

MCPB
Item # 3
9/6/01**MEMORANDUM**

DATE: August 31, 2001
TO: Montgomery County Board of Appeals
VIA: John A. Carter, Chief, Community-Based Planning Division *JAC*
FROM: Kathleen A. Reilly, AICP, Community-Based Planning Division *KAR*

REVIEW TYPE: Special Exception Modification
APPLYING FOR: Private Educational Institution
APPLICANT: Norwood School
CASE NUMBER: S-285-D
REVIEW BASIS: Chapter 59, Zoning Ordinance
ZONE: RE-2
LOCATION: 8821 River Road
MASTER PLAN: Potomac, 1980

FILING DATE: April 13, 2001
PLANNING BOARD: September 6, 2001
PUBLIC HEARING: September 12, 2001 at Board of Appeals

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS:

1. The applicant is bound by all submitted statements and plans.
2. All previous conditions of the special exception remain in full force and effect.

PROPOSAL

The applicant, The Norwood School, is requesting a modification to an approved special exception for a private educational institution located at 8821 River Road in Potomac in the RE-2 Zone. The modification seeks to construct an addition to the existing Fine Arts Building. The primary access to the site will continue to be from River Road, (MD 190) a public right-of-way.

Neighborhood Description – The properties north of the site are zoned R-200 and developed with low-density residential uses. The properties east and west of the site are zoned RE-2 and developed with low-density residential uses. South of the site and

across River Road, the property is zoned RE-2 and developed with Congressional Country Club, a special exception use.

Site Description and History - The subject property consists of 38.06 acres of RE-2 zoned land and has frontage on both River Road and Bradley Boulevard. The primary access point is from a signalized entrance along River Road. From the signalized entrance point, a long driveway provides access into the site. Instructional buildings are clustered in the middle of the site with parking areas located adjacent to the instructional buildings. Two residences, the headmasters residence at the rear of the site near Bradley Boulevard and another residence located near the eastern lot line are also found on the 38-acre site. Ball fields are located along River Road and along Bradley Boulevard. The entire site is heavily landscaped and there are conservation easements throughout the property that contain many mature and healthy evergreen and deciduous trees. Extensive foundation plantings are found around all the buildings. There are two other entrances into the site: a secondary access point on River Road, located approximately 300 feet south of the intersection with Bradley Boulevard and along Bradley Boulevard at the rear of the property.

The Norwood School was granted a special exception in 1970 to operate a private school on the subject site. The school serves pre-kindergarten through eighth grades. Currently, there are 560 students and 120 faculty and staff associated with the existing use. The Board of Appeals approved a modification request to this use on 2/27/98. A copy of the opinion is contained in Appendix 1.

Elements of the Proposal - The applicant offers the following information in support of this application:

The applicant, the Norwood School, requests a modification to its existing special exception to add an addition to the existing Fine Arts building. The proposed Arts Center addition will be approximately 2,700 square feet in size and 2 stories in height. Each floor will be approximately 1,350 square feet. The school proposes to add the 2,700 square feet to the rear of the existing Fine Arts Building by removing a bay window on the lower floor and the balcony of the upper floor. On the lower floor, an office will be added and the existing stage area will be expanded for lower school performances. The upper floor will be enlarged allowing for the addition of the breakout classrooms and additional studio space to support the current curriculum. Other than minimal security lighting attached to the outside of proposed addition, no outdoor lighting is proposed. Although the Fine Arts Center Building is structurally sound, the School will perform the following maintenance work: (1) replace the existing windows and doors; (2) repair the existing roof (3) repair the exterior surfaces of the building; and (4) renovate the interior of the building. There is no increase of students, faculty or staff under this requested modification.

ANALYSIS

Master Plan - The site is covered by the 1980 Potomac Subregion Master Plan. The land use and zoning maps for the Master Plan indicates the site as the location of an existing school and confirms the RE-2 Zone. The Plan does not provide specific text for this site. However, a private educational institution is allowed by special exception in the RE-2 Zone.

Transportation - There are no transportation issues associated with the proposed modification. There will be no change in the existing internal traffic circulation patterns and existing points of access onto River Road or Bradley Boulevard. Based on the submitted request, there is no increase in students, faculty or administrative staff as a result of this modification.

Environmental - The Environmental Planning staff has reviewed the subject modification and recommends approval. This modification is not subject to the Forest Conservation Law. The requirements of the forest conservation law were met in 1998 when 9.8 acres were placed into Conservation Easements.

The site is located within the Ken Branch A tributary of the Cabin John watershed. The *Countywide Stream Protection Strategy (CSPS)* assesses the Ken Branch A tributary as having good stream conditions and fair habitat conditions, labeling it as a Watershed Protection Area. Existing stormwater management facilities will provide quality and quantity control for the addition to the Fine Arts Center.

Community Comments – To date, staff has not received any comments from the community on the proposed modification.

Compliance with General and Specific Special Exception Provisions - Staff has reviewed the application for compliance with all applicable special exception provisions and finds the following:

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

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

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

The requested modification seeks no increase in students, faculty, or staff, thus there is no change from the previously approved special exception with respect to enrollment, traffic, noise or types of activities associated with the existing use and this request. Staff continues to

find that the existing use and the proposed modification are compatible with the character of the surrounding neighborhood.

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

Staff finds the proposed Fine Arts Building addition will be an extension of the existing structure and will be the same architectural style. The proposed addition will be setback approximately 245 feet from the nearest lot line. The exterior architecture of the proposed addition will be compatible with the surrounding residential neighborhood.

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

The requested modification for a building addition to the existing Fine Arts Building will not adversely affect or change the development of the surrounding residential community as this special exception was previously approved by the Board and found not to cause these adverse affects. The proposed structure will be located at the rear of the existing Fine Arts Building in a flat grassy area. Directly beyond the proposed addition is a recorded conservation easement. This easement contains mature healthy deciduous and evergreen trees. This addition will not affect adversely the character of the surrounding residential area, as the proposed addition will be sited in the rear of the property and will be heavily screened by the existing conservation easement. This easement serves to reduce any visual impact of the proposed addition from the surrounding residential area. The proposed addition coupled with the existing conservation easements will not adversely affect the future development of the surrounding residential community.

(4) That such use can and will be developed in conformity with the following area, density, building coverage, frontage, setback, access and screening requirements, where specified:

- a. **Area, Frontage and Setback** - As shall be specified in a site plan of development approved by the Board; provided, that in no event shall such standards be less than the area regulations for the zone in which the private educational institution is proposed to be located; and
- b. **Access Building Coverage and Screening** - As shall be specified in a site plan of development approved by the Board; and
- c. **Density** - Such density, being the allowable number of pupils per acre permitted to occupy the premises at any one time as shall be specified by the Board upon consideration of the following factors:
 1. Traffic patterns, including:
 - a) Impact of increased traffic on residential streets;
 - b) Existence of arterial highways; and
 2. Noise or type of physical activity; and
 3. Character, percentage and density of existing development and zoning within the community;
 4. Topography of the land to be used for the special exception:

Provided that a density in excess of 87 pupils per acre may only be permitted upon a finding that:

- (a) the program of instruction, special characteristics of students, or other circumstances justify reduced space and facility requirements;
- (b) the additional density will not adversely affect adjacent properties;
- (c) additional traffic generated by the additional density will not adversely affect the surrounding streets; and
- (d) adequate provisions for drop-off and pick-up of students will be provided.

The subject modification continues to be in conformance with the development standards of the RE-2 zone. The campus comprises 38.06 acres, which exceeds the minimum lot size of 2 acres for this zone. The proposed building will be setback 245 feet from the front and side lot lines, which is in excess of the minimum setback requirements of 50 feet and 17 feet for the

front and side yards, respectively. The lot coverage will be 3.6% much less than the 25% limit of the RE-2 Zone. The property has frontage of 1,850 feet on River Road and 1,000 feet on Bradley Boulevard which meets the 25 foot requirement of the RE-2 Zone. The current enrollment of 560 students yields a density of 23.2 students per acre that is well within the density requirement of 87 students per acre.

(b) Site plan.

