

MCPB
Item # 6
02/28/02

MEMORANDUM

DATE: February 28, 2002
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning
William Barron, Team Leader, Eastern County Team
FROM: Joel A. Gallihue, AICP, Community-Based Planning

REVIEW TYPE: Special Exception
APPLYING FOR: Private Education Institution Modification
APPLICANT: George Meany Center for Labor Studies
CASE NUMBER: S-180-B

ZONE: R-90
LOCATION: 10000 New Hampshire Avenue
MASTER PLAN: White Oak Master Plan

FILING DATE: November 16, 2001
PLANNING BOARD: February 28, 2002
PUBLIC HEARING: March 4, 2002

STAFF RECOMMENDATION: Approval of the proposed modification with the following conditions:

1. All evidence, testimony and exhibits of record shall bind the petitioners.
2. All previously approved special exception terms and conditions shall remain in full force and effect.
3. All deliveries shall be limited to the hours of 9 A.M – 6 P.M.
4. Compliance with County Department of Permitting Services requirements for stormwater management.

PROPOSAL DESCRIPTION

The applicant, the George Meany Center for Labor Studies, has requested a modification to a special exception for a private educational institution located at 10000 New Hampshire Avenue (MD 650), in Hillandale and in the R-90 zone.

The applicant seeks to construct three new buildings on the campus, reconfigure parking and erect a guardhouse at their entrance. The new buildings consist of a 20,000 sq. ft. dormitory and a 60,000 sq. ft. education building and attached 6,000 sq. ft. cafeteria. The new construction will better accommodate the existing program and will not result in increased enrolment. The number of students is limited to 250 through a condition of approval on the existing special exception.

The applicant is affiliated with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) providing education to union members from across the country. The center has state accreditation and does offer college degrees in labor studies and public policy. They also offer non-degree training programs. Beyond typical college events like commencement, the center also hosts occasional AFL-CIO related functions on the campus. These events typically occur outside commuting hours.

The applicant has been operating on the subject property since the early 1970s. Prior to that the site was Xavarian Brothers College, a religious institution. The George Meany Center operates under two special exceptions. S-23 initially permitted the labor college to operate the campus in 1971. S-180, the present modification proposal, permitted the some changes to the plan but retained the limitation of up to 250 students. A modification of S-180 was approved in 1984 to permit an archives building to be added to the campus.

Neighborhood Description – The site is located between a residential and commercial area. The center is at the periphery of the Hillandale Commercial Center, west of New Hampshire Avenue and North of the Beltway. The property entrance is at the western end of Powder Mill Road, 300 feet from the intersection of Powder Mill and New Hampshire Ave. Properties adjacent to the site and on the west side of New Hampshire Avenue include: 1.) Holly Hall - a 96-unit garden apartment facility zoned R-20, 2.) A filling station w/ convenience sales (S-62 & 316) and a strip shopping center zoned C-1 and 3.) a dental office building in the C-T zone. Adjacent properties to the north and west are all single family residential in the R-90 zone. The Capitol Beltway (I-495) bounds the property to the south. Additional commercial property zoned C-1, including the Hillandale Shopping Center is on the east side of New Hampshire as is Church of Our Savior Episcopal Church¹.

Site Description – The subject site consists of two parcels. Parcel 40 is the site of all existing and proposed development and approximately 46.45 acres in area. The property is irregular in shape and radiates out to the west from the cul-de-sac end of Powder Mill Road located approximately two hundred feet from the intersection of New Hampshire Ave (MD 650) and Powder Mill Road. Parcel 999, is 11,761 square feet in area, of rectangular shape, and located immediately

¹ A child daycare program operates at the church by special exception SE 00-01.

at the southwest quadrant of the intersection of New Hampshire Avenue and Powder Mill Road. No development is proposed for Parcel 999.

The site is currently improved with nine buildings and two parking lots totaling 168 spaces. None of the existing buildings are proposed for demolition. Development of the Kirkland Center is proposed at the location of the north parking lot, which will be replaced with new reconfigured parking adjacent to the new building. The net total parking provided as proposed will be 139 spaces, which is less than existing but exceeds the required 97 spaces.

Elements of the Proposal – The applicant summarizes the proposed use as follows:

1. **Lane Kirkland Educational Center – (appx. 60,000 square feet)**,
“The property will be improved with a new educational building, the Kirkland Center which will contain a relocated front desk, classroom space, and exhibit space on the first floor and office space, a bookstore, computer labs, and technical rooms for video and audio equipment on the lower level. The Kirkland Center will provide needed additional classroom space and greater flexibility in accommodating varying classroom sizes to accommodate the authorized student enrolment.” *[A condition of approval on the approved special exception S-180, limits the number of students to 250. In discussions with staff the applicant explained that vacated spaces in existing buildings will be converted to larger offices for teaching staff.]*
2. **New Dining Facility – (appx. 6,000 square feet)**
“Connected to the Kirkland Center will be a new dining facility. This building will house the kitchen and cafeteria. The new Facility is needed because the existing kitchen facilities are outmoded and more space is needed to accommodate students.”
3. **New Dormitory – (appx. 20,000 square feet)**
“The property will be improved with a new dormitory... *[which]* will contain 85 additional beds for students. The total number of beds at the Meany Center will be 255. The five spare beds are needed in the event other rooms are not available for occupancy (e.g., because of maintenance needs) and to accommodate students who have been assigned a double room but who desire a single room.”
4. **Related Improvements**
The overall plan depicts a small guardhouse located approximately 75 feet from the entrance to Powder Mill Road. As noted above a

parking lot will be removed on the north side of the property and replaced with the Lane-Kirkland Center and new parking. The existing service driveway will be connected to provide access to the loading dock of the Lane-Kirkland Center and Cafeteria.

ANALYSIS

Master Plan –The subject property is covered by the 1997 White Oak Master Plan. The Master Plan supports the R-90 Zone for the property and private educational institutions are allowed by special exception in that zone. The existing land use plan in the Master Plan identifies the property as institutional. Staff found no master plan issues with respect to the proposed special exception.

Design Issues - Staff did question the compatibility of the locating the proposed educational building and service road in the proximity of the adjacent one-family residential subdivision on Parkman Road. Staff noted that the existing campus buildings and service drives have been located more than 300 feet from the adjacent residences for over 30 years. Staff concluded that this setback has prevented land use conflicts between the adjoining properties. Staff observed that the initial proposal placed the Lane-Kirkland center 125 feet closer to the neighborhood than the existing campus. The design presented the rear side of the building to the community with the associated loading dock, service road and mechanical functions. After discussing this concern with staff and members of the community, the applicant moved the building 35 feet further from the homes, eliminated the service drive, and moved the mechanical equipment and loading docks away from the homes. An outdoor terrace was also taken from this side of the building. The changes significantly limit the expected activity on the side of the project that faces the neighborhood. The revised proposal is compatible with the neighborhood.

