has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Amendment has been reviewed by other applicable State, County, and City agencies.

Preliminary Plan Amendment No. 12006056A requests to revise the conditions of approval to allow a Day Care Center for 128 persons and 35 staff members with the continued operation of a Religious Assembly use, the discontinuation of both the nursery school and the kindergarten through grade nine (9) school, and the installation of bicycle parking spaces. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59;***

The subdivision design was established when the Property was first developed in 2006. The Preliminary Plan amendment does not change the approved size, width, shape, orientation and density of the lot, or the design of the roads. The existing circulation pattern was evaluated by State Highway Administration (SHA), Montgomery County Department of Permitting Services (MCDPS) and, MCDPS Fire and Rescue, which continues to meet current standards. Therefore, the Amendment continues to be appropriate for the for the subdivision given its location and the type of development and use contemplated and the applicable requirements of the Zoning Ordinance.

The lot continues to have frontage on the Georgia Avenue (MD-97) access road. Georgia Avenue is a state-maintained roadway classified by the Master Plan of Highways and Transitways as a Boulevard, with access roads on either side, in the section fronted by the subject property. A Religious Assembly use is permitted by-right in the R-200 zone. A Day Care Center with over 30 persons is allowed in the R-200 zone with an approved Conditional Use. However, pursuant to Sec. 59-3.4.4.B (Day Care Facility), a Day Care Center with over 30 persons is exempt from a Conditional Use if the Day Care Center is operated by a non-profit and located in a structure owned or leased by a religious organization used for worship. As conditioned, the Day Care Center will be operated by a non-profit and located in a structure owned or leased by a religious organization used for worship.

As shown in Figure 4, the Amendment continues to provide an adequate area for the discharge and pick up of children because the existing facility used for the nursery and school will be used by the Day Care Center. The Day Care Center will generate fewer total person trips and is therefore expected to have less of an impact than the current uses (Table 2).

As shown in Table 1 below, the Amendment satisfies all applicable development standards for the R-200 zone.

Table 1 – Preliminary Plan Amendment Data Table for R-200 Zone, Section 59-4.4.7.B

Development Standard	Permitted/ Required	Approved by Preliminary Plan No. 120060560	Proposed with Preliminary Plan Amendment No. 12006056A
Lot Area, minimum	20,000 square feet	178,088 square feet (4.09 acres)	No change
Lot width at front building line, min.	100 feet	210 feet	No change
Lot width at front lot line, min.	25 feet	207.18	No change
Frontage on street or open space	Street or open space	Street	No change
Density, maximum	2.18 acres per unit	N/A, not a residence	N/A, not a residence
Gross square feet	N/A	55,665 square feet	No change
Lot coverage, 25% max.	44,522 SF	35,568 square feet (0.817 acres)	No change
Front setback, min.	40 feet	174 feet	No change
Side setback, min.	12 feet	12.6 feet	No change
Sum of side setbacks, min.	25 feet	77.74 feet	No change
Rear setback, min.	30 feet	148.25 feet	No change
Total vehicle parking spaces, minimum, 0.25 spaces per fixed seat ²	125 spaces	125 spaces	No change ³
Total bicycle parking, minimum ⁴	5 short-term 3 long-term	8 short-term	5 short-term 3 long-term

2. The Preliminary Plan substantially conforms to the Master Plan

The Project substantially conforms to the 2005 *Olney Master Plan*. There are no specific recommendations in the Master Plan for the Property. The Amendment continues to be consistent with the Master Plan recommendation of a 100-foot setback from Georgia Avenue. The Master Plan of Highways and Transitways envisions Georgia Avenue with minimum 150-foot right of way for Georgia Ave. The 2018 *Bicycle Master Plan* recommends a sidepath along the Georgia Avenue access road on the east side, (opposite the Property) of the median separating the access road from the primary portion of Georgia Avenue opposite the site frontage. The Property fronts on a service road along

² Day Care Center is accessory to the Religious Assembly use.

³ The applicant must provide the minimum number of parking spaces required for handicapped persons under State law.

⁴ Day Care Center (1 space per 5,000 SF, 85% long-term, 5 spaces max.), Religious Assembly (greater of 1 space per 2,000 SF or 1 space per 200 fixed seats, 15% long-term, 25 spaces max.).

Georgia Avenue, which functions as a Neighborhood Residential Street. The existing sidewalk on the east side of the service road is in substantial conformance with the recommended pedestrian facilities for a Neighborhood Residential Street, and no further improvements are required on behalf of the Applicant.

3. Public facilities will be adequate to support and service the area of the subdivision.

All public facilities continue to be adequate to support and service the Property. The Amendment reduces the impact on the surrounding vicinity because there is no increase in density and the total person vehicle trips are reduced from current operations. The replacement of the existing nursery and school operations with a Day Care Center, and the continued operation of the Religious Assembly use, is estimated to result in an overall net reduction of trips entering and leaving the Property during peak hours.

As shown in the Transportation Exemption Statement submitted by the Applicant (Attachment D), the Amendment generates fewer net new trips for the Day Care Center than was approved for the nursery school and religious school. The existing Religious Assembly use will continue to operate with no changes to the existing approval. The previous use is a 150-student nursery school and 272 student religious school. The proposed 128 person Day Care Center use generates 22 fewer person trips in the AM peak hour (12 fewer inbound and 10 fewer outbound) and no new net person trips in the PM peak hour (one fewer inbound and one new outbound). Therefore, the Amendment is exempt from further traffic study and the Local Area Transportation Requirements (“LATR”) are satisfied.

Table 2 – Trip Generation Analysis Excluding Unchanged Religious Assembly Use

	Land Use	ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Olney Policy Area		Total Person Trips	
		AM	PM	AM	PM	AM	PM
Existing	150 Student Nursery and 272 Student Religious School (afterschool program ⁵)	117	101	117	101	153	132
Proposed	128 Person Day Care	100	101	101	101	131	132
Net Change						-22	0

3. All Forest Conservation Law, Chapter 22A requirements are satisfied

⁵ The Religious School use was approved for an afterschool program that only operated in the afternoon. Trip generations for that use were only calculated for evening peak hour, and were combined with the nursery school evening peak hour trips.

A Final Forest Conservation Plan was approved with Preliminary Plan No. 120060560. The Amendment does not propose any alterations to the approved Final Forest Conservation Plan. Therefore, Chapter 22A is satisfied.

4. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied

The Amendment is exempt from Chapter 19 of the County Code because there is no land-disturbing activity greater than 5,000 square feet. Additionally, activities that disturb ground solely for maintenance, such as parking lot maintenance, are exempt from Chapter 19.

5. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

There are no known burial sites of which the Applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory.

6. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

There is no other applicable law specific to the Property for this Amendment.

SECTION 6: CONCLUSION

As conditioned, Preliminary Plan Amendment No. 12006056A substantially conforms to the recommendations of the 2005 *Olney Master Plan* and satisfies the findings of the Subdivision Regulations, and applicable standards of the Zoning Ordinance. Therefore, Staff recommends approval of the Preliminary Plan Amendment No. 12006056A, with conditions.

ATTACHMENTS

Attachment A: MCPB Preliminary Plan Resolution No. 16-109 for 120060560

Attachment B: Applicant's Statement of Justification

Attachment C: Proposed Preliminary Plan Amendment

Attachment D: Transportation Exemption Statement, Gorove Slade, February 15, 2024