



**Special Exception Request, CBA-1261-D, The Barrie School**

---

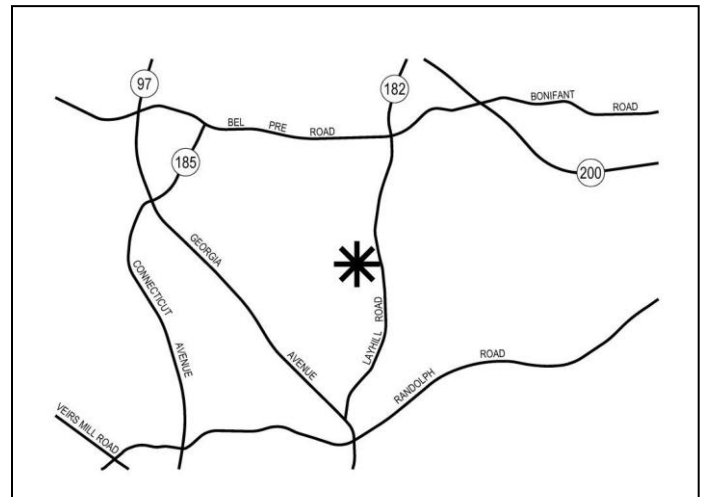
- [SD] Stephanie Dickel, Senior Planner, Area 2 Division, [Stephanie.Dickel@montgomeryplanning.org](mailto:Stephanie.Dickel@montgomeryplanning.org), 301-495-4527
- [YA] Khalid Afzal, Planner Supervisor, Area 2 Division, [Khalid.Afzal@montgomeryplanning.org](mailto:Khalid.Afzal@montgomeryplanning.org), 301-495-4650
- [AK] Glenn Kreger, Chief, Area 2 Division, [Glenn.Kreger@montgomeryplanning.org](mailto:Glenn.Kreger@montgomeryplanning.org), 301-495-4653

Completed: 10/25/12

---

**description**

- 13500 Layhill Road
- R-90 and R-200 Zones, 1989 Approved and Adopted *Master Plan for the Communities of Kensington-Wheaton*
- Approximately 44.86 acres
- Applicant: The Barrie School
- Applicant requests to modify its existing special exception approval for a private educational institution to improve facilities on-site. No change is proposed to the maximum enrollment, staffing or operations
- Filing date: 12/20/2011
- Public Hearing scheduled by the Office of Zoning and Administrative Hearings for 12/3/2012



**summary**

- Staff recommends approval with conditions.
- The application complies with the general conditions and standards for granting of a special exception for a private educational institution. The application does not conflict with any land use recommendations of the applicable master plan or alter the character of the area and is unlikely to result in any unacceptable noise, traffic, or environmental impacts on surrounding properties.

## RECOMMENDATION AND CONDITIONS OF APPROVAL

Staff recommends approval of Special Exception CBA-1261-D, The Barrie School, for physical improvements to the site that will replace its aging buildings, reorient the soccer and practice fields, and replace the natural surface outdoor soccer field with artificial turf, subject to the following conditions:

1. All terms and conditions of the previously approved special exception shall remain in full force and effect, except as modified by this petition. The Applicant's Statement of Operations and special exception exhibits must be amended to include all of the changes required by these conditions.
2. Physical improvements are limited to those shown on the special exception site plan submitted with the application and stamped "Received" by the M-NCPPC on May 8, 2012, and on the landscape plan submitted with the application and stamped "Received" by the M-NCPPC on May 22, 2012 as provided in Attachment 2.
3. Any lighting along the property lines must not exceed 0.1 foot-candles.
4. No vehicles destined for the school are allowed to be queued off-site and onto adjacent streets during the morning drop-off and afternoon pick-up periods.
5. The applicant must provide four inverted-U bike racks located near Building "C" in a well-lit and weather-protected area, as shown on the site plan.
6. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management concept approval letter dated August 31, 2012. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Special Exception approval.
7. The Applicant must comply with all conditions of the Forest Conservation Plan.
8. Copies of the Final Forest Conservation Plan, recorded Category I Conservation Easement, and Maintenance and Management Agreement must be kept at the Barrie School and given to the school maintenance staff to ensure compliance with conditions of the Forest Conservation Plan.

## **BACKGROUND**

The property comprises approximately 44.86 acres consisting of three contiguous parcels: Parcel C, Block 2, “Strathmore at Bel Pre” subdivision (40.35 acres); Part of Outlot B, Sector 20, Block 39, “Strathmore at Bel Pre” subdivision (4.39 acres); and Parcel 806 (0.11 acres). All improvements to the site are located on the recorded parcel. The majority of the site is zoned R-200 with the northeast quadrant zoned R-90. The property is densely wooded and bisected with a north/south alignment of a tributary to the Northwest Branch Stream. The school currently has approval for a maximum enrollment of 716 students.

Existing improvements include buildings serving primarily the lower grades (Pre-K through 3<sup>rd</sup> grade) located at the western end of the campus (also referred to as the “Upper Campus”); in general, these are the oldest structures. The middle and upper grades (4<sup>th</sup> grade through 12<sup>th</sup> grade) school buildings are located on the eastern side of the campus (also referred to as the “Lower Campus”). As part of the school’s long-range planning, the school has determined that it will eventually replace the modular units located on the Lower Campus with a permanent structure sometime in the future. Those plans are still conceptual and are not a part of this special exception request.

