

THE BULLIS SCHOOL SPECIAL EXCEPTION MODIFICATION NO. S-687-H & FOREST CONSERVATION PLAN AMENDMENT NO. 12008003D



Description

The Bullis School seeks a Special Exception Major Modification to add a new Lower School building, increase in enrollment and staffing, and installation of an inflatable bubble over top of the existing tennis courts along with associated changes to parking, lighting and landscaping to the existing school campus for a Private Educational Institution pursuant to the 2004 Montgomery County Zoning Ordinance Sections 59-G-1.3(C)(2)(4) (Specific Conditions), 59-A-4.2 (General Conditions) and 59-A-4.4 (General Conditions) and Forest Conservation Plan Amendment.

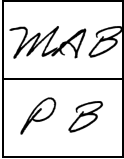
No. S-687-H & 12008008D

Completed: 4-3-2023

MCPB
Item No. 8
April 13, 2023

2425 Reddie Drive
Floor 14
Wheaton, MD 20902

Planning Staff



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LOCATION/ADDRESS

10601 Falls Road, Potomac 20854

MASTER PLAN

2002 Potomac Subregion Master Plan

ZONE

RE-2

PROPERTY SIZE

101.87 Acres

APPLICANT

The Bullis School

ACCEPTANCE DATE

May 24, 2022

REVIEW BASIS

Chapter 59 and Chapter 22A

HEARING EXAMINER PUBLIC HEARING

May 2, 2023



Summary:

- Staff recommends approval of the Conditional Use with conditions and transmittal to the Hearing Examiner.
- Staff recommends approval of the associated Forest Conservation Plan Amendment with conditions.
- The Subject Site has an existing Special Exception for an Educational Institution, Private. The Proposal would allow for the construction of up to a 40,000 square feet new Lower School building, an increase in enrollment to 1,096 students and 272 staff members, and installation of an inflatable bubble over an existing tennis court along with associated changes to parking, lighting, and landscaping.
- Staff has received several public correspondences from neighbors in opposition of this modification as of the date of this Staff Report.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

SPECIAL EXCEPTION MAJOR MODIFICATION NO. S-687-H

Staff recommends approval of The Bullis School, Special Exception Major Modification No. S-687-H, for a new school building, increase in enrollment, increase in staff, installation of an inflatable bubble over the existing tennis courts and site improvements as it relates to parking, drive aisle, lighting and landscaping for a Private Educational Institution, subject to the following conditions:

1. The use is limited to an Educational Institution, Private under the Special Exceptions provisions of Section 59-G-2.19.
2. Prior to the release of the Use and Occupancy Permit, the Applicant must construct an 11-ft wide asphalt sidepath along the frontage of Falls Road. Final width, alignment and timing of this improvement is subject to review and approval by the Montgomery County Department of Transportation (MCDOT) through an MOU agreement between the school and MCDOT.
3. Other conditions as appropriate that will limit the use and related operations to make the findings necessary for approval.

FOREST CONSERVATION PLAN AMENDMENT 12008003D

FINAL FOREST CONSERVATION PLAN AMENDMENT NO. 12008003D: Staff recommends approval, subject to the following conditions:

4. The Applicant must comply with all tree protection and tree save measures shown on the approved Forest Conservation Plan. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
5. The limits of disturbance on the Final Sediment and Erosion Control Plan must be consistent with the limits of disturbance on the approved Final Forest Conservation Plan.

SECTION 2: NEIGHBORHOOD & SITE DESCRIPTION

VICINITY

The Subject Property outlined in Figure 1 in the yellow dashed line is located at 10106 Falls Road, Potomac 20854. The Property is located in the 2002 *Potomac Subregion Master Plan* area.

As shown in Figure 1 below, Staff defined a neighborhood for purposes of analyzing this Special Exception and its possible impacts on the character of the surrounding area. Staff determined the neighborhood based on nearby and surrounding properties that are in close proximity to the Bullis School, and that would be most impacted by the Special Exception Major Modification. The neighborhood is mostly occupied by low-density residential development. Directly north of the site is the Revenue Authority's Falls Road Public Golf Course developed under the RE-2 zone. Directly to the northeast and east side of the site, is Kentsdale Estates which is a low-density single-family residential subdivision under the RE-1 and RE-2 Zones. To the south side of the site across Democracy Boulevard is the low-density single-family residential subdivisions of Camotop and Blenheim which are zoned RE-2 and R-200 respectively. The west side of the site has additional low-density single-family homes in the Glen Falls subdivision zoned RE-2 and RE-2/TDR. To the northwest corner of the site is the Normandie Farm Restaurant (Special Exception No. CBA-749). To the north of the restaurant are two senior living facilities, ProMedica Skilled Nursing (Special Exception No. S-1289) and Brandywine Living (Conditional Use No. CU201601).