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

The applicant has submitted such a plan and staff finds it to be acceptable. During a site visit extensive landscaping was found to be in place along River Road and Bradley Boulevard as well as extensive landscaping throughout the campus and substantial foundation plantings and landscaping around the instructional buildings. The existing Fine Arts Building has landscaping and foundation plantings around the structure. The area where the proposed addition is to be constructed is grassy and flat. Beyond this flat grassy area, a recorded conservation easement that varies in depth from 75 to 210 feet is located. As shown on the submitted plans, the distance between the rear of the proposed addition and the easement will be 15 feet. Within the easement area, the property drops off steeply to the existing ball field along Bradley Boulevard. The easement contains healthy mature trees. Given the presence of this easement, the quality of the trees and topography of the site, staff believes that additional landscaping at the rear of the proposed addition is not necessary. This existing conservation easement provides an effective screening measure for the proposed building addition from residences along Bradley Boulevard. According to information submitted by the applicant, lights will be mounted on the proposed addition for security reasons. These lights will be installed at a height of 8 feet and will be shielded such that they will not create extensive glare into the nearby residential properties.

- (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.

Not applicable.

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

Not applicable.

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

Not applicable.

- (e) **Public Buildings.**

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

However, site plan review under Division 59-D-3 is required for:

- (i) construction of a private educational institution on vacant land owned or leased by Montgomery County; or
(ii) any cumulative increase that is greater than 15% or 7,500 square feet, whichever is less, in the gross floor are, as it existed on February 1, 2000, of a private educational institution located in a building that has been used for a public school or that is owned or leased by Montgomery County. Site plan review is not required for (i) an increase in floor area of a private educational institution located in a building that has been used for a public school or that is owned or leased by Montgomery County if a request for review under mandatory

referral was submitted to the Planning Board on or before February 1, 2000, or (ii) any portable classroom used by a private educational institution that is located on property owned or leased by Montgomery County and that is in place for less than one year.

Not applicable.

Sec. 59-G-1.2. Conditions for granting a special exception.

59-G-1.2.1. Standard for evaluation. A special exception must not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. 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.

The inherent adverse characteristics associated with a private educational institution include the size, scale, and institutional character of the facilities including parking and the amount of traffic generated. Based on a review of the submitted plans, the staff finds that the physical and operational characteristics of the proposed modification are reasonable and consistent with the inherent characteristics associated with private educational institutions and are not adverse.

The proposed modification to the existing Fine Arts Building is consistent with the inherent characteristics associated with private educational institutions. The location of this building addition on the subject property, the topography in this location, and the presence of a recorded conservation easement adjacent to this proposed addition help to ensure compatibility with the surrounding residential area and mitigate any views from the nearby residences into the subject property. There are no non-inherent characteristics associated with the modification request that warrant denial.

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 modification is allowed in the RE-2 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 modification complies with the standards and requirements for a private educational institution under Section 59-G-2.19.

- (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 a recommendation in an approved and adopted master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that the granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

The subject property is covered by the 1980 Potomac Subregion Master Plan. The Master Plan supports the existing RE-2 zone for the property and the subject modification is allowed by special exception in that zone.

- (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 proposed use will be in harmony with the general character of the neighborhood when considering this criteria.

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

The proposed use will not have a detrimental effect for any of these reasons.

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

The proposed modification will not cause adverse effects with respect to any of these criteria.

- (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 modification will not increase the number, intensity, and scope of the approved special exceptions in the area.

- (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.

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

- (9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

The subject site will continue to be served by adequate public facilities.

- (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.

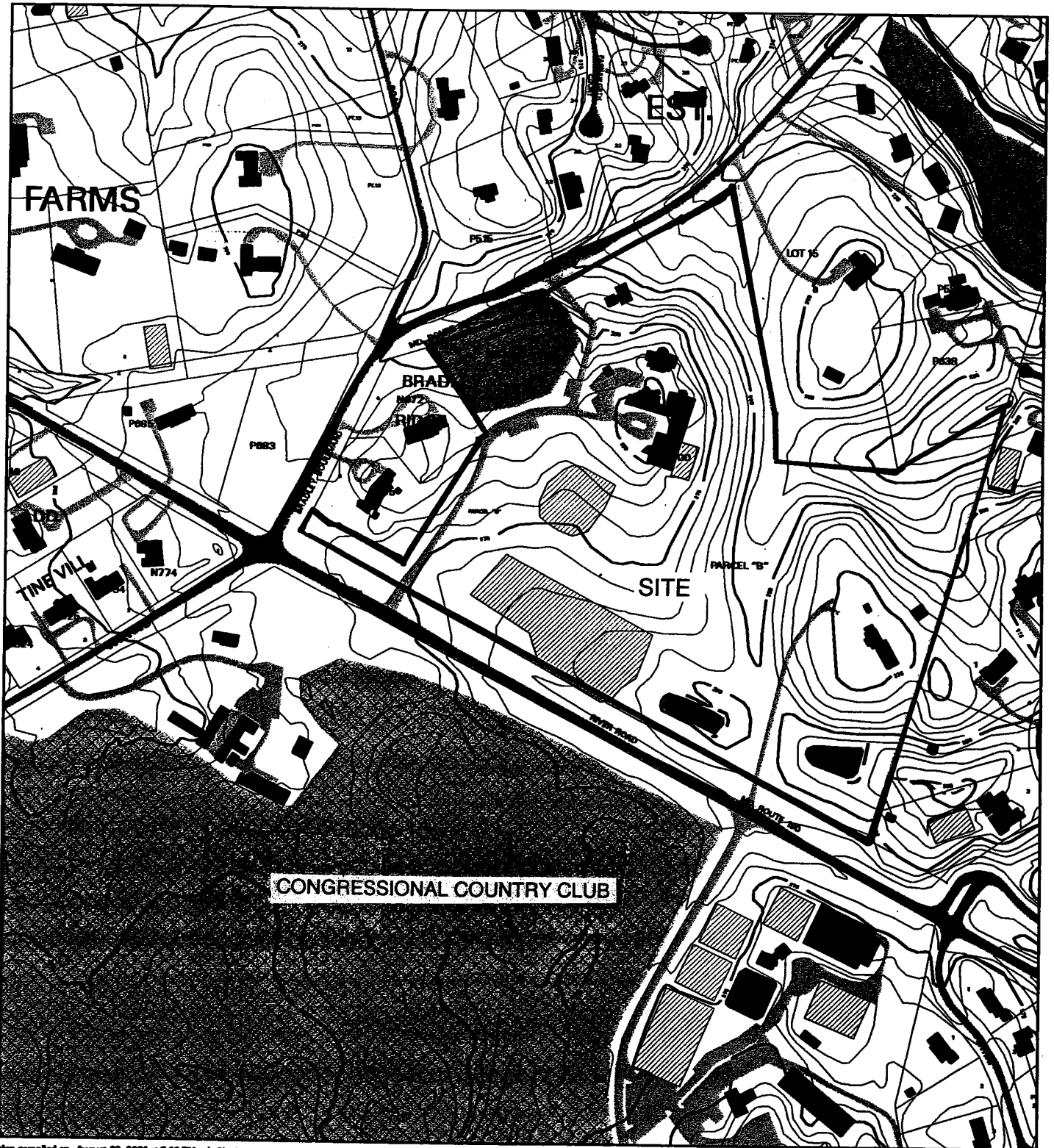
The requested modification will not require approval of a preliminary plan of subdivision.

- (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.

There is no increase in vehicular traffic or internal traffic patterns associated with this requested modification and thus no detrimental effect to pedestrian and vehicular safety will result.

Conclusion - Staff recommends approval of the submitted special exception modification with the conditions stated on page 1 of this report.

S-285-D



CONGRESSIONAL COUNTRY CLUB

Map compiled on August 20, 2001 at 2:10 PM | Site located on base sheet no - 211NW08

NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:4400 scale aerial photography using stereo photogrammetric methods.

