

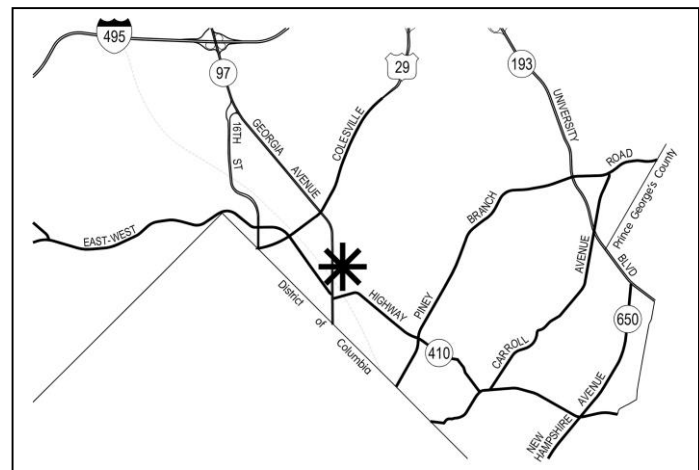
Site Plan 820160040 Nora School

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Description

Staff Report Date: 2/28/2016

- Addition of second story to existing school to increase the school's total building area from 7,236 square feet to 15,030 square feet;
- Located in the north side of Sligo Avenue, approximately 50 feet east of Mayor Lane in Downtown Silver Spring;
- 0.39 gross acres zoned CR 3.0 C 2.0 R 2.75 H 110 T in the *Silver Spring CBD Sector Plan* area and in the Fenton Village Overlay Zone;
- Application accepted November 23, 2015;
- Applicant: Washington Ethical High School
- Review Basis: Chapter 59, Montgomery County Code



Summary

- **Staff recommendation: Approval of the site plan with conditions.**
- The application is under the standard method of development. A site plan is required per Section 59.4.9.7.D of the Zoning Ordinance for any development in the Fenton Village Overlay Zone.
- A Preliminary Plan Amendment is not needed for the subject property because the school's use will abide by the maximum number of students (80) and staff (20) established in Preliminary Plan 119890850.

SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 820160040 for the addition of a 7,794 square-foot second story to the existing school use, which is limited to a maximum of 80 students and 20 staff members per Preliminary Plan 119890850. This will increase the school's total building area from 7,236 square feet to 15,030 square feet, on approximately 0.39 gross acres zoned CR 3.0 C 2.0 R 2.75 H 110 T, Fenton Village Overlay Zone. All site development elements shown on the latest electronic version as of the date of this staff report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions. 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.

Conformance with Previous Approvals & Agreements

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 119890850 as listed in the MCPB Resolution dated October 4, 1999.

Public Use Space, Facilities and Amenities

2. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 1,750 square feet of public open space (10.3% of net lot area) on-site.
- b. Before the issuance of the final Use and Occupancy certificate, all public open space areas must be completed.

3. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to pedestrian pathways, landscaping, hardscape, and public open space.

Transportation & Circulation

4. Pedestrian & Bicycle Circulation

Prior to final inspection, the Applicant must install two "inverted-U" style bicycle racks to provide four bicycle parking spaces, as shown on the Site Plan.

Agency Approvals

5. Right-of-Way Permitting

The Planning Board accepts the right-of-way permitting recommendations of the Montgomery County Department of Permitting Services ("MCDPS") in its letter dated February 12, 2016, and hereby incorporates them as conditions of the Site Plan approval. 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 Site Plan approval.

Site Plan

6. Building Height

The development is limited to the maximum height of 37 feet, as measured from the building height measuring point shown on the Certified Site Plan.

7. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the latest approved architectural drawings included in the Certified Site Plan, as determined by Staff.

8. Landscaping

- a. Before issuance of the final Use and Occupancy certificate for this Site Plan, all on-site amenities including, but not limited to, sidewalks/pedestrian pathways, hardscape, bicycle facilities, and public open space amenities must be installed.
- b. The Applicant must install the landscaping no later than the first growing season after completion of the site work.
- c. The Applicant must retain the existing street trees along the property frontage on Sligo Avenue, as shown on the Landscape Plan.
- d. The Applicant must provide a minimum of two trees along the northern alley frontage and show on certified site plan.
- e. To eliminate impacts of construction on existing landscaped area, construction staging must be limited to the existing parking lot in the northwest corner of the site. Materials may be stored inside the school building.

9. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.k.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount;
- b. The cost estimate must include applicable Site Plan elements including, but not limited to, sidewalks/pedestrian pathways, plant materials, hardscape, bicycle facilities, exterior lighting, and public open space amenities; and
- c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

10. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

11. Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the forest conservation exemption, development program, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before any land disturbance or construction activity."
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.

- e. Show on the Site Plan the building height measuring location for the building in accordance with Zoning Ordinance.
- f. Before certification of the Site Plan, the Applicant, in consultation with a qualified tree care professional, must revise the notes on the landscape plan regarding the street trees to appropriately protect the subject trees. The notes may be further revised by MCDPS.
- g. To help minimize the school's impact on the Sligo Creek watershed, the Applicant must consider installation of a green roof on the new building and, if determined by the Applicant to be infeasible, the Applicant must provide written explanation for the file.

SECTION 2: SITE DESCRIPTION

Site Vicinity

The subject property is located along the north side of Sligo Avenue, approximately 50 feet east of Mayor Lane. The vicinity of the site includes low- to medium-intensity commercial and residential to the north and west, and single-family neighborhoods to the east of Fenton Street. South of the property, across Sligo Avenue, is a row of one-story buildings with auto repair and restaurant uses. Immediately north of the school is a public parking garage. The Subject Property is located in the Silver Spring CBD Sector Plan and the Fenton Village Overlay Zone.



Figure 1-Vicinity Map

Site Analysis

The property is currently functioning as a single-story private high school, with four surface parking spaces west of the building. There are no environmental features and no forest on the site. Off of Mayor Lane, to the west of the building, a public alley runs adjacent to the subject property's northern lot line, and provides access to the school's small parking lot. The property consists of an existing platted lot that is 16,926 square feet in net area.