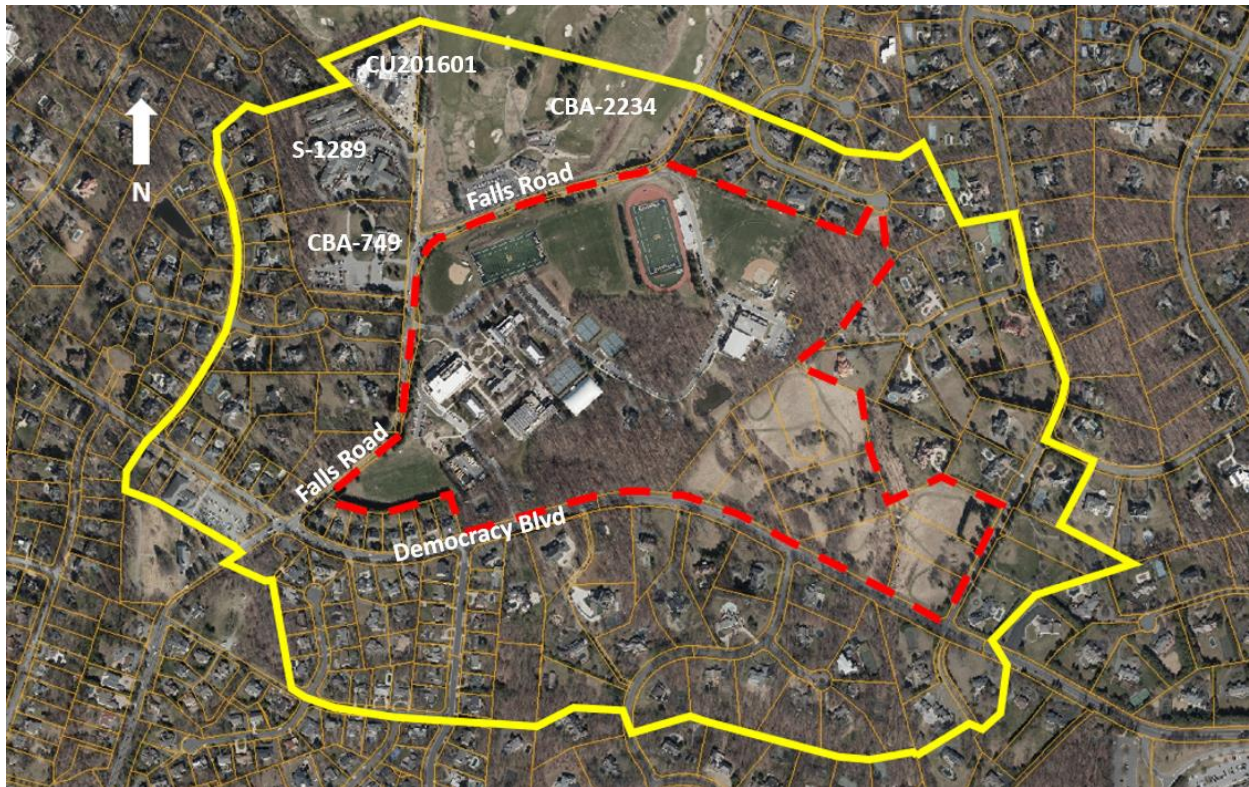


Figure 1: Vicinity Map with Staff-defined neighborhood highlighted in a solid yellow line

Staff identified four approved conditional use/special exception within the defined neighborhood:

- 10800 Potomac Tennis Lane: Brandywine Senior Living, CU201601 (Assisted Living)
- 10714 Potomac Tennis Lane: ProMedica Skilled Nursing, S-1289 (Assisted Living)
- 10710 Falls Road: Normandy Farm Restaurant, CBA-749 (Restaurant)
- 10800 Falls Road: Falls Road Golf Course, CBA-2234 (Telecom Tower)

PROPERTY DESCRIPTION

The property consists of 101.87 acres identified as Parcel A, Block E, Blenheim Subdivision, recorded as Plat Numbers 24460-24464, and Lots 52 through 62, Block B, Kentsdale Estates Subdivision, Plat Number 23667 (“Property” or Subject Property”). The Property is currently developed as a co-ed college preparatory school and is improved with multiple school buildings, parking lots, athletic fields, and school support buildings.

The Bullis School is accessed from two entrances/exits along Falls Road and one entrance/exit along Democracy Boulevard. The northern access on Falls Road closest to the stadium and the access on

Democracy Blvd are both exit only. The other access on Falls Road is the main entrance to the campus. All access points are controlled through automatic gates or security.

The Property is located on the south side of Falls Road across from the Falls Road Golf Course and has extensive frontage along Falls Road to the north and west and frontage along Democracy Boulevard to the south. The topography changes throughout the Property.



Figure 2 – Subject Property

Previous Approvals

The Bullis School was founded in 1930 in Washington D.C. and later moved to Silver Spring, Maryland in 1935. In 1962, the school brought the current property in Potomac, Maryland and the Montgomery County Board of Appeals granted approval for the private school on January 2, 1963 (Case No. CBA-1344). Because the Special Exception was approved prior to the Zoning Rewrite of 2014, all future amendments or modifications must be reviewed under the 2004 Zoning Ordinance.

The Special Exception has been modified nearly two dozen times over the years as the school renovated or enhanced the campus. Every permit issued for the Property requires an amendment or modification to the Special Exception for renovations, new buildings, or additions. Below is a list of approvals for the Property in chronological order.