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

Key Map



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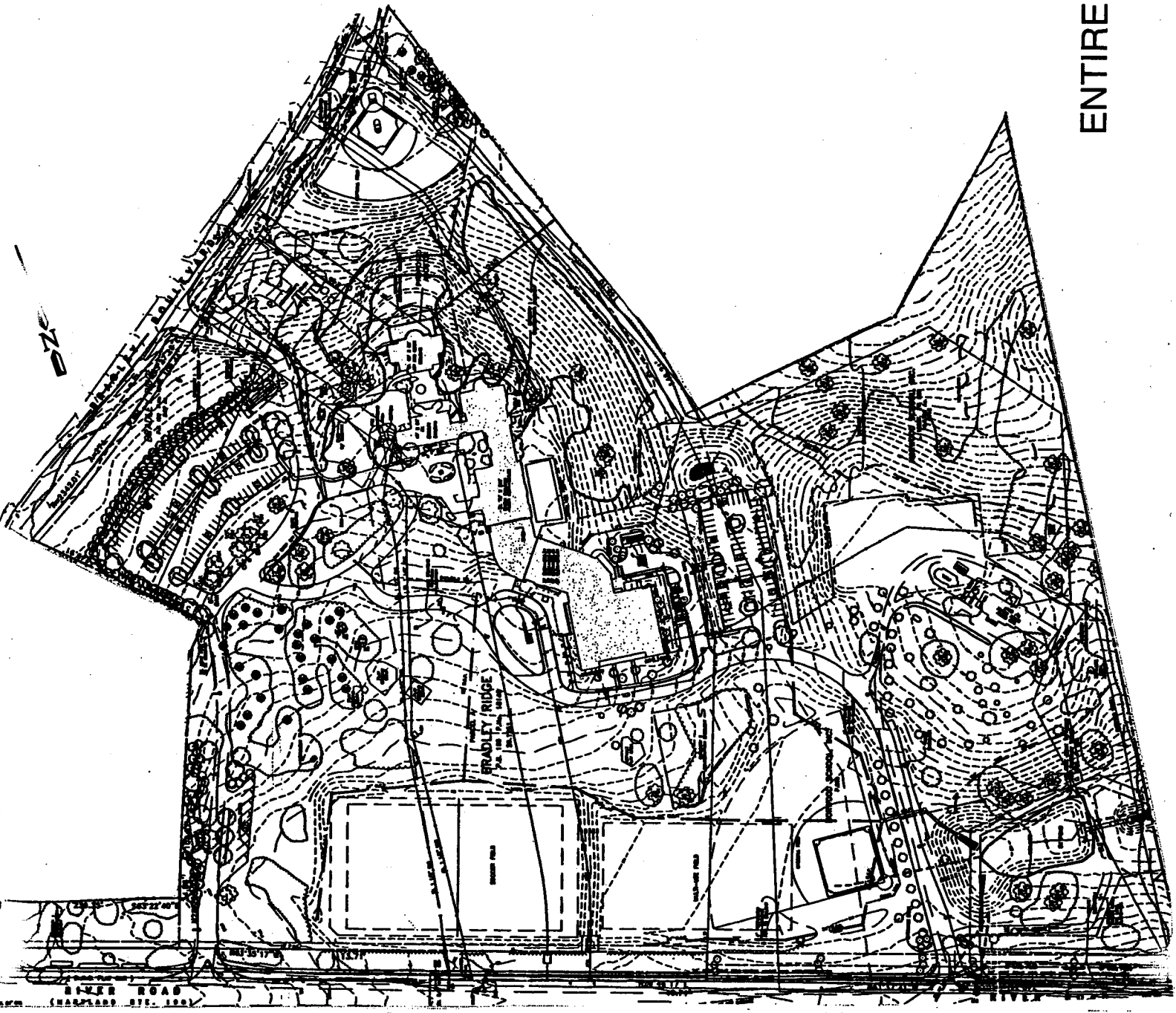


Research & Technology Center



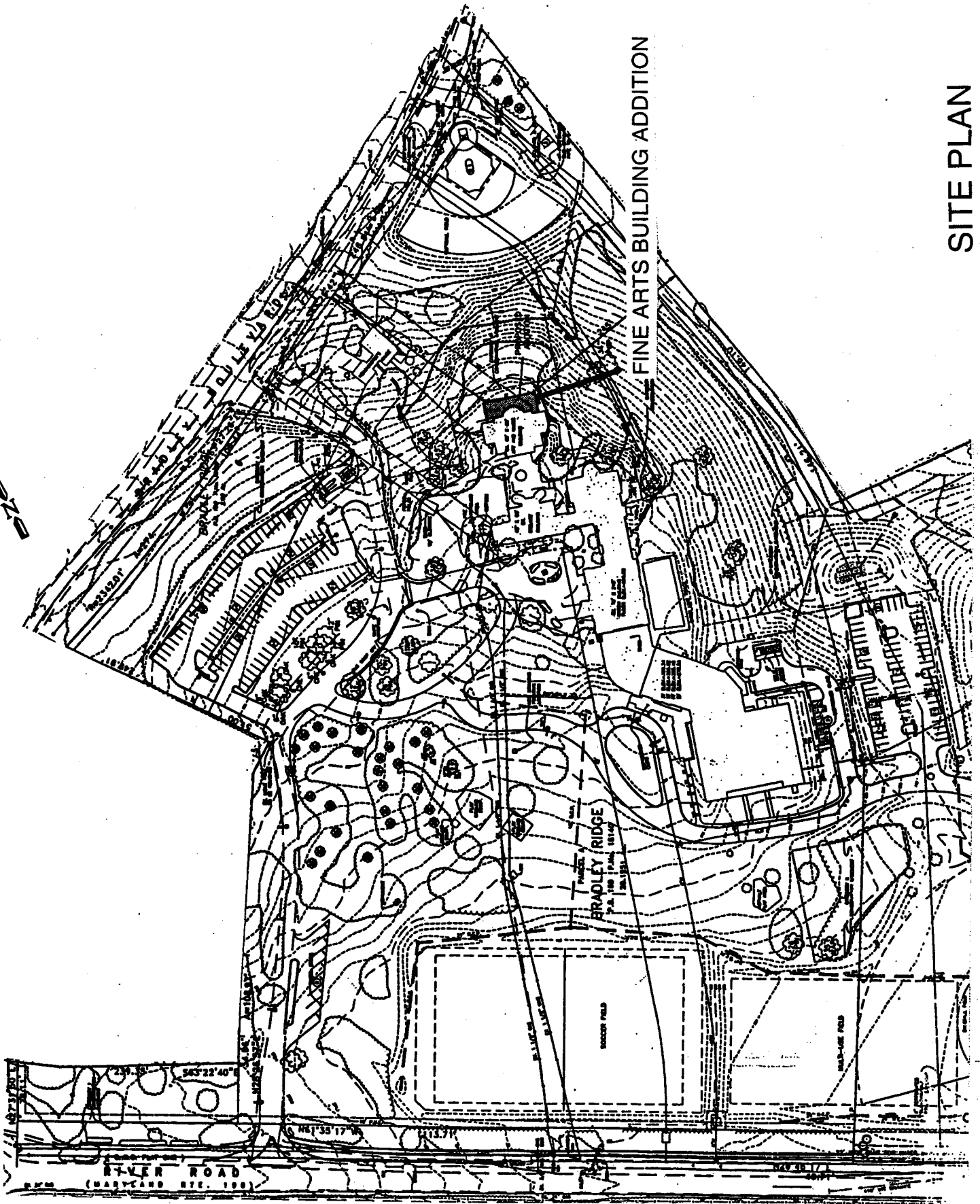
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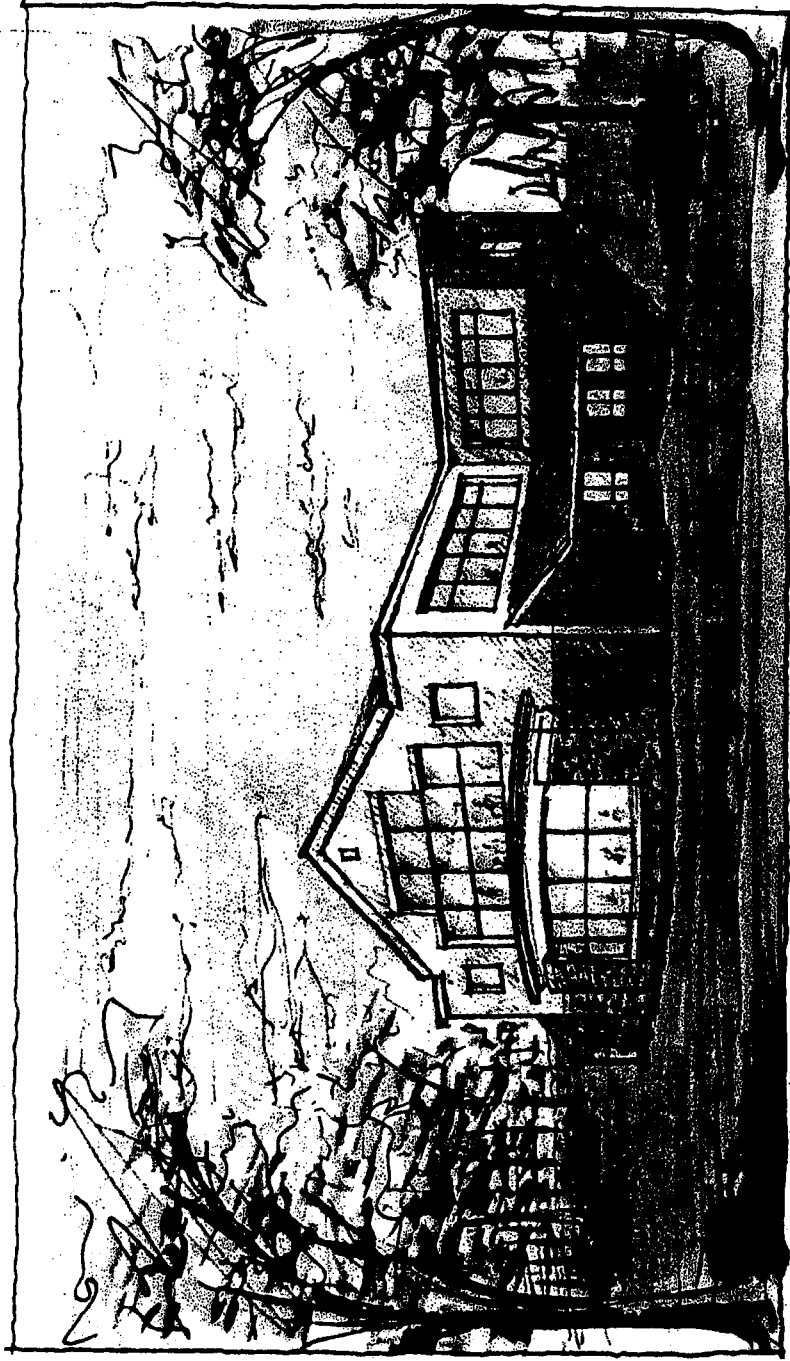
ENTIRE SITE



