

Audubon Naturalist Society/ Woodend Nature Sanctuary, Modification to Special Exception Amendment No. CBA-2643-A

 Jonathan Bush, Planner Coordinator, DownCounty Planning, Jonathan.Bush@montgomeryplanning.org, 301.495.4530

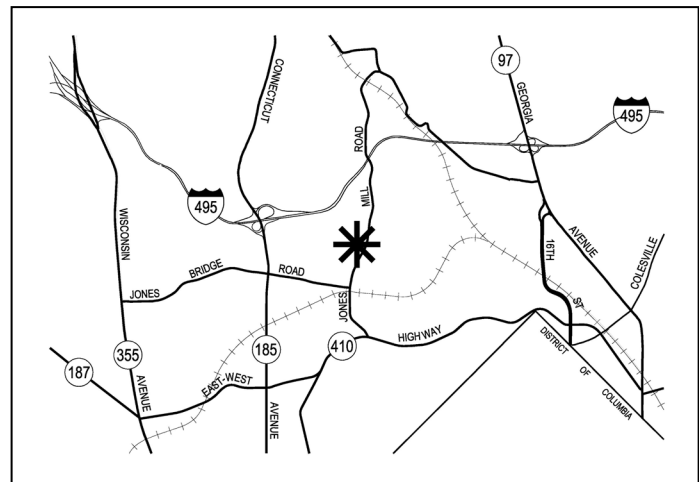
 Stephanie Dickel, Supervisor, DownCounty Planning, Stephanie.Dickel@montgomeryplanning.org, 301.495.4527

 Elza Hisel-McCoy, Chief, DownCounty Planning, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

Description

Completed: 5.17.21

- **Request:** Modification to a Special Exception Amendment to create a new play area for outdoor recreational opportunities and learning
- **Located** at 8940 Jones Mill Road
- 40.19 acres (1,750,983 square feet) of tract area zoned R-90 and 1990 *Bethesda-Chevy Chase Master Plan*
- **Petitioner:** Audubon Naturalist Society
- **Acceptance Date:** October 19, 2020
- **Review Basis:** pre 2014 Zoning Ordinance
- **Hearing Examiner Public Hearing Date:** June 11, 2021



Summary

- Staff recommends **APPROVAL** of the proposed Special Exception Amendment subject to the conditions contained in this Staff Report.
- The Recommendations for the proposed Final Forest Conservation Plan SC2020007 are described in a separate Staff Report.
- The mission of the Audubon Naturalist Society is to inspire residents of the greater Washington DC region to appreciate, understand, and protect their natural environment through outdoor experiences, education, and advocacy.
- The Site has been operating as a Charitable (previously Eleemosynary) and Philanthropic Institution special exception use since 1969 with numerous amendments over the years including to permit a bookshop, storage shed, cattle grates and various types of signage.
- This Amendment would expand the existing special exception use to allow a nature play space for outdoor recreational opportunities and outdoor learning by modifying site elements, such as landscaping, parking, and stormwater management, and by updating previous conditions of approval consistent with the amended use.
- The Applicant received approval to construct the Nature Play Space from the Historic Preservation Commission in May 2018.
- Staff reviewed the application under the pre-2014 Zoning Ordinance in accordance with Section 59.G-1.2 and Section G-2.21.
- Under the R-90 zone development standards, the Site is limited in terms of density/built area to 0.25 FAR.
- Staff has not received any correspondence from adjacent residents and property owners.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATION AND CONDITIONS.....	3
SECTION 2: SITE DESCRIPTION AND VICINITY.....	4
SECTION 3: PROJECT DESCRIPTION	6
SECTION 4: ANALYSIS AND FINDINGS	15
SECTION 5: COMMUNITY ENGAGEMENT	22
SECTION 6: CONCLUSION.....	23

SECTION 1: RECOMMENDATION AND CONDITIONS

Special Exception Amendment CBA-2643-A

Staff recommends approval of Special Exception Amendment CBA-2643-A to construct a 24,485 square foot Nature Play Space in the current wooded area on 40.19 acres of land zoned R-90. The Nature Play Space has two complementary functions that are to provide stimulating outdoor recreational opportunities while at the same time enhancing children's social, emotional and cognitive development through the experience of outdoor learning. The ANS site currently accommodates school field trips on average twice a week, the expansion will allow ANS to provide these field trips up to five times per week. The Nature Play Space will not result in additional staff and will be open to the public, except when planned ANS-led programming is taking place in the space. Staff recommends the following conditions of approval.

1. Hours of operation for the Subject Special Exception Amendment use will be limited as follows:
 - a. Academic Programming
 - i. Convene from 8:30AM to 2PM
 - ii. During weekdays only
 - iii. During the months of September through May
 - b. Summer Camp/Activities Programming
 - i. Convene from 9AM to 4PM
 - ii. During weekdays only
 - iii. Months of June through August
 - c. General Public Visitation
 - i. School Year Visitation – weekdays are permitted from dawn to 10AM and from 2PM to dusk, September through May.
 - ii. Summer Visitation – weekdays permitted from dawn to 8AM and from 4PM to dusk during the summer (June through August).
 - iii. Year-round visitation is permitted for the general public confined to the aforementioned hours.
 - iv. Weekend Visitation - Dawn to dusk year-round, unless reserved for special programming or closed due to weather related events.
2. No vehicles may queue within the public right-of-way on Jones Mill Road or Brierly Road while accessing the Site.
3. The Applicant must dedicate 70 feet of public right-of-way to achieve the full master-planned right-of-way width to the Montgomery County Department (MCDOT) of Transportation via deed or a form acceptable to MCDOT along the Site's Jones Mill Road frontages within sixty (60) days of approval of the Modification to Special Exception Amendment No. CBA-2643-A.
4. The Applicant must provide at least 18 vehicle parking spaces on-site. Members and guests shall not park on nearby public streets.

SECTION 2: SITE DESCRIPTION AND VICINITY

Subject Property

The subject site ("Subject Property" or "Property") is located at 8940 Jones Mill Road, approximately 1,700 feet north of the intersection with Jones Bridge Road. The Site consists of approximately 40.19 acres (1,750,983 square feet) and is bisected by Jones Mill Road, with Property on the east and west side of the roadway. The Property has approximately 930 feet of frontage on Jones Mill Road and 1,270 feet of frontage on Brierly Road. Rock Creek Park abuts the Property along the eastern property line. To the northwest quadrant of the intersection of Jones Mill Road and Jones Bridge Road is the Manor Care Chevy Chase Healthcare Facility and to the southwest corner is the North Chevy Chase private swimming pool. The Property is within the area encompassed by the 1990 *Bethesda – Chevy Chase Master Plan* (Master Plan).