1. Case No. CBA-1344, January 2, 1963: Initial approval of private educational institution for more than 40 students.
2. Case No. S-687, May 9, 1979: Modification approval for a library, dining hall, auditorium, dormitory, indoor swimming pool and faculty houses.
3. Case No. S-687-A, August 24, 1989: Modification approval of revised site master plan and working drawings for a proposed gymnasium.
4. Case No. S-687-B, August 20, 1996: Modification approval for the installation of lights around the football field.
5. Case No. S-687-C, August 22, 1997: Modification approval for temporary installation of two modular classrooms.
6. Case No. S-687-D, October 19, 2000: Modification approval to permit 1) relocation of the arts center to a more central location directly south of the library, 2) relocation of existing tennis courts to the eastern edge of the access road directly opposite the existing tennis courts and the tennis bubble, 3) deletion of proposed cross campus internal road below the tennis bubble, and 4) completion of loop road extending from the western access point at Falls Road to connect with the existing road south of the academic facilities and immediately north of the proposed art center.
7. Case No. S-687-E, November 2, 2001: Modification approval to permit a three-year extension of the implementation period for the site master plan and the continued use of two modular classrooms through September 1, 2002.
8. Case No. S-687-E, July 8, 2002: Administrative modification to allow retention of seven accessory buildings.
9. Case No. S-687-E, August 1, 2002: Administrative modification to allow the school's enrollment to 'float' up to 604 students during part of the school year.
10. Case No. S-687-E, August 25, 2003: Administrative modification for changes to the school's motor pool facility.
11. Case No. S-687-F and S-687-G, July 7, 2004: Modification approval to permit 1) an increase in academic enrollment from 604 to 900, 2) an increase in enrollment of summer programs from 600 to 900, 3) additional faculty and staff to accommodate the increased enrollments, 4) expansion and construction of various facilities to accommodate the increased enrollments, i.e., 2004 Campus Master Plan, and 5) continuation of certain academic year special activities.
12. Case No. S-687-F and S-687-G, January 5, 2007: Administrative modification to permit two additional sheds adjacent to existing shed located behind Founders' Hall.
13. Case No. S-687-F and S-687-G, May 12, 2011: Administrative modification to allow 1) re-orientation of the baseball field located in the northeastern portion of the campus (previously approved on the 2004 Campus Master Plan), and 2) addition of dugouts and a backstop to the softball field located immediately north of the school's main entrance drive at Falls Road.
14. Case No. S-687-F and S-687-G, October 24, 2011: Administrative modification to incorporate 24.86 acres of land (located contiguous to and immediately east of the existing campus) into the special exception boundaries of the school, and to allow use

- of the newly acquired property for 1) an expanded cross-country course, 2) study by science classes, and 3) a variety of other field based class activities.
15. Case No. S-687-F and S-687-G, August 6, 2012: Administrative modification to permit the installation of two modular buildings located south side of the existing Blair Arts Center.
 16. Case No. S-687-F and S-687-G, July 19, 2013: Administrative modification to allow installation of a new scoreboard located immediately adjacent to the existing scoreboard in the school's main stadium.
 17. Case No. S-687-F and S-687-G, October 28, 2013: Administrative modification to allow construction of a new science, technology, engineering and math, STEM-focused instructional building, i.e., the Discovery Center, in lieu of the Upper School and Lower School facilities previously approved on the school's campus master plan, and the relocation of an existing playground that would be displaced by the proposed Discovery Center with new updated equipment.
 18. Case No. S-687-F and S-687-G, May 19, 2014: Administrative modification to allow installation of an additional modular unit and conversion of an existing open space/lawn area into a more formally landscaped outdoor amphitheater area.
 19. Case No. S-687-F and S-687-G, May 12, 2015: Administrative modification to replace a 25-space parking lot with a new 41-space dual-bay parking lot immediately to the south of the future site of the Discovery Center and a new pedestrian pathway around the new building.
 20. Case No. S-687-F and S-687-G, December 15, 2015: Administrative modification to allow installation of field lighting around an existing practice field.
 21. Case No. S-687-F and S-687-G, August 2, 2018: Administrative modification to allow 1) construction of two new surface parking lots, 2) construction of two new internal access road connections, 3) installation of field lighting around an existing practice field, and 4) construction of a new pavilion building behind the school's stadium.
 22. Case No. S-687-F and S-687-G, January 19, 2022: Administrative modification to allow an increase to the cafeteria addition to Founders' Hall that was previously approved on the 2004 Campus Master Plan, from 2,360 square feet to up to 4,000 square feet in size.

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

The Bullis School campus is made up of seven existing buildings along with multiple athletic fields for various sports. The school currently has 900 students and 223 staff members. The existing parking facility onsite contains 486 parking spaces for cars and 18 parking spaces for buses. There are a series of existing sidewalks and paths throughout the campus for students and staff to traverse the campus from class to class or to the various athletic fields. The 2004 Campus Master Plan presented to the Board of Appeals at that time showed various future improvements throughout the campus including a new Lower School, expanded parking facilities, additional paths and sidewalks, and additional landscaping.