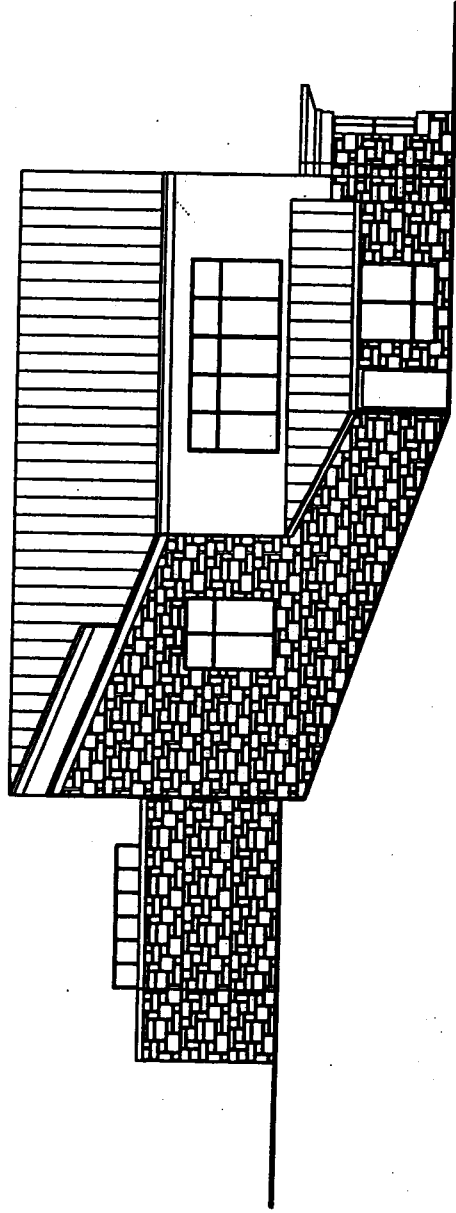
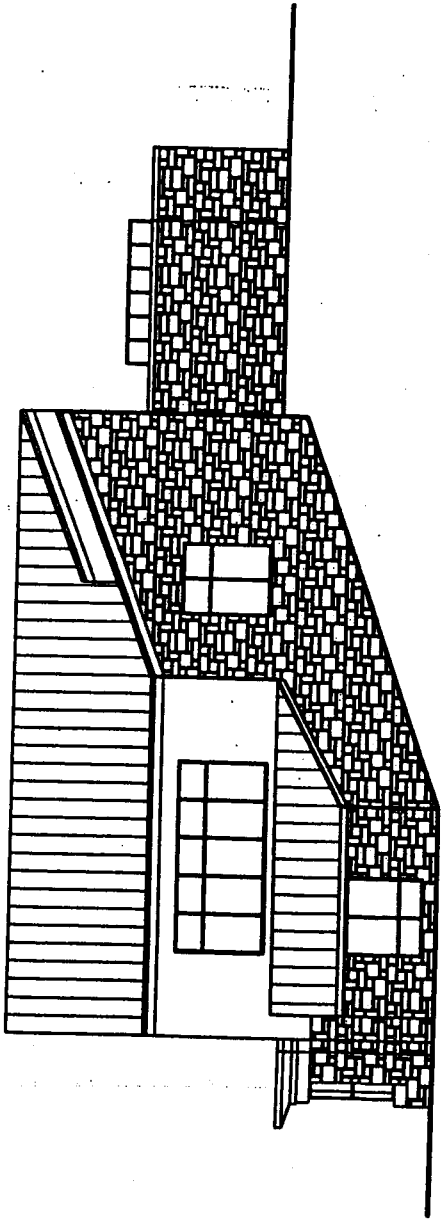
SITE PLAN