Figure 1 – Vicinity Map

Site Analysis

The Property is zoned R-90 and is currently improved as the Audubon Naturalist Society (ANS) of the Central Atlantic States, Inc., a Charitable and Philanthropic Institution special exception use since its initial approval on September 2, 1969. The special exception has been amended several times to make slight adjustments to the special exception use on the Subject Property. The Property is comprised of offices, former estate garage, service buildings and undeveloped woodlands that are maintained as a wildlife sanctuary and associated surface parking lot. All existing structures will be retained.

The Property is referred to as 'Woodend Nature Sanctuary' or 'Woodend' which is the name of the estate home located on the Property and designated as a historic resource with National Trust for Historic Preservation, Maryland Inventory of Historic Properties, and Montgomery County Master Plan for Historic Preservation. The Property is adjacent to single family detached homes in the R-90 zone along its northern and southern property lines in the Parkcrest and Clean Drinking Farm subdivisions.

The Subject Property is located within the Lower Rock Creek watershed, a Use I watershed¹. The Property contains numerous mature trees onsite, many of which are located within forest stands. There are three forest stands, for a total of 27.3-acres of forest onsite.



Figure 2 – Site Aerial

Neighborhood Description and Surrounding Uses

For the purposes of determining the compatibility of the Project, the neighborhood is defined as including properties abutting Woodend. The neighborhood contains community and group residential facilities located close to the property. North Chevy Chase private swimming pool is located in the southwest corner. Manor Care Chevy Chase Health Care Facility is located in the northwest quadrant of the intersection of Jones Mill Road and Jones Bridge Road. Rock Creek Park serves a major geographical feature and it forms the eastern boundary of the ANS' property as it runs generally parallel to Jones Mill Road (Figure 2). The defined neighborhood is developed primarily with single family detached residential dwellings to the R-90 zone.

WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE. Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply; and industrial water supply.



Figure 3 – Neighborhood and Surrounding Uses

Neighborhood Description

The Staff-defined Neighborhood as shown in Figure 3 is generally bounded by to north by the Capital Beltway/I-495, Rock Creek Park to the east, Jones Bridge Road to the south and Connecticut Avenue/MD-185 to the West. The Neighborhood is composed of single family detached houses in the R-90 Zone with one special exception to include the Manor Care Chevy Chase Health Care Facility (CBA-1516-D). North Chevy Elementary School is located just outside the staff-defined boundary. There are no known pending or proposed development projects currently planned for the surrounding neighborhood.

SECTION 3: PROJECT DESCRIPTION

Prior Approvals

The Board of Appeals granted Case No. CBA-2643 to the Audubon Naturalist Society of the Central Atlantic States, Inc. on September 2, 1969, to permit an Eleemosynary and Philanthropic Institution, and a scientific society headquarters.

CBA-2643, resolution dated April 28, 1982

The Board of Appeals approved a modification, with no conditions to permit a bookshop and removed one of the prior conditions which stated that “no articles of commerce will be sold on the premises”.

CBA-2643, resolution entered May 31, 1990

The Board of Appeals approved a modification, with no conditions to permit a storage shed 14 feet from the north property line, measuring 14 feet by 20 feet and 12.5 feet in height, with a hedge of shrubbery that would screen the structure from the neighbors.

CBA-2643, resolution effective October 18, 1994

The Board of Appeals approved a modification, with no conditions to permit an entrance sign, which had received approval from the Sign Review Board and the Historic Preservation Commission.

CBA-2643, resolution dated September 21, 2001

The Board of Appeals approved a modification, with no conditions to permit various internal improvements to the Society's facilities.

CBA-2643, resolution dated June 29, 2006

The Board of Appeals approved a modification, to permit the establishment of a morning preschool program for 15 children, aged 3 ½ year old. Half of the children are expected to carpool.

CBA-2643, resolution dated March 26, 2009

The Board of Appeals approved a modification for conversion of a greenhouse to permit a group of 16 campers a week for nine weeks as part of the summer camp program.

CBA-2643, resolution dated April 28, 2011

The Board of Appeals approved a modification to allow installation of prefabricated pavilion and to have two additional groups of 16 campers during the nine-week summer camp season. In addition, there was a slight increase in the Spring and Fall birthday programs. The specifics of this approval included but not limited to: 128 campers the camp session, 256 car trips per day, and a one-story pavilion.

CBA-2643-A, resolution dated September 15, 2016

The Board of Appeals approved a modification, with no conditions the installation of cattle grates on the driveway at the Jones Mill Road and Brierly Road entrances and at pedestrian gates, and the installation of permanent monument signs on the Jones Mill Road entrance driveway.

CBA-2643-A, resolution dated December 15, 2016

The Board of Appeals approved a modification, with no conditions to allow the replacement of an existing six-foot fence with a 10-foot high deer fence, extension of that fence across the open section of the property facing Jones Mill Road, Approval for replacement of an existing six-foot chain link fence with sections of an 8-foot high and sections of a 10-foot deer fence across an open section of the ANS property facing Jones Mill Road

CBA 2643-A, resolution dated October 22, 2018

The Board of Appeals approved a modification, with no conditions to widen the cattle grates to a distance of 21 feet to absolutely deter deer from entering the subject property by vaulting over the narrow 14-foot grates installed in 2016.

CBA 2643-A, resolution dated April 16, 2019

The Board of Appeals approved a modification, with no conditions to allow several improvements to an existing nature trail to enhance wheelchair accessibility and utility of that feature along with the restoration of the adjacent Clean Drinking Stream.

Proposal

Audubon Naturalist Society is a Charitable and Philanthropic Institution and serves as an environmental organization linking conservation activities with environmental education. The ANS program of events currently occurs on the Subject Property, which is referred to by ANS as "Woodend," from dawn to dusk 365 days a year. The Applicant proposes to amend the existing special exception to create a nature play space for outdoor recreational opportunities and learning. The Nature Play Space will be closed to the public when planned ANS led

programming is taking place. The Nature Play Space will be used for programming most school days from September through May from the hours of 8:30AM to 2PM. During summer hours, the Nature Play Space will be reserved for summer camp use from 9AM to 4PM. The general public is allowed to visit, and the Applicant anticipates these hours will be on weekdays from dawn to 10AM and from 2PM to dusk during the school year and from dawn to 8AM and from 4PM to dusk during the summer. The general public will be able to visit from dawn to dusk on Saturday and Sunday year-round. The Subject Special Exception Amendment is sought by ANS as a means of appealing to children and families in the Metropolitan Washington area including persons with disabilities. The Applicant proposes a Nature Play Space which will provide stimulating recreational opportunities with multisensory accessible equipment while simultaneously enhancing children’s social, emotional and cognitive development through the experiential outdoor learning.