The Applicant proposes construction of a new lower school building of approximately 40,000 square feet to be located in the southwest corner of the Property. The proposed building may be 2-stories or 3-stories but will not exceed the 50' maximum height allowed by the RE-2 zone and will not be more than 40,000 square feet. The Bullis School is asking for an increase in student enrollment from 900 to 1,096 and staff increase from 223 to 272 staff members. The Applicant is proposing to change the existing grass playfield in the southwest corner of the Property into a new artificial turf field. The proposed building will require the parking lot drive aisle and fire department access to be relocated around the new turf field. The parking facility will be removing some spaces where the new Lower School will be built but will replacing some of those spaces along the new parking facility drive aisle for a new campus total of 480 parking spaces. The decrease in parking will still be more than the 422 that is required by the Zoning Ordinance. The school is also proposing an inflatable bubble over one of the existing tennis courts. The existing tennis court is towards the back of the property and will not be seen from off campus. This Application will also increase the network of sidewalks and paths throughout the campus to provide better navigation for students and staff members. The Applicant will be providing frontage improvements by installing sidepaths along both Falls Road and Democracy Boulevard frontages. The Applicant is working with MCDOT on these projects.

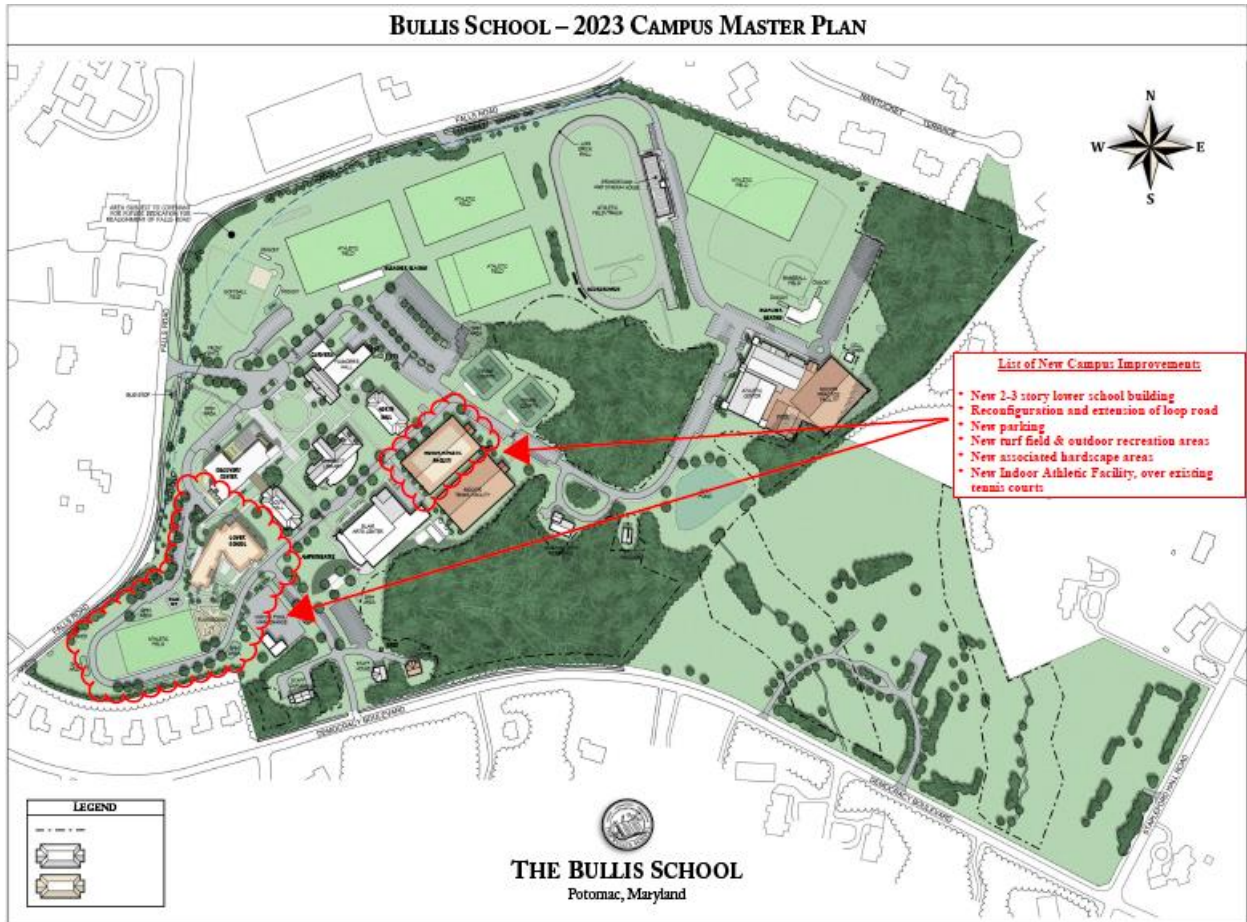


Figure 5: 2023 Redline Campus Master Plan

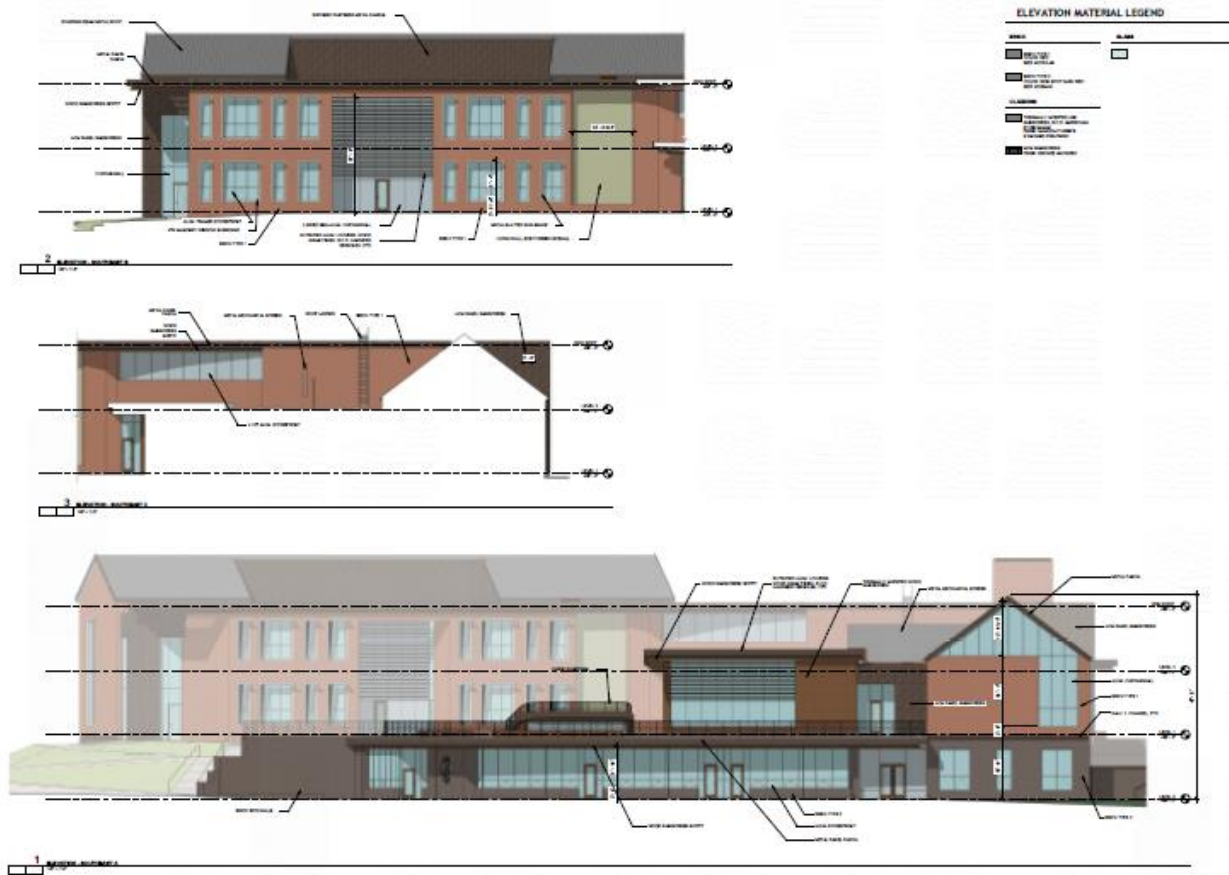


Figure 6: Elevations



Figure 7: View from Parking Facility

ENVIRONMENT

Environmental Guidelines and Forest Conservation

This Property has an existing, previously approved Final Forest Conservation Plan (FFCP) associated with the Bullis School, which will be amended with this application. The Property is partially forested and there are three streams on-site, mostly within the forested area of the Property. The Property is within the Cabin John Creek, Watts Branch, and Rock Run watersheds; all are Use I-P watersheds. As discussed in the required findings below, the Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law, and the FFCP Amendment (Attachment A) was submitted as part of the review process.

SECTION 4: COMMUNITY CORRESPONDENCE

Staff has received correspondence from two neighbors with concerns about the proposed Special Exception Modification. One of the emails included a letter signed by seven of the neighbors abutting The Bullis School that front on Democracy Boulevard. The neighbors have concerns over health issues, noise and pollution concerns and roads with parking that is a nuisance as well as decrease property values.