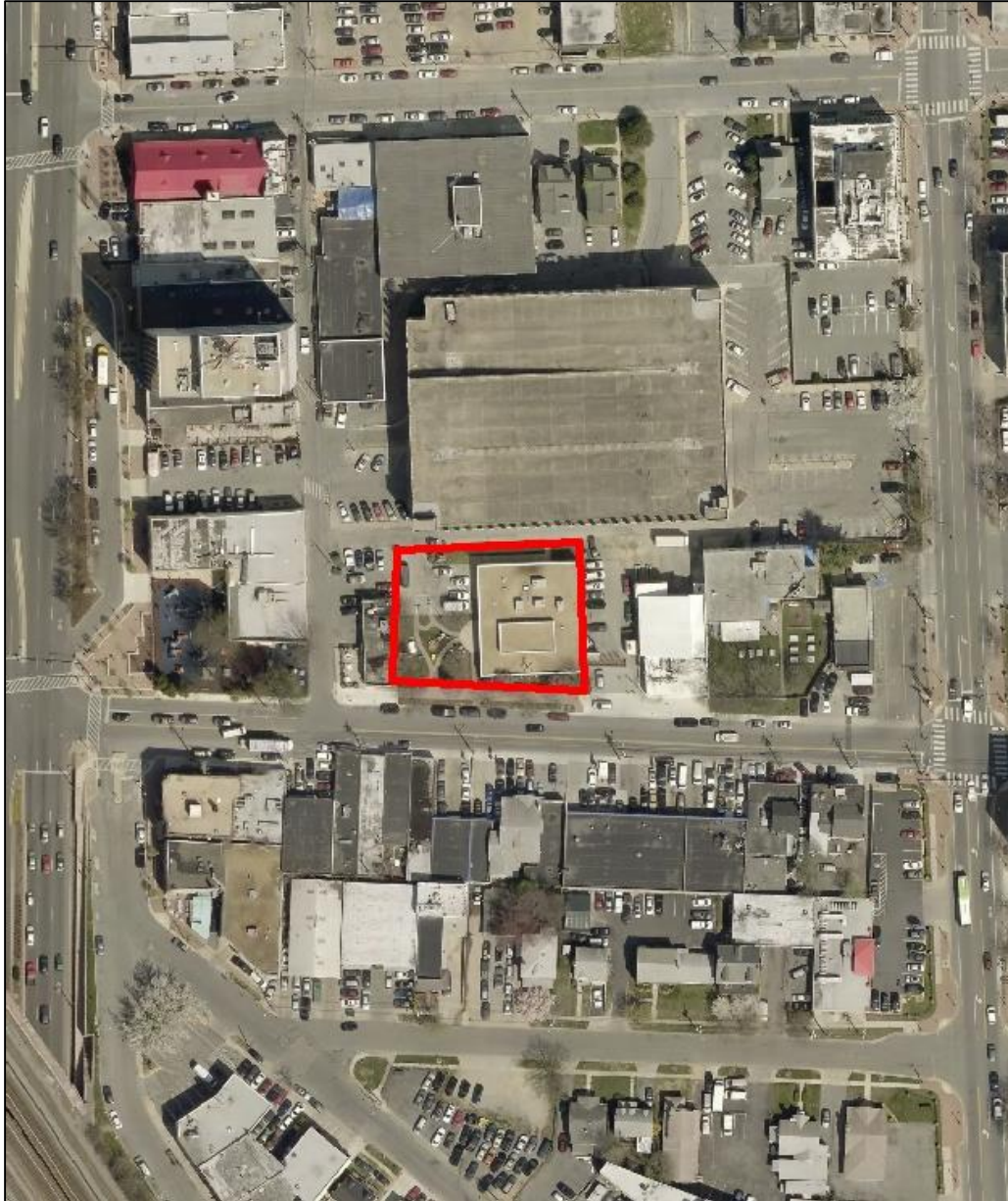


Figure 2-Aerial View

SECTION 3: PROJECT DESCRIPTION

Proposal

The Applicant proposes to develop the property under the standard method of development. The site plan application is required per Section 59.4.9.7.D of the Zoning Ordinance, which dictates that site plan approval is required for any development in the Fenton Village Overlay Zone. The Applicant proposes to construct a second story on top of the existing school building, as well as build a new elevator structure on the western face of the

building and a new stairwell structure on the northern face of the building. The additions will increase the school's total building area from 7,236 square feet to 15,030 square feet. The new second story will increase the building's height to 37 feet. The proposed additions will not significantly change the building's footprint. The plan also proposes new brick pavers along the walkway connecting the school's main entrance to the sidewalk along Sligo Avenue, as well as a new concrete walk connecting the entrance to the parking spaces at the northwest of the property. A small grass area will replace one of the property's 4 existing parking spaces, leaving 3 proposed spaces total. The Subject Property has been approved for a school use with a maximum of 80 students and 20 staff members, and the addition proposed in this Site Plan will not change this level of usage.

