

**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**
Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

January 21, 2005

TO: Joel Gallihue, Planner
Development Review Division

VIA: Mary G. Dolan, Planner Supervisor
Environmental Planning
County-wide Planning Division

FROM: Katherine Nelson, Planner Coordinator
Environmental Planning
County-wide Planning Division

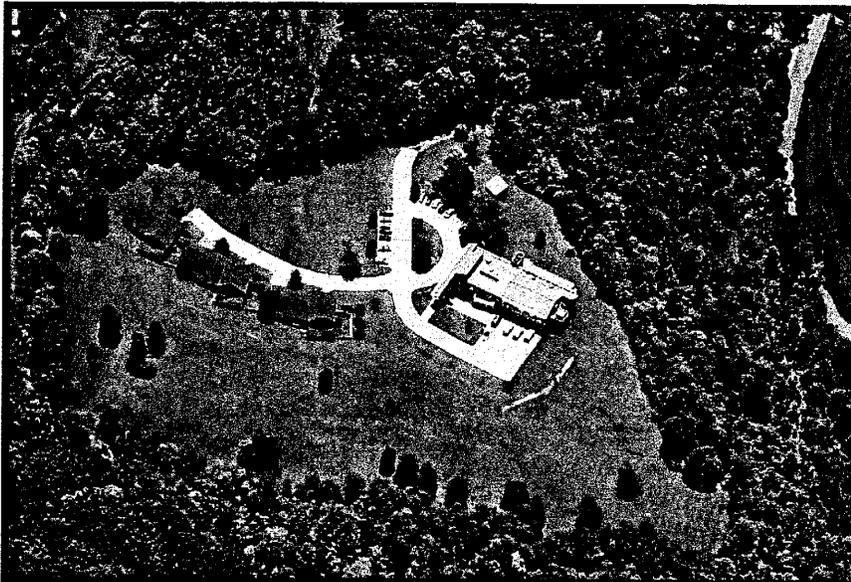
SUBJECT: Board of Appeals Petition No. S-2626
Community Services for Autistic Adults and Children, Inc.

Environmental Planning staff recommends approval of this request with the following conditions:

- Provide a resource management plan for the property to include elements that enhance water quality.
- Future development of this site should not increase the current level of impervious surface.

Site Conditions

The subject property is a 9.7-acre site located Zion and just south of Rachel Carson Conservation Park.



It is within the Upper Hawlings River watershed, a major tributary to the Patuxent River. This subwatershed has good water quality and excellent habitat conditions. The mainstem of the Hawlings River flows within 1325 feet of this site, causing it to be located almost entirely within the Patuxent River Primary Management Area. This is not a non-disturbance area, but rather a signal to those in planning and site design that special care should be taken with the amount, location and type of imperviousness and the

treatment of environmental features such as slopes and vegetation. The site is gently sloping with steeper slopes at the north and western perimeter. The current level of imperviousness for the site is

A-4

approximately 17.5%. This impervious level includes the new loop drive, 40 parking spaces and picnic building not shown in the above photograph. There are approximately 1.8 acres of forest on the perimeter of the property, much of which is connected to the forest of Rachel Carson Conservation Park. There are no other significant environmental features on this site.

Proposed Development

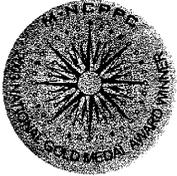
The subject application makes use of the existing buildings and parking lot. No forest will be removed and no sensitive areas will be disturbed. This site has been granted an exemption to forest conservation requirements due to the fact that it is an existing use, requiring no subdivision and no removal of existing forest.

Discussion

The existing level of imperviousness for this site is higher than would normally be acceptable in this sensitive watershed, especially within the Primary Management Area. *The Environmental Guidelines for Development in Montgomery County* recommends that new development within the PMA not exceed 10% imperviousness. For this reason, although the applicant is exempt from formal forest conservation requirements (4-04163E), staff recommends that a resource management plan be developed to help mitigate impacts to water quality. Elements of the plan may include planting more shade trees on the developed portion of the site, reforestation, forest banking, meadow management, and rain gardens.

Stormwater Management

The site was originally built under older stormwater management requirements. Infiltration trenches for water quality were required, but water quantity requirements were waived. Because no new development is being proposed, the existing stormwater management plan will not be revised.



December 22, 2004

MEMORANDUM

TO: Joel Gallihue, Community Planner
Community Based Planning Division

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Maureen Decker, Planner/Coordinator
Transportation Planning *MS*

SUBJECT: Board of Appeals Petition S-2626
Petition for Private Education Institute serving persons with disabilities
21515 Zion Road, Brookeville
Olney Policy Area

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject petition, which was filed on October 1, 2004. The applicant currently operates the proposed school on the property but is purchasing the land from the State, and requires special exception approval for the current operations because permissiveness of current operations on the public land will be lost without a special exception. Additionally, the applicant desires flexibility to increase the existing population from 45 students with a staff of 36 to ultimately serve up to 75 students with a staff of 48.

RECOMMENDATION

Transportation Planning has reviewed the submitted information for the proposed facility, and has the following comments to support approval of the special exception, as it meets the adequate public facilities test for transportation requirements:

1. Limit the petition to an enrollment of 75 students, and a staff of 48.

DISCUSSION

Parking, Access and Circulation

The site has good access, circulation, and 33 existing parking spaces. The applicant is proposing to construct 18 additional spaces for a total of 51 spaces. The zoning requirements for Private Educational Institutions require one parking space for each employee, sufficient parking for safe, and convenient loading and unloading, plus additional facilities for all students. However, this petition is for a Private Education Institute serving persons with disabilities, where all the students and 25 (student accompanying teacher's assistants) of the 36 existing staff are transported to the site in four vans and four buses.

Based on the above, Transportation Planning staff anticipates that the 33 existing spaces, and the 51 proposed parking spaces are, and will continue to be sufficient for the current and ultimate number of staff.

Local Area Transportation Review

A traffic statement was submitted for review and approval of the Transportation Planning staff. The statement indicates, and Transportation Planning staff concurs, that the commuter peak hour traffic generally results from the nine administration and teaching staff, four vans and two to four school buses. The remaining staff and students travel by bus or travel outside the peak traffic hours. The Traffic Statement goes on to say, and the Transportation Planning staff concurs that the increase to 75 students, and a staff of 48 would not significantly affect commuter peak traffic, due to the ancillary nature of the proposed programs.

The traffic statement for this special exception indicates the ultimate use is expected to generate fewer than 30 vehicle trips during both the morning and evening weekday peak hours; therefore, a traffic study is not needed to satisfy Local Area Traffic Review requirements.

Transportation Planning staff finds that this action will have a minimal increase on existing traffic in the weekday peak hour and, therefore will have no adverse effect on the transportation system.

Master Plan Roadways and Bikeways

The *Planning Board Draft Olney Master Plan*, published in May 2004, shows Zion Road (R-57), between Riggs Road and Sundown Road designated as a rustic road with a 70-foot right-of-way; two travel lanes and a shared road (B-39) bikeway. The rustic road designation is consistent with the *Rustic Roads Functional Master Plan*, approved and adopted, December 1996 and the record plat for the subject property indicates the master plan right-of way was dedicated in 1989.

A-7

Policy Area Review/Staging Ceiling

The petitioner's property is located in the Olney Policy Area, which had a remaining capacity for housing of 2 units, and 1,914 jobs under *the Fiscal Year (FY) 2004 Annual Growth Policy*, as of June 30, 2004. Under the *FY 2005 Annual Growth Policy*, effective July 1, 2004, the Planning Board is no longer required to determine if sufficient residential or non-residential capacity exists.

MD:gw

Mmo to Gallihue re S-2626 Private Ed.doc

1-80

Ordinance No: 15-08
Zoning Text Amendment No: 03-07
Concerning: Private educational institution
for persons with disabilities in RDT zone
Draft No. & Date: 1 – 5/6/03
Introduced: May 6, 2003
Public Hearing: June 10, 2003; 7:30 PM
Adopted: July 1, 2003
Effective: July 21, 2003

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Subin

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- allowing a private educational institution for persons with disabilities by special exception in the RDT zone, under limited circumstances.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-9 “AGRICULTURAL ZONES”
Section 59-C-9.3 “Land uses”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment (ZTA) No. 03-07 was introduced on May 6, 2003 for the purpose of allowing a private educational institution for persons with disabilities by special exception in the RDT zone, under limited circumstances.

The Montgomery County Planning Board in its report to the Council recommended that that ZTA 03-07 be approved with modifications. The Planning Board believes it is reasonable to provide for a private school in the RDT zone, under the limited circumstances of ZTA 03-07. The Board suggested additional criteria to reflect previous ownership of the site by the Federal government and State of Maryland.

The County Council held a public hearing on June 10, 2003, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on June 16, 2003 to review the amendment. The Committee agreed with the Planning Board's general position on the ZTA, but did not believe it advisable to use ownership as a basis for a land use decision. The Committee preferred to limit private schools to sites in the RDT zone that have previously been used to treat and educate persons with disabilities. In the Committee's view, this is a reasonable standard to be applied to any future private school in the RDT zone and would further limit the potential impacts in the agricultural area.

The District Council reviewed Zoning Text Amendment No. 03-07 at a worksession held on July 1, 2003, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 03-07 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-C-9 is amended as follows:

DIVISION 59-C-9. AGRICULTURAL ZONES.

* * *

59-C-9.3 Land uses.

* * *

	Rural	RC	LDRC	RDT	RS	RNC
(h) Services: ²						
* * *						
Educational institution, private.	SE	SE	SE	SE ¹³	SE	SE
* * *						

¹³ Limited to individual or small class instruction provided within a dwelling or an accessory use, such as a swimming pool, by a resident of the dwelling. However, a private educational institution for persons with disabilities may be established subject to the special exception requirements of section 59-G-2.19, and provided (1) [[the site is at least 2 acres in size]] the site was previously used to provide educational services to persons with disabilities, (2) no more than 75 students are enrolled at any one time, (3) enrolled students are not boarded, and (4) improvements exist on the property (as of July 21, 2003) to accommodate the school’s education programs. A residence may be provided on site for use by a caretaker. Educational services to persons without disabilities are limited to enrichment activities related to providing educational services to persons with disabilities. A private educational institution lawfully existing prior to January 6, 1981, when the Rural Density Transfer Zone sectional map amendment was enacted is [not] a [non]conforming use, and may be extended, enlarged or modified by special exception subject to the provisions [set forth in] of section 59-G-2.19, “Educational Institutions, Private.”

* * *

25 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
26 date of Council adoption.

27

28 This is a correct copy of Council action.

29

30 *Mary A. Edgar*

31 Mary A. Edgar, CMC

32 Clerk of the Council