SECTION 5: ANALYSIS AND FINDINGS

SPECIAL EXCEPTION MAJOR MODIFICATION NO. S-687-H

1. Per Section 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 if the board finds that:

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

The Bullis School has been in existence on the subject property for almost 60 years, predating most of the neighboring homes in the area. The population density at the full enrollment number of 1,096 students equates to 10.75 students per acre, well short of the 87 students per acre maximum density allowed under §59-G-2.19(a)(4)a.5 of the 2004 Zoning Ordinance.

The proposed location of the new Lower School building is essentially the same as what was previously shown and approved on the 2004 Campus Master Plan. The school's new and existing parking lot drive aisles circulation system will be used as a means of managing and limiting potential traffic/queuing impacts from the School's operations on adjacent public roads. These drive aisles will avoid any queuing of school related traffic on adjacent public roads either during the school year or summer. In addition, the new drive aisle is setback a minimum of 50 feet from the front property line at Falls Road and a minimum of 34 feet from the school's southern property line shared with the neighboring homes, which is twice the building side yard of 17 feet in the RE-2 Zone as required by §59-E-2.83 of the 2004 Zoning Ordinance. There is an existing mature landscaped buffer between the new drive aisle and the residential neighbors that front on Democracy Blvd.

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

The new Lower School building is architecturally compatible both with the existing structures on

campus, in particular the Discovery Center, and with other buildings in the surrounding neighborhood that includes both contemporary and traditional style buildings. Due to the size of the Bullis campus, the exterior architecture of the school's facilities need not be similar to a single-family home in design as it will not be very visible from outside the Property, however the school has chosen to use a brick façade similar to a residential detached house along with sloped roofs landscaping around the new Lower School. Also, the new Lower School is screened from the surrounding neighborhood with the existing landscape screening as well as the proposed landscape screening along Falls Road and around the parking facility aisle with this application.