In addition to the proposed Nature Play Space, the Application proposes modifications to the Site (associated with landscaping, parking, and stormwater management) and updates to previously approved conditions of approval pertaining to the Site’s operations. The anticipated increase in total visitors during the academic year also reflects the projected visits to the Nature Play Space from families within the immediate vicinity. The transportation impacts associated with the proposed project is during the peak hour and the majority of the proposed trips are during non-peak hour. The proposed trips are related to programming for the Nature Play Space and include field trips, after school programs, summer camps and visits by the general public.

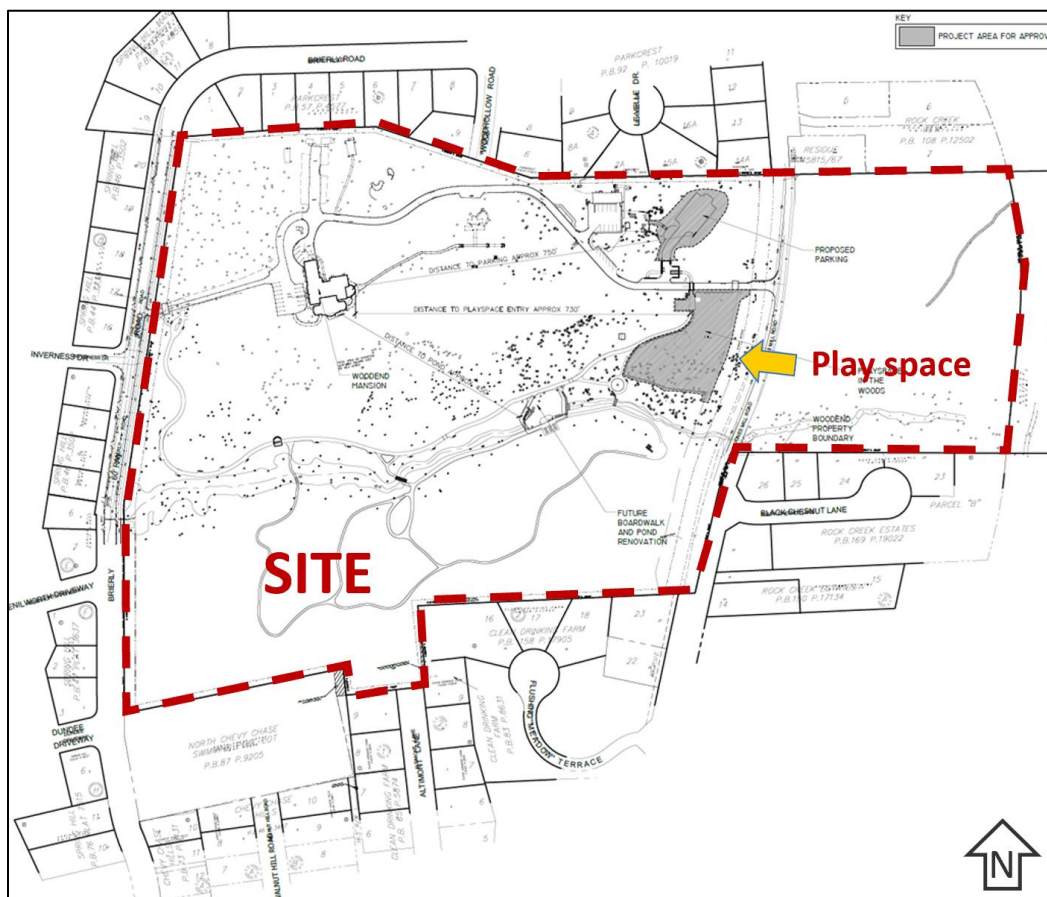


Figure 4 – Special Exception Amendment CBA-916-A

Activity Areas

The proposed Nature Play Space is located on both the north and south sides of the entrance drive from Jones Mill Road leading to the “Woodend” mansion. The primary activity area is situated south of the entrance driveway

and contains various nodes of play encircling equipment to include: child scale entry tunnel, play deck, two playhouses, log scramble, a nest deck, log circle, twig teepees, nest swing, a parkour by Kompan, boulder balance, wood thrush, and an area for water play. The aforementioned equipment provides enriched opportunities for children and persons with disabilities challenging the mind and body.

The rustic appearance of Woodend is integrated into the design of the expanded play area and serves as a new area of focus for the overall site. The proposed play area will feature an adjacent restroom and a rustic shade structure measuring 45 feet (L) by 20 feet (W) by 10 feet (H) with tables for sitting to accommodate eating, teaching and communal space for field trips. The site will be fully compliant with the American Disabilities Act (ADA) and accommodate persons with sensory disorders. The materials, scale, and massing proposed for the equipment are consistent with early childhood educational recreational equipment further uniting the mission of ANS.