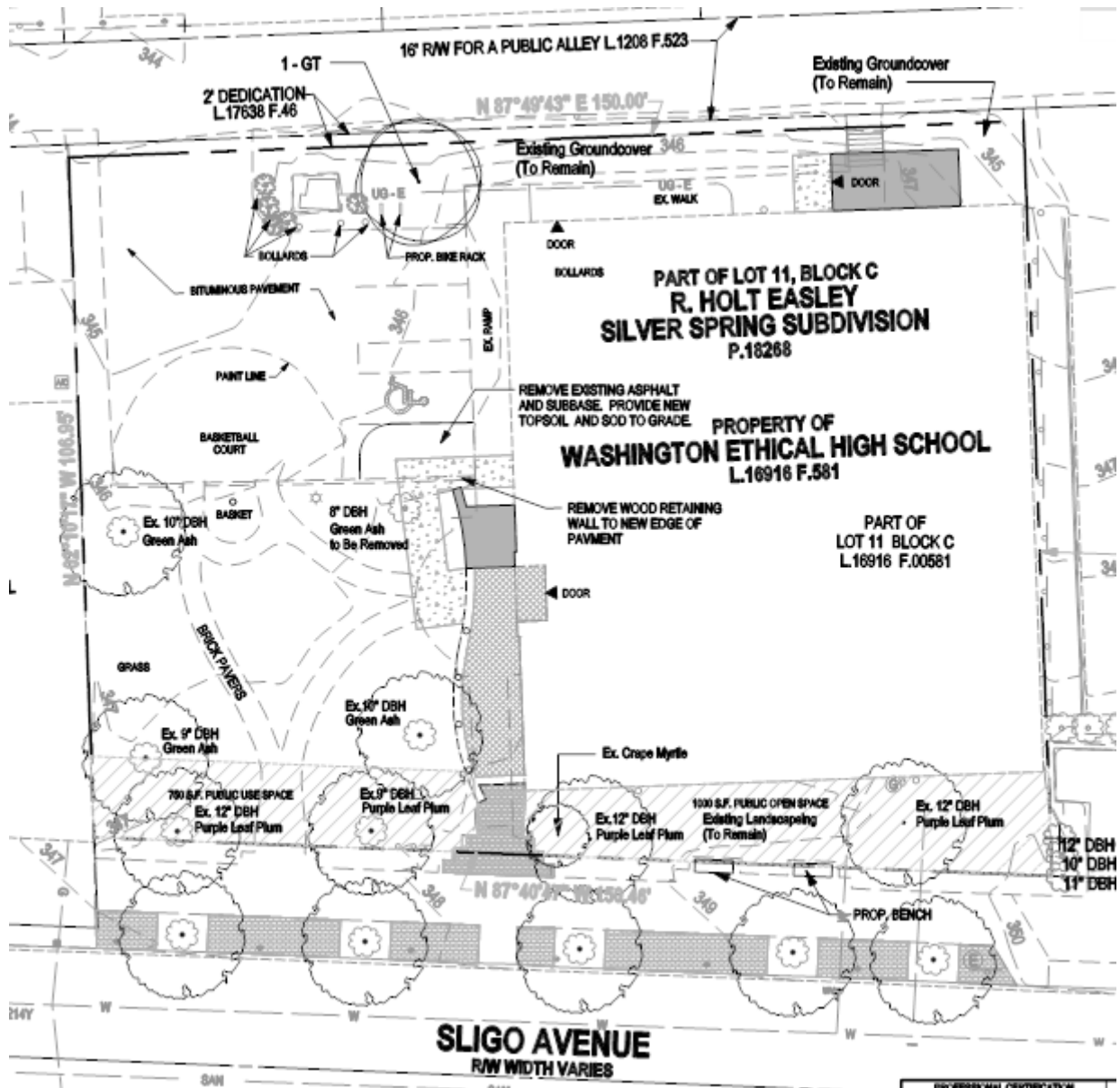


Figure 3-Site Plan

The Applicant has complied with all submittal and noticing requirements. As of the date of this staff report, staff has not received any correspondence regarding this Site Plan.

SECTION 4: SITE PLAN ANALYSIS AND FINDINGS

- 1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
- 2. *To approve a site plan, the Planning Board must find that the proposed development:*
 - a. *satisfies any previous approval that applies to the site;*

The Planning Board approved Preliminary Plan 119890850, by opinion dated October 4, 1999, allowed a private educational facility use on the property, with a maximum of 80 students and 20 staff members. This Site Plan will not change this use and will not cause enrollment or employment to exceed the limits specified, and therefore complies with Preliminary Plan 119890850.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This finding is not applicable, as the subject site is not subject to a development plan or schematic development.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This finding is not applicable as the Property’s zoning classification on October 29, 2014, was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

- i. *Division 4.5. Commercial/Residential Zones*

Development Standards

The Subject Property is approximately 0.39 gross acres zoned CR-3.0 C-2.0 R-2.75 H-110 T within the Fenton Village Overlay District. The following table, Table 1, shows the application’s conformance to the development standards of the zone.

Table 1-Site Plan Project Data Table – Standard Method			
Section	Development Standard	Permitted/ Required	Proposed in Site Plan
59 – 4	Gross Tract Area (sf)	n/a	16,926
4.5.3.C.2	Maximum Density, Standard Method Commercial FAR/GFA Residential FAR/GFA TOTAL FAR/GFA	2.0/33,852 ft ² 2.0/33,852 ft ² 2.0/33,852 ft²	0.89/15,030 ft ² 0/0 0.89/15,030ft²
4.5.3.C.4	Maximum Building Height (feet)	110	37
4.5.3.C.3	Minimum Setback (ft.) Front setback (from Sligo Ave.) Side setback (west) Side setback (east) Rear (from alley)	0 0 0 4	10 50 0 4
4.5.3.C.3	Minimum Build to Area % of façade within 20 ft of Sligo Ave R.O.W.	70	100
4.5.3.C.1	Minimum Open Space Public Open Space (%/sq. ft.)	10/1,693	10.3/1,750
4.5.3.C.5	Minimum Transparency, for Walls Facing a Street Upper story (min)	20%	20%
6.2.4.B	Vehicle Parking Spaces Total spaces (min. - max.)	17 - 30	3 (in PLD)
6.2.4.C	Minimum Bicycle Parking Spaces Total Bicycle parking spaces Long-term bicycle parking spaces	4 1	4 1
6.2.8.B.2	Minimum Loading Spaces	0	0

ii. Standards for Approval of an Educational Institution (Private)