Development Standards- The special exception modification is in compliance with the development standards for the R-90 Zone. Both parcels well exceed the minimum lot area requirement for the zone of 9000 sq. ft. The building coverage with the proposed development will be 5.1%, below the district limitation of 30%. The minimum setbacks from the front, side and rear property lines are 30 feet, 8 feet, and 25 feet respectively. These setbacks minimums are exceeded for all existing and proposed construction. None of the proposed construction exceeds the 35' building height restriction. Conformance to relevant development is summarized in Table 1 on the following page.

Table 1 – Conformance with Applicable Development Standards S-180B		
Development Standard	Requirement	Proposal
Minimum Area of Development	> 5 acres	46.72 acres
Front Yard Setback		
Kirkland Center	30'	466'
Dormitory	30'	956'
Cafeteria	30'	688'
Side Yard Setback		
Kirkland Center	8'	155'
Dormitory	8'	468'
Cafeteria	8'	284'
Sum of Both Sides	25'	800'/1050'/1000'
Rear Yard Setback		
Kirkland Center	25'	987'
Dormitory	25'	713'
Cafeteria	25'	914'
Lot Area (P. 40)	9,000 sq.ft.	2,023,362 sq. ft
Lot Area (P 999)	9,000 sq.ft.	2,023,362 sq. ft
Lot Width @ Street (P.40)	25'	321.25'
Lot Width @ Street (P.999)	25'	125'
Lot Width @ Front Bldg Line		
Kirkland Center	75'	> 1,000'
Dormitory	75'	> 1,000'
Cafeteria	75'	> 1,000'
Building Height		
Kirkland Center	35'	35'
Dormitory	35'	32.8'
Cafeteria	35'	26'
Building Coverage	30% or 610,534 sq.ft.	5.1% or 104,020 sq. ft.
Parking	1/employee - 87	139

Transportation

Local Area Transportation Review

A traffic study is not needed to satisfy Local Area Transportation Review because the proposed modification, as submitted, would not increase the number of students and employees. Therefore, the number of peak-hour trips would not be increased in the morning and evening periods. Based upon operations information submitted with the application, the number of peak hour trips generated during the weekday two-hour morning and evening peak periods are summarized in the Table 2 on the following page.

Table 2. Peak Period Travel Analysis		
Persons Traveling in the Weekday Peak Periods:	Two – Hour Peak Period	
	Morning	Evening
Commuting Students (20% of 250)	50	50
Faculty Staff	0	25
Administrative Staff	30	30
Total Vehicle Trips	80	105

Policy Area Review / Staging Ceiling Analysis

Based upon the FY 02 Annual Growth Policy staging ceiling capacity, there is no capacity available for additional jobs and housing units in the Fairland/White Oak Policy Area. Policy area analysis for this proposal is satisfied by not increasing the maximum number of students and employees and thus, not increasing the number of weekday peak-hour vehicle trips.

Site Access and Circulation

No site access changes are proposed. Internal circulation will remain relatively the same as the current configuration except that service access will be routed through the southern part of the property. A proposed northern access road was removed after discussion with staff and members of the community.

Transportation Staff Recommendation

Transportation Planning staff recommends the following conditions as a part of the transportation-related requirement to approve this special exception:

1. Limit the special exception modification to a new education center of 60,000 square feet, a dining hall facility of 6,000 square feet, and an 85-bed dormitory (for a total of 255 rooms on the site).
2. Limit the educational land use to up to 250 students as conditioned in the original grant of the special exception.
3. Limit the special exception use as stated in the submitted Land Use Report, dated November 12, 2001, which would not increase the number of vehicular trips currently generated by the existing educational land use. The petitioner quantified the current aspects of their labor College operations that influence the number of site-generated trips as follows:
 - a. At least 80% of the students reside in dormitories on the site. Therefore limit the number of students commuting to and from the site to 20% of the students, or 50 students, to limit additional

- vehicular trips by commuting students during the weekday morning peak period (7:00 to 9:00 a.m.) and during the evening peak period (4:00 to 6:00 p.m.)
- b. Limit the number of employees arriving during the weekday morning peak period and departing during the evening peak period as follows:
 - i. Up to 30 administrative staff arriving during the weekday morning peak period and departing during the weekday evening peak period.
 - ii. Full-time faculty staff (approximately 25) arriving after 9:30 a.m. and departing during the weekday evening peak period.
 - iii. Kitchen and housekeeping staff arriving before 6:30 a.m. and/or after 9:30 a.m. and departing before 3:30 p.m. and/or 6:30 p.m.
 - c. Continue the practice and/or policy that will result in a distribution of the times students arrive and depart the site. This action minimizes the traffic impact during the Monday morning peak period when students arrive to begin a week-long program and the Friday evening peak period when students depart to return home.

The above referenced conditions are stipulated in the petitioner's statement of operations. Staff is therefore recommending that the petitioner be bound by all oral and written testimony of record. Transportation staff also made an advisory recommendation that the applicant coordinate with SHA regarding their Congestion Relief Study Project at New Hampshire Avenue (MD 650) and Powder Mill Road (MD 212). The applicant has stated they are following this project.

Environment – The Environmental Planning Unit has reviewed this application and recommends approval provided a storm water management concept plan is approved by the Department of Permitting Services and then submitted to the Environmental Planning Division. Staff provides the following information regarding the site:

Forest Conservation

A Forest Conservation Plan exemption has been granted because the existing special exception was approved prior to July 1, 1991, and will not result in a cumulative clearing of any more than 5,000 additional square feet of forest. The proposal is still subject to approval by M-NCPPC technical staff of a tree save plan for any specimen or significant trees. Staff has reviewed the limits of new construction as shown on the submitted Natural Resource Inventory and determined that several specimen trees will be removed. Mitigation must be provided for all specimen trees (over 30" dbh), if unavoidable encroachment on the critical root zone is 30% or more. Staff notes that the submitted landscaping

plan shows significant new tree plantings that can provide replacement for these specimens.

Stormwater Management

This site is located in the Lower Mainstem subwatershed of the Northwest Branch. The *Countywide Stream Protection Strategy* (CSPS) assesses the Lower Mainstem subwatershed as having fair stream conditions and good overall habitat conditions, and labels it as a Watershed Restoration Area.

Inherent/Non-Inherent Adverse Effects- The inherent and non-inherent adverse effects of a special exception must be considered on nearby properties and the surrounding neighborhood at the proposed location, regardless of the adverse effects the use might have if established elsewhere in the R-90 zone.

Section 59-G-1.2.1 of the Zoning Ordinance states

Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception.

Analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. It is understood that every special exception has some or all of these effect in varying degrees. What must be determined during the course of review is whether these effects are acceptable or will create adverse impacts sufficient to result in a denial. To that end, inherent adverse effects associated with the use must be determined. In the case of a private educational institution, the inherent adverse effects include buildings with an institutional design, areas for outdoor gathering and parking facilities. From an operational perspective, there are educational activities and events, faculty and support staff, and traffic associated with transporting students and staff.

The existing use and proposed modification does not share some the characteristics of many education institutions such as daily traffic associated with transporting students. Operations are not proposed to change with the primary on-site activity of education for up to 250 students housed in dormitories, operation of the archives and occasional AFL-CIO activities. No rental of facilities to outside groups will occur.

The proposed modification will minimize the non-inherent characteristics of the new construction while accommodating the applicant's need for expansion. The applicant has moved the building further from the homes, eliminated the service drive, and moved the mechanical equipment and loading docks away from the homes. Staff concludes that there are no non-inherent adverse effects associated with this application that warrant denial.

Community Concerns – The staff has heard from representatives of the Hillandale Citizens Association as well as nearby residents. They were concerned about the potential land use effect of campus development in the near one-family homes on Parkman Road. Staff reviewed the matter and determined that the primary concern was an increase in activity closer to the residential properties. The applicant has moved the building further from the homes, eliminated the service drive, and moved the mechanical equipment and loading docks away from the homes. The changes significantly limit the expected activity on the side of the project that faces the neighborhood and resolves this non-inherent adverse effect arising from the initial design.

Compliance with General and Specific Special Exception Provisions- The staff has reviewed the petition for compliance with the applicable special exception provisions. As noted in the attachment, all general and specific requirements for a private educational institution found in Sections 59-G-1.21 and 59-G-2.19 will be satisfied.

Conclusion – The staff finds that the special exception satisfies all of the applicable special exception provisions for a private educational institution found in the Zoning Ordinance. Therefore we recommend approval with the conditions found in the beginning of the report.

Attachments

1. Zoning Criteria Analysis
2. Vicinity Map
3. Site Development Plan for Special Exception
4. Landscaping Plan for Special Exception
5. Dormitory Elevations and Floor Plan
6. Kirkland Center Elevations and Floor Plan
7. Board of Appeals Opinion S-23
8. Board of Appeals Opinion S-180
9. Board of Appeals Opinion S-180A

Attachment 1.
Montgomery County Zoning Ordinance
Compliance with Specific and General Special Exception Provisions

59-G-1.21. General conditions.

(a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

(1) Is a permissible special exception in the zone.

The use is permissible in the R-90 Zone.

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

The proposed Private Education Institution complies with the standards and requirements set forth in Division 59-G-2.

(3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the commission. Any decision to grant or deny special exception must be consistent with any recommendation in an approved and adopted master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

The subject property is covered by the 1997 White Oak Master Plan. Staff finds that the proposed expansion of the college is consistent with the recommendations in the approved and adopted master plan.

(4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

Staff finds that the proposed development is in harmony with the existing campus and the potential effect of the nearness of proposed development upon the neighborhood has been addressed through revisions and is sufficiently buffered with landscaping and screening. Staff finds the revised proposal to be compatible and in harmony with the general character of the neighborhood.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The modification will not result in the use being detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed use will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare and physical activity. A condition of approval limiting deliveries to the hours of 9 A.M – 6 P.M. is recommended. The applicant has revised the site plan to improve location of the Kirkland Building, loading dock, cooling towers and deleted the access road to limit the impact of activity upon the neighborhood.

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

There is one-family residential developed on the North and West sides. Holly Hall - a 96-unit garden apartment facility zoned R-20 is to the Southeast. Special exceptions in the vicinity other than the Meany Center include a filling station w/ convenience sales (S-62 & 316) and a day care operating in the basement of Church of Our Savior Episcopal Church (SE 00-01). The proposed modification will not increase the number of students and will not change the

operations of the site. Staff concludes that the modification will not affect the residential area adversely.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed special exception will not cause any of these effects.

- (9) 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.
 - (1) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception.

Subdivision approval is not required since the lots are recorded.

- (2) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District council, as the case may be, must further determine that the proposal will have no detrimental effect on the safety of vehicular or pedestrian traffic.

No change in access or traffic operations is proposed.

59-G-1.25. County Need.

In addition to the findings required in section 59-G-1.21 and division 59-G-2, the following special exceptions may only be granted when the board, the hearing examiner or the district council, as the case may be, finds from a preponderance of the evidence of record that, for the public convenience and service, a need exists for the proposed use due to an insufficient number of similar uses presently available to serve existing population concentrations in the County, and that the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

- (2) Educational institution, private.

The proposed modification does not seek to expand the maximum of 250 students authorized by the existing special exception approved in 1972, therefore the county need test was not applied.

Sec. 59-G-2.19. Educational institutions, private.

a) **Generally.** A lot, tract or parcel of land may be allowed to be used for a private educational institution upon a finding by the board:

- (1) That such use will not constitute a nuisance because of traffic, number of students, noise, type of physical activity or any other element which is incompatible with the environment and character of the surrounding neighborhood; and

The proposed modification will not constitute a nuisance because of traffic, number of employees, noise, type of physical activity or any other element. The additional buildings will be consistent with the size, scale, and scope of the existing campus. While expanding the campus north, the new development will not significantly increase activity near the residences. The facility has no existing or proposed access to residential streets.

- (2) That, except for buildings and additions thereto completed, or for which building permits have been obtained prior to the time of adoption of this section, such use will be housed in buildings architecturally compatible with other buildings in the surrounding neighborhood, and, in the event such building is to be located on a lot, tract or parcel of land of 2 acres or less, in either an undeveloped area or an area substantially developed with single-family homes, that the exterior architecture of such building will be of a residential home design, and at least comparable to existing residential homes, if any, in the immediate neighborhood; and

The proposed new construction incorporates design features to enhance compatibility with the existing buildings on the subject property, particularly in re-enforcing the internal pedestrian axis, which defines the campus. The exterior architecture proposed appears to be consistent with the existing campus and surrounding environs.

- (3) That such use will not, in and of itself or in combination with other existing uses, affect adversely or change the present character or future development of the surrounding residential community; and

The proposed new development will not adversely affect or change the present character or future development of the surrounding neighborhood as revised.