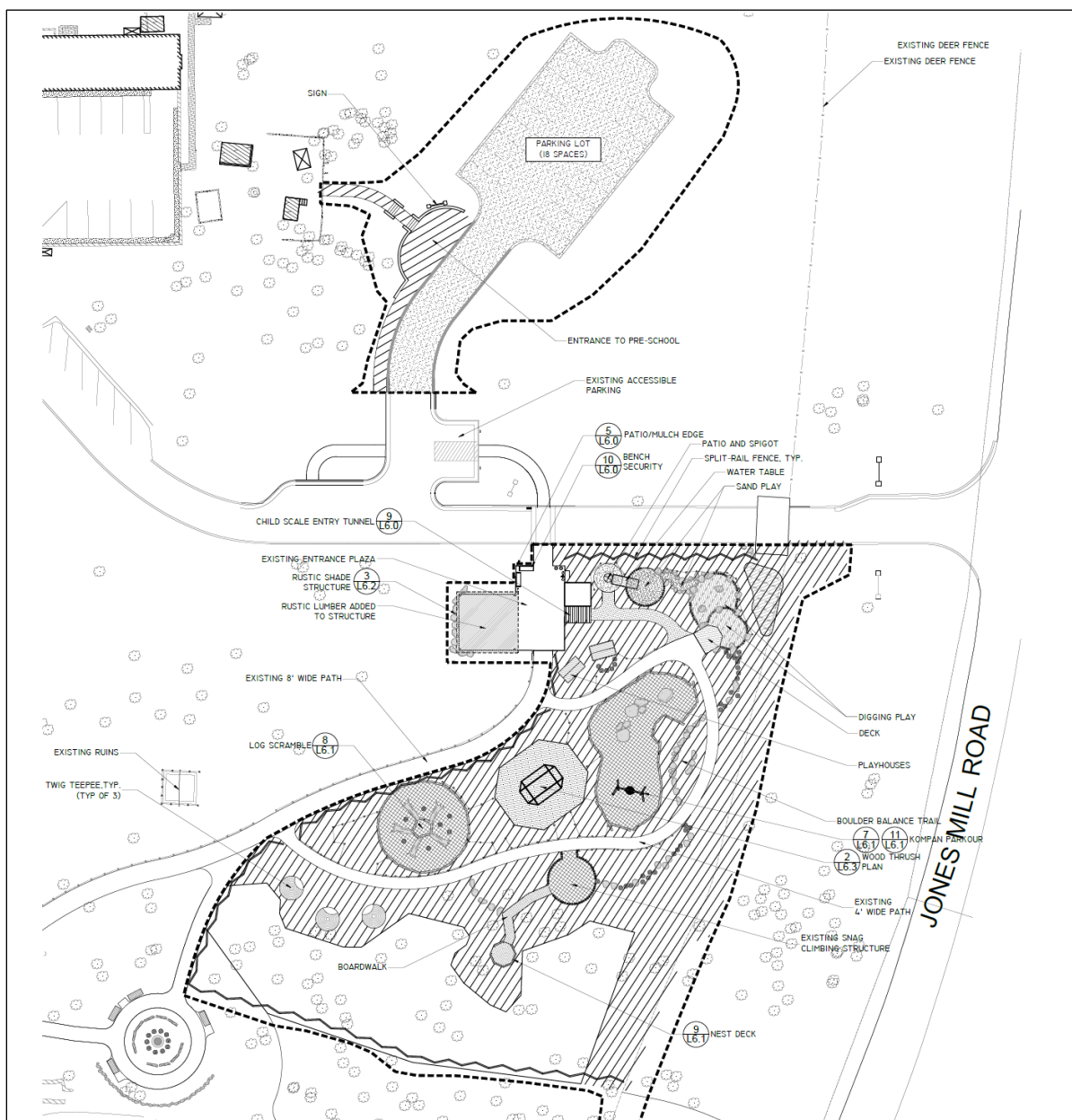


Figure 5 – Perspective Drawing of Nature Play Space and Permeable Parking

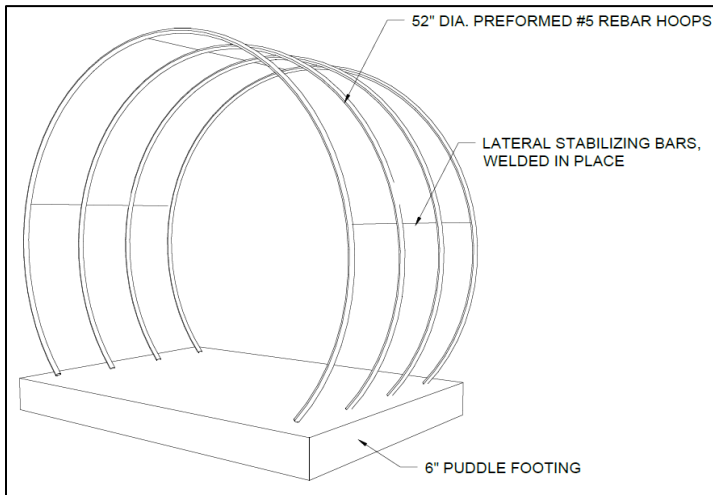


Figure 6 – Perspective Rendering of Child Scale Entry Tunnel



Figure 7 – Perspective Rendering of Playhouses
(two proposed)



Figure 8 – Perspective Rendering of Log Scramble



Figure 9 – Perspective Rendering of Log Circle



Figure 10 – Perspective Rendering of Nest Deck



Figure 11 – Perspective Rendering of Twig Teepees

Signs

The Applicant has not proposed any signs with this Application. The existing signage is to remain.

Drop Off/Pick Up/Parking Area

The Property proposes a dedicated area for drop-off and pick-up of children arriving by bus north of the entrance driveway, as well as two accessible parking spaces previously approved by the Board of Appeals in 2019 as part of the minor modification for trail improvements. A permeable parking area will accommodate up to 18 vehicles geared towards unaccompanied visitors and school field trips. Two existing ADA spaces are adjacent to the proposed permeable parking area.

Landscaping

The Property is extensively landscaped with a wide variety of trees, shrubs, grass, and flowering plants. Impacts to existing landscaping will be minimized where possible. In order to screen the proposed play space area and parking area, the Applicant proposes a planting plan which consists of a combination of additional canopy trees, understory trees, shrubs, and ground cover to complement the existing landscape. The proposed parking lot landscaping, tree canopy coverage and perimeter plantings all meet or exceed the landscaping required by the applicable sections of the Zoning Ordinance.

Stormwater Management (SWM)

The Project must comply with the requirements of Chapter 19 of the Montgomery County Code. Pursuant to this requirement, the Applicant has submitted a combined Stormwater Management Concept/Site Development Stormwater Management Plan. Based on review by the Department of Permitting Services Water Resources Division, the plan was deemed acceptable on January 8, 2020. The plan proposes to meet required stormwater management goals via the use of a bioswale and micro bioretention. A detailed review of stormwater management computations will occur at time of the engineered sediment control plan review.

Historic Designation

The recommendations of the Master Plan emphasize the historic designation of the entire Property and its importance in the future use of the Property. Woodend is the accomplished work of architect John Russell Pope. Its eclectic classicism style is frequently recognized in a review of Montgomery County's history. The Property was built for the late Chester and Marion Wells, the latter was an ardent bird watcher and bequeathed the Property to the Audubon Naturalist Society. ANS' mission is consistent with the stewardship of the Site by not only protecting the natural features of the Property, but its man-made structures as well. ANS received HPC approval for the Natural Play Space in May 2018.

Master-Planned Roadways and Bikeways

Jones Mill Road is classified as a Minor Arterial roadway with a master-planned right-of-way width of 70 feet. This roadway has never been dedicated, and therefore the Applicant, which has frontage on both sides of the street, will be required to dedicate the full 70-foot width by deed within sixty (60) days of approval of the Modification to Special Exception Amendment No. CBA-2643-A. Brierly Road is functionally a Secondary Residential roadway with a minimum width of 60-feet. No additional dedication is required along Brierly Road.