FINE ARTS BUILDING ADDITION

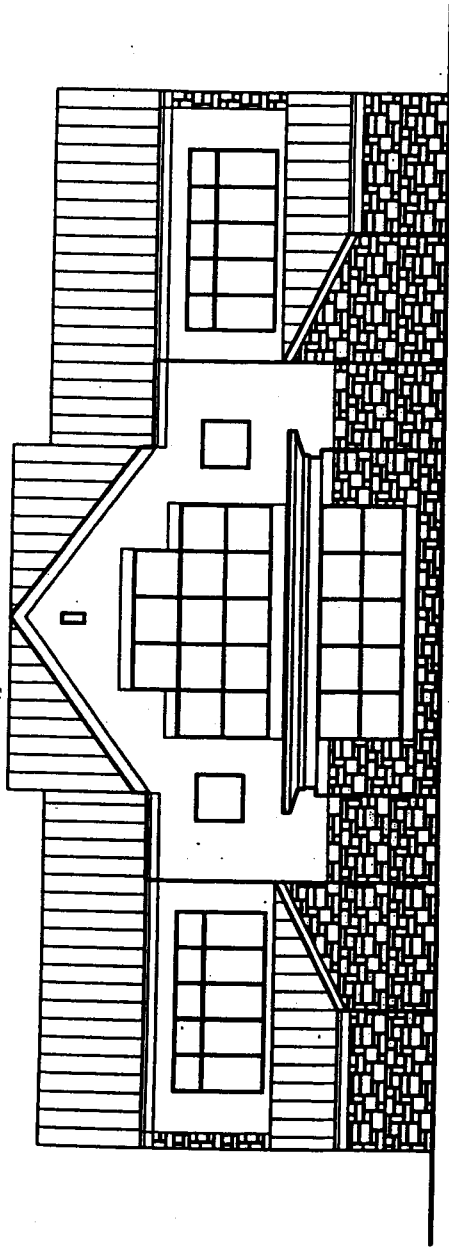




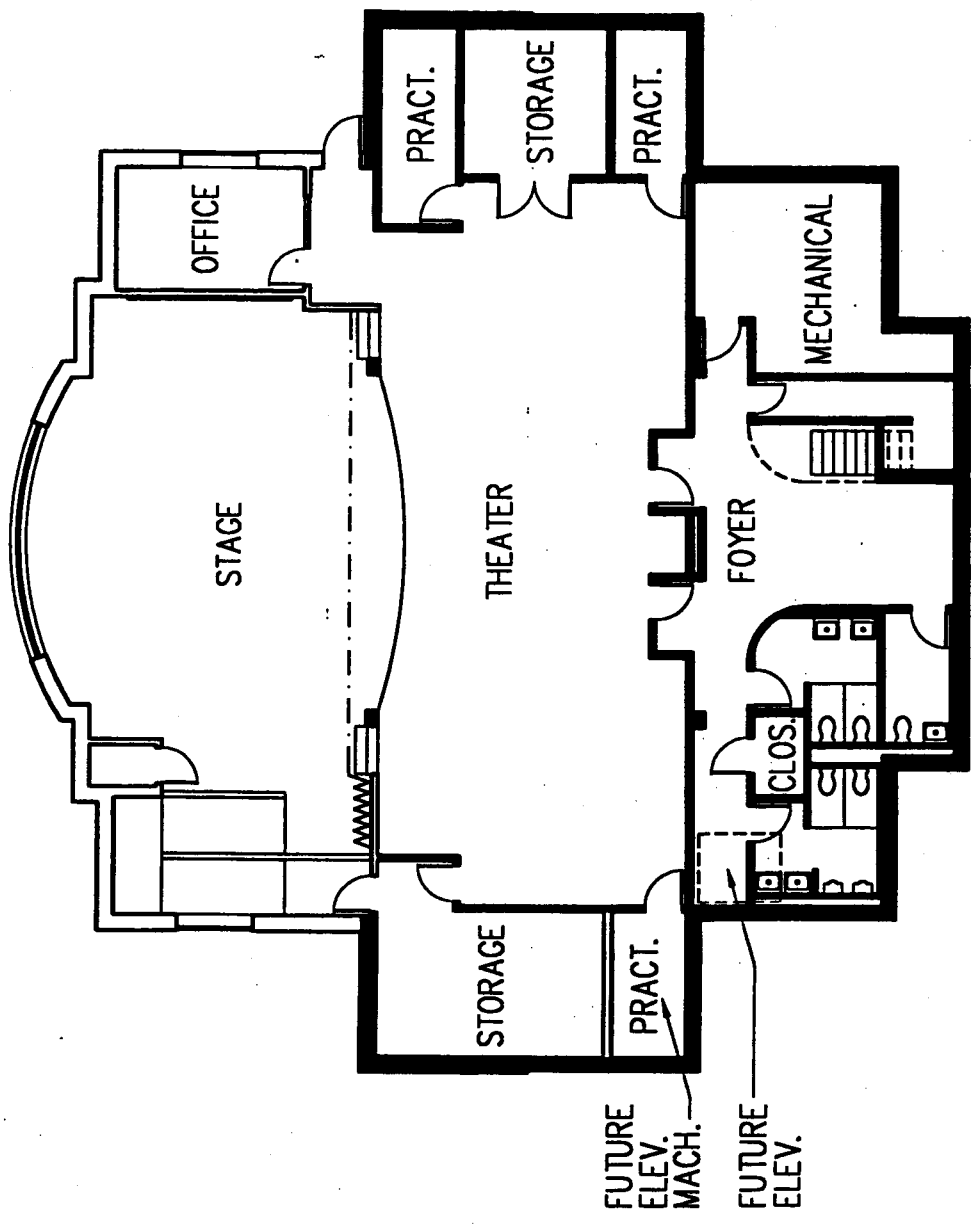
ELEVATIONS OF FINE ARTS BUILDING



SIDE ELEVATIONS

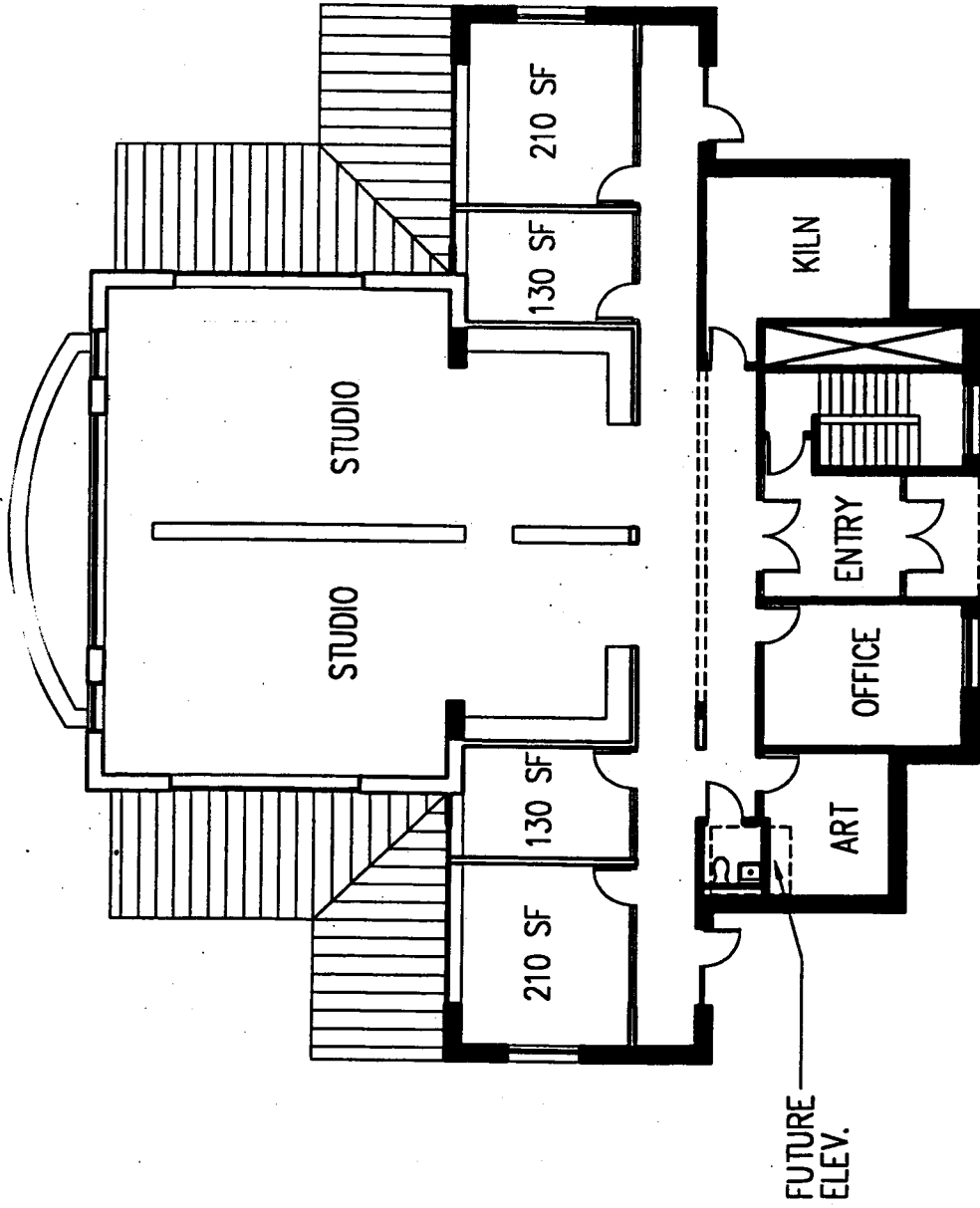


REAR ELEVATION

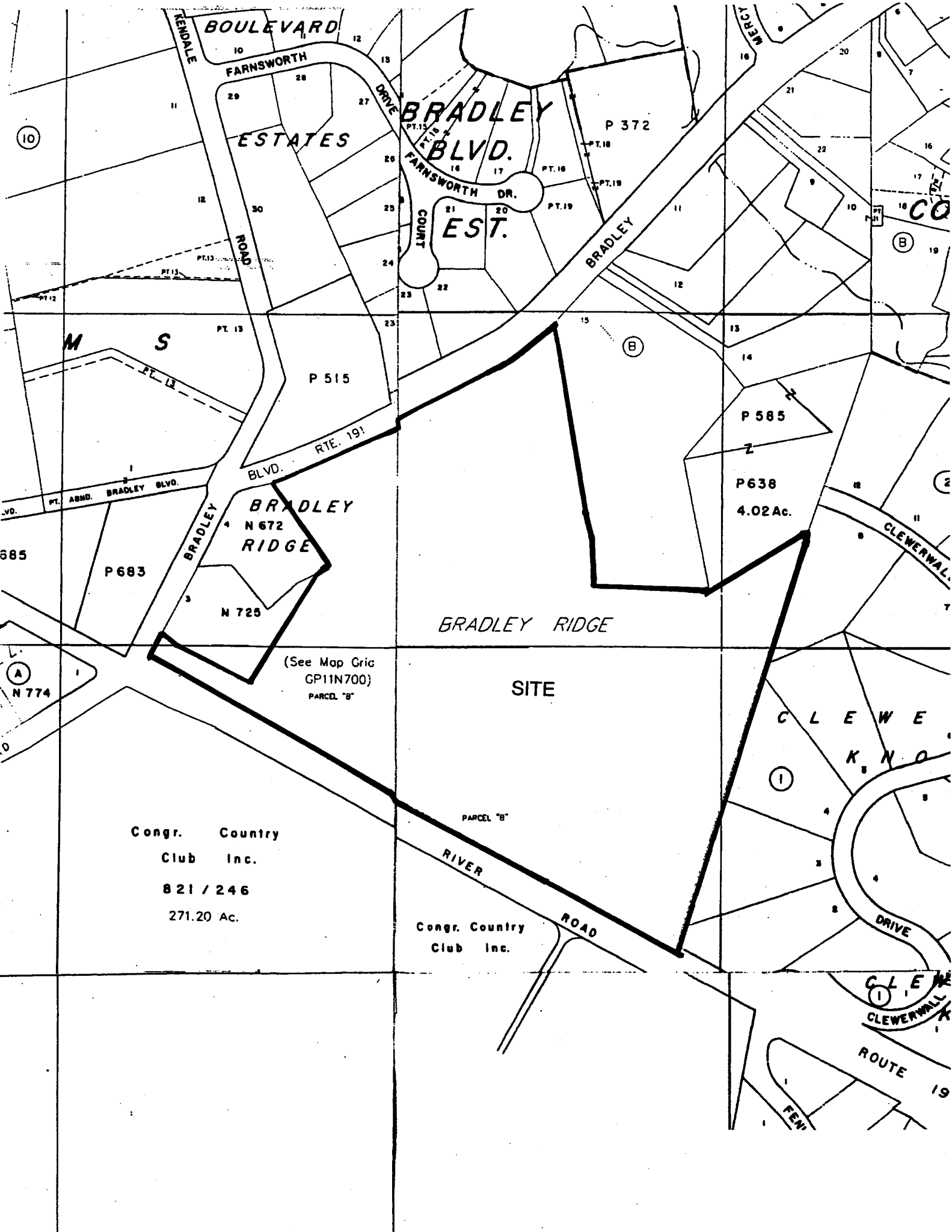


— = EXISTING WALLS
 — = NEW WALLS

LOWER PLAN



UPPER PLAN



BOULEVARD

FARNSWORTH

ESTATES

BRADLEY
BLVD.
FARNSWORTH DR.
EST.

P 372

P 515

P 585

P 638
4.02 Ac.

BRADLEY
RIDGE

P 683

N 725

BRADLEY RIDGE

SITE

(See Map Grid
GP11N700)
PARCEL "B"

PARCEL "B"

Congr. Country
Club Inc.
821 / 246
271.20 Ac.

Congr. Country
Club Inc.

CLEWER
KNOW

CLEWER
CLEWERWALL

ROUTE 19

10

385

A
N 774

B

B

B

2

1

1

19

FEN

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Case No. S-285-C

PETITION OF NORWOOD SCHOOL

(Hearings held November 19 and December 10, 1997;
record closed January 6, 1998)

OPINION OF THE BOARD

Effective date of Opinion: February 27, 1998

Case No. S-285-C is the petition of Norwood School for a modification to the existing special exception for a private educational institution, pursuant to Section 59-G-2.19 of the Zoning Ordinance to permit: (1) enrollment to increase to 560 with the addition of a pre-kindergarten and middle school program; (2) staffing to increase to 120; (3) installation of 6 temporary classroom units; (4) the construction of 4 tennis courts; (5) the construction of 2 soccer fields; (6) the construction of a hard surface play area with 2 basketball nets; (7) reconfiguration of the existing circular driveway; (8) construction of a inter-parcel connector; (9) construction of 3 off-street parking facilities; (10) the construction of a gymnasium/classroom addition; (11) construction of a softball/baseball field; (12) expansion of summer camp program to permit a maximum of 560 children; and (13) child daycare for up to 12 children.

The subject property is Lot 6, Parcel A, Parcel P860 and Parcel 818, Bradley Ridge Subdivision, located at 8821 River Road, Bethesda, Maryland, in the RE-2 zone.

Decision of the Board: Modification GRANTED, subjected to conditions enumerated below.

Todd Brown, Esquire, represented the petitioner. He called several witnesses, including Richard Ewing, Head of School; Les Powell, an expert landscape architect; Craig Hedberg, expert in transportation planning; Milton McCarthy, an expert in environmental engineering; David O'Bryan, civil engineer; Phil Perrine, expert in land planning; Erwin Andres, expert transportation engineer; Jeff Griffin, and Steve Klebanoff.

Jody Kline, Esquire, represented Congressional Country Club, located across River Road confronting the property. He called Margaret Sewell, a member of the Board of Directors of the club and Robert Morris, an expert in transportation planning.

Norman G. Knopf, Esquire, represented Mr. Daskalakis, the neighbor adjoining to the north.

Calvin Koonce, who owns a property across Bradley Boulevard, also appeared at the hearing to ask questions about the landscaping.

PETITIONER'S CASE