- (4) That such use can and will be developed in conformity with the following area, density, building coverage, frontage, setback, access and screening requirements, where specified:
- a. **Area, frontage and setback**—As shall be specified in a site plan of development approved by the board; provided, that in no event shall such standards be less than the area regulations for the zone in which the private educational institution is proposed to be located; and
 - b. **Access building coverage and screening**—As shall be specified in a site plan of development approved by the board; and
 - c. **Density**—Such density, being the allowable number of pupils per acre permitted to occupy the premises at any one time as shall be specified by the board upon consideration of the following factors:
 1. Traffic patterns, including:
 - a) Impact of increased traffic on residential streets;
 - b) Existence of arterial highways; and
 2. Noise or type of physical activity; and
 3. Character, percentage and density of existing development and zoning within the community; and
 4. Topography of the land to be used for the special exception:
 5. Provided that a density in excess of 87 pupils per acre may only be permitted upon a finding that
 - (a) the program of instruction, special characteristics of students, or other circumstances justify reduced space and facility requirements; and
 - (b) the additional density will not adversely affect adjacent properties;
 - (c) additional traffic generated by the additional density will not adversely affect the surrounding streets; and
 - (d) adequate provisions for drop-off and pick-up of students will be provided.

The applicant has submitted statements, site plans, architectural drawings, and elevations demonstrating that the modification will conform to the above-cited development standards for the R-90 Zone.

(b)

Site plan.

(1) In addition to submitting such other information as may be required; an applicant shall submit with his application a site plan of proposed development. Such plan shall show the size and shape of the subject property, the location thereon of all buildings and structures, the area devoted to parking and recreation facilities, all access roads and drives, the topography and existing major vegetation features, the proposed grading, landscaping and screening plans and such other features necessary for the evaluation of the plan.

The applicant has submitted such a plan and staff finds it acceptable.

(2) No special exception, building permit or certificate of occupancy shall be granted or issued except in accordance with a site plan of development approved by the board. In reviewing a proposed site plan of development the board may condition its approval thereof on such amendments to the plan as shall be determined necessary by the board to assure a compatible development which will have no adverse effect on the surrounding community, and which will meet all requirements of this chapter. Any departure from a site plan of development as finally approved by the board shall be cause for revocation of the special exception, building permit or certificate of occupancy, in the manner provided by law.

(c) **Exemptions.** The requirements of this section shall not apply to the use of any lot, lots or tract of land for any private educational institution, or parochial school, which is located in a building or on premises owned or leased by any church or religious organization, the government of the United States, the State of Maryland or any agency thereof, Montgomery County or any incorporated village or town within Montgomery County.

Not applicable.

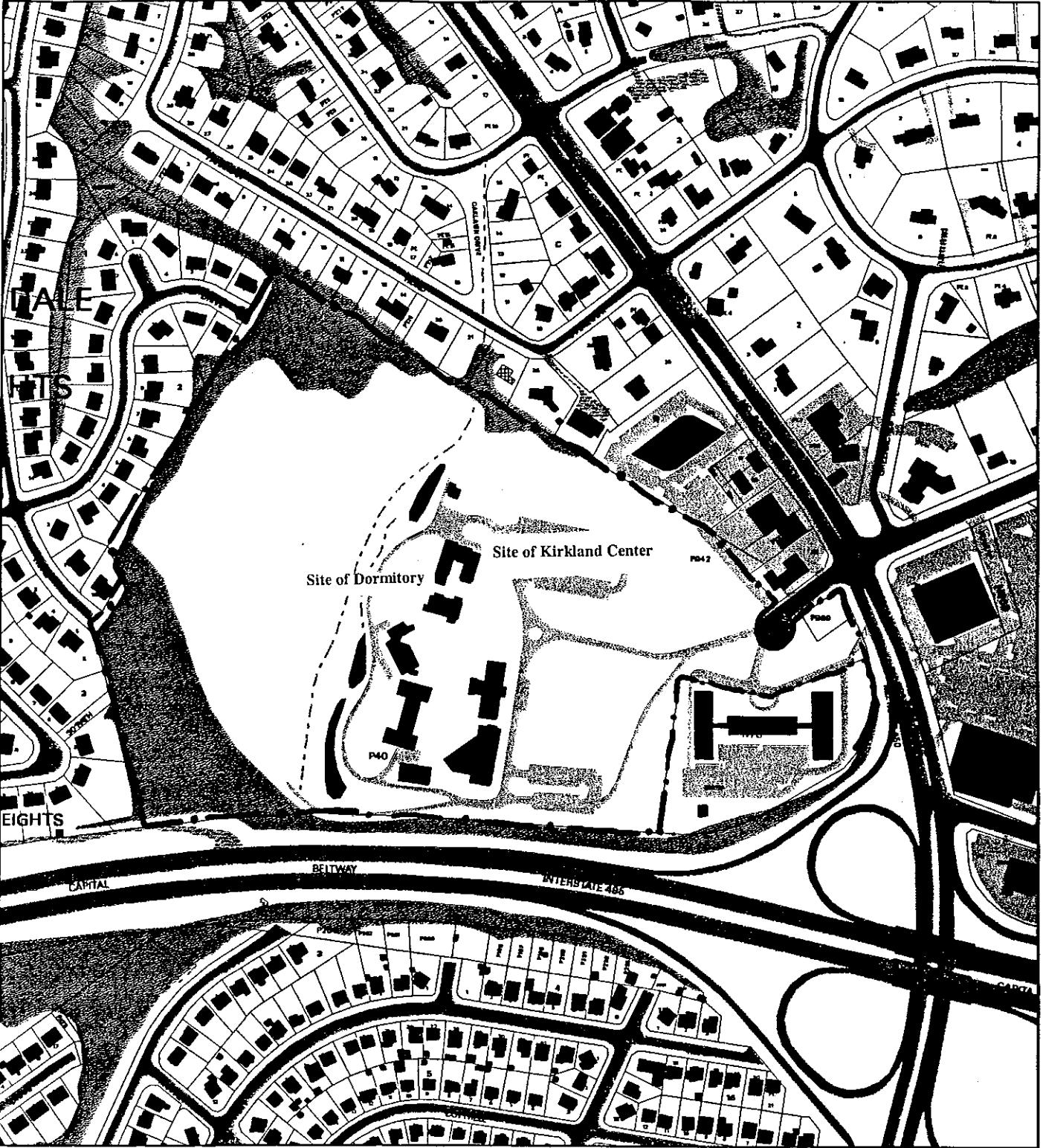
(d) **Nonconforming uses.** Nothing in this chapter shall prevent any existing private educational institution which obtained a special exception prior to the effective date of this chapter, from continuing its use to the full extent authorized under the resolution granting the respective special exception, subject, however, to division 59-G-4 of this chapter.

Not applicable.

- (d) **Public Buildings.** A special exception is not required for any private educational institution that is located in a building or on premises that have been used for a public school or that are owned or leased by Montgomery County.

Not applicable.