The 2018 *Bicycle Master Plan* recommends bikeable shoulders along both sides of Jones Bridge Road. The Applicant will not be required to participate in the implementation of the bikeable shoulders as part of this Project. The Site is a platted parcel, and the Project will not require a building permit, therefore, a Preliminary Plan is not required at this time. However, compliance with future master-planned roadway facilities along the Site frontage will be required for approval if there are any future Preliminary Plans on the Site.

For all parking lots with 50 or more vehicular parking spaces, one bicycle parking space per vehicle parking spaces is required (Section Sec. 59-E-2.3.(a)). Based off of the total vehicular parking spaces on site (62 spaces), 4 short-term bicycle parking spaces are required. The Applicant is exceeding this requirement by providing 16 short-term bicycle parking spaces on Site.

Access and Circulation

Vehicular access to the Property is provided by two gated entrances. The main entrance is on Jones Mill Road and a secondary driveway is located on Brierly Road. Both entrances facilitate public ingress and egress movements for the Property, and they are proposed to remain in their current condition as a result of the Subject Application.

Pedestrian Facilities

Four-foot-wide sidewalks, with a 3-foot lawn buffer connect the Site to both the north and south along the Property's Brierly Road frontage. A high-visibility crosswalk and Manual on Uniform Traffic Control Devices (MUTCD)-compliant signage is present where The Rock Creek Park trail intersects with the Site driveway on Jones Mill Road. Sidewalks are intermittent along Jones Mill Road north and south of Site.

Transit Service

Although no public transit routes operate on Brierly Road or Jones Mill Road within the vicinity of the Property, the WMATA J1 route providing service between Bethesda and Silver Spring operates along Jones Bridge Road, located approximately 0.3 miles from the Site's entrance. Service is available Monday through Friday from 5:49 AM to 9:11 PM Monday through Friday with headways between 20 and 30 minutes. No local bus service is provided on the weekends.

Parking and Drop-Off/Pick-Up

The Site contains four existing parking facilities on-site. They are evenly distributed throughout the 40-acre campus serving the Main Building, the Learning Garden, the Teal Center and the East Trailhead. In anticipation of additional parking needs for the Natural Play Space, the Applicant is proposing a new permeable parking area to accommodate up to 18 vehicles.

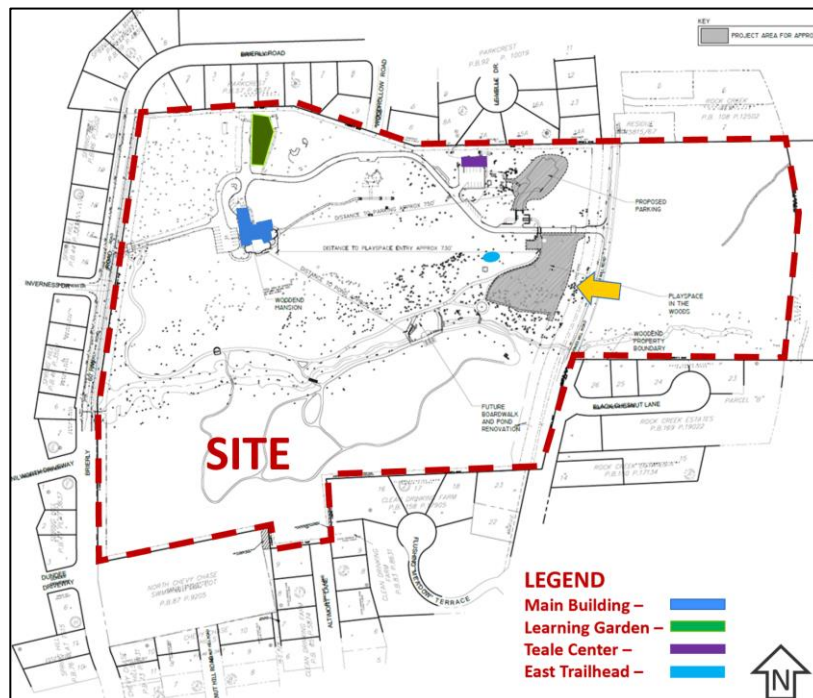


Figure 12 - Parking and Drop-Off/Pick-Up Facilities

Local Area Transportation Review (LATR)

The proposed Natural Play Space will primarily host planned programming staffed by ANS natural-educators during most school days and the after-school program in the evenings during the months of September through May. During the summer the Nature Play Space will be reserved for summer camp use from 9 AM to 4PM.

Throughout the year the general public will also have access to the Natural Play Space from dawn until 10 AM and from 2 PM until dusk September through May and from dawn until 8 AM and from 4 PM until dusk during the summer months. On weekends the general public will have access from dawn until dusk throughout the year. No changes in staffing are proposed in conjunction with the Application and therefore no new trips were estimated for staff.

Because use of the proposed Natural Play Space will be subject to programming and appointments, the trip generation estimates are based on the highest possible activity that can be anticipated in a single day. The trips generated by programmed activities (summer camp and after-school programs) will occur outside peak hours and are therefore not subject to evaluation. The analysis was conducted based on trips to be generated by the general public accessing the Nature Place Space. The projected new peak-hour morning and evening trips made by the general public for the new Nature Play Space and operations based on the Institute of Transportation Engineers' (ITE) trip generation rates for a public park (ITE Code 411), and the Policy Area mode split assumptions, in compliance with the based on the 2017 *Local Area Transportation Review Guidelines* (LATR) are shown in the following tables.

Table 2: Estimated Site Trip Generation

Use	ITE		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
Public Park (Nature Play Space) 0.57 Acres	0	23	0	18	0	30
Total Trips	0	23	0	18	0	30

Source: Symmetra Design Transportation Impact Study dated December 16, 2020, revised by Staff

Table 3: Peak Hour Trip Generation By mode

	Person Trips	Auto Driver	Pedestrian*	Transit	Bike
PM	30	18	7	4	3

* Pedestrian trips are the projected sum of transit riders walking to/from the nearest bus stop and pedestrians walking to the site from other points of origin.

