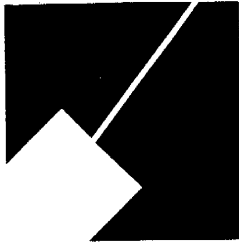


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
Items 2 & 3
3/3/2005

MEMORANDUM: SPECIAL EXCEPTION

TO: Montgomery County Planning Board
VIA: Carlton Gilbert, Zoning Supervisor, Development Review
Division
Khalid Afzal, Team Leader, Georgia Avenue Corridor *KA*

FROM: Nkosi Yearwood, Community-Based Planning Division *N.Y.*

SUBJECT 1: Special Exception (S-2604): Winchester School-Mary
Rhim; 17320 Georgia Avenue, Olney; 2.02 acres, R-200
zone and Olney Planning Area.

SUBJECT 2: Preliminary Forest Conservation Plan: Winchester School-
Mary Rhim; 17320 Georgia Avenue, Olney; 2.02 acres,
R-200 zone and Olney Planning Area.

FILING DATE: January 29, 2004
PUBLIC HEARING: March 11, 2005 before the Hearing Examiner

This combined staff report provides recommendations on the Preliminary Forest Conservation Plan and the Special Exception for the Winchester School (S-2604) at 17320 Georgia Avenue, Olney.

SUBJECT 1: STAFF RECOMMENDATION: Special Exception
Staff recommends DENIAL of the special exception for the following reasons:

Forest Conservation Law

The proposed development is not consistent with the primary objective of the Forest Conservation Law, Section 22 A-12 (b) and the general development standard in the Ordinance, Section 59-G-1.23 (d).

Compatibility, intensity and traffic

The proposed project, in terms of its overall size, is not compatible with the surrounding single-family character of the existing neighborhood pursuant to general condition finding of Section 59-G-1.21 (a) (4) and specific finding for a private educational institution, Section 59-G-2.19 (a) (1) and Section 59-G-2.19 (4) (b) of the Zoning Ordinance.

Non-inherent elements

The proposed project has three non-inherent adverse impacts, which are “physical and operational characteristics not necessarily associated with the particular use...” (Section 59-G-1.21): 1) limited play area for the number of students; 2) geographical limitations of student population; 3) adverse impact on the environment; and 4) a single driveway for all buses, student drop-off and pick-up, and staff arrival and departure.

SUBJECT 2: STAFF RECOMMENDATION: Preliminary Forest Conservation Plan

Staff recommends DENIAL of the preliminary forest conservation plan for the following reasons:

- 1) The proposed development is not effective in protecting priority forest and specimen trees.
- 2) The submitted preliminary Forest Conservation Plan does not meet Forest Conservation Regulation Requirements.

Proposal Description

Ms. Mary Rhim, the operator of the Winchester School, proposes a private educational institution for a maximum of 126 students in grades one through six on the subject property. Enrollment is anticipated to begin with 18 students initially until and will increase annually until the school reaches its proposed capacity. The school’s activities will occur throughout the year including, a summer program between July and August. A new building will be added to an existing single-family residential dwelling. The existing driveway will be redesigned to create a right-in, right-out, and employee and visitor parking will be provided on site. New landscaping and a new board-on-board fence will be provided on the property.

Site Description

The site for the private school (Parcels 171, 172 and 173) is approximately 2.02 acres in the R-200 zone. These parcels create an “L” shape property with an existing single-family dwelling and a detached garage on parcel 172. An asphalt driveway provides access to the property from Georgia Avenue. The site contains existing

Site Description

The site for the private school (Parcels 171, 172 and 173) is approximately 2.02 acres in the R-200 zone. These parcels create an “L” shape property with an existing single-family dwelling and a detached garage on parcel 172. An asphalt driveway provides access to the property from Georgia Avenue. The site contains existing specimen and significant trees are on parcel 171 and 172. Parcel 171, which is west of parcel 172, is approximately one acre and is undeveloped with existing trees and underbrush throughout the parcel. Parcel 173 is approximately 585 square feet. It fronts Georgia Avenue and abuts parcel 172. The site has approximately 125 feet of frontage along Georgia Avenue and depth of approximately 412 feet. It is located on the west side of Georgia Avenue. There are no streams, wetlands and stream valley buffers on the property.

Neighborhood Description

Single-family residential uses are the primary land uses surrounding the subject site. There are three vacant parcels immediately west of the subject property, which are approximately two acres in size each. Rock Hill Lane, a private gravel driveway immediately south of the subject site, provides access to a single-family dwelling adjacent to the vacant properties to the west. Future access to the undeveloped parcels could occur from Rock Hill Lane, Singer Glen Drive or Monitor Drive, which are existing roads.

Residential properties to the north are in the Williamsburg Village subdivision in the R-200 Zone. Similarly, single-family residential properties to the south and west of subject site are in the R-200 zone. East of the subject site, across Georgia Avenue, are residential uses in the Hallowell subdivision, in the RE-2/TDR Zone (residential, one-family/transferable development rights).

The general neighborhood of the subject property can be defined as the area between Old Baltimore Road, Blossom View Drive, and Hines Road. This area is primarily zoned R-200 (Single-family Residential) with detached dwellings as the principal land use. Georgia Avenue, a four-six lane highway, bisects the Olney Planning Area providing north-south travel movement. East of Georgia Avenue, the neighborhood can be defined as the area between Old Baltimore Road, Menden Farm Drive and Prince Phillip Drive. The principal land use in this area is residential with single-family detached dwellings and townhouses.

A horticultural nursery and commercial greenhouse, located two properties to the north is an approved special exception (BAS-1224) within the existing neighborhood. Other approved special exceptions in the surrounding area include: a home occupation (BAS-1717) at 17049 Old Baltimore Road; Children’s World, a child daycare center (BAS-1182) at 16910 Georgia Avenue; and Bell Atlantic/Verizon building (S-735), close to the intersection of Georgia Avenue and Sligo Inn Drive.

Elements of Proposal

The applicant proposes to construct an addition to the existing single-family dwelling to develop a private educational institution. The following are elements of the proposed use:

Enrollment

- Maximum enrollment of 126 students in grades K through six (6) with 16 staff members

Building

- The existing single-family detached dwelling will be retained. The total gross square feet of the proposed school is 15,000 square feet.

Hours of Operation

- Hours of operation: 7:00 a.m. to 6:00 p.m.
- Classes will begin at 8:15 a.m. and end at 3:00 p.m.
- After school program will start at 3:00 p.m. and end at 6:00 p.m.

Recreation

- A maximum of 36 children will be outside at any one time during regular school hours (8:15 a.m.- 3:00 p.m.), except during lunch period (12:20 p.m.-12:45 p.m.)
- Lunch period: 45 to 50 students will be outside at any one time
- After school: children will be rotated between outdoor activities and indoor play options (3:00 p.m. to 5:15 p.m.)
- An indoor game/recreation room will be provided.

After School Program

- After school hours are 3- 6:00 p.m.
- Approximately 50% of students will depart between 3:00 p.m. and 5:15 p.m. via three buses with the remaining children departing by 6:00 p.m.

Summer Program

- Summer program will be between July and August
- The maximum number of students will be 126 and the hours of operation remains the same as during the academic year.

Transportation

- Two-thirds of students from southern neighborhoods will be bused during A.M. and P.M. peak hours.
- One-third of students from northern neighborhoods will arrive and depart via automobiles.
- A Transportation Management Plan (TMP) will manage transportation operations for the use.
- During summer session, buses will take students to swimming and other off-site recreational activities.

Background

The Planning Board reviewed the applicant's petition for a private educational institution for 175 students in July 2004 and recommended denial of the special exception and the preliminary Forest Conservation Plan. The Hearing Examiner and the Board of Appeals did not review the applicant's proposal.

The applicant has revised the petition and the following chart highlights some of the differences with the prior and current proposal:

<i>Winchester</i>	<i>July 2004</i>	<i>February 2005</i>
Number of students	175 students	126 students
Total number of staff	23 staff	16 staff
Building size (total gross sq.ft.)	20,000 sq. ft.	15,000 sq. ft.
Students per acre	87 students per acre	62 students per acre
Transportation program	2/3 of students from the south; 1/3 from the north	Same as July 2004
Parking spaces	25 parking spaces	22 parking spaces

Additional Review Requirements

If the Board of Appeals approves the applicant's petition, this project will return to the Planning Board for a preliminary plan of subdivision. Dedication of 75 feet from Georgia Avenue, entrance design to meet MD State Highway Administration (SHA) requirements, inclusion of Class I shared-use path and expanded tree panel are some of the issues for preliminary plan review.

ANALYSIS

The proposed project impact on the transportation network, environment and incompatibility with the surrounding neighborhood are the main issues for this special exception:

Environment

The subject site has approximately one acre of mature forest containing 33 specimen and significant trees and is adjacent to undeveloped land. The applicant's proposal will remove approximately 0.58 acres of existing forest. Environmental Planning staff has recommended denial of the applicant's petition because the submitted preliminary Forest Conservation Plan does not meet the requirements of the Forest Conservation Law, and it is not effective in protecting priority forest and specimen trees. Staff believes that additional measures can be taken to improve the loss of existing trees.

Transportation

The applicant's statement of operations and Transportation Management Plan (TMP) assumes that two-thirds of students will travel to the site from south of the site, while one-third of students will travel from the north. This proposal does not address changes to the residential location of students, if the north-south split cannot be achieved. Further, the effectiveness of managing the proposed geographic distribution is problematic.

Transportation Planning staff has informed the applicant that 100 percent busing is required for this proposal, regardless of residential location of students. In lieu of 100 percent busing, transportation staff has recommended alternative measures for trip reduction.

Project size, scope and compatibility

The proposed building's size is especially significant since it is on approximately two acres and the proposed use is a school. Furthermore, the two-acre property has existing a significant number of trees. The proposed gross square feet size of the private school, approximately 15,000 square feet, will be a large building in the surrounding neighborhood. The gross square feet of existing single-family dwellings in the surrounding neighborhood are much smaller than the proposed use. When compared with a similar use in the surrounding area, a child daycare center (Children's World) at 16910 Georgia Avenue is approximately 6,500 square feet in size and is located on 2.7 acres.

Some of the activities typically associated with a private school, such as Back to School nights and sufficient outdoor play area, cannot be accomplished on the proposed site. For example, the applicant's Transportation Management Plan (TMP) proposes busing parents to the site for evening meetings.

Alternatives Considered

Since July 2004, the applicant has explored with staff several alternatives for the subject site. Some of these alternatives were incorporated into the new site plan for the school including, reducing the removal of existing specimen and significant trees, number of students, and a smaller size building. Staff also explored with the applicant an alternative of removing the existing single family dwelling instead of retaining it, and retaining the dwelling with a smaller size addition. The applicant did not pursue these options.

Other alternative approaches to the applicant's petition are: 1) develop residential dwellings and other permitted uses under the R-200 zone; 2) a smaller building size that allows for the retention of more existing trees along the western property line, and improves compatibility with existing neighboring properties; 3) and to acquire more land for the proposed use. There are three vacant parcels immediately west of the subject property.

Master Plan

The subject property is located within the Olney Planning Area. The Approved and Adopted 1980 Olney Master Plan supports the existing R-200 zone for the subject property (p.32). A private educational institution is allowed by special exception in that zone. No specific land use recommendation is made in the Master Plan for the subject site. The 1980 Master Plan is currently being updated, but that revision is not complete.

The proposed use will adhere to the Master Plan recommendation that "residences between Hines and Norbeck Road should be setback a minimum of 100 feet from Georgia Avenue to provide a noise barrier for new housing. The setback will also maintain the low-density character of Georgia Avenue outside the Olney Town Center and sharpen the contrast between higher intensity uses in the Olney Town Center and the adjacent rural areas" (p.40).

The Master Plan also indicates that "residences should not have direct driveway access to Georgia Avenue; instead, access should be confined to a small number of intersections with Georgia Avenue." (p.40) The subject property, other properties along Rock Hill Lane, and two individual parcels to the immediate north are the only parcels that have driveway access via Georgia Avenue. These parcels were not developed as part of the Williamsburg Village and Cherry Wood subdivisions.

Development Standards

The proposed use meets the development standards for the R-200 zone. The table below details the development standards for the proposed development:

Winchester School	Required	Proposed
Lot Area	20,000 sq. ft	2.02 acres (1.97 acres after dedication)
Building Height -existing dwelling -new addition	50 feet	23 feet 14 feet (front); 19 feet (rear)
Setback -Front -Side -Both sides -Rear	40 feet 12 feet 25 feet 30 feet	105 feet 23 feet 103 feet 153 feet
Building Coverage	25 %	10 %
Parking -1 space per employee	16 spaces	22 spaces

Landscape and Lighting

A variety of landscaping, including evergreen and shade trees, and a board-on-board fence is proposed for this use. A six-foot high board-on-board fence is proposed for the western property line, as well as portions of the northern and southern property lines. Evergreen and shade trees are proposed for the western, northern and southern sections of parcel 171. Some existing Tulip Poplar trees will be retained along the southern property line parallel to Rock Hill Lane. Shade trees are proposed for the driveway and within the parking area. These shade trees adhere to the Ordinance requirements, Section 59-E-2.83 (d) for shade parking areas. The proposed fence and evergreen and shade trees assist in screening the proposed use from neighboring properties.

Light bollards are proposed for the walkway leading to the entrance of the existing dwelling and along the driveway. Freestanding light poles provide safety and security lighting for the parking area. In addition to the light bollards and pole lights, motion sensor lights are proposed for the building. Based on the submitted photometric lighting plan, lights will not spill onto the adjacent dwelling to the north, vacant property to the west and private the driveway.

Subdivision

A preliminary plan of subdivision is required to record the unrecorded lots. At the time of subdivision, the applicant must dedicate 75 feet from Georgia Avenue's centerline in accordance with the 1980 Olney Master Plan that recommends a 150 feet

right-of-way. Other issues will include: safe sight distance to the entrance, an 8-foot shared-use path and expanded tree panel.

Inherent/Non-inherent Characteristics

Inherent and non-inherent adverse effects of a special exception use must be considered on nearby properties and the general neighborhood at the proposed location. 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."

When reviewing inherent and non-inherent adverse effects, seven physical operating effects are considered: size, scale, scope, light, noise, traffic, and environment. Every special exception has some or all of these effects in varying degrees.

Inherent effects

Typical activities of a private educational institution include the following: parking facilities for staff as well as students if they are eligible to drive; exterior lighting from the building and parking area for security purposes; and play area or athletic fields for onsite athletic activities.

Special events, such as Back-to School nights, and specialized summer programs for students attending the school are anticipated. The hours of operation are generally between 7:30 a.m. to 3:00 p.m. From an operation perspective, students arrive and depart at a specific hour with teachers doing likewise. Generally, students are transported to and from school via buses, private automobiles, or a combination.

Outdoor activity is limited to students playing at specific times of the day or after school. If the property is large enough for an athletic field, school and inter-scholastic sports, such as soccer or field hockey, normally take place. Some level of noise is anticipated from students playing on outdoor fields.

It is anticipated that the size of a school will vary based on the land area and number of students. Similarly, the overall scope of operations for a school will have elements that are associated with an educational institution such as specialized events and Back-to-School nights.

These inherent elements, with the exception of sufficient play area and limitations on specialized events, are present with the applicant's petition including the arrival and departure of students, modes of transportation, and parking for staff and visitors. However, when these inherent elements are added in combination with non-inherent elements of the proposal, it is a sufficient basis for denial.

Non-inherent effects

Section 59-G-1.21 of the Zoning Ordinance notes that "non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use". There are three non-inherent characteristics with the applicant's petition: limited geographical locations of where students can live, undersized outdoor play area, and limited ingress and egress to the site.

Traffic

The applicant's statement of operation and Transportation Management Plan (TMP) proposes busing two-thirds of students residing in southern neighborhoods, while the remaining students from northern neighborhoods arrive via automobiles. This geographical assumption is flawed because there is no way to know where the students will live once the school operations have begun. This element is a non-inherent operational characteristic since specific residential locations of student population is not associated with the proposed use and cannot be predicted with certainty in the future.

Only one access point into and out of the property is a non-inherent adverse affect since all of the ingress and egress for the school comes from one entrance. In the event that an accident occurs at the entrance or along the driveway, circulation and exiting the site would be difficult. Furthermore, all traffic from southern neighborhoods must take a U-turn at Georgia Avenue and Hines Road to enter the site.

Environment

As proposed, the development is not effective in protecting existing forest on the subject site, and does not meet Forest Conservation Regulation requirements. A greater amount of existing forest could be retained with an alternative proposal that protects priority forest and specimen trees.

Scope

The proposed open play area is limited, approximately 3,100 square feet, given the number of students for the use. It is usually that an elementary and early middle school would provide the amount of outdoor play area as proposed. Further, the proximity of a retaining wall adjacent to the play area raises safety issues. The applicant has proposed the play area to be retained as forest.

Environment

Environmental Planning staff has reviewed the applicant's petition and recommends denial because the proposal is not effective in protecting priority forest and specimen trees, and does not meet Forest Conservation Regulation requirements. Environmental Planning staff indicates that the development proposal should be altered to protect the high priority forest and specimen trees. This forest is considered high priority by the Forest Conservation Regulations by virtue of its size, composition, and configuration.

The subject site has approximately one acre of mature forest containing 33 specimen and significant trees and is adjacent to approximately 6.5 acres of undeveloped forest. The Planning Board reviewed the Forest Conservation Plan for the proposed use in July 2004 and denied the petition (*See Environmental Planning Memo for more information*).

Stormwater Management

The Department of Permitting Services (DPS) has approved the applicant's Stormwater Management Concept plan (*See attachment for DPS letter*). If the Board of Appeals approves this petition, a final stormwater management plan must be approved by DPS.

Forest Conservation

The submitted Preliminary Forest Conservation Plan (FCP) does not meet the requirements of the Forest Conservation Law. The applicant's proposal will remove approximately 0.58 acres of forest. Environmental Planning staff believes the applicant can make further adjustments to the plan as required by the Forest Conservation Law to remove only 0.35 acres. Additionally, the Preliminary FCP shows 0.04 acres of forest proposed for retention and used as a playground area. Environmental staff believes this 0.04 acres does not qualify for retention, because by selectively clearing and using the area, it no longer qualifies as forest save.

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) identifies 1.0 acres of high priority forest containing 24 specimen and 9 significant trees on site and 4 specimen trees in close proximity off site. The applicant's proposal indicates clearing .58 acres of high priority forest and removing 15 specimen trees and 1 significant tree. Environmental Planning staff believes that additional efforts can be made to protect more high priority forest and specimen trees including, reducing the footprint of the building, removing the existing building, and consolidating onsite parking. Environmental Planning staff has shared alternative site designs with the applicant. (*See attachment for Environmental Planning Forest Conservation Report*)

Water Quality

This site is in Cherrywood Manor tributary of the Upper Rock watershed. Maryland Department of Environment (MDE) classifies Upper Rock Creek north of Muncaster Mill Road as a Use III watershed. Although this site is outside the new Special Protection Area, it is important to review the applicant's proposal regarding its appropriateness to protect water quality.

The *Countywide Stream Protection Strategy* (CSPS) designates this subwatershed as a Watershed Protection Area-special. This designation is applied to all subwatersheds currently assessed as supporting excellent or good stream conditions. There are no streams on the subject property.

Transportation

Transportation Planning has reviewed the applicant's proposal and recommends approval subject to several conditions, including 100 percent busing to mitigate traffic along Georgia Avenue.

Access

Georgia Avenue, a four-lane highway, provides the only entrance and exit to this site. The existing driveway will be widened to accommodate a right-in, right-out driveway. A driveway of approximately 22 feet will provide access to the rear parking area, including the drop-off and pick-up area and visitor parking. This segment of Georgia Avenue has a median with sidewalks and lawn panel on both sides of the street.

Local Area Transportation Review

The applicant has submitted a traffic study since the school will generate more than 50 total peak-hour trips during morning and afternoon peak periods. Transportation Planning staff disagrees with assumed future student population distribution and the associated busing program. The traffic study assumes that 66 percent or 83 students will reside in southern neighborhoods from the property, and the remaining 43 students will live in northern neighborhoods. Students from the south will arrive via buses and students residing in the north will arrive via automobiles heading south-bound on Georgia Avenue. Transportation Planning notes that changes in assumed student geographical location, such as an increase in the number of student from the south, could affect on-site queuing, vehicle circulation and Critical Lane Volumes (CLV) at Georgia Avenue and Old Baltimore Road intersection during peak periods (*see Transportation Memo for more details*).

Compliance with the Specific and General Conditions of the Special Exception

Sec. 59-G-1.2. Conditions for granting.

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 proposed private educational institution is a permitted special exception in the R-200 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 project does not comply with all of specific standards for a private education institution, *including Section 59-G-2.19(a)(1), and Section 59-G-2.19(a)(3)*

(3) Will be consistent with the general plan for the physical development of the District, including any master plan thereof adopted by the Commission. Any decision to grant or deny special exception must be consistent with an 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 the 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 Approved and Adopted 1980 Olney Master Plan recommends R-200 zoning for the subject property. The proposed use will be consistent with the Plan's recommendation that properties between Norbeck Road and Hines Road maintain a 100 feet setback from Georgia Avenue. The Plan made no specific land use recommendations for the subject site.

- (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.

General Neighborhood: The general neighborhood for the proposed use consists of properties located in an area between Old Baltimore Road, Blossom View Drive and Hines Road. This area is primarily zoned R-200 (Single-family Residential) with detached dwellings as the principal land use. The neighborhood across Georgia Avenue, east of the subject property, consists of the area between Old Baltimore Road, Menden Farm Drive and Prince Phillip Drive. This area is zoned RE-2/TDR (residential, one-family/transferable development rights).

Population Density: Most of the neighborhood consists of single-family dwellings that are much smaller in population density and scale than the proposed use. Any new structure, such as a residential dwelling, will not approach the population density of the proposed use. The proposed use is intense give the constraints of the site, as well as the number of students and staff.

Design, scale and bulk of proposed new structures: The overall size of the proposal is not consistent with the surrounding residential neighborhood. The new building will is approximately 15,000 gross square feet.

Intensity and character of activity: Outdoor play activities can occur at any time during regular school hours (8:15 a.m. to 3:00 p.m.) for a maximum of 30 students. During lunch period (12:20 p.m. -12:45 p.m.), the maximum number of students outdoors increases to 50. The school will have periodic special events, such as Back to School night, as well as teacher-parent meetings and specialized instruction for students. These activities will occur during the 10-month academic year as well as the summer period of July and August.

The majority of students will arrive via buses; therefore, there are specific areas for bus drop-off and pick-up. The play area is adjacent to the proposed parking area in the rear of the property. Most of the play area will take place along the northern property line, adjacent to the single-family dwelling to the north. The proposed use is not in character with the existing neighborhood.

At 62 students per acre and the physical and environmental constraints of the property, the proposed use is not consistent with the neighborhood.

Traffic and parking conditions: Student drop-off and pick-up traffic will occur with buses and private automobiles. The applicant's TMP assumes that 2/3 of students from southern neighborhoods while the remaining number of students will arrive from the northern areas. Enforcement of this proposal is problematic and it does not address when the projected student residential locations changes. The driveway can accommodate a queue length of 13 cars and three parked buses, based on the applicant's assumed geographic distribution of students. If the location of students changes then the amount of stacking and queuing will change. No off-site queuing should occur along Georgia Avenue since this would create conflicts for motorists.

Number of similar uses: The only other similar use to the proposed private school is the existing child daycare center at 16910 Georgia Avenue, less than half a mile from the subject site. The existing child daycare center is a smaller facility, approximately 6,500 square feet with a maximum of 120 students on 2.7 acres. This similar use to the propose use equates to 44 students per acre, which is smaller than the 59 students per acre for the proposed private school.

Considering the factors noted above, staff concludes that the use will not be in harmony with the general character of the neighborhood when considered similar uses, traffic, population density and intensity of activity.

- (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.

There are several developed and vacant properties adjacent to the proposed use including three vacant parcels to the immediate west and a single-family detached dwelling to the immediate north. The proposed parking and play area is adjacent to the undeveloped parcel to the immediate west.

During outdoor play, it is possible that a stray ball or other instrument may enter adjacent properties. The applicant has proposed a fence and additional landscaping to screen the parking area from adjacent dwellings.

- (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.

During outdoor play and during morning and afternoon drop-off and pick-up, the amount of noise from the site will increase. The applicant has not submitted a noise analysis to determine the impact of the proposed use.

Buses will emit some fumes during morning and afternoon drop-off and pick-up. No food preparation occurs onsite; therefore, objectionable odors are not present.

- (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.

The proposed use will increase the number, scope and intensity of approved special exceptions in the existing neighborhood. A child daycare center (BAS 1182), Children's World at 16910 Georgia Avenue; a horticultural nursery and commercial greenhouse use (BAS-1224) and Bell Atlantic/Verizon building (S-735), close to the intersection of Georgia Avenue and Silo Inn Drive are approved special exceptions in the immediate neighborhood.

The Master Plan recommends low-density residential development and R-200 zoning for the existing neighborhood. There are no specific recommendations in the Approved and Adopted Master Plan for the subject site.

- (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 on any adverse effects the use might have if established elsewhere in the zone.

Georgia Avenue is a major highway providing north-south access through the Olney Planning area. The proposed right-in, right-out driveway addresses safety for visitors, students and employees to the site.

driveway addresses safety for visitors, students and employees to the site.

The applicant has submitted a stacking and queuing plan that illustrates three buses and 14 cars can be accommodated on site at any onetime. However, if the applicant's north-south student distribution changes where more students are dropped off via automobiles then the capacity of queuing onsite at any one time may spill onto Georgia Avenue. Site distance analysis was submitted for the preliminary plan information.

- (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.

The subject site is served by public water and sewer services. Georgia Avenue, a four lane Maryland State Highway, provides the only entrance and exit to the site. The applicant proposes an on-site water quality control via a bio-filtration facility in the parking area. DPS has approved the concept stormwater plan. Olney Elementary School is north of the property and the Sandy Spring fire station #40 is approximately 3,000 feet south of the property.

- (i) 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.

A preliminary plan is required for the applicant's petition. At that time, the Planning Board will determine the adequacy of public facilities.

- (ii) 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.

The proposed right-in, right out improves the safety of vehicular traffic from Georgia Avenue onto the property. The expanded shared-use path and lawn panel improves pedestrian traffic. If the proposed busing program changes where more than 13 cars can be accommodated at any one

time, then cars will queue on Georgia Avenue. This scenario would create an unsafe traffic situation on Georgia Avenue.

Section 59-G-2.19 Private Educational Institutions

(a) **Generally.** A lot, tract or parcel of land may be allowed to be used for a private educational institution if the board finds that:

- (1) the private educational institutional 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:

Traffic to and from the site could create an adverse impact since the applicant assumes a north-south residential location of students, which is subject to change.

The development does not adequately preserve existing specimen and significant trees onsite. Additionally, the intensity of the proposal with the number of students is not compatible with existing neighborhood.

- (2) except for buildings and additions completed, or for which a building permit has been obtained before (April 2, 2002), the private educational institution must be in a building architecturally compatible with other buildings in the surrounding neighborhood, and, if the private educational institutional will be located on a lot, tract, or parcel of land of 2 acres, in either an undeveloped area or an acre substantially developed with single-family homes, the exterior architecture of the building must be similar to a single-family home design, and at least comparable to any existing homes in the immediate neighborhood;

The exterior architecture proposed private school has large windows with brick and stone on the elevations. Three elevations of the existing stone residential dwelling will be retained.

- (3) the private educational institution 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 project begins to change the surrounding residential neighborhood with the intensity of the proposed use and when considered in combination with other existing special exceptions.

Staff concludes that this is sufficient basis to deny the applicant's petition.

(4) the private educational institution must conform with the following standards in addition to the general development standards as specified in Section G-1.23:

a. **Density**-The allowable number of pupils per acre permitted to occupy the premises at any one time must be specified by the Board considering the following factors:

1. Traffic patterns, including:

a) Impact of increase traffic on residential streets;

The applicant's busing program attempts reduce adding additional traffic to the Old Baltimore Road and Georgia Avenue intersection. However, changes to the residential location of where students live could adversely affect this intersection. Subsequently, transportation staff has recommended 100 percent busing or road improvements to resolve this issue.

b) Proximity to arterial roads and major highways;

The proposed development fronts onto Georgia Avenue, a major highway that provides it on access.

c) Provision of measures for Transportation Demand Management as defined in Section 42A-21 of the Montgomery County Code;

The applicant has developed a Transportation Management Plan that aims to address transportation management issues of the proposal.

d) Adequacy of drop-off and pick-up areas for all programs and events, including on-site stacking space and traffic control to effectively deter queues of waiting vehicles from spilling over onto adjacent streets; and

The submitted TMP states that the driveway can accommodate 14 cars and three buses at one time. However, that is based on the north-south geographical assumption of where students live. If the locations of students that are dropped off changes then the stacking and queuing may also change.

The parking area is not large enough to accommodate parent-teacher meeting for all 126 students. The TMP proposes to have one class per parent-teacher meeting, and the use of a remote site to shuttle parents to the school.

2. Noise or type of physical activity;

The physical activity for the use is intense given the environmental constraints of the property, nature of the use, and residential neighborhood.

3. Character, percentage, and density of existing development and zoning in the community;

The character of the residential community includes primarily single-family dwellings developed under the R-200 zoned land. This zone requires a minimum of 20,000 square feet per lot. The density of existing development constitutes the size of a family.

Besides the existing single-family residential development, there are special exceptions including a child daycare center, and horticultural nursery and commercial greenhouse

4. Topography of the land to be used for the special exception; and

The subject site is mostly flat with a slight slope along the Georgia Avenue frontage.

5. Density greater than 87 pupils per acre may be permitted only if the Board finds that (i) the program of instruction, special characteristics of students, or other circumstances justify reduced space and facility

requirements; (ii) the additional density will not adversely affect adjacent properties; (iii) additional traffic generated by the additional density will not adversely affect the surrounding streets.

The proposed project density is 62 students per acre. This density is high given the subject site's environmental limitations, and surrounding neighborhood.

- b. **Buffer-** All outdoor sports and recreation facilities must be located, landscaped or otherwise buffered so that the activities associated with the facilities will not constitute an intrusion into adjacent residential properties. The facility must be designed and sited to protect adjacent properties from noise, spill light, stray balls and other objectionable impacts by providing appropriate screening measures, such as sufficient setbacks, evergreen landscaping and solid fences and walls.

No outdoor sports or recreation facilities, such as a soccer field, are planned for the subject use. Evergreen and shade trees as well as a board-on-board fence are proposed to screen the adjacent residential properties. If children are playing sports in the active and passive play area, it is possible that balls may enter the adjacent properties.

- (b) If a Private Educational Institution operates or allows its facilities by lease or other arrangement to be use for: (i) tutoring and college entrance exam preparatory courses, (ii) art education programs, (iii) artistic performances, (iv) indoor and outdoor recreation programs, or (v) summer day camps, the Board must find, in addition to the other required findings for the grant of a Private Education Institution special exception, that the activities in a combination with other activities of the institution, will not have an adverse effect on the surrounding neighborhood due to traffic, noise, lighting, or parking, or the intensity, frequency, or duration of activities. In evaluating traffic impacts on the community, the Board must take into consideration the total cumulative number of summer programs, whether or not the traffic exceeds the capacity of the road. A transportation management plan that identifies measures for reducing demand for road capacity must be approved by the Board.

A summer program is proposed for the months of July and August with special events for students of the school. The applicant's amended statement of operation does not indicate if the facility will

be leased.

The Board may limit the number of participants and frequency of events authorized in this section.

(c) Programs Existing before April 22, 2002.

- (1) Where previously approved by the Board, a private educational institution may continue the operation of (i) tutoring and college entrance exam preparatory courses, (ii) art education programs, (iii) artistic performances, (iv) indoor and outdoor recreation programs, or (v) summer day camps, whether such programs include students or non-students of the school, if the number of participants and frequency of events for programs authorized in 59-G-2.19 (b) are established in the Board's approval.

This provision is not applicable to the subject petition.

- (2) Where not previously approved by the Board, such programs may continue until April 22, 2004. Before April 22, 2004, the underlying special exception must be modified to operate such programs include students or non-students of the school. The Board may established a limit on the number of participants and frequency of events for authorized programs.

This provision is not applicable to the subject petition.

(d) **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 a site and landscape plan that illustrates the size and shape of the property, areas devoted to parking, and landscaping and screening for the use.

- (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.

- (e) **Exemptions.** The requirements of Section G-2.19 do 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. This exemption does not apply to any private educational institution which received approval by the Board of Appeals to operate a private educational institution special exception in a building or on a lot, lots or tract of land that was not owned or leased by any church or religious organization at the time the Board of Appeal's decision was issued.

This provision does not apply to applicant because it is not a church or religious organization.

Conclusion

Upon review of the applicant's petition, staff recommends denial of the proposed school. As proposed, the project is not effective in protecting priority forest and specimen trees, and does not meet Forest Conservation Regulation requirements. The proposed use increases the intensity and scope of special exception uses and is not compatible with the surrounding residential neighborhood. Further, the non-inherent adverse impacts, including limited play area and limited residential neighborhood for students, justify denial of the applicant's petition.

Attachments

Location Map	A-1
Zoning Map	A-2
Site Plan	A-3
Building Elevations	A-4
Landscape Plan	A-5
Environmental Planning Memo	A-6
Preliminary Forest Conservation Plan	A-7
DPS Stormwater Concept Letter	A-8
Transportation Planning Memo	A-9
Queuing and stacking plan	A-10