S-180B VICINITY MAP



Map compiled on February 22, 2002 at 10:15 AM | Site located on base sheet no - 213HE02

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



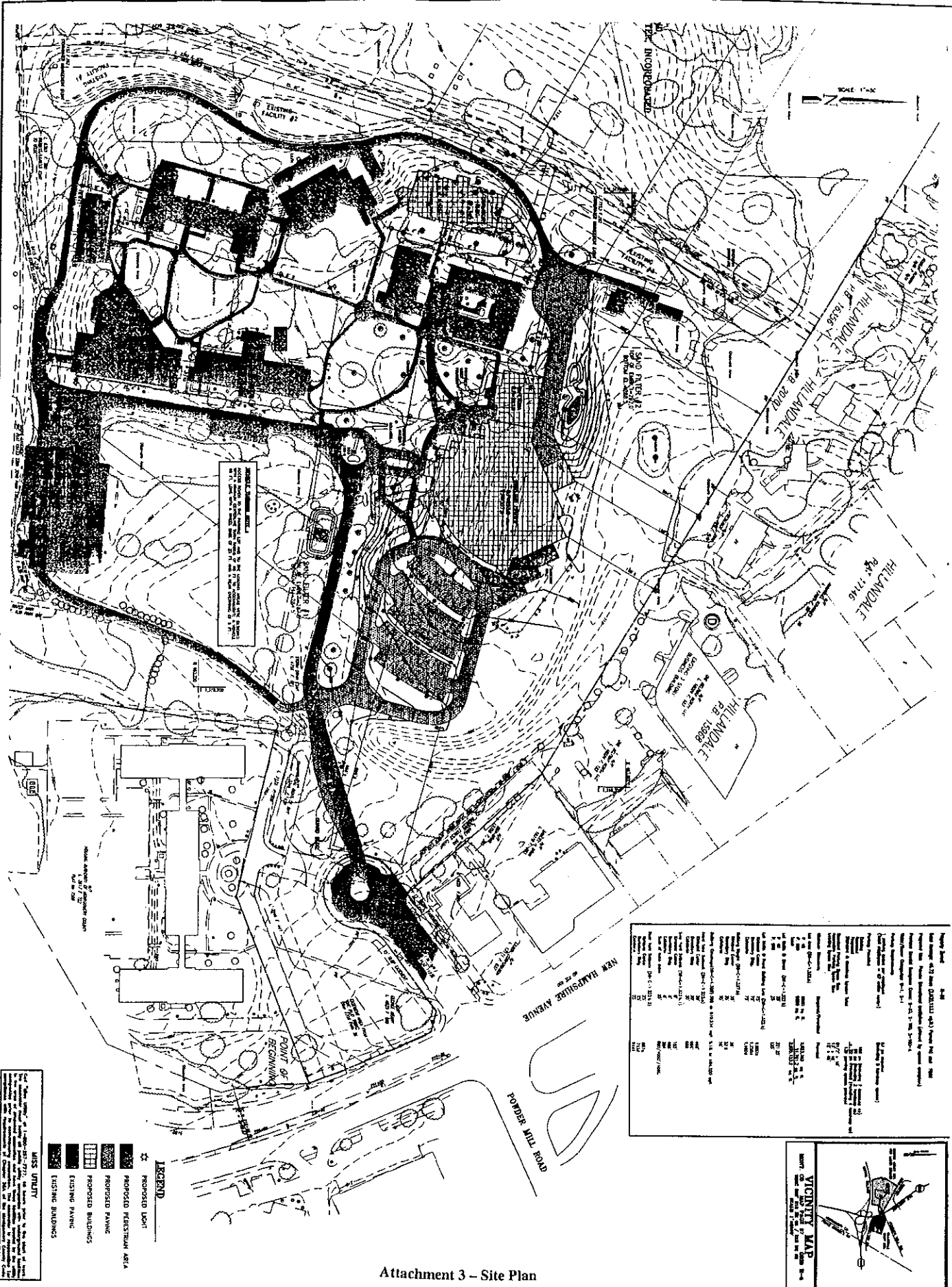
N



Research & Technology Center



1 : 4800

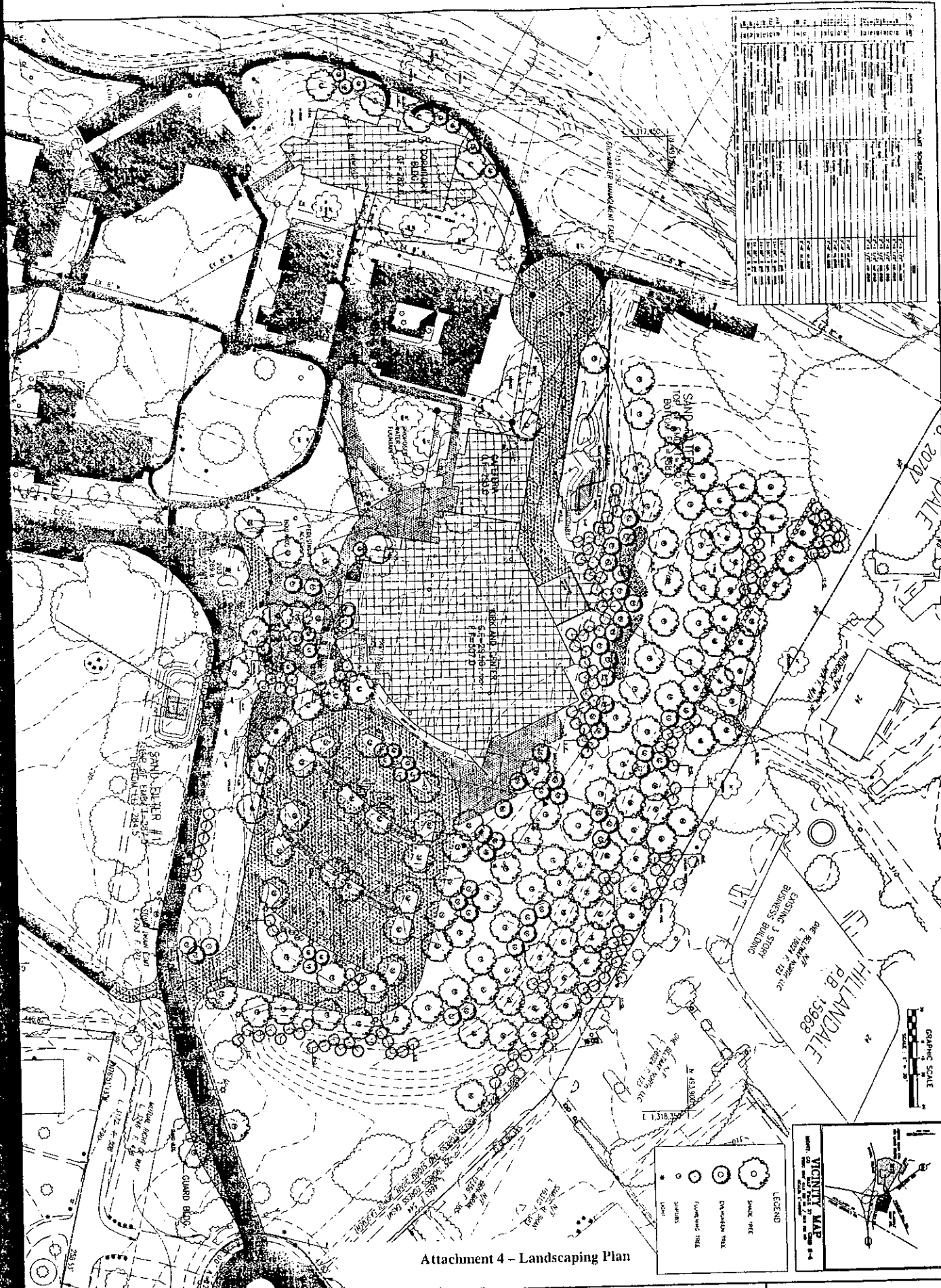


Attachment 3 - Site Plan

SITE DEVELOPMENT PLAN FOR SPECIAL EXCEPTION
GEORGE MEANY CENTER FOR LABOR STUDIES
 PARCEL P40 AND PARCEL P999 COLLETSVILLE (5TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MD

NO.	DATE	DESCRIPTION
1	11/15/06	PRELIMINARY SITE PLAN
2	11/15/06	FINAL SITE PLAN

CPJ ASSOCIATES
 Charles P. Johnson & Associates, Inc.