Source: Symmetra Design Transportation Impact Study dated December 16, 2020, revised by Staff

By applying the ITE Trip Generation methodology to the size of the nature play space, the Subject Application is estimated to generate a total of 30 peak hour person trips (18 vehicle trips) in the evening peak hour. While the peak hour person trip estimate is fewer than 50, which is the minimum threshold that requires transportation impact study, the Applicant volunteered to conduct a study to demonstrate that there is adequate capacity on the adjacent roadway network. The Applicant also studied the possibility of increasing enrollment of the after-school program, which resulted in a higher peak hour person trip estimate. It is important to note that the Applicant is not requesting an increase in enrollment and the Applicant will not be permitted to increase enrollment as part of the Subject Application. This information is provided to note that the transportation impact study results are in fact conservative, as it studied a potentially higher impact than what is proposed and conditioned for approval.

Vehicle Adequacy

As the project generated fewer than 250 net new peak hour vehicle trips the Applicant was subject to a single tier of intersections within the vicinity of the Site, resulting in a total of 5 intersections. In accordance with the 2016-2020 *Subdivision Staging Policy* and the 2017 LATR, the intersections were evaluated using the Highway Capacity Manual (HCM) methodology. A map of the intersections studied are shown in Table 3.



Figure 13- Intersection Analysis Map

The Site is in the Bethesda /Chevy Chase Policy Area, which is designated as an Orange Policy Area by the 2016-2020 *Subdivision Staging Policy*. Traffic congestion in Orange Policy Areas is measured using HCM delay-based level of service standards, which applies to all signalized study intersections. The HCM average vehicle delay standard for the Bethesda /Chevy Chase Policy Area is 80 seconds.

Table 4: Intersection Level of Service

Intersection	Congestion Standard	Existing		Background		Total Future	
		AM	PM	AM	PM	AM	PM
1. Jones Mill Road at Jones Bridge Road	80 Seconds	24.7	21.7	23.2	16.4	23.2	16.6
2. Brierly Road at Jones Bridge Road	80 Seconds	5.9	1.2	6.1	1.2	6.1	1.3
3. ANS Site Driveway at Jones Mill Road	80 Seconds	0.3	0.1	0.3	0.1	0.3	0.3
4. ANS Site Driveway at Brierly Road	80 Seconds	0.5	0.8	0.5	0.8	0.5	1.6
5. Beach Road at Jones Mill Road / Stoneybrook Drive	80 Seconds	6.2	7.9	6.6	8.1	6.6	8.1

Source: Symmetra Design Transportation Impact Study dated December 16, 2020

As shown in Table 4 all study area intersections operate at an acceptable average delay of 80 seconds or less during both the AM and PM peak hours. Therefore, no mitigation is required. Planning and MCDOT staff have reviewed the transportation impact study and concur with the conclusions of the report. Therefore, the Applicant has demonstrated that adequate public facilities exist in the transportation network to accommodate the additional new trips estimated to be generated by the Subject Application.

Agency Approvals

Although not required at the time of special exception, the Application was reviewed by public agencies for conformance with the County Code and best practices for site design. A summary of those reviews is provided below, and agency approval letters are included in Attachment C for the record. The Montgomery County Department of Transportation (“MCDOT”) recommended approval of the Subject Application in its letter dated February 10, 2021;

- The Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section recommended approval of the stormwater management concept in its letter dated January 8, 2020.
- The Montgomery County Department of Transportation (MCDOT) approved the Transportation Impact Statement on January 22, 2021.
- The Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section recommended approval of the Subject Application in its letter dated February 26, 2021.

SECTION 4: ANALYSIS AND FINDINGS

Master Plan

The Property is within the 1990 *Bethesda-Chevy Chase Master Plan* (Master Plan). The Master Plan provides careful attention to the “Woodend” property in addition to other large parcels of land holdings within the planning area. Specifically, the master plan calls for the “...protection of Woodend as a historic resource and its environmental setting is recommended for Audubon Naturalist Society and Landon School...”. Table 1 on page 34 of the Master Plan summarizes the Plan’s recommendations for the ANS property. The Master Plan recommends continuation of the existing use in an institutional form, or alternatively, development in accordance with its underlying R90 density (resulting in 145 potential dwelling units). The Master Plan also cites the importance of the historic designation of the Property.

This major modification application emphasizes the preservation of Audubon Naturalist Society in its unique form as a natural sanctuary. This Project proposes to retain the character of the property while providing more diverse opportunities and welcoming visitors who benefit from its unique offerings. The Applicant commits up to 24 acres

of land to be placed in Category 1 (no disturbance) forest conservation easement which is an emphatic action consistent with the Master Plan's recommendations for the Property.

Conditions for Granting a Special Exception – Section 59-G-1.2.1 Necessary Findings

A special exception must not be granted without the findings required by Article 59-G-1.2.1 of the Zoning Ordinance in effect on or prior to October 29, 2014. 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 inherent adverse effects, are a sufficient basis to deny a special exception.

Staff has identified the following inherent impacts of the proposal:

The inherent physical and operational characteristics necessarily associated with an outdoor recreational opportunities and learning include: (1) vehicular trips to and from the Property; (2) outdoor play areas; (3) noise generated by children; and (4) drop-off and pick up areas.

The Applicant proposes an adequate drop-off and pick-up area of children arriving by bus north of the entrance driveway, as well as two accessible parking spaces previously approved by the Board of Appeals in 2019 as part of the minor modification for trail improvements. A permeable parking area will accommodate up to 18 vehicles geared towards unaccompanied visitors and school field trips. The Property also features four existing parking facilities on-site that are evenly distributed throughout the 40-acre campus serving the Main Building, the Learning Garden, the Teal Center and the East Trailhead (Figure 12). The drop-offs and pick-ups will be limited by the conditions of approval of the proposed use to minimize impacts to the neighborhood.

The Nature Play Space is adequate and is designed for children ages three to twelve years old and children with disabilities. The play area restricts outside play time prohibited prior to dawn. The Project will maintain the current operations and hours and will minimize impact to the surrounding neighborhood.

No lighting is proposed with this Project and the proposed permeable parking area is buffered with generous landscaping from nearby properties. The structures and equipment to be installed in the Nature Play Space are modest enough in size, height and function that is not incompatible with surrounding residential dwellings. The Nature Play Space is situated approximately 650 feet from residential lot lines to the south, 400 feet from residential lots to the southeast and 350 feet from Audubon's northern property line.

By continuing similar operations that exist on the Property today, scheduling drop-off and pick-up to reduce the impact on the adjacent residential streets and designing the play areas to take advantage of the existing natural screening, Staff has determined that the proposal will not have any non-inherent effects at this location.