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

The Bullis School has been in existence on the subject property for almost 60 years, predating most of the neighboring homes in the area. The physical and operational modifications reflected on the school's proposed 2023 Campus Master Plan and discussed herein, will not adversely affect, or change the present character or future development of the surrounding residential community. The proposed landscaping with this application will help to screen the new Lower School building. The existing mature landscaping will remain to further screen the campus from the residential neighborhood. Also, the proposed inflatable bubble over the existing tennis court is further back into the Property and will not be able to be seen from off campus.

(4) the private educational institution must conform with the following standards in addition to the general development standards as specified in Section 59-G-1.23:

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

a. Traffic patterns, including:

a) Impact of increased traffic on residential streets;

b) Proximity to arterial roads and major highways;

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

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

b. Noise or type of physical activity;

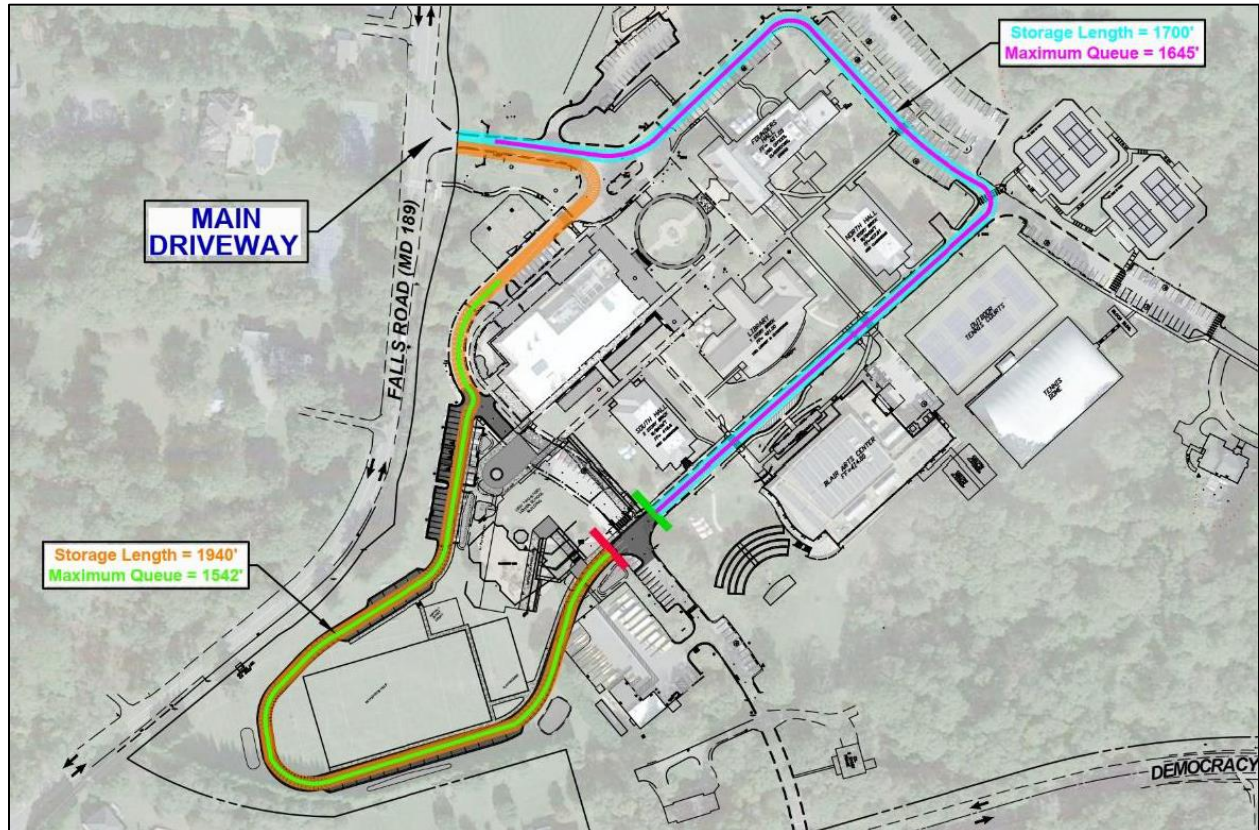
c. Character, percentage, and density of existing development and zoning in the community;

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

e. Density greater than 87 pupils per acre may be permitted only if the Board finds that (i) the program of instruction, special characteristics of students, or other circumstances justify reduced space and facility requirements; (ii) the additional density will not adversely affect adjacent properties; (iii)

additional traffic generated by the additional density will not adversely affect the surrounding streets.

The population density at the full enrollment number of 1,096 students equates to 10.75 students per acre, well short of the 87 students per acre maximum density allowed under §59-G-2.19(a)(4)a.5 of the 2004 Zoning Ordinance. See also the comprehensive Traffic Study (LATR) submitted in support of this Application which concludes that the proposed modification will not have a detrimental impact on the surrounding transportation network, and that the site's internal loop road system and pathways are safe and efficient for both vehicular and pedestrian circulation.