In addition to the structures on the Upper and Lower Campuses, there are also several parking areas, an outdoor amphitheater, a soccer field, a smaller practice field, and several outdoor play areas, all of which are screened from the surrounding neighborhoods by woods and landscaping.

## **SPECIAL EXCEPTION HISTORY**

The Barrie School was founded in 1932 and currently operates a co-educational, college preparatory, independent day school on the Layhill Road Campus. The legislative history of The Barrie School is described below:

- Case No. 431 (June 6, 1956): A special exception for a child day camp and school.
- Case No. 678 (granted 1958): Clarified the special exception to reflect the operations of a school, day camp, and riding stable. The summer camp and riding stable continue to remain an integral part of the school program.
- Case No. S-779 (1981): Modification to allow the school to re-establish its secondary program through 12<sup>th</sup> grade. Those plans were temporarily abandoned in 1984 when the School entered into a lease agreement with Montgomery County Public Schools to use one of its abandoned school facilities for its upper school students
- Case No. CBA-1261-A (1990): Modification to permit additional buildings and students with a maximum enrollment of 716 students.
- Case No. CBA-1261-A (1991): Administrative approval for the use of temporary modular units and the renovation of two existing buildings.
- Case No. CBA-1261-B (1996): Modification to allow a new office trailer and modular classroom.
- Case No. CBA-1261-A (1998): Administrative approval for the relocation and change in size of the gymnasium.
- Preliminary Plan No 1-90100R (February 2000): Revision to Preliminary Plan Condition 1, per Board of Appeals Case No. CBA-1261-A.
- Case No. CBA-1261-C (2001): Modification for additional modular buildings.

- Case No. CBA-1261-C (March 2012): Administrative approval to allow the replacement of the four modular classrooms located on the Lower Campus with four new pre-fabricated classrooms.

## **PROJECT DESCRIPTION**

The Applicant, the Barrie School, located at 13500 Layhill Road in Silver Spring, is requesting a modification of its existing special exception for the purpose of implementing the school's long-range plans for physical improvements to the campus. The development will be gradual, with an initial focus on the replacement of the older buildings, constructed in the 1960s and 1970s located on the Upper Campus. The Applicant is not requesting to increase the existing cap on enrollment nor is it requesting any change in the current operations.

The school proposes to begin with the construction of Building A, located on the Upper Campus and the proposed improvements to the soccer field and practice field area. Building A will replace the existing Business Office and the Main Administrative Office on the Upper Campus. It will be a two-story building, approximately 34,937 square feet and will contain classroom space as well as space for the administrative offices, a new media center, a kitchen, and conference areas. A proposed future addition to Building A will add an additional 7,400 square feet. Access to Building A will be from a single loop driveway that parents will use for the drop-off and pick-up of students, in the same manner as it happens today.

The school currently has an athletic field and a small practice field located on the north side of Barrie Campus Drive near the center of the campus, and the athletic field does not satisfy the minimum regulation size for a soccer field serving the school's high school players. The Applicant proposes to build a new, regulation size soccer field and a practice field in the same approximate area but with a new north/south orientation. The reorientation will make it possible to accommodate a soccer field of 300 ft. x 180 ft. The field will also have artificial turf.

Building B and C will be the next phases of construction. Building B will be located west of Building A and will replace Rothchild Hall and Neubert Hall. It will be a one-story building consisting of 18,328 square feet that will contain classrooms, an art room, and office and teacher workroom spaces. Future additions to Building B will add another 2,800 square feet when constructed. Building C is a one-story building consisting of 18,000 square feet located south/southwest of Buildings A and B and will replace Strauss Gymnasium and Founders Hall. Building C will provide additional gymnasium/auditorium space, instructional class space and camp offices. It is anticipated that McDermott Hall will be demolished in conjunction with the construction of Building C. A small windmill is proposed to be located on the Upper Campus near Building B and may be used to power exterior lighting or other small scope items.