Section 59-G-1.21. General Conditions

- (a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council finds from a preponderance of the evidence of record that the proposed use:

1. Is a permissible special exception in the zone.

The proposed use as a Charitable and Philanthropic Organization is permitted by special exception in the R-90 zone and remains a permitted special exception subject to the provisions of the pre-October 30, 2014 Zoning Ordinance in accordance with the provisions of Section 59.7.7.B.1 of the current Montgomery County Zoning Ordinance. The use is defined by Section 59-A-2.1 of Zoning Ordinance and this Special Exception meets the definition as it is a private, tax-exempt organization whose primary function is to provide recreational, educational, conservation of natural resources.

2. Complies with the standards and requirements set forth for the use in Division 59-G-2.21. The fact that a proposed use complies with all specific standards and requirements to grants 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.

A Charitable and Philanthropic Organization is governed by the provisions of Section 59-G-2.21 of pre-2014 Zoning Ordinance for the use now defined as a “Charitable and Philanthropic Institution.” The Project complies with the provisions of Section 59-G-2.21 in the following manner:

- a) Development Standard. A special exception may be granted for charitable or philanthropic institution, subject to the following requirements:

Table 5: General Development Parking Requirements- Division 59.6

Section	Parking	Required Spaces	Proposed
Sec. 59-G-2.21.(b) Sec. 59-E-3.2.(a)	Office use Employees on largest shift	2.7 spaces per 1,000 GSF 1 space or every 2 employees on the largest shift Total: 56	44 spaces (existing on-site) 18 new spaces proposed at the Natural Play Space Total: 62
Sec. 59-E-2.3.(a)	Bicycle Parking Requirement	1 for every 20 parking spaces. Total: 4	16 short-term spaces Total: 16

(vi) The property must front on and have direct access to a public road built to arterial or higher standards, with the possible exception of properties in the rural, rural cluster, and rural density transfer zones.

The Audubon Naturalist Society Property has its main frontage along Jones Mill Road, a Minor Arterial street with one travel-lane in each direction and a secondary entrance on Brierly Road, a Secondary Residential Street with one lane in each direction. Therefore,

the Site is in compliance with the finding that the property must frontage on and have direct access to a public road built to arterial or higher standards.

As conditioned, the Applicant will dedicate, along its Jones Mill Road frontage, the full master-planned width of 70 feet to MCDOT by deed or a form acceptable to MCDOT for public right-of-way.

(vii) Outdoor recreational 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 facilities must be designed and sited to protect adjacent properties from noise, spill light, stray balls, odors, and other objectionable impacts by providing appropriate screening measures, such as sufficient setbacks, evergreen landscaping, solid fencing, and walls. The setback must not be less than twice the rear yard setback of the zone. This requirement does not apply to outdoor recreational facilities which lawfully exist on May 6, 2002.

The ANS site exceeds 40 acres in size and the majority of the site is devoted to its nature sanctuary. ANS proposes to locate the proposed Nature Play Space significantly away from surrounding residential dwellings. The Project proposes detailed landscaping and screening, substantial plantings of a wide variety of trees, shrubs and other plantings to properly screen the Nature Play Space and to protect adjacent properties from objectionable impacts that would create a nuisance to neighbors.

- 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.**

The Property is within the 1990 *Bethesda-Chevy Chase Master Plan* (Master Plan). The Master Plan provides area-wide land use guidelines in order to address land use issues along major highways, including limiting special exceptions (Master Plan p. 31). This Application does not propose a new special exception in the district, but rather expands an existing special exception on the same Property. The Master Plan encourages the preservation of the large, open space status of the "Woodend" property and protection of its historic resources. This proposed Project is consistent with this recommendation of the Master Plan.

Furthermore, the area land use guidelines state that each parcel should be evaluated in the overall context of the Master Plan objectives, and compatibility with the surrounding community in terms of the height and bulk of the structures, buffering by vegetation, topography, and visibility of the use, highway access and buffering, proximity to public or quasi-public uses, proximity to community services or transit, and the comparative density of nearby properties. The proposed enhancements complement the historic character and natural resources of the Site. The proposed use is consistent with the Master Plan, in terms of the nature and the appropriateness of the use, and it will be compatible with other adjacent uses.

The ANS Nature Play Space proposal supports the nature sanctuary aspects of the Property while extending the benefits to persons of all abilities while respecting the historic and natural resources of the property, thereby meeting the Master Plan objectives. Charitable and Philanthropic Organizations are allowed by special exception in the R-90 zone. The Subject Application continues to meet the overall vision of the Master Plan by enhancing a long-term, stable use to the Site and enhances the existing vegetation within the Site parameters. This vegetation helps screen the special exception use from the adjacent residential neighborhoods.

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 use will be in harmony with the neighborhood with careful consideration of the aforementioned criteria. The Charitable and Philanthropic Organization special exception use proposes structures and equipment to be installed in the Nature Play Space. As illustrated, they are modest in size, height and function and are not incompatible with surrounding residential dwelling units. The Nature Play Space is situated approximately 650 feet from residential lot lines to the south, 400 feet from residential lots to the southeast and 350 feet from Audubon's northern property line. The Project features generous landscaping and adequate screening to complement the existing mature vegetation.

As per the evaluation conducted through the Local Area Transportation Review transportation exemption statement and supplemental operational analysis, adequate public transportation facilities exist to serve the Site. The proposed special exception use does not have any impact on student generation for public schools and will be served by public water and sewer systems.

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 Special Exception Amendment will not be detrimental to the surrounding residential uses because the proposed Nature Play Space is designed to be rustic in nature complementing the existing built and unbuilt environment of the Site. The Nature Play Space is physically separated from any surrounding residential dwellings. The Subject Application continues to meet the overall vision of the Master Plan by expanding a long-term, stable use to the Site. The proposed use is intended to be educational in nature and will not have an adverse effect on the use, the peaceful enjoyment, the economic value or the development potential 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.

The proposed Special Exception Amendment will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the Property. There will be no objectionable illumination since no lights are proposed in the parking areas or the Nature Play Space. Further, the Nature Play Space is only open to the public from dawn to dusk. The modification to the Charitable and Philanthropic Organization special exception use will be consistent with the existing character of the Site and adjacent residential neighborhood.

- 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 special exception use has existed since 1969. Since the proposed Nature Play Space does not introduce an additional special exception to the neighborhood, the residential neighborhood will not be altered in nature by any of this modification to special exception CBA-2643-A. The project proposes to create a new play area for outdoor recreational opportunities and learning but does not change the underlying scope of activities of ANS. The Subject Application will expand an existing special exception but will not affect the area adversely or alter the predominantly residential nature of the area. The expanded outdoor activity maintains the existing residential character. Additionally, the Subject Application has been reviewed in accordance with the Local Area Transportation Review and Staff has determined that sufficient transportation capacity exists to serve the proposed expansion.