The primary access will continue to be from Falls Rd., identified as an Area Connector in the Complete Streets Design Guidelines. The Applicant will construct a new 1,940 ft. long driveway loop (green) to serve the new school building and facilities in addition to an existing 1,700 ft. long driveway loop (blue) serving existing school buildings. As demonstrate in the Applicant's queuing analysis, these driveways will accommodate all anticipated vehicle queuing for the existing and proposed future school expansion. As demonstrated below, the Applicant's LATR Transportation Study found that area roadways will continue to operate with acceptable congestion standards. The school does not access any local residential streets; therefore, there is no anticipated traffic related impact to neighboring residential areas.

- b. Buffer – All outdoor sports and recreation facilities must be located, landscaped, or otherwise buffered so that the activities associated with the facilities will not constitute an intrusion into adjacent residential**

properties. The facility must be designed and sited to protect adjacent properties from noise, spill light, stray balls and other objectionable impacts by providing appropriate screening measures, such as sufficient setbacks, evergreen landscaping, solid fences and walls. As shown on the site plan the existing and proposed locations of athletic facilities are well set back from the property lines. Further, as shown on the Landscape Plan, adequate buffers will be provided where athletic facilities may be visible to adjacent residential properties. A 6-foot fence is proposed, surrounding the property which also helps to provide screening of activities on school grounds from the adjacent properties.

The Application meets the requirements under Sec. 59-G-2.19(a)(4)(b). The new turf field located is in the southwest portion of the project area. This field appears to have been a grass sports field and is being converted to a turf field. The turf field is separated from the neighboring existing residential lots by 65 feet from property line to edge of field. Between the property line and the sports field there is an existing 6-foot-high chain link fence at the property line, a dense buffer of mature evergreen trees adjacent to and running along the property line, a line of proposed planting of 8 Maryland native overstory trees adjacent to the evergreen trees and then a proposed linear parking facility of 14 parallel parking spaces. The proposed lighting for the parking facility will have no stray light spillage and the light levels will be 0.1 lumens or less at the property line as shown on the Lighting Plan. Also, with this application the Applicant will be installing an inflatable bubble over one of the existing tennis courts.

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

Previously approved “Special Activity Programs” that are proposed to remain unchanged under this Application.

(c) Programs Existing before April 22, 2002.

(1) Where previously approved by the Board, a private educational institution may continue the operation of (i) tutoring and college entrance exam preparatory courses, (ii) art education programs, (iii) artistic performances, (iv) indoor and

outdoor recreation programs, or (v) summer day camps, whether such programs include students or non-students of the school, if the number of participants and frequency of events for programs authorized in 59-G-2.19(b) are established in the Board's approval.

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

Previously approved "Special Activity Programs" that are proposed to remain unchanged under this Application.

(d) Site plan.

- (1) In addition to submitting such other information as may be required, an applicant shall submit with his application a site plan of proposed development. Such plan shall show the size and shape of the subject property, the location thereon of all buildings and structures, the area devote 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.*
- (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.*

This requirement has been satisfied by Applicant's submission of plans/materials in support of this Petition.

2. Per Section 59-G-1.21, to approve a special exception application, the Hearing Examiner must find that the proposed development:

- (1) Is a permissible special exception in the zone.*

Educational Institution, Private is allowed in the RE-2 Zone as a Special Exception per Section 59-C-1.31(c).

- (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.

This application complies with the standards and requirements for a Educational Institution, Private per Section 59-G-2.19 of the 2004 Zoning Ordinance (See Table 1 below).

Table 1: Conditional Use Development and Parking Standards (RE-2)

Development Standard Section 59-C-1.32	Permitted/ Required	Existing/Proposed*
Minimum Lot Area	87,120 SF	4,437,500 SF
Minimum Lot Width at Front Building Line		
Minimum Lot Width at Front Lot Line		
Maximum Density		
Maximum Lot Coverage	25%	5.3%
Minimum Front Setback	50'	146'
Minimum Side Setback	17'	374'
Minimum Sum of Side Setbacks	35'	374'+
Minimum Rear Setback	35'	218'
Maximum Height	50'	50'
Students Per Acre	87/acre	10.75/acre
Vehicle Parking Requirement (Section 59.6.2.4.B & 2004 Code 59-E)		
Number of Spaces	422 Spaces	480 Spaces
Number of Accessible Spaces (Lower School)	2 Spaces	4 Spaces
Charging Spaces	N/A	0 spaces
Bicycle Parking Spaces	N/A	0 spaces
Motorcycle Parking Spaces	N/A	0 spaces
Landscape Strip Adjacent to R/W	10'	See Landscape Plan
Perimeter Landscaping	4'	See Landscape Plan
Internal Landscaping	5% (Lower School)	See Landscape Plan
Min Parking Setbacks, from Street	50'	50'
Min Parking Setback, Rear	35'	1400'
Min Parking Setback, Side	34'	35'
Screening Required	Yes	See Landscape Plan
Shading of Paved Areas	30%	See Landscape Plan

A. Section 59-E-2.7 Landscaping

- Section 59-E-2.7 specifies, that the minimum landscape requirements of this section are intended to alleviate adverse visual and environmental effects associated with parking facilities. The application of these standards will serve to improve compatibility and the attractiveness of such facilities, provide relief from***

unshaded paved areas, and minimize noise, glare and lights associated with parking areas. In addition, these requirements will improve pedestrian safety, optimize traffic circulation patterns with better defined space, and will provide better definition of entrances and exits through the use of interior islands. The following requirements establish minimum acceptable standards for alleviating the visual and environmental problems associated with off-street parking facilities. Under the site plan review procedures of division 59-D-3, the planning board may require additional landscaping in order to ensure compatibility with adjoining properties.