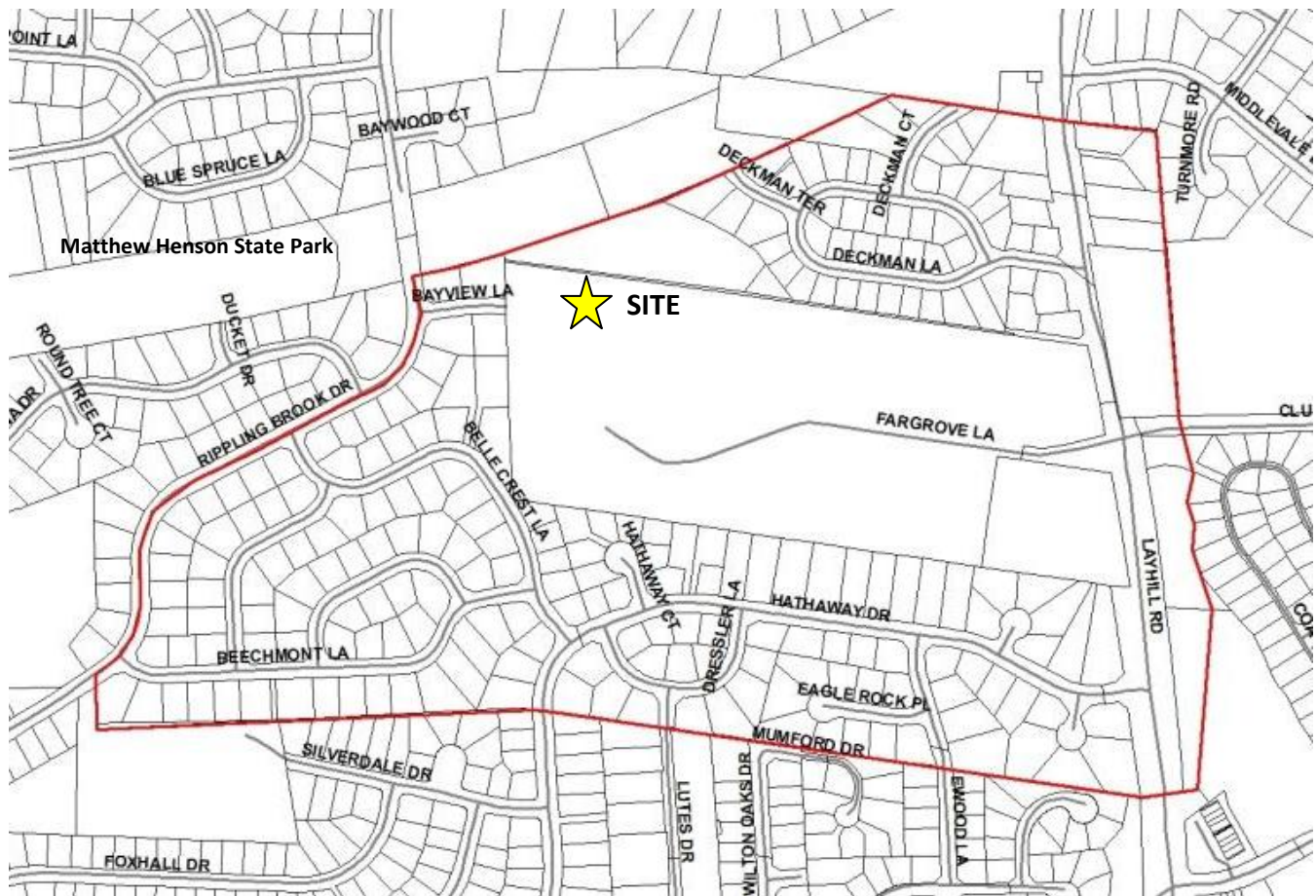
The Applicant proposes new landscaping to create groves of shade trees around the proposed new buildings, either by supplementing existing trees or through new plantings. Evergreen trees will be planted along the edge of the existing forest, in locations that soften and screen the views of the proposed buildings for neighboring residences.

The proposed lighting will replace all non-cutoff fixtures and will be full cutoff area lights. The existing gravel parking lot that is illuminated by two light poles will remain. The proposed pole mounted lights will provide overall lighting for the driveways and drop-off area. Light levels will not exceed 0.1 footcandles at all property lines and is in full conformance with the Zoning Ordinance standards pertaining to lighting in residential areas.

The proposed development will be designed to meet Maryland Department of the Environment’s adopted Environmental Site Design (ESD) criteria. The goal of these criteria is to treat the on-site developed area’s run-off such that the site will perform hydrologically as if it was not developed. The proposed stormwater management practices for this special exception involve micro bio-filters located in the Upper Campus and proposed athletic field.

## NEIGHBORHOOD DESCRIPTION

The Barrie School campus is located on the west side of Layhill Road at the intersection with Fargrove Lane (Barrie Campus Drive). The land uses surrounding the existing school are primarily residential. Properties to the north, south and west are improved with single-family residences and are zoned R-90. Wat Thai, D.C., a Buddhist temple, is located immediately to the southeast of the subject site. Across Layhill Road and east of the school is the Middlevale Park and single-family homes zoned R-150 and R-200.



*Neighborhood Area Map*

The neighborhood (outlined in red on the map, page 5) can be generally described as the Matthew Henson State Park to the north, Layhill Road (including the single-family homes fronting the road) to the east, the Strathmore residential subdivision (residential homes along Hathaway Drive) and Wat Thai D.C. to the south, and Rippling Brook Drive and Beechmont Lane to the west/southwest. Staff identified two special exception applications on two different properties within the staff-defined neighborhood, both for accessory apartments.

## **MASTER PLAN CONFORMANCE**

This site is located within the boundaries of the 1989 Approved and Adopted *Master Plan for the Kensington-Wheaton Communities* (Master Plan). On page 51, the Master Plan identified the Barrie School site, “#3 Layhill Road and Fargrove Lane”, as one of the “Critical Parcels and Areas”. The site comprises seven parcels, and the Master Plan designated all parcels, with the exception of Outlot B, as suitable for the cluster option. It recommended that an easement for a multi-use trail along the stream valley be considered, however it should not be requested until the environmental impact of the trail is assessed. On Page 52, Illustration 4-2 indicates a multi-use trail along the southern boundary of the site, connecting the multi-use trail across the western portion of the site to Layhill Road.