The school's property contains 38.76 acres and is located just to the northeast of the intersection of River Road and Bradley Boulevard. The topography is rolling, with the highest point approximately 300 feet above sea level. The terrain drops close to 70 feet toward the north and the east. The frontage along River Road is 1,840 feet, and along Bradley Boulevard it is 1,078 feet. Two ponds are located on the property, and there is substantial forested area along Bradley Boulevard. Currently, the main point of access is from River Road, and a secondary access point is from Bradley Boulevard.

Enrollment includes 360 students, in grades kindergarten through sixth grade. Staff and faculty number 65. The property is improved with a headmaster's house in the northwest corner, several academic buildings, athletic fields along the River Road frontage, open fields and playgrounds next to the athletic fields, and a parking area. Two parcels adjoining to the east were acquired and added to the special exception property by modification dated July 26, 1996. It contains a house which is presently unoccupied.

Congressional Parkway delineates the western boundary of the neighborhood, Cabin John Creek is the border to the north and east, and Persimmon Tree Road and Congressional Country Club define the southern and eastern borders. The area is classified in the RE-2 zone and is primarily residential. Three large non-residential uses are located in the neighborhood, including the Norwood School and Congressional Country Club, both special exceptions, and the Connelly School of the Holy Child.

Two residences which are located in the northeast quadrant of the intersection of River Road and Bradley Boulevard adjoin the school property. To the north, a new residence will be constructed on a seven-acre property.

The proposed modification will expand the school's program to include pre-kindergarten and seventh and eighth grades. Eventually, enrollment will increase by 200 students and the faculty and staff will include 55 new members for a total of 560 students and 120 faculty and staff.

Included in the proposal is a gymnasium and classroom addition to the academic building. It will contain 60,000 square feet. A warming kitchen is also included in the plans, not for the preparation of food but for the use of outside caterers who would bring prepared foods to be served at school functions.

The school also proposes significant improvements to its playing fields, including regrading of the existing soccer field and construction of a new soccer practice field, relocation of an existing baseball field, construction of four tennis courts and construction of a softball field at the Bradley Boulevard entrance to the school.

A new driveway, opposite the driveway into Congressional Country Club, will become a primary access point. It will provide access to the playing fields, faculty housing in the now unoccupied residence and the middle school complex in the academic building expansion. The school also proposes to reconfigure the internal circulation system and to formalize the parking areas. Two large and two smaller parking areas will be created. The largest of the parking areas contains 108 spaces and is located to the west of the school buildings, near the Bradley Boulevard entrance. A parking area with 69 spaces will be located east of the new gymnasium/classroom addition. The smaller areas, with approximately 10 spaces each, will be located at the new softball field near the Bradley Boulevard entrance and next to the River Road entrance.