- 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.**

The proposed Special Exception will not adversely affect the health, safety, security, welfare of residents, visitors or workers in the area. The play features proposed to be installed in the Nature Play Space are designed especially for children ages three to twelve years old and children with disabilities and to operate during the hours of dawn to dusk. The Applicant proposes no lighting with the Project.

- 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) Police

The subject site is approximately 2.5 miles from the closest police station located at 4823 Rugby Avenue in Bethesda, which accounts for roughly a 7-minute response time.

b) Fire

The Property is located 1.8 miles from a fire station, located at 8001 Connecticut in Avenue Chevy Chase which equates to a 4-minute response time.

c) Public Sewer

The Property exception is currently served by public sewer lines.

d) Public Water

The Property is currently served by public water lines.

e) Transportation

When accounting for the estimated trip generation made by the general public to the Nature Play Space during peak morning and evening hours, the Site is forecasted to generate 30 new person trips in the evening. While not required, the Applicant volunteered to conduct a transportation impact study of one tier of intersections in compliance with the 2017 LATR. The Site does not generate 50 or more transit, pedestrian or bicycle trips, and therefore adequacy tests are not required for those modes. After analyzing existing, background (trips generated by approved but unbuilt development) and the total future (background combined with trips estimated to be generated by the Subject Application) traffic congestion scenarios,

none of the intersections studied were forecasted to exceed the delay standard of 80 seconds per vehicle. Therefore, no traffic mitigation is required by the Applicant, and a finding for adequate public facilities can be made.

f) Storm Drainage

The Montgomery County Department of Permitting Services has reviewed and approved the applicant's Final Stormwater Management Plan for the accessible trail at Woodend. The construction of play features at the proposed Nature Play Space will not require any additional grading that would require a sediment control permit. The permeable parking area parking area will require a sediment control permit.

Sec. 59-G-2.21. Charitable or Philanthropic Institution.

A special exception may be granted for a charitable or philanthropic institution, subject to the following requirements:

(1) In the Agricultural Zones regulated by the development standards of Section C- 9.4, a charitable or philanthropic institution may be granted only if it is for re-use of an existing building. The development standards are those of the applicable zones except:

The Property is located in a One-Family Residential Zone, therefore is not subject to requirements of the aforementioned.

(2) In the One-Family Residential Zones regulated by Section C-1.32, the development standards are for those of the applicable zones except:

(i) Minimum side yard setback: twice the minimum required by Section C-1.32

The Property is approximately 40.19 acres (1,750,983 square feet). The R-90 zone requires a minimum lot size of 6,000 square feet; therefore, the proposed special exception amendment exceeds this requirement. The current side setback is 270 feet which exceeds the requirement of 16 feet.

(ii) Minimum frontage: twice the minimum required by Section C-1.32

The existing site totals to approximately 930 feet of frontage on Jones Mill Road and 1270 feet of frontage of Brierly Road therefore exceeding the requirement 60 feet.

(iii) Minimum green area: 50 percent in R-90 zones

As proposed, the special exception will provide 95% of green area. The Applicant proposes a planting plan which consists of a combination of additional canopy trees, understory trees, shrubs, and ground cover to complement the existing landscape. The proposals for parking lot landscaping, tree canopy coverage and perimeter plantings all meet or exceed the landscaping required by the applicable sections of the Zoning Ordinance.

(iv) Maximum FAR: 0.25 for residential, recreational and environmental uses: 0.25 or 100,000 square feet, whichever is less, for office uses. Any charitable or philanthropic institution established by special exception before May 6, 2002 may expand to a 0.25 total area ratio.

The Subject Property has been operating as a Charitable and Philanthropic Institution special exception use since its initial approval on September 2, 1969, therefore may expand to a 0.25 total

area ratio with a subsequent amendment. The Application is not proposing to expand its current FAR. The proposal is for an outdoor recreational space.

(v) Maximum building height: 35 feet in R-90 zone.

The Applicant proposes no buildings with this Project. The Applicant is proposing outdoor recreational structures for the Nature Play Space with a maximum height of 22' feet. The project demonstrates conformance with the maximum building height in the R-90 Zone.

(vi) The property must front on and have direct access to a public street or roadway having more than one through travel lane in each direction of travel. Access to a corner lot may be from an adjoining primary street, constructed to primary standards, if the Board finds this access to be appropriate and note detrimental to existing residential uses on that primary street. The requirement does not apply to any charitable or philanthropic institution facility that lawfully exists on May 6, 2002.

The Subject Property has been operating as a Charitable and Philanthropic Institution special exception use since its initial approval on September 2, 1969, therefore is not subject to this regulation. However, the Property fronts on Jones Mill Road, a Minor Arterial street with one travel-lane in each direction and a secondary entrance on Brierly Road, a Secondary Residential Street with one lane in each direction.

(vii) Outdoor recreational 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 facilities must be designed and sited to protect adjacent properties from noise, spill light, stray balls, odors, and other objectionable impacts by providing appropriate screening measures, such as sufficient setbacks, evergreen landscaping, solid fencing, and walls. The setback must not be less than twice the rear yard setback of the zone. This requirement does not apply to outdoor recreational facilities which lawfully exist on May 6, 2002.

The Applicant is proposing a 24,845 square feet outdoor recreational facility that will not constitute an intrusion into adjacent residential properties. The proposed outdoor recreational area and permeable parking area are designed to protect adjacent properties from noise, and other objectionable impacts. The play area will be screened by trees and shrubs to be installed as well as the existing hearty mature vegetation. The drop-off and pick-up management will be accessible via an existing ingress/egress and will not present any adverse impacts. The area will not include any outdoor ball fields so no stray balls will occur, and lighting is proposed with this Application. The required rear yard setback is 25' and the Applicant is proposing 1060 feet.

SECTION 5: COMMUNITY ENGAGEMENT

The Applicant held pre-submittal meetings with the adjoining and confronting neighbors of the Property on 15, September 2020. This meeting was held in a virtual format due to the COVID-19 Pandemic. The Applicant has complied with all submittal and noticing requirements. Staff has not received any community correspondence as of the date of this Staff Report.

SECTION 6: CONCLUSION

Staff recommends approval of Special Exception Amendment CBA-2643-A, Audubon Naturalist Society, Inc. (ANS), for a Charitable and Philanthropic Institution create a nature play space for outdoor recreational opportunities and learning.

ATTACHMENTS

- A. Previous Approvals
- B. Agency Approvals
- C. Variance Request