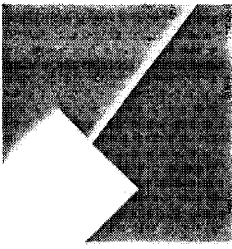


M-NCPPC



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 # 4& 5
June 2, 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: *H.S.* Nkosi Yearwood, Community-Based Planning Division

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: June 4, 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:

Compatibility and intensity

The proposed project, in terms of its overall size, is not compatible with the surrounding existing single-family neighborhood pursuant to general condition finding of Section 59-G-1.21 (a) (4), Section 59-G-1.21 (a)(5) and Section 59-G-1.21 (a)(6) of the Zoning Ordinance.

The proposed project does not meet all of the specific findings for a private educational institution, including Section 59-G-2.19 (a)(1), Section 59-G-2.19 (a)(3) and Section 59-G-2.19 (4)(b) of the Zoning Ordinance.

Master Plan

The proposed project does not adhere to Section 59-G-1.21 (a)(3) of the Zoning Ordinance regarding Master Plan consistency.

Non-inherent elements

The proposed project has two non-inherent adverse impacts, which are “physical and operational characteristics not necessarily associated with the particular use...” (Section 59-G-1.21): limited play area for the number of students and proposed geographical limitations of student population.

SUBJECT 2: STAFF RECOMMENDATION: Preliminary Forest Conservation Plan

Staff recommends APPROVAL of the preliminary forest conservation plan with the following conditions:

1. Final stormwater management plan shall be consistent with the Final Forest Conservation Plan.
2. Final Forest Conservation Plan shall show preservation of two-thirds of the critical root zone of trees no. 51 and 52.
3. Final Forest Conservation Plan shall show preservation of two-thirds of the critical root zone of tree no. 28.

Proposal Description

Ms. Mary Rhim, the operator of the Winchester School, proposes a private educational institution for a maximum of 126 students in grades K through six on the subject property. Enrollment is anticipated to begin with 18 students initially 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. It is 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 the west side of Georgia Avenue and depth of approximately 412 feet. There are no streams, wetlands or 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 MD State highway that provides 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

- A new addition and the existing dwelling will serve as the school's building. The total gross square feet of the proposed school is 11, 050 square feet with a footprint of approximately 5, 525 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: 45 to 50 children will be rotated between outdoor activities and indoor play options (3:00 p.m. to 5:15 p.m.)
- An indoor game room will be provided.

After School Program

- After school hours are 3:00 to 6:00 p.m.
- One bus will depart at 5:30 p.m. and one at 5:45 p.m.
- Approximately 50% of students will depart between 3:00 p.m. and 5:30 p.m. via two 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 during summer will be 126 and the hours of operation remain 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 proposed use.
- During summer session, buses will take students to swimming and other off-site recreational activities.

Background

The Planning Board has previously reviewed the applicant's petition on July 29, 2004 and March 3, 2005, and recommended denial for both the special exception and denied the Forest Conservation Plan on both occasions.

Since the March 2005 Planning Board hearing, the applicant has revised some elements of the proposal including the Forest Conservation Plan. The following chart highlights difference with the current and prior proposals:

Winchester	July 2004	March 2005	June 2005
<i>Number of students</i>	175 students	126 students	126 students
<i>Total number of staff</i>	23 staff	16 staff	16 staff
<i>Building size (total gross sq.ft.)</i>	20,000 sq. ft.	15,000 sq. ft.	11, 050 sq. ft.
<i>Students per acre</i>	87 students per acre	62 students per acre	62 students per acre
<i>Transportation program</i>	2/3 of students from the south; 1/3 from the north	Same as July 2004	Same as July 2004
<i>Parking spaces</i>	25 parking spaces	22 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 centerline, 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

There are three main issues that remain with the applicant's proposal: the geographic distribution of students and potential impact on the road network, incompatibility with surrounding neighborhood, and lack of conformance to the 2005 Olney Master Plan's recommendations.

Transportation

The applicant's statement of operations and Transportation Management Plan (TMP) is based on the premise that two-thirds of students will travel to the site from south of the site, while one-third will travel from the north. This north-south split cannot be reliably enforced since there is no enforcement mechanism to make that a condition of this application. Future changes in demographics in the area also make this assumption highly problematic.

Transportation Planning staff has concluded that a legally binding Transportation Mitigation Agreement (TMA) between the applicant and Montgomery County Planning Board is necessary to mitigate possible Critical Lane Volume (CLV) impact at the Georgia Avenue/Old Baltimore Road intersection.

Project size, scope and compatibility

The proposed project's size, building and parking areas is incompatible with the surrounding single-family neighborhood. It is unusual to have a project of this size on only two acres. The building will be approximately 11,050 square feet, with a footprint of approximately 5, 525 square feet. The gross square feet of existing single-family dwellings in the surrounding neighborhood are much smaller than the proposed use. These dwellings vary from approximately 1,200 gross square feet to 3,200 gross square feet. Furthermore, insufficient amount of play area for a school of this size and the location of the play area, without sufficient setbacks from the neighboring property, is not compatible.

Master Plan

The subject property is located within the Olney Planning Area. Both prior recommendations were reviewed according to the Approved and Adopted 1980 Master Plan, which was under review by the County Council. Since then, the Council has completed its review and the Board has adopted the Approved 2005 Olney Master Plan.

The updated Olney Master Plan reconfirms the subject property's existing R-200 zoning. A private educational institution is allowed by special exception in that zone. Specific special exception recommendations are provided in the Master Plan for the area between Norbeck Road and the Olney Town Center. The Plan's recommendations are the following:

- Discourage special exception uses along Georgia Avenue between Norbeck Road and the Town Center to preserve its low-density residential character.
- Minimize the negative impacts of special exceptions uses such as non-residential character, visibility of parking lots, excessive size, height and scale of buildings, and intrusive lighting.
- Discourage special exceptions uses with excessive imperviousness levels (p.42)

The proposed project is not in conformance with the Olney Master Plan that discourages special exceptions in the area between Norbeck Road and the Olney Town Center. The petition's overall scope and size is out of character to the existing residential neighborhood. The proposed development does minimize the visibility of parking lots by placing it in the rear and side. However, the size of the structure, more than 11,000 square feet with a foot print of 5, 525 square feet is not compatible with the surrounding neighborhood.

The level of imperviousness for the applicant's proposal is approximately 33 percent and does not conform to the Master Plan's objective of reducing imperviousness of new special exceptions in this area. This amount of imperviousness includes the existing and proposed building, expanded driveway, parking area for employees, bus drop-off and pick-up areas, and walkways. As proposed, the project is excessive given the typical imperviousness levels of properties in the existing neighborhood. Typical imperviousness levels in a typical R-200 residential development vary from 20 –22 percent.

As proposed, this project is not in conformance with additional Master Plan recommendations:

- Special exception projects should be compatible with the development pattern of the adjoining uses in terms of height, size, scale, traffic and visual impacts of the structures and parking lots (p.42).
- The section of Georgia Avenue between Norbeck Road and the Town Center especially should be kept free of any large uses that would change its low-density residential character and create pressure to allow other such developments along this stretch (p.42).

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	87, 991 sq. ft or 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 17 feet 108 feet 171 feet
Building Coverage	25 %	6.4 %
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. 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. Based on the revised photometric lighting plan, lights will not spill onto the adjacent properties and is lower in brightness.

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 or 8:00 a.m. to 3:00 or 3:30 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 of travel modes. Within a private school, classrooms, bathrooms, a library or study area, administrative offices, reception area and indoor recreation opportunities are typical.

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. Surrounding properties will be impacted by student activity based on the location of playing areas, number of students playing at any one time, and the size of school properties.

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. The environment will be impacted from potential tree loss, if the site has existing trees, and stormwater run-off from parking areas.

These inherent elements, with the exception of sufficient play area, where students could live, 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, and undersized outdoor play area located adjacent to neighboring property.

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.

Scope

The overall scope of activities on the site is significant since a considerable portion of the site will remain as forest. Most of the parking area, play area and new building will take place on parcel 172 and a portion of parcel 171. The proposed play

area is limited given the number of students anticipated for use at any one time. It is usually that a school with students from approximately ages 4 to 11 would provide the amount of outdoor play area as proposed. Further, the proximity of the play area adjacent to the neighboring property is not compatible.

Environment

Environmental Planning staff has reviewed the applicant's petition and recommends approval of the Preliminary Forest Conservation Plan with the following conditions:

- Final stormwater management plan shall be consistent with the Final Forest Conservation Plan.
- Final Forest Conservation Plan shall show preservation of two-thirds of the critical root zone of trees no. 51 and 52.
- Final Forest Conservation Plan shall show preservation of two-thirds of the critical root zone of tree no. 28.

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 March 2005. Both petitions were denied. (*See Environmental Planning Memo for more information*).

Stormwater Management

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

Forest Conservation

An approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) is included in this application. The 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 revised proposal will clear 0.47 acres of forest and 0.58 acres of forest will be retained. Environmental Planning staff indicates that the proposed design layout is effective in preserving existing high priority forest. This forest is considered high priority by the Forest Conservation Regulations by virtue of its size, composition, and configuration. (*See attachment for Environmental Planning Memo*)

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.

Noise

The proposed use will generate increase noise since approximately 36 to 50 children will be outside at any one time during regular school hours and during the lunch period. A playground, approximately 3, 900 square feet in size, is proposed for the western side of the building and at the rear property line of the dwelling to the immediate north. There is also a proposed "Open Play Area" in the front of the proposed school.

Elevated noise is expected to occur when children are outside playing. The applicant has not produced a noise analysis on the potential impact of children playing outside and its impact on surrounding properties. Therefore, staff cannot evaluate potential noise impacts on surrounding properties. Chapter 31B of the Montgomery County Code establishes maximum allowable noise disturbance levels at 65dBA in residential areas.

Transportation

Transportation Planning has reviewed the applicant's proposal and recommends approval subject to several conditions, including a Trip Mitigation Agreement (TMA) between the applicant and Montgomery County Planning Board.

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 recommends a comprehensive Transportation Management Plan (TMP) that addressed concerns regarding school's possible Critical Lane Volume (CLV) impact at the Georgia Avenue/Old Baltimore Road intersection and potential on-site vehicle circulation and queuing deficiencies (*See Transportation Planning Memo for more details*).

Parking Standards

The proposed use meets the parking requirements for a private educational institution, Section 59-E-3.7 of the Zoning Ordinance. The parking standards state that: "One parking space for each employee, including teachers and administrators, plus sufficient off-street parking space for the safe and convenient loading and unloading of students, plus additional facilities for all student parking." Twenty-two parking spaces are provided onsite, including one disabled. Sixteen spaces are required for the proposed use. Based on the size of a bus, appropriately two to three buses, with varied lengths, can park on the edge of the parking area. No student parking is provided because students are not eligible to drive.

Transportation Management Plan

The applicant has submitted a revised Transportation Management Plan (TMP) that describes how transportation will be managed for the proposed use. Elements of the TMP include: a minimum of one staff member will act as school transportation coordinator; busing approximately two-thirds of student population or 83 students children in a maximum of two buses; one-third of northern residing students will travel via automobiles; and the school will promote carpooling of students (*See attachment for Transportation Management Plan*).

Associated with the TMP, the applicant has submitted bus and automobile queuing plans that illustrates two buses and 13 cars on the property. A key assumption of TMP is that most of the students attending the school will arrive from the south. Enforcing that only one-third of the student population comes from northern neighborhood will be difficult. The TMP does not take into consideration that students could come from any neighborhood.

Community Concerns

Since this petition has been filed, several neighboring residents, civic and residential associations, including Greater Olney Civic Association and the Cherrywood Homeowners Association, have opposed the applicant's petition. Opposition is based on traffic and safety issues, appropriateness of the subject site for a private school, and the

intensity of the proposal. Letters in support were received from parents who have or had students at the applicant's existing child daycare center.

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) and Section 59-G-2.19 (4)(b).

(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 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 proposed use is not consistent with the 2005 Olney Master Plan recommendations that specifically discourages special exceptions between Norbeck Road and the Town Center, including

those that are large and possess excessive imperviousness levels. The Plan supports the existing R-200 zoning and maintaining a 100 feet setback from Georgia Avenue.

- (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 and undeveloped parcels that are much smaller in population density and size 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 with 126 students, 16 staff members, and all the needs of a school on a site with environmental constraints is intense give the existing neighborhood.*

Design, scale and bulk of proposed new structures: *The proposed addition to the existing dwelling will have facades made of stone and brick with large windows. In terms of height, the proposed addition will be lower than the existing dwelling because of the topography and design consideration.*

A new structure is likely to have these characteristics; however, the overall size of the proposed use, approximately 11, 050 gross square feet, and scope of activities is not consistent with the surrounding residential neighborhood.

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 36 students. During lunch period (12:20 p.m. to 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 immediately north of the parking area and adjacent to the single-family dwelling to the immediate north.

Given the number of students, staff, inherent operational characteristics of a school, intensity of the proposal, and character of the neighborhood, 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 two-third's of students from southern neighborhoods will arrive via buses, while the remaining number of students will arrive from the northern areas in automobiles. 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 two 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.*

Number of similar uses: *The only other similar use to the proposed private school is the existing child daycare center (S-1182) at 16910 Georgia Avenue, approximately half a mile from the subject site. This special exception is approved for a maximum of 120 students on 2.8 acres, which is a larger site than the proposed use and the students are younger.*

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 three vacant parcels (P165, P167 and P169) immediately west of the subject property. These parcels are about 6.5 acres in the R-200 zone. Any future development on P169 would have a parking area for cars, buses and associated lights,

with a play area, either in its front or side yard. This may impact the peaceful enjoyment and development of this property. The project has a board-on-board fence and a forested area separating it from the vacant parcel. Additionally, the property to the immediate north will have a play area, approximately 125 feet to the rear of the existing dwelling. During outdoor play, it is possible that a stray ball or other instrument may enter adjacent northern property.

- (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, it is likely that the adjacent residences will hear children playing outside. This noise could be objectionable since 36 to 50 students could be outside during school hours. The play area with equipment is located adjacent to the rear of the immediate residential property to the north. Further, during morning and afternoon drop-off and pick-up, the amount of noise from the site will increase.

The amount of outdoor activity and noise from students may cause objectionable noise. 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. If buses remain onsite to avoid entering the AM peak period and buses remain on, then the amount of noise, fumes and odors will increase. If this occurs, then noise and fumes could become objectionable.

- (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 surrounding neighborhood.

The 2005 Olney Master Plan discourages special exceptions along Georgia Avenue between Norbeck Road and the Olney Town Center. The Plan does not support large special exceptions that would alter low residential area and special exceptions with excessive imperviousness levels. The proposed project has an imperviousness level of approximately 33%. Staff concludes that the proposed use is not consistent with the Olney Master Plan recommendations.

- (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 access to the site for visitors, students and employees.

The applicant has submitted a stacking and queuing plan that illustrates two buses and 13 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. Subsequently, residents and visitors to the site may be impacted if the population changes.

- (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. The Department of Permitting Services (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 a safety hazard 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:

The goal of Transportation Planning staff recommendation for a Trip Mitigation Agreement is to avoid impacting Critical Lane Volumes (CLVs) at Georgia Avenue and Old Baltimore Road. 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. Noise and physical activity from students playing in the rear of the property and potential storage of buses to avoid conflicting with the AM peak period raises compatibility issues.

The revised development does minimize existing tree loss than the prior proposals. However, the overall scope of the proposal 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 of the proposed school will have large windows with brick and stone on the elevations, which is residential in nature. 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, which is predominately single-family residential. A new parking area, lights and a play area will impact three undeveloped parcels, immediate west of subject development will change future development. Further, the existing property to the immediate north will have a new play area for 36 to 50 students in at its rear.

- (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 reduces automobile trips to the site. Most of the traffic to the site will use Georgia Avenue, especially buses coming from the south. Georgia Avenue is classified as a major highway.

Transportation Planning staff has concerns regarding additional traffic at Old Baltimore Road and Georgia Avenue.

- b) Proximity to arterial roads and major highways;

The proposed development fronts onto Georgia Avenue, a major highway that provides the only access to the site. Hines Road, which is north of the subject site, is classified as an arterial with an 80-foot right-of-way. Cherry-Valley, which is south of the subject site, is classified as a primary residential.

- 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 13 cars and two buses at one time. However, this 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 grade level per night with "parents carpooling in order not to exceed available onsite parking."

2. Noise or type of physical activity;

The physical activity of students for the use is intense given the existing character of the neighborhood. Further, the associated noise from physical activity will impact surrounding properties.

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

The character and percentage of the residential community is primarily single-family dwellings in the R-200 zone. This zone requires a minimum of 20,000 square feet per lot. The density of existing development constitutes the size of singles, couples and families. There are three undeveloped parcels of land immediately west of the subject site.

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

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

The subject site is mostly flat with a slight slop 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's density is 62 students per acre. This density is high given the subject site's environmental limitations, and character of the 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.

The proposed play area is located west of the new building and at the rear of the neighboring parcel. Play equipment will be placed in this area, which is approximately 3,900 square feet. A board-on-board fence is proposed to screen the neighboring property. However, the play area is not placed in a location to avoid any intrusion into the adjacent dwelling.

No outdoor sports or recreation facilities, such as a soccer field, are planned for the subject use. 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. The applicant has made several modifications to the petition since the initial submission and the March 2005 review. However, the proposed project does not conform to the 2005 Olney Master Plan that discourages special exceptions along Georgia Avenue between Norbeck Road and the Town Center. The proposed is also 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	1
Zoning Map	2
Site Plan	3
Landscape Plan	4
Building Elevations	5
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Environmental Planning Memo	7
Preliminary Forest Conservation Plan	8
Transportation Planning Memo	9
Queuing and stacking plan	10
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