The construction of the largest parking area, with 108 spaces, will require the removal of a stand of trees along Bradley Boulevard. Testimony from the petitioner's landscape architect indicated that the trees in that area were primarily white pine and they were being overtaken by honeysuckle vines. Many had already fallen, and the remaining row, closest to Bradley Boulevard, was not very healthy. The parking area will be screened by holly and hemlocks which will provide a more effective and healthier buffer than what is currently there.

The school proposes to provide housing for up to six faculty members in the home located on the recently acquired adjacent property. Another element of the modification is the creation of an ancillary day care program for up to 12 children, primarily those of faculty or staff members. Its hours of operation would be 7:30 AM to 5:00 PM, and it would be licensed by appropriate state and county agencies.

Expansion of the summer day camp program to 560 campers is also a part of the proposed modification. The camp operates five days a week from June until August, from 8:00 AM to 4:00 PM.

All existing and proposed structures and parking meet or exceed the applicable development standards of the RE-2 zone. The new addition to the academic building will be located 130 feet from the closest property line and 370 feet from the closest residence, which is to be constructed on the undeveloped property to the north. The maximum height permitted in the zone is 50' which is what the plans depict. Maximum building coverage is 25%. The proposal results in coverage of seven percent.

The parking area adjacent to the addition will also be approximately 370 feet away. The larger parking facility will be located 135 feet from Bradley Boulevard. The only external lighting will be located in the larger parking areas, and it will consist of 15-foot standards with box-like fixtures which point the light downwards and away from the few homes around the school.

The plan was modified to respond to the concerns of Mr. Daskalakis, owner of the property adjoining to the north. The parking area closest to his property will be reduced to 5 spaces, additional landscaping will be installed, and the school will limit the use of the softball field. In addition, the only structures in that area will be the backstop, benches for the teams, and fences to protect the benches. The elements of the agreement reached between Mr. Daskalakis and Norwood School are contained in Exhibit No. 22.

The school conducted a survey of several nearby private schools with seventh and eighth grades to determine if there was a need for additional spaces in those grades. The results indicated that there were 490 applicants to Bullis School, Connelly School, Holton Arms, Landon, St. Andrews Episcopal and McLean School. Those schools had 452 available spaces. The Norwood School concluded that there was a need.

The property will require a preliminary plan of subdivision, and the Planning Board will assess the adequacy of public facilities at that time. Nonetheless, the petitioner conducted a traffic analysis and focused on two critical intersections, Bradley Boulevard and River Road and Bradley Boulevard and Kentsdale Road. Current traffic counts indicated that the intersection of Bradley and Kentsdale operates well within level of service (LOS) A, and Bradley Boulevard and River Road has 1,525 critical lane movements in the peak hour, which is the standard for the policy area.

Following adjustments to reflect the addition of 200 students and 55 staff as well as the new traffic patterns resulting from the addition of the new driveway, a new analysis was performed. The result indicated that the modification would increase by two the critical lane movements at the intersection of Bradley Boulevard and River Road. The increase was characterized by Mr. Hedberg as a "very minimal impact."

An analysis of the critical lane volume at the intersection created by River Road with the new school driveway and the Congressional County Club driveway indicated that it operated at LOS "D" during both the morning and evening peak hours. In the morning peak hour, there were 1,374 critical lane movements, and in the evening there were 1,361. The school's concentrated peak traffic time is in the morning. In the evening, when the commuter traffic is heaviest, the school's traffic is more dispersed. The analysis also indicated that Congressional Country Club contributed approximately 80% of the trips that were not on River Road, and the school contributed 20%, or approximately 19 critical lane movements.

The school has proposed construction of a left turn storage lane on eastbound River Road at the new entrance to the school, as well as a deceleration lane on westbound River Road so that traffic turning into the new driveway will not impede through traffic. Vehicles making a left turn exit from Congressional Country Club would have to wait until the left turns into the school had finished before they would have the right-of-way. Other conflicting movements would also be possible. Mr. Hedberg's testimony indicated his belief that the morning peak hour traffic to the school would be at a time, 7:30 to 8:15 AM, when there would not be very much traffic exiting the country club. Similarly, in the evening peak hour when the club's traffic would be heavier, the school's dismissal is spread out over a two hour period, ending before 5:30 PM.

Traffic exiting the school's driveway would have separate left and right turn lanes. The right-turning exit traffic would have an acceleration lane prior to merging into westbound River Road. Mr. Hedberg believes that the deceleration and acceleration lanes would be accommodated with existing right-of-way and within the school's road frontage.

Testimony indicated that the State Highway Administration (SHA) prefers opposing driveways to be aligned, so that they create an intersection. That configuration is proposed in the school's plan. In addition, the school would prefer to have a signal at the intersection created by the driveways. Its representatives committed to working with SHA to get approval for a light signal there.

Adequate queuing space exists on the property to eliminate the possibility that cars will form a waiting line on either River Road or Bradley Boulevard.

The petitioner's representatives testified that neither the U.S. Army Corps of Engineers or the Maryland Department of the Environment (MDE) will exercise jurisdiction over the pond which is to be filled in as part of the school's plans. At the time of the hearing on December 10, 1997, the U.S. Army Corps of Engineers had formally indicated that it would not take jurisdiction. In discussions with the MDE, officials indicated that they would not assert jurisdiction, but there was no official written statement to that effect.

Mr. McCarthy explained that the pond is isolated and has no hydrologic connection to downstream waters, and that is why neither agency will control its future. He also explained that even if MDE did assert jurisdiction, the controlled area is so small, less than 5,000 square feet, that its removal would have qualified for an automatic permit.

Witnesses testified that water and sewer service are adequate, and all necessary utilities are readily available. Storm water management will be provided for the entire site. The site drains in three directions and all the drainage flows to the Cabin John Branch Stream. Most of the site drains toward the existing ponds. After construction and the installation of the stormwater management plan, the runoff from the site will be less than the existing runoff. Details of the plan are contained in the engineering study, Exhibit No. 8.

Phil Perrine, the land planner, described the property and also provided background on the Potomac Subregion Master Plan. The Master Plan for the Potomac Subregion, last amended in 1989, applies to the subject property. It contains no specific language about the Norwood School property. However, it confirms the RE-2 zoning on the property which permits private educational institutions by special exception.

The policy expressed in the plan was to retain the semi-rural, two-lane character of most of the area's roads while concurrently permitting development to proceed, even though the result would be increased congestion on many of the roads, such as River Road. The County Council made the decision to permit a higher level of congestion on the roads in Potomac than might be acceptable in other areas for the sake of retaining the character of the area.

The existing buildings are clustered in the middle of the site, and the new buildings will be attached to them, following the contours of the topography down the slope toward River Road. Architectural details of the new buildings will be residential in character, including, for example, balconies and terraces. The student density will be approximately 14 1/2 students per acre, and the maximum permitted by the Zoning Ordinance is 87. The construction is well within all development standards.

Other special exceptions in the area include Congressional Country Club across River Road, a dentist just west of Bradley Boulevard on River Road, and two private riding stables. All have been in place for 30 years, and the school has been operating on the site since 1970.

Erwin Andres, a traffic engineer, explained that the internal circulation pattern provides sufficient off-street parking and stacking room for the "safe and convenient loading and unloading of students." The vehicles dropping off and picking up students would not interfere with the efficient traffic flow on either River Road or Bradley Boulevard. All vehicles can be accommodated on site.

A significant element of the internal circulation pattern is the connection between the western and eastern sides of the campus. During school hours, after students are dropped off and before they are picked up, part of the internal road is closed to promote safe movement of students around the school grounds. During that time, the easternmost driveway from River Road provides access to the more recently acquired portion of the campus, and the western driveway provides access to the remainder. If, as was suggested by the opposition, the eastern driveway is not used, that side of the campus would be isolated during the school day.

OPPOSITION'S CASE

Margaret Sewell, a member of the Board of Governors, spoke on behalf of Congressional Country Club. She explained that the club is delighted with Norwood's success and has enjoyed a cooperative relationship with the school for many years. Congressional Country Club supports the proposed expansion in general. The club has difficulty, however, with the plan to use the eastern driveway on River Road because of the difficulty it will cause for members and guests wishing to exit the club's driveway. Congressional's only entrance/exit is the driveway directly across from the school's proposed new access point. The club's families already experience difficulty exiting from the driveway, especially making left turns, and they expect that the school's proposed use of the new driveway will seriously exacerbate the problem. The problem is made more difficult because of the large volumes of traffic on River Road, much of which exceeds the speed limit.