 PLANNING ARCHITECTS LANDSCAPE ARCHITECTS - SURVEYORS
 10120 BRIDGEWAY DRIVE SUITE 1000 ROCKVILLE, MD 20850
 TEL: 301-581-1111 FAX: 301-581-1112
 WWW.CPJASSOCIATES.COM



NO.	DESCRIPTION	QTY	UNIT	DATE
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

Attachment 4 – Landscaping Plan

LEGEND

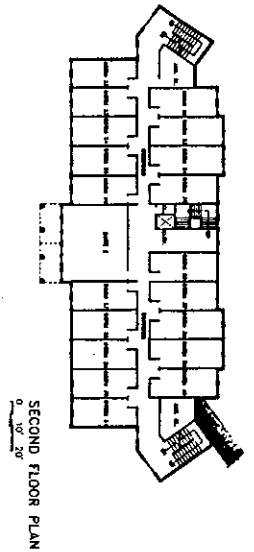
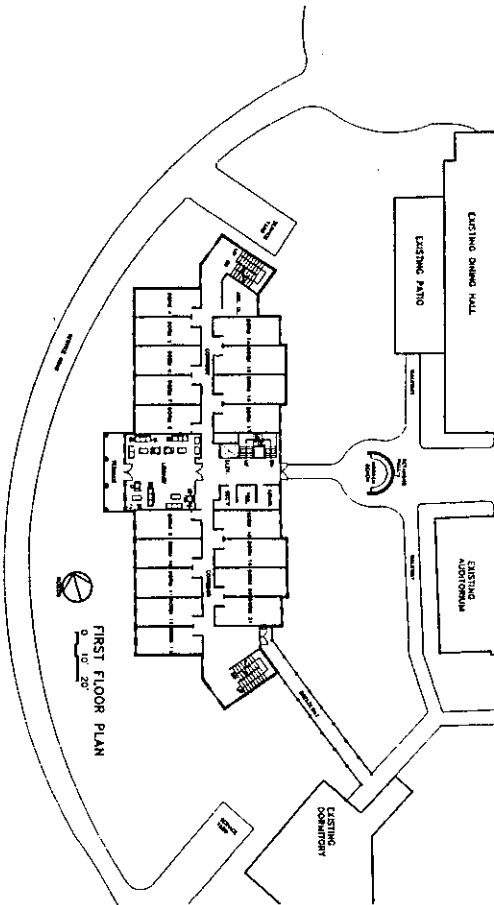
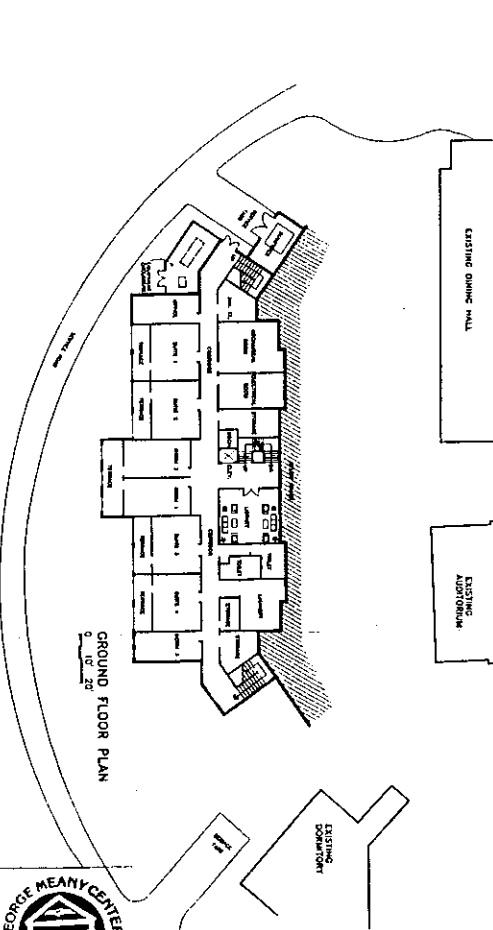
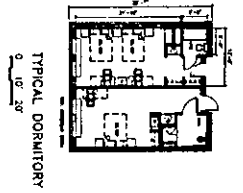
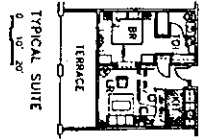
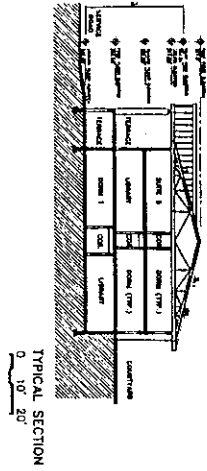
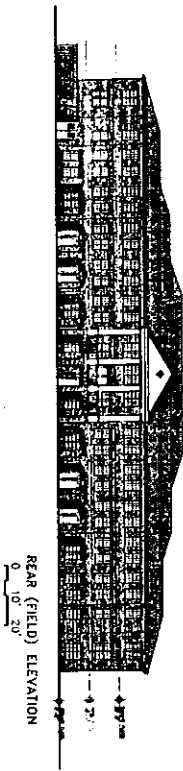
- SHRUB
- ENDOGENOUS TREE
- EXOGENOUS TREE
- PLANTING TREE
- PLANTING