- a. Sec. 59-E-2.71; Landscape Strip area adjacent to a street right-of-way This Section in part states that parking facilities located adjacent to a street right-of-way shall provide a landscaping strip at least 10 feet in width. This area shall be planted with either shade or ornamental trees. A minimum of one tree for every 40 feet of lot frontage shall be provided as well as an evergreen hedge (at least 3 feet in height), a wall or fence, or other methods to reduce the visual impact of the parking facility.***

The Application meets the requirements under Sec. 59-E-2.71. The Landscape Plan shows a landscape strip between the parking facility and the right-of-way for Falls Road varying in width from 39 feet up to approximately 50 feet. Within this planting strip and adjacent to the parking facility there is a meandering row of several evergreen shrubs species which are shown to be about 3 feet in height when planted and will grow to be between 4 to 10 feet in height at maturity depending on the species. In addition, there is an overstory shade tree planted about every 40 feet along the length of the parking facility facing Falls Road.

- b. Sec. 59-E-2.72; Perimeter landscaping area adjoining property other than a street right-of-way. This Section in part states that landscaped areas shall be provided along the perimeter of a parking facility, other than area adjacent to a street right-of-way. The perimeter landscape strip shall be at least 4 feet in width, but not less than the setback required in section 59-E-2.8 where a parking facility adjoins a residential zone. Such area shall contain a minimum of one shade tree for every 40 feet of lot perimeter and, if space permits, shall incorporate landscaped berms.***

The Application meets the requirements of Sec. 59-E-2.72. There is one perimeter parking area located adjacent to residential development along the southwest portion of the Subject Property. The landscape strip is 39-feet wide contains one shade tree for every 40 feet of perimeter and incorporates an existing vegetative evergreen screen comprised of evergreen trees.

- c. Sec. 59-E-2.73; Internal landscaping of surface parking facility. This Section in part states that a minimum of 5 percent of the internal area of a surface parking facility shall be landscaped with shade trees. The internal area of a parking facility is defined by the perimeter of the curbs or edge of paving. The internal area shall include all planting islands and corner areas within the facility. The shade trees should be distributed in order to increase shade.**

The Application meets the requirements of Sec. 59-E-2.73. The larger parking area adjacent to Falls Road is approximately 13,793 sq ft in size. It contains two internal planting islands totaling 951 sq ft which results on approximately 7% of the internal area being landscape. These islands contain groundcover and shade tree plantings meeting Sec. 59-E-2.73.

- d. Sec. 59-E-2.74; Minimum size of planting islands within internal landscape area. Within the interior of a surface parking facility, planting areas shall be provided with shade trees and shall be wide enough to protect the trees from a vehicle's swinging doors and bumper overhang. Planting islands which are parallel to the sides of parking spaces shall be a minimum of 8 ½ feet wide. Planting islands at the heads of parking spaces shall be a minimum of 8 feet wide.**

The Application meets the requirements of Sec. 59-E-2.74. The planting islands parallel to the sides of parking spaces are a minimum of 8 ½ feet wide and the planting area at the heads of parking spaces are a minimum of 8 feet wide. In addition, all shade trees and shrubs are placed approximately 7-feet away from the parking stalls so as to prevent contact with swinging car doors and bumper overhangs.

- e. Sec. 59-E-2.75; General Landscape Requirements. Section 59-E-2.75 specifies that deciduous shade trees with ground cover or low shrubs shall be used as the primary landscape material for parking areas. Use of tall shrubs or low branching trees which will restrict visibility should be avoided.**

The Application meets the requirements of Sec. 59-E-2.75. The primary landscape material used for the planting areas adjacent to and in the parking area are turf grasses and shade trees with higher branching characteristics, so visibility will not be restricted in the parking areas.

B. Section 59-E-2.83; Parking and Loading facilities for special exception uses in residential zones

1. Section 59-E-2.83(c); Screening

- a. This Section in part states that each parking and loading facility, including driveways and dumpster areas, must be effectively screened from all abutting lots. Screening must be provided in a manner that is compatible with the area's residential character. Screening must be 6 feet high, and must consist of evergreen landscaping, a solid wood fence, a masonry wall, a berm or combination of them. Along all street rights-of-way screening of any parking and loading facility must be at least 3 feet high and consist of evergreen landscaping, a solid wood fence or masonry wall.**

The Application meets the requirements of Sec. 59-E-2.83(c). There are two proposed parking facilities and an internal drive isle considered part of the parking facility on the Subject Property. The parking facility and drive isle adjacent to Falls Road has a screen of evergreen landscaping at least 3 feet in height. The parking facility and drive isle adjacent to the residential lot has a screen of dense evergreen trees that are in excess of 10 feet high.

2. Section 59-E-2.83(d); Shading of paved areas

- a. This Section in part states that trees must be planted and maintained throughout the parking facility to assure that at least 30 percent of the paved area, including driveways are shaded. Shading must be calculated by using the area of the tree crown at 15 years after the parking facility is built.**

The Application meets the requirements of Sec. 59-E-