A solution to the problem would be the installation of a traffic light where the opposing driveways create an intersection with River Road. However, the club has been informed by their traffic engineer that even with the increased traffic from the school's expansion, the intersection would fail to qualify for a traffic signal. Nonetheless, Congressional would commit to working with Norwood to obtain a light for that location. The club would also not object if the new driveway were to be used exclusively for the residents of the house on the Hyde property.

Robert Morris appeared as an expert in traffic engineering and transportation planning on behalf of Congressional Country Club. He explained that the evening peak hour was more significant to the club in terms of the school's impact than the morning peak hour. Sports events and other types of activities take place at the school during the afternoons. Therefore, members and guests leaving the club will have to be sure there is no traffic exiting the school as well as looking for a break in the River Road traffic, both eastbound and westbound.

According to Mr. Morris, drivers will have to look for five movements instead of two movements, and that it will be a confusing traffic situation. He expects that it will be confusing and dangerous as well for those exiting from Norwood.

Mr. Morris suggested that the easiest and safest exit from Norwood is onto Bradley Boulevard, which has much lower traffic volumes than River Road. He also noted that turning movements from the western driveway on River Road would also be easier because they would not conflict with any on the opposite side of River Road. As long as traffic did not back up from the light at Bradley Boulevard, exiting the western driveway would be less confusing to manage.

NEIGHBOR'S TESTIMONY

Norman Knopf, Esquire, testified on behalf of Andrew Daskalakis, the neighbor who owns the property to the north of the school on Bradley Boulevard. He is constructing a new home on the property. He has no objection to the proposed modification as long as the conditions contained in Exhibit No. 22 are made a part of the school's application. He asked the Board to note Exhibit No. 22 in its Opinion to eliminate any later misunderstanding about the conditions and representations to which the school had agreed.

FINDINGS OF THE MARYLAND NATIONAL CAPITAL PARK
AND PLANNING COMMISSION

Both the Planning Board and its Technical Staff recommended approval with conditions (Exhibit Nos. 16(a)-(b)).

FINDINGS OF THE BOARD

Based on the testimony and evidence of record, the Board finds that the proposed modification, as described on page one of the Opinion, satisfies both the general requirements for special exceptions contained in Section 59-G-1.21 as well as the specific requirements for a private educational institution contained in Section 59-G-2.19, as discussed in detail below.

The Board understands that the only contested issue in this case is the use of the school's easternmost driveway, the "Hyde property" driveway, for primary ingress and egress. The Board heard from Congressional Country Club that their members and guests now experience great difficulty in exiting the property, and that they have tried for many years to get approval from the State Highway Administration (SHA) for the installation of a traffic light. The club believes that the school's proposed expanded use of the Hyde driveway will exacerbate the situation.

On the other hand, SHA has indicated that it prefers to have driveways oppose one another rather than be situated in an off-set relationship. SHA has approved the proposed driveway, as has Technical Staff at M-NCPPC. The Board also believes that the driveway will not create significantly more difficulties for those exiting Congressional Country Club because the school's most intense traffic occurs in the morning arrival time, when all the students and staff arrive between 7:30 AM and 8:15 AM. It is a time when activity at the club is less intense, and traffic to the club is more likely to be entering than exiting.

In the afternoon, the school's dismissal traffic is more dispersed, because there are activities after school and students and staff leave over a longer period of time. The club's members and guests would be more likely to be exiting then. In addition, the evening peak hour on River Road would be a factor at that time. Nonetheless, the Board believes that the left turn storage lane on eastbound River Road, and the acceleration and deceleration lanes on westbound River Road, around the new driveway, will ameliorate the impact of the school's traffic on the operation of River Road, as well as on Congressional Country Club.

Section 59-G-1.21

1. A private educational institution is a permissible special exception in the RE-2 zone.
2. The proposed modification complies with the requirements of Section 59-G-2.19 as discussed below.
3. The proposed modification is consistent with the Master Plan for the Potomac Subregion. The master plan notes that the use of the property is a private school. Furthermore, the master plan expresses the County Council's policy to permit development to proceed without expanding most of the area's roads beyond their two-lane, semi-rural configuration.

4. The proposed modification will be in harmony with the general character of the neighborhood. The new construction will be adjacent to the existing buildings on the property which are located in the middle of the 38-acre property. The nearest residence is 370 feet away. Both topography and screening will buffer the buildings which will have architectural detailing. The neighborhood is characterized by large lots with buildings well set back from the road. Another major contributor to the neighborhood's character is Congressional Country Club, located across River Road from the school. Activity on the property will be relatively low intensity with a pupil density of 14 1/2 per acre.

5. The proposed modification will not be detrimental to the use and peaceful enjoyment of the surrounding area, and it will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity. Since 1970, the school has co-existed in harmony with its neighborhood, and the Board has no reason to find that the proposed modification will alter the relationship. The only element with the potential for a negative impact is the Hyde driveway, discussed above.

6. The Board finds that the expansion of this special exception will not result in a cumulative impact of special exceptions which will be detrimental to the neighborhood or alter its nature.

7. The Board finds that the proposed modification will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area.

8. The holder of the special exception will be required to obtain approval of a preliminary plan of subdivision. The adequacy of public facilities will be evaluated by the Planning Board as part of that process.

Section 59-G-2.19

1. The proposed modification will not create a nuisance because of traffic, number of students, noise, type of physical activity or any other element, as discussed above. The physical activity will take place primarily in the fields along River Road which are well removed from residential neighbors. One field is located on the north side, and the school has agreed to limit the activity and structures in that area and to provide screening to mitigate the impact of that activity.

2. The new construction will be architecturally compatible with the eclectic collection of styles which characterize the surrounding properties. Even though the property greatly exceeds two acres, and therefore the requirement for residential character in the buildings does not apply, the buildings will have details which are residential in character.

3. Since 1970, the school has not had an adverse impact or changed the character of the surrounding residential neighborhood, and the Board finds that it will not do so as a result of the expansion. As evidence, the Board notes the construction of a new home on the large property adjacent to the north.

4. The buildings and parking are well within the development standards for the zone, and the density of 14 1/2 students per acre is much less intense than the guideline of 87 students per acre set out in Section 59-G-2.19.

5. The school has submitted the required site plan, Exhibit Nos. 20 and 32, which the Board has approved and on which the Board will condition the approval of the modification.

Section 59-G-1.25. County need.

Based on the survey conducted by the school, the Board finds that there is a need for additional spaces for seventh and eighth graders.

Accordingly, the Board grants the requested special exception, with the following conditions:

1. As required by Section 59-A-1.27, the holder of the special exception is bound by all of its testimony and exhibits of record, the testimony of its witnesses and representations of its attorneys, to the extent that such evidence and representations are identified in this Opinion and except as altered by compliance with the following conditions.

2. Construction must conform to Exhibit Nos. 20 w/32, 39, and 21(a)-(b).

3. The holder of the special exception must submit a landscape and lighting plan to Technical Staff at M-NCPPC for review and approval. One copy of the approved plan must be submitted to the Zoning Supervisor at the Department of Permitting Services. One copy must be submitted to the Board for its records. All material must be installed according to plan and maintained and replaced as necessary.

4. The holder of the special exception must obtain approval of a preliminary plan of subdivision from the Planning Board.

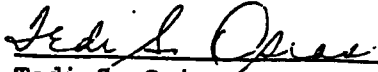
5. A day care program for up to 12 children, most of whom are the children of staff, may be implemented.

6. Enrollment is limited to 560 students, with faculty and staff limited to 120 members.

The Board adopted the following Resolution. BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Opinion stated above be adopted as the Resolution required by law as its decision on the above entitled petition.

On a motion by Louise L. Mayer, seconded by Wendell M. Holloway, with Donna L. Barron, Angelo Caputo and Susan Turnbull, Chair in agreement, the Board adopted the foregoing Resolution. Angelo Caputo read the transcript and reviewed the record prior to participating in the foregoing Resolution.

I do hereby certify that the foregoing opinion was officially entered in the Opinion Book of the County Board of Appeals this 27th day of February, 1998.



Tedi S. Osias

Executive Secretary to the Board

NOTE: See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four-months' period within which the special exception granted by the Board must be exercised.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedures.

See the Board's Rules of Procedure for information about the process for requesting reconsideration.