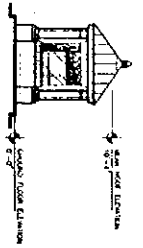
VICINITY MAP

LANDSCAPE PLAN FOR SPECIAL EXCEPTION
GEORGE MEANY CENTER FOR LABOR STUDIES
 PARCEL P40 AND PARCEL P999 COLLETSVILLE (5TH ELECTION DISTRICT)
 MONTGOMERY COUNTY, MARYLAND

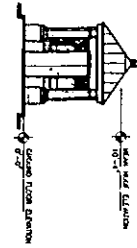
CPJ Associates
 Charles F. Johnson & Associates, Inc.
 PLANNERS - ARCHITECTS - LANDSCAPE ARCHITECTS - SURVEYORS
 200 BLOOMSBURY PARKWAY, SUITE 200, BETHESDA, MD 20814
 PHONE: 301-462-1100 FAX: 301-462-1101

NO.	REVISION	DATE	BY	DESCRIPTION
1
2
3

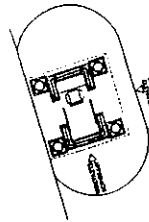




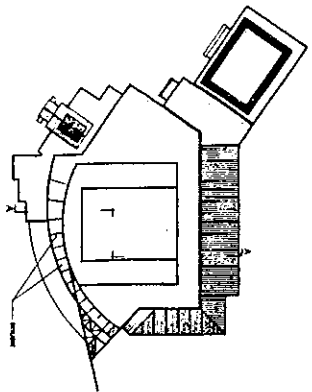
GUARD HOUSE-APPROACH ELEVATION
0 2' 3" 3'



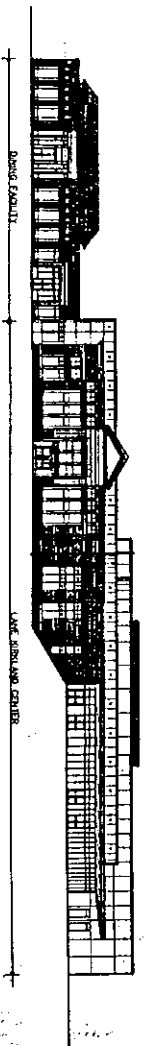
GUARD HOUSE-SIDE ELEVATION
0 2' 3" 3'



GUARD HOUSE-FLOOR PLAN
0 2' 3" 3'



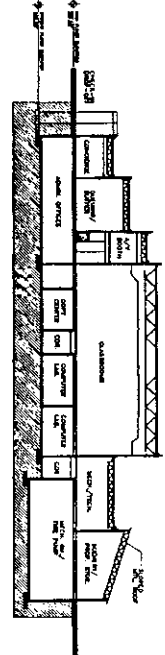
LANE KIRKLAND CENTER-ROOF PLAN
0 2' 3" 4'



LANE KIRKLAND CENTER-FRONT ELEVATION
0 10' 20'



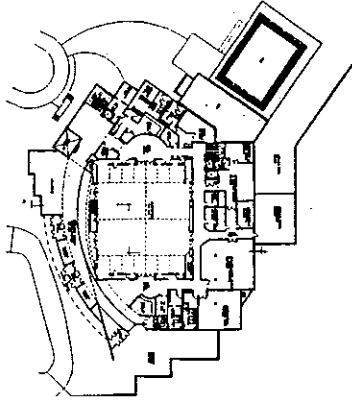
LANE KIRKLAND CENTER-REAR ELEVATION
0 10' 20'



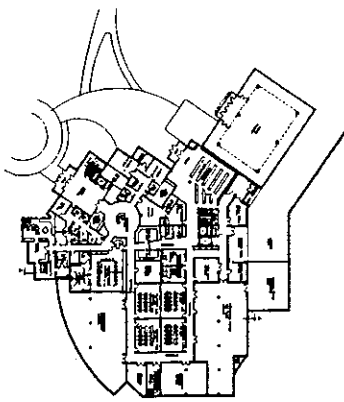
SECTION A-A
0 10' 20'



LANE KIRKLAND CENTER-SIDE ELEVATION
0 10' 20'



LANE KIRKLAND CENTER-MAIN FLOOR PLAN
0 2' 3" 4'



LANE KIRKLAND CENTER-GROUND FLOOR PLAN
0 2' 3" 4'



COUNTY BOARD OF APPEALS
For
MONTGOMERY COUNTY

Case No. S-23

PETITION OF AMERICAN FEDERATION OF LABOR
AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS
(Hearing held December 16, 1971)

OPINION OF THE BOARD

This proceeding is on a petition for a Special Exception pursuant to Section 111-37. m. of the Zoning Ordinance (Chap. 111, Mont. Co. Code 1965, as amended) for permission to operate a private educational institution for more than 40 students in existing facilities. The subject property contains 42.927 acres, described as Xaverian College property, located at 10,000 New Hampshire Avenue, Silver Spring, Maryland, in an R-90 zone.

Testimony and exhibits of record reveal that the petitioners propose to establish a private educational institution on the subject property for adult students. The curriculum will be in "industrial relations" and "social sciences." The students would be expected to be from all over the country. A few of the students will be expected to have automobiles. Access to the property is by way of a private road.

The college courses will range from one week to ten weeks and the petitioners propose that eventually the courses will be for a longer period. Petitioners stated that provision will be made for approximately 100 students at the outset and they would agree not to enroll more than 250 students at any one time.

The college and dormitory facilities will be open only to those people enrolled in the college, and only campus connected persons will use the cafe and other college facilities.

Petitioners stated that they were requesting to continue a similar use that has been in existence for a long time, except that the students will be more mature.

Based on the testimony and exhibits of record, the Board finds that the proposed private educational institution will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element which is incompatible with the environment and character of the surrounding neighborhood; that said use will be using existing facilities; that said use will not affect adversely or change the present character or future development of the surrounding

Case No. S-23

Page 2

residential community; and that said use will be on property which meets the Zoning Ordinance requirements for area, density, building coverage, and setbacks.

Additionally, the Board finds that the private educational institution, as proposed, will not: (a) adversely affect the health and safety of residents or workers in the area; (b) over-burden existing public services available to the site; (c) be detrimental to the use or development of adjacent properties or the general neighborhood. There are no similar colleges in the area.

Accordingly, the requested Special Exception for a private educational institution is granted to the petitioners only, subject to the following conditions:

1. There shall be no more than 250 students attending the private educational institution at any one time.
2. There shall be no exterior changes made, other than normal maintenance, and no buildings shall be replaced without a further hearing before the County Board of Appeals.

The Board adopted the following Resolution:

"Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above-entitled petition."

The foregoing Resolution was proposed by Mr. Ralph F. Berlow, Chairman, and concurred in by Mrs. Helen H. Burkart, Messrs. Bernard D. Gladhill and Joseph E. O'Brien, Jr., constituting all the present Board members.

I do hereby certify that the foregoing Minutes were officially entered upon the Minute Book of the County Board of Appeals this 11th day of January, 1972.


Clerk to the Board

NOTE: Please see Section 111-32. c. of the Ordinance regarding the 12-months' period within which the right granted by the Board must be exercised.

32A

COUNTY BOARD OF APPEALS
For
MONTGOMERY COUNTY

Case No. S-180

PETITION OF AMERICAN FEDERATION OF LABOR
and
CONGRESS OF INDUSTRIAL ORGANIZATIONS
(Hearing held December 21, 1972)

OPINION OF THE BOARD

This proceeding is on a petition for a Special Exception pursuant to Section 111-37. m. of the Zoning Ordinance (Chap. 111, Mont. Co. Code 1965, as amended) for permission to amend the existing special exception and the addition of two buildings. The subject property contains 42.927 acres in the Friendship Enlarged (Hillandale) Sub-division, located at 10000 New Hampshire Avenue, Silver Spring, Maryland, in an R-90 Zone. (Previous Case No. S-23.)

Testimony and exhibits of record reveal that the petitioner was granted a Special Exception for a private educational institution January 11, 1972, Case No. S-23. The special exception was granted with conditions, one of which was that there "be no exterior changes made, other than normal maintenance, and no buildings shall be replaced without a further hearing before the County Board of Appeals." The subject application is a request to amend that condition for exterior renovation work and the addition of two buildings.

There was testimony that the site and buildings were formerly used for many years as a college by the Xaverian Brothers. Renovation was started on the interior of the building; it was found that more fire exits and bathroom facilities, etc., would have to be provided. In order to meet all the requirements some exterior changes would be required, including razing two temporary buildings. It was decided by the petitioner to present the complete building and renovation program with the subject application.

Exhibits in the file, Exhibits 3-A through 3-C and Exhibits 4-A through 4-K, show the proposed changes for the buildings as well as the site, including additional landscaping and conservation measures to be taken. Slides were shown by the architect (not entered into the record) to illustrate how the proposed changes would be implemented. Petitioner anticipated the program to be in three stages, with the new buildings to be last, and that all stages would be

Case No. S-180

Page 2

completed within two years.

There was additional testimony that the recreational facilities would be reconstructed. A sidewalk will be constructed in conjunction with the Holly Hall Apartment development to New Hampshire Avenue, and 125 parking spaces will be provided in three separate areas. Access to the property will be off New Hampshire Avenue. Petitioner does not expect more than 10 percent of the students to arrive by private automobile; transportation from the airports and to and from downtown Washington will be supplied by the petitioner. Petitioner anticipates that the parking will be sufficient for the employees and for community functions (use of community room for private citizens will be permitted.) Two apartments will be provided for custodial caretakers.

Based on the testimony and evidence of record, the Board finds that the proposed renovation and addition to the private educational institution will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element which is incompatible with the environment and character of the surrounding neighborhood; and that the proposed addition will be compatible with the existing buildings, and the use will be the same as approved in Case No. S-23 with no changes in the number of students. The site plan shows that the proposed additions and changes to the existing buildings will meet or exceed the requirements of the Zoning Ordinance.

Accordingly, the request to renovate the existing facilities and add two buildings, as proffered by exhibits and testimony, is granted. Time for the renovation and building program to be completed is January 9, 1975.

The Board adopted the following Resolution:

"Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above-entitled petition."

The foregoing Resolution was proposed by Mr. Bernard D. Gladhill and concurred in by Mrs. Beverly S. Pearson, Messrs. Joseph E. O'Brien, Jr., Acting Chairman, and James G. Early, constituting all the present members of the Board.

Case No. S-180

Page 3

I do hereby certify that the foregoing Minutes were officially entered in the Minute Book of the County Board of Appeals this 9th day of January, 1973.

Sollie H. Kyle
Clerk to the Board

For information relating to the petition, call Board of Appeals, 279-1226; for information relating to compliance, call Department of Environmental Protection, 279-1426.



Montgomery County Government

Case No. S-180-A

PETITION OF AFL-CIO LABOR STUDIES CENTER

RESOLUTION TO MODIFY SPECIAL EXCEPTION
(Resolution adopted March 17, 1988)

The Board has received a letter dated March 11, 1988, from J. Willard Nalls, Jr., attorney for the petitioner, which states, in part:

"Please consider this letter as a request to modify Condition No. 4 of the findings of the Board and resolution adopted on October 24, 1984, by amending that condition only, so as to allow the number of permanent employees to be ten (10) instead of five (5).

"You will note that the previous opinion of the board indicated that the staff of the Park and Planning Commission agreed that the existing 184 parking spaces are under-utilized. This continues to be the case, since the student enrollment is still substantially below the maximum allowable and no additional parking will be required if this modification is granted.

"It should also be noted that the original Opinion indicated that additional part-time staff might be needed to support the varying processing, exhibit and clerical demands. The need for such part-time assistance will be reduced or eliminated by the allowance of five (5) additional full-time employees.

"...I am also enclosing an updated List of Adjoining and Confronting Property Owners. ..."

Based on the foregoing information, the Board is of the opinion that Mr. Nalls' request represents a minor modification to the special exception and can be granted without substantially changing the nature, character or intensity of the use of the property, nor changing the effect on traffic or on the immediate neighborhood. Therefore, in accordance with the provisions of Section 59-G-1.3(c)(1) of the Zoning Ordinance,

BE IT RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that Case No. S-180-A shall be and hereby is re-opened to receive Mr. Nalls' letter as Exhibit No. 19 (a) and an updated list of adjoining/confronting property owners as Exhibit No. 19 (b); and

BE IT FURTHER RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that Condition No. 4 of the Board's Opinion dated October 24, 1988 shall read:

Attachment 9

County Board of Appeals

Stella B. Werner Council Office Building

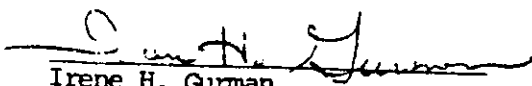
"4. The number of permanent employees in the new building shall not exceed ten (10)."

All other terms and conditions of the special exception granted October 24, 1988, except as modified herein, shall remain in full force and effect.

The subject property contains 46.49+ acres, located on the north side of the Capital Beltway and the west side of New Hampshire Avenue, at 10000 New Hampshire Avenue, Silver Spring, Maryland, in an R-90 Zone.

The foregoing Resolution was proposed by Judith B. Heimann, Chairman, and concurred in by Howard Jenkins, Jr., Max H. Novinsky, Helen R. Strang and K. Lindsay Raufaste.

Entered in the Minute Book of
the County Board of Appeals for
Montgomery County, Maryland,
this 28th day of April, 1988.


Irene H. Gurman
Clerk to the Board

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.