As a private educational institution in a CR zone, the Subject Property is a permitted use per Section 59-3.1.6 of the zoning ordinance.

iii. Division 6.1. Site Access

Vehicular access will continue to be provided directly to the Subject Property via an alley from Mayor Lane at the rear of the property. A paved walkway that spans the short distance from the sidewalk along Sligo Avenue to the school's entrance will continue to provide pedestrian access to the building. Adequate site access will continue to be provided through these means.

iv. Division 6.2. Parking, Queuing, and Loading

The Site Plan proposes the removal of one parking space, bringing the property's total to three. However, due to the property's location in the Fenton Village Overlay District, per Section 6.2.3.H.1.a, the Applicant may provide fewer parking spaces than required if payment is made

under Chapter 60. As a result, the number of parking spaces (3) included in this plan is acceptable. Loading for the school is expected to be minimal and will be accommodated off the alley.

v. *Division 6.3. Open Space and Recreation*

The Site Plan is required to provide public open space equal to at least 10 percent of the subject property's net site area (Section 59.4.5.C.1), which yields a requirement of 1,693 square feet of public open space for the Subject Property. The Site Plan proposes 1,750 square feet of public open space, or 10.3% of the net site area, and therefore satisfies the public open space requirement. The Subject Property is a school, and therefore recreation requirements do not apply.

vi. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient. The application provides new hardscaping and landscaping along the western side of the building.

As shown in the Development Standards table, the Site Plan meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. *satisfies the applicable requirements of:*

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

Montgomery County Code, Chapter 19, Article I, Section 2, requires a permit for any land disturbing activity in Montgomery County that disturbs 5,000 sq. ft. or more of land, or results in 100 cubic yards or more of earth movement, or is for the construction of a new residential or commercial building. No Erosion and Sediment Control plan or Stormwater Management is required for the project as proposed because the total disturbed area is less than 5,000 sq. ft., less than 100 cubic yard of earthmoving is proposed and the building is an addition (not considered as new residential or commercial building).

ii. *Chapter 22A, Forest Conservation.*

An exemption from submitting a forest conservation plan (Exemption 42016021E) was confirmed for the Subject Property on August 20, 2015 as a modification to an existing non-residential developed property under section 22A-5(t) of the Montgomery County Forest Conservation Law. The project meets the particular requirements of the exemption per the following:

- (1) No more than 5,000 square feet of forest is ever cleared at one time or cumulatively after an exemption is issued.
- (2) The modification does not result in the cutting, clearing, or grading of any forest in a stream buffer or located on property in a special protection area which must submit a water quality plan.
- (3) The modification does not require approval of a preliminary plan of subdivision; and
- (4) The modification does not increase the developed area by more than 50% and the existing development is maintained.

- f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The site is within the Silver Spring Parking Lot District and uses nearby public parking facilities to meet onsite parking requirements. Additionally, three parking spaces including one handicap space are provided on site. Pedestrian circulation is provided via walkways connecting the school's west entrance to the site's small parking lot and to the sidewalk along Sligo Avenue. The building's two-story massing is in scale with the surrounding existing development and its location on the east side of the property creates a large open area and green space on the western portion of the site.

- g. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Subject Property is located within the Fenton Village area of the 2000 *Silver Spring Central Business District Sector Plan*. The proposed expansion of the building conforms with the recommendations and guidelines of the plan.

The Sector Plan recommends that the Subject Property be zoned CBD-1, and within the Fenton Village Overlay Zone, which was accomplished through a sectional map amendment in 2000. After approval of the October 2014 Zoning Ordinance, the zoning was changed from CBD-1 to CR-3.0 C-2.0 R-2.75 H-110 T, but the Fenton Village Overlay remains unchanged.

The vision for Fenton Village outlined in the Silver Spring Sector Plan calls for a pedestrian-friendly, close-knit neighborhood that remains "sensitive to the transition between the commercial district and adjacent single-family neighborhoods" (page 28). The addition of a second story to the Nora School is consistent with the intermediate scale of development envisioned for Fenton Village as a transitional area. The Subject Property's small number of parking spaces allows for more green open space, and conforms to the neighborhood scale and pedestrian environment in Fenton Village by avoiding the use of large surface parking lots. Lastly, this reduced number of parking spaces, along with the school's bicycle parking, landscaped pedestrian connections, and proximity to the Silver Spring Transit Center, encourage the use of alternative transportation and support the vision for a pedestrian-oriented Fenton Village.

- h. *will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

The Planning Board found through Preliminary Plan 119890850 that the proposed development will be served by adequate public facilities, as stated in its resolution dated October 4, 1999. The addition of a second story does not increase the intensity of the use on the Subject Property, and is within the limits of the previously approved Preliminary Plan, which limits the use to no more than 80 students and 20 staff members. The total on-site density that will be constructed as a result of the subject site plan, 15,030 square feet, will remain within the Preliminary Plan's limited density, therefore, the Planning Board's previous transportation adequate public facilities finding remains valid.

The Site Plan proposes no substantive changes to site access or circulation from the existing site operation. Site access and circulation are currently configured such that vehicles access the site directly from the public alley via Manor Lane, located to the rear and east of the site, respectively. Pedestrian and bicycle access to the site is directly from the site's Sligo Avenue frontage, which has an existing sidewalk and is recognized as an on-road shared roadway.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the subject property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services, are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the property. Electrical, telecommunications, and gas services are also available to serve the property.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The proposed building expansion is compatible with the existing and approved or pending adjacent development. The Site Plan does not change the use of the property, which was approved in Preliminary Plan 119890950. The Preliminary Plan also set the limits for the Nora School's operating capacity, a maximum of 80 students and 20 staff members. Despite the addition of a second story, this Site Plan does not change these limits, and therefore the actual usage of the building and the effect of that usage on surrounding development, local activities, and the community as a whole will not change as a result of this Site Plan.

The Subject Property exists in an area of medium-scale development, that serves as a transition from Silver Spring's commercial core to the north and west and single-family neighborhoods to the east. The addition of a second story, and the property's subsequent increase in height is compatible with this transitional area, as the school is larger than the single-family development to the east, and smaller than the commercial core to the north and west.

- 3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable.

CONCLUSION

The Site Plan complies with the general requirements and development standards of Section 4.5 and the general development requirements of Article 59-6 of the Zoning Ordinance. The Site Plan substantially conforms with the goals and recommendations of the 2000 *Silver Spring Central Business District Sector Plan*. Therefore, staff recommends approval of Site Plan No. 820160040 with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Proposed Site Plan

Attachment B: Agency Correspondence Referenced in the conditions

Attachment C: Preliminary Plan 119890950 Planning Board Resolution

DPS-ROW CONDITIONS OF APPROVAL

820160040 Nora School

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file

“07-SITE-820160040-002.pdf V5” uploaded on/ dated **“1/21/2016”**.

The following comment has to be the condition of the certified site plan:

- The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of the rear alley, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the right of way permit.

The followings need to be addressed prior to the certification of site plan:

- Provide a label as the Sligo Ave frontage sidewalk to be per ADA standards and minimum five feet wide.

Date Mailed: October 4, 1999

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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Action: Approved staff recommendation
Motion of Comm. Wellington, seconded by
Comm. Bryant with a vote of 3-0; Comms.
Wellington, Bryant and Hussmann voting in
favor; Comms. Holmes and Perdue absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-89085

NAME OF PLAN: R. HOLT EASLEY SILVER SPRING

Previous Planning Board action on 09/19/96 approved Preliminary Plan 1-89085 for a 5,000 square foot automobile repair facility in the CBD-0.5 zone. The property was recorded in the land records but the facility was never built. On 07/20/99, WASHINGTON ETHICAL HIGH SCHOOL submitted a request for the Planning Board to consider a change in the approved use to a 17,266 square foot private educational facility. On 09/30/99, Preliminary Plan 1-89085 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-89085 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves the change in use for Preliminary Plan 1-89085, subject to the following conditions:

- (1) Prior to MCPB release of building permit, applicant to submit an amended Adequate Public Facilities (APF) agreement with the Planning Board to limit development to a private educational facility with a maximum enrollment of eighty (80) students and twenty (20) administrative staff
- (2) Conditions of revised MCDPS stormwater management approval dated 07/21/99
- (3) Access and improvements, as required, to be approved by MCDPW&T prior to release of building permit
- (4) Necessary easements.