The relevant overall Master Plan objectives include:

“To protect and stabilize the extent, location, and character of existing residential and commercial land uses;” and “to maintain the well-established low- to medium-density residential character which prevails over most of the planning area.” (pg. 40)

“To preserve the identity and integrity of residential areas along major highway corridors, to soften the impact of major highways on adjacent homes, and to strengthen the distinction between commercial and residential areas.” (p. 72)

One of the Plan’s goals was to prevent changes in the interior neighborhoods abutting major roadways that could impact the residential character of the corridors, either through neglect or by allowing more conversions to non-residential use. The Master Plan established a Green Corridors policy as an implementation mechanism to soften the impact of major highways on abutting residential areas, and to strengthen community stability by creating attractive highway corridors. To that end, the Plan recommended that the Board of Appeals require full adherence to the following guidelines for special exceptions in the green corridors (p. 75):

“Screening should be required for parking, even when less than six parking spaces are involved.

Green space should be retained, particularly when it provides trees that screen buildings.

Existing buildings should be screened with plant material.

Any addition to existing buildings should be compatible with the existing residential architecture and adjoining neighborhoods. Visibility of buildings to residents of nearby communities should be taken into account. Any new construction or building that would indicate substantial expansion should be placed where it will add as little as possible to the visible size of the building, and should be landscaped to provide as much screening as possible.

At least some of the plantings used to screen parking and buildings should conform to the choices of characteristic plantings made for each highway under the green corridors policy as noted later in this chapter.”

Staff has determined that the proposal meets the above-outlined guidance and criteria. The Lower Campus (in the front part of the site along Layhill Road) is not proposed for any changes or improvements as part of this special exception request. The existing parking lot is set back approximately 224-feet from the property line along Layhill Road. In addition, there is ample screening in the setback area to block views from the roadway into the property (see Figure 1).



*Figure 1: Street View from Layhill Road*

With regards to the consistency with the Green Corridors Policy (p. 70), Illustration A-10 (pg. 216), the Conceptual Landscape Planting for Green Corridors recommends a minimum 10-foot planting, with 25-foot setbacks to the residential structures. The planting, as shown in Figure 2, shows the Master Plan preference for shade trees along the landscape buffer. The proposed project does not alter the existing parking facilities for the Lower Campus, the existing buffer between Layhill Road, or the parking facility. The conceptual configuration is not achievable along this frontage, as overhead power lines run along the road precluding planting of large shade trees.

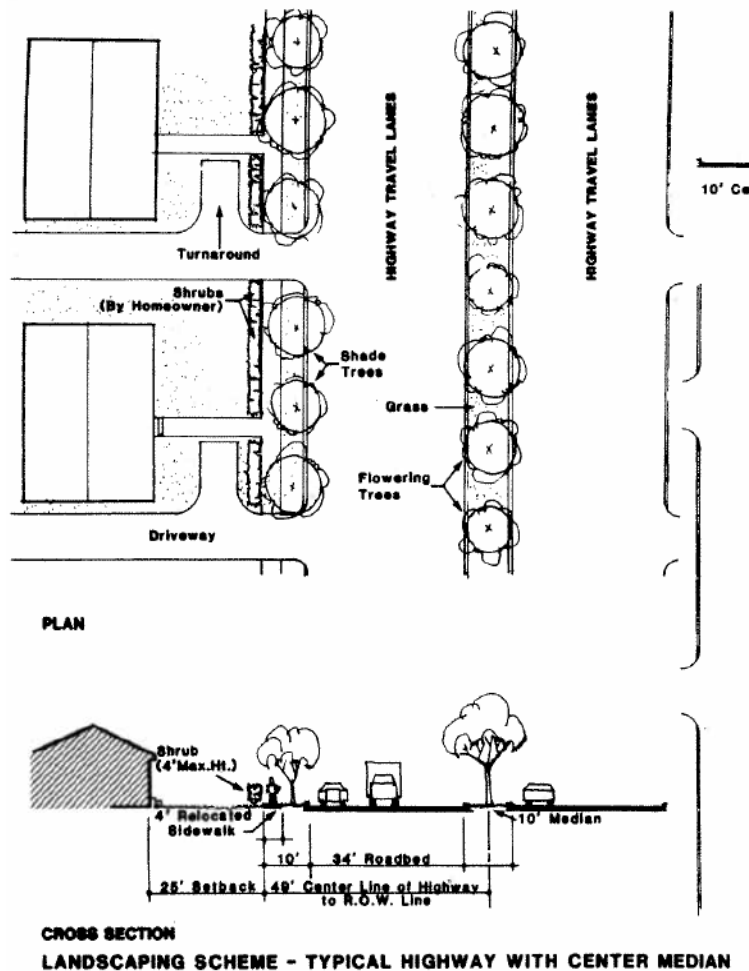


Figure 2: Conceptual Landscape Planting for Green Corridors, Master Plan for the Kensington-Wheaton Communities, pg. 216

All proposed buildings are well screened and landscaped and designed to fit within the natural surroundings. The building height for Building A is 42-feet above grade, 32 feet for Building B, and 34 feet for Building C, which are well below the maximum height of 50 feet achievable in the R-200 Zone. Each proposed building has wood, stone and metal elements, and long building walls are divided into distinct planes by wall offsets and other architectural articulations, which achieve compatible scale and massing.

## TRANSPORTATION PLANNING

The applicant is not increasing the currently permitted maximum number of site-generated peak-hour trips during the weekday morning and evening peak periods. The maximum enrollment will not exceed the allowed 716 students as approved by the Special Exception Case No. CBA-1261-A and the Montgomery County Planning Board updated APF review under Preliminary Plan No. 1-90100R, which remain valid. A traffic study is not required to satisfy the Local Area Transportation Review test, and Policy Area Mobility Review mitigation is not required because the special exception use generates fewer than three new trips within the weekday morning and evening periods.



## ENVIRONMENTAL PLANNING

### Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420120300) for the Subject Property on 5/8/2012. The 44.86-acre Subject Property is bisected by a tributary of the Northwest Branch, running from north to south across the property. There are 4.69 acres of wetlands and 13.43 acres of floodplain associated with the stream, with a total of 20.47 acres of stream valley buffer. The Subject Property has 22.62 acres of forest; 14.90 acres of this forest is located within stream valley buffers. Approximately 63% of the Subject Property is encumbered with environmental resources – stream valley buffer or forest. The Subject Property is in the Bel Pre subwatershed of the Northwest Branch – a Use IV watershed.

The Barrie School was developed on this site in 1956, well before current environmental regulations were established. While development has mostly occurred in accordance with current practices, there are some existing facilities within the stream valley buffers, as the school has a strong outdoor educational component and uses the site intensively. For example, there is a basketball court located in a clearing between two channels of the Northwest Branch and the current playing fields are partially in the stream valley buffer. Additionally, there are numerous hard and soft surface paths, as well as art installations, archery ranges, and other temporary features that require no disturbance.

In cases of redevelopment, staff generally recommends removal of all encroachments, and requires protection of the entire stream valley buffer. However, the Applicant is not proposing to redevelop the site but instead replace and upgrade the existing facilities in approximately the same locations.

Given that the Barrie School is an existing, approved use, staff has developed the following approach to applying the Environmental Guidelines to the proposed improvements:

**1. Allow existing encroachments to remain in areas where no changes are proposed.**

These encroachments are documented on the Preliminary Forest Conservation Plan and cannot be expanded or improved.

**2. Require new permanent stream valley buffer encroachments to be mitigated by planting of unforested stream valley buffer at a rate of 2:1.**

The proposed plan replaces the two existing substandard playing fields with one artificial turf field. The existing fields are partially in the stream valley buffer. The optimum situation would be to locate the artificial turf field outside of the stream valley buffer. Unfortunately, there is no other location on-site to accommodate a playing field of the proposed size. The proposed field is rotated 90° from the current layout, which minimizes the amount of forest loss and disturbance in the stream valley buffer and does not expand the area of encroachment. As the proposed artificial turf field is impervious, staff believes that mitigation at a 2:1 rate is consistent with Planning Board practice for unavoidable stream valley buffer encroachment. The Applicant is proposing to meet this requirement by planting unforested stream valley buffer on-site.

**3. Allow new stream valley buffer encroachments that will not damage forest or water quality without requiring mitigation.**

The Applicant has proposed potential additional facilities within the forested stream valley buffer. These facilities include rope courses, a tree house, natural surface paths, and art installations. These encroachments will not disturb the tree canopy or forest floor, or cause any water quality impacts, but will enrich the educational experience provided by the school.

Staff believes that this approach provides adequate water quality protection while allowing the school to continue with their existing operations, and is consistent with previous Planning Board actions and in compliance with the *Environmental Guidelines*.

**Forest Conservation**

Forest conservation issues are covered in a separate regulatory memo to the Planning Board. In summary, this property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). The proposed Preliminary Forest Conservation Plan (PFCP) shows the removal of 0.91 acres of the 22.62 acres of existing forest. The proposed PFCP meets Chapter 22A by retaining 21.71 acres of forest, and planting 1.54 acres of forest in stream valley buffers as mitigation for permanent stream valley buffer encroachment.

The proposed PFCP delineates areas of Category I Conservation Easement on the Subject Property. The Applicant is requesting a modification to the standard Category I Conservation Easement over the portion of forest outside of the stream valley buffer (approximately 7.72 acres). This modification will allow the Applicant to remove the Category I Conservation Easement, as part of a Planning Board-approved development plan, without incurring a 2:1 penalty for easement removal. The Applicant will still be subject to any environmental regulations in effect at the time of plan modification. Staff supports a modified Category I Conservation Easement over existing forest outside of the stream valley buffer because it provides for protection of forest until its removal is necessary and allows for future development of an established institutional use without penalty for retaining the forest.

The PFCP also includes a variance request for the potential impact to 44 trees, twenty of which will be affected by development but retained, but the remaining 24 trees will be removed. Any of the trees proposed for removal outside of the forest being removed will be mitigated by on-site tree planting.

**Stormwater Management**

Montgomery County Department of Permitting Services approved the stormwater management concept plan on August 31, 2012. The plan was designed in accordance with the latest revisions to the Maryland Stormwater Management Design Manual, Environmental Site Design (ESD), which relies upon integrating site design, natural hydrology, and smaller controls to capture and treat runoff.

The proposed micro bio-filters will clean the property's runoff by capturing water above the surface of the facility and then allowing the water to slowly filter through layers of mulch, planting soil, sand, and stone. The water is then captured by an under drain system that outfalls to a safe and non-erosive location, such as a stream or storm drain. The proposed development includes eight (8) micro bio-filters that are sized to meet the required ESD criteria. Staff believes that this approach provides adequate water quality protection while allowing the school to continue with their existing operations and is consistent with previous Planning Board actions and in compliance with the *Environmental Guidelines*.

## COMMUNITY COMMENT

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received any correspondence on this Application.

## STANDARDS FOR EVALUATION

The standard for evaluation under 59-G-1.21 requires consideration of the inherent and non-inherent effects of the proposed use at the proposed location. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size of scale or operations. Inherent adverse effects, alone, are not a sufficient basis for denial of a special exception.

Non-inherent adverse effects are the physical and operational effects 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 inherent effects, are a sufficient basis to deny a special exception.

The inherent characteristics of a private educational institution include: (1) buildings and structures, as well as outdoor areas for the children to play; (2) early and long hours of operation; (3) traffic to and from the site by the staff and parents; (4) deliveries of supplies and trash pick-up; (5) drop-off and pick-up areas for the students; and (6) noise from the children playing in the play areas.

In this case, there are no adverse effects that will negatively impact the community above and beyond those necessarily inherent to a private educational institution.

### §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.

**Staff Analysis:** A private educational institution is a permissible special exception in the R-90 and R-200 Zones.

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2.

**Staff Analysis:** Based on the applicant's submittal, the proposed use would comply with the standards and requirements of section §59-G-2.

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

objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

**Staff Analysis:** The subject property is located within the boundaries of the 1989 Approved and Adopted *Master Plan for the Communities of Kensington-Wheaton*. The Master Plan supports the existing R-200 and R-90 Zones for the Property and, as previously noted, private educational institutions are allowed by special exception in those zones. The Barrie School was specifically identified as a "critical parcel and areas." Critical parcels and areas are sites where significant land use and zoning changes have been recommended by the Master Plan or where changes with significant impacts can occur. The Master Plan recommended that all parcels with the exception of Outlot B are suitable for the cluster option, should the site be redeveloped (this site is not proposed for redevelopment). The Plan objectives include protecting and stabilizing the extent, location, and character of existing residential and commercial land uses and maintaining the well-established low- to medium-density residential character which prevails over most of the planning area. The proposed modifications to the Barrie School will continue to protect the extent, location, and character of existing residential and commercial land uses. The proposed buildings and extensive landscaping will continue to maintain the well-established low- to medium-density residential character which prevails over most of the planning area. The Master Plan provides guidance for siting and reviewing special exceptions, unless it is along an identified "Green Corridor," recommending that the Board of Appeals require full adherence to the guidelines for special exceptions in green corridors. The proposed project does not alter the existing parking facilities for the Lower Campus, the existing buffer between Layhill Road, or the parking facility. The conceptual configuration is not achievable along this frontage, as overhead power lines run along the road precluding planting of large shade trees. Staff has reviewed the proposed special exception modification for compliance and has determined that the request meets these implementation mechanisms. The proposed modification will not conflict with any land use goals or green corridor policy of the master plan and the residential character of the neighborhood will not be adversely affected.

- (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. The Board or Hearing Examiner must consider whether the public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the special exception application was submitted.

**Staff Analysis:** The Barrie School has existed in harmony with the surrounding neighborhood for many years. The proposed special exception modification does not introduce new school activities to the site or propose any changes to its operations. As shown on the site plan and landscape plan, generous setbacks including forested areas are provided from adjoining properties and roadways. Access and on-site circulation will not change from what has been in operation for years.

- (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.

**Staff Analysis:** The proposed modifications will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood. The property has been used as a private institution for many years and the facilities, including the addition of stormwater management facilities, will ensure that the use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

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

**Staff Analysis:** The use has existed for years with no evidence of any of these adverse effects having occurred based on its operational characteristics. It is anticipated that any special exception will cause some or all of the above adverse effects during the construction phases. The proposed light fixtures will incorporate full cut-offs to prevent spread of light into adjoining residential properties. Extensive landscaping will provide additional screening to assure no objectionable impact. Therefore, the proposed application will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity, irrespective of any adverse effects the use may have if established elsewhere.

- (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.

**Staff Analysis:** The proposed modifications will not increase the number, intensity or scope of the special exception uses sufficiently to adversely affect the area. Staff identified two special exception applications within staff's defined neighborhood, both for accessory apartments; one was approved in 2003, and the other denied in 1996. Therefore, the proposed modifications will not result in an excessive concentration of special exception uses in general or private educational institutions in particular, and will not adversely affect the area or alter its residential character.

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

**Staff Analysis:** The proposed special exception modifications will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area.

(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.

- (A.) 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.
- (B.) If the special exception does not require approval of a preliminary plan of subdivision, the Board of Appeals must determine the adequacy of public facilities when it considers the special exception application. The Board must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Management Policy standards in effect when the application was submitted.
- (C.) With regard to public roads, the Board or the Hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.

**Staff Analysis:** This modification does not require approval of a preliminary plan, and therefore, it must be analyzed under subsection (B). The site is adequately served by public facilities and will continue to be adequately served under the growth management policies in effect when the application was filed. The maximum enrollment will not exceed the allowed 716 students as approved by the Board of Appeals under Special Exception Case No. CBA-1261-A and the Montgomery County Planning Board updated APF review under Preliminary Plan No. 1-90100R. A traffic study is not required to satisfy the Local Area Transportation Review test and Policy Area Mobility Review mitigation is not required because the special exception use generates fewer than three new trips within the weekday morning and evening periods. The proposed modifications will not reduce the safety of vehicle or pedestrian traffic.

### **§59-G-1.23 General Development Standards (Applicable subsections only)**

- a) **Development Standards.** Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.21 or in Section G-2.

**Staff Analysis:** This site is located in the R-90 and R-200 Zones. A comparison of the R-90 and R-200 Zones development standards with the applicant's proposal is in Table 1. Staff finds that the proposed special exception meets the required development standards of the zone.

**Table 1: Applicable Development Standards – R-90 and R-200 Zones**

Development Standards	Requirement	Provided
Zone	R-90/R-200	R-90/R-200
Minimum Lot Area	9,000 SF/20,000 SF	1,757,646 SF or 40.35 acres
Minimum Lot Width at Building Line	100 ft./75 ft.	411 ft.
Minimum Setback from Street	30 ft./40 ft.	167 ft. (from Layhill Road)
Minimum from Adjoining Lot	8 ft./12 ft.	95 ft.
Minimum Setback from Rear	25 ft./30 ft.	132 ft.
Maximum Building Height	35 ft./50 ft.	42 ft. (Buildings are located only in R-200)
Maximum Lot Coverage	30% / 25%	±8%

- b) **Parking Requirements.** Special Exceptions are subject to all relevant requirements of Article 59-E.

**Staff Analysis:** The project proposes to maintain the existing employee parking facilities and access. The main drive for the school provides access for all parking facilities and the single loop serving the Upper Campus used for the drop-off and pick-up of students. Beyond this loop, the drive is closed except for service vehicles, horse trailers, and fire and rescue vehicles as necessary. Existing parking has been found adequate to accommodate the needs of the employees, teachers and administrators. There are currently 181 parking spaces on site, no change in the existing parking is proposed. §59-E-3.7 of the Zoning Ordinance requires a parking space for each employee, including teachers and administrators, plus sufficient off-street parking areas for the safe and convenient loading and unloading of students, and additional facilities for student parking. Based on this requirement, 101 parking spaces would be needed for staff. This leaves a balance of 80 spaces available for student needs. Based on the existing cap of 716 students, 80 spaces is sufficient for the safe and convenient loading and unloading of students, as well as individual student parking needs. The special exception modification does not change the School’s operations, no increase in the number of students or staff and no change in the comings and goings of students and staff, therefore the existing parking is not affected. All parking facilities conform to the required setbacks and are well screened from neighboring properties by existing dense landscaping and natural features.

- d) **Forest conservation.** If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.

**Staff Analysis:** This property is subject to Chapter 22A of the Montgomery County Code, Montgomery County Forest Conservation Law. Staff approved a Natural Resource Inventory/Forest Stand Delineation Plan (No. 4-01294) for the site on April 26, 2001 which remains valid. In response to staff's request for an updated document and in support of a pending Forest Conservation Plan, the Applicant submitted a new NRI/FSD (No. 420120300) which staff approved on May 8, 2012.

In conjunction with the Forest Conservation Plan, the applicant has requested a Forest Conservation Variance. The variance is required to impact or remove specimen trees 30" DBH (diameter at breast height) or greater. Forty-four (44) specimen trees with 30" DBH or greater will be impacted by the proposed development, twenty (20) of which are designated to be saved, while the remaining twenty-four (24) are proposed for removal.

The Applicant gave considerable thought to the natural features of the campus, particularly with respect to the protection of existing trees. The proposed buildings were designed to respond to the site and topography in a way that respects the natural setting and to minimize overall impact. Several species of trees proposed for removal including the American Beech and American Oak will be harvested and integrated into the proposed buildings as architectural elements and furniture.

The proposed modifications comply with the requirements as discussed in the Environmental Planning section of this report.

- f) **Signs.** The display of a sign must comply with Article 59-F.

**Staff Analysis:** An existing monument display sign is located adjacent to the main driveway entrance and complies with Article 59-F.

- g) **Building compatibility in residential zones.** Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping, scale, bulk height, materials and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.

**Staff Analysis:** The proposed construction will be compatible with the surrounding area in terms of its siting, landscaping, appearance, size, scale and design of the new buildings and related athletic facilities. The buildings utilize natural building materials and will be well buffered from adjacent uses by existing vegetation and proposed landscaping.



- h) **Lighting in residential zones.** All outdoor lighting must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:
- (1) Luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.
  - (2) Lighting levels along the side and rear lot lines must not exceed 0.1 foot-candles.

**Staff Analysis:** The applicant is proposing standard box lighting, mounted on a 20-foot high bronze colored pole. The lights will be equipped with full cutoff fixtures to ensure that the lighting level at the property lines will not exceed 0.1 footcandles and ensure that the source point of the light is not visible.

### **§59-G-2.19 Educational Institution, Private**

- (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;

**Staff Analysis:** The proposed application will not constitute a nuisance to the surrounding neighborhood. The school has been in operation for many years and this special exception modification is limited to the physical site improvements. The Applicant is not requesting to change the number of students or its operations. The school's buildings and facilities, both existing and proposed, are well setback from the surrounding neighborhood and further buffered by existing topography, existing vegetation and additional proposed landscaping.

- (2) Except for buildings and additions completed, or for which a building permit has been obtained before (date of adoption [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 institution will be located on a lot, tract, or parcel of land of 2 acres or less, in either an undeveloped area or an area substantially developed with single-family homes, 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;

**Staff Analysis:** The proposed buildings and facilities will be architecturally compatible with the other buildings on the campus as well as homes in the immediate neighborhood. The natural buildings materials proposed as well as the placement of the buildings in their natural setting, will take full advantage of the solar orientation while minimalizing impact on steep slopes and site hydrology (see Attachment 7).

- (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

**Staff Analysis:** As stated above, the proposed modification will not adversely alter the present character or future development of the surrounding residential community.

- (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 increased traffic on residential streets;
      - b) Proximity to arterial roads and major highways;
      - c) Provision of measures for Transportation Demand Management as defined in Section 42A-21 of the Montgomery County Code;
      - 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 for spilling over onto adjacent streets; and
    - 2) Noise or type of physical activity;
    - 3) Character, percentage, and density of existing development and zoning in the community;
    - 4) Topography of the land to be used for the special exception;
    - 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.

**Staff Analysis:** The current approved enrollment for The Barrie School is 716 students. No change in the cap on the enrollment is proposed. The Adequate Public Facilities (APF) approval for the school remains valid under the Preliminary Plan No. 1-90100R. Parking areas and driveways will remain as presently located.

All development standards for the R-90 and R-200 Zones are satisfied with respect to lot size and frontage, maximum building height and coverage.

With respect to topography, the proposed grades and contours will be appropriate for school activities and athletics.

- 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, solid fences and walls.

**Staff Analysis:** The new, regulation size soccer field and practice field will be located in the same approximate area as the existing playing fields. Although the fields will be reoriented in a new north/south orientation and have larger overall dimensions, they will not impact the adjacent residential properties. The setback from the adjacent residential properties increases with the reorientation of the field. Therefore, ample setback, existing forest/vegetation and proposed additional landscaping will ensure that the fields are effectively buffered from residences.

- c. If a Private Educational Institution operates or allows its facilities by lease or other arrangement to be used 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 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 expected car trips generated by the regular academic program and the after school or 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.

**Staff Analysis:** The proposed modification is limited to physical improvements. No change in the cap on the enrollment is proposed. The Adequate Public Facilities (APF) approval for the school remains valid under the Preliminary Plan No. 1-90100R. Any fluctuation in actual enrollment below the maximum allowed, both for the academic year as well as summer camp program has no bearing on the validity of the APF approval since the existing facilities are capable of accommodating 716 students.

(b) 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.
- 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, whether such programs include students or non-students of the school.

**Staff Analysis:** Not applicable.

(c) 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.

**Staff Analysis:** The applicant has submitted a special exception site plan for the proposed development (Attachment 2) that satisfies Code requirements. The proposed development, as depicted on the site plan, satisfies all applicable regulations of §59-C-1.32 Development Standards.

- 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.

**Staff Analysis:** The applicant is aware that any departure from an approved special exception site plan would be cause for revocation of the grant of special exception.

SD:ha: N:\Area 2 Division\Dickel, Stephanie\CBA-1261-D Barrie School\CBA-1261-D staff report-final

**Attachments:**

Attachment 1 - Special Exception Zoning Map

Attachment 2 - General Location and Surrounding Area Map

Attachment 3 - Existing Conditions Plan, per applicant submittal

Attachment 4 – Special Exception New Buildings Location Map, per applicant submittal

Attachment 5 - Site Plan, per applicant submittal

Attachment 6 - Landscape Plan, per applicant submittal

Attachment 7 - Architectural Renderings, per applicant submittal

Attachment 8 - General Site Photographs

Attachment 9 - Memorandum from Ed Axler, Area 2 Transportation, dated January 18, 2012

Attachment 10 - Stormwater Management Concept Approval Letter, dated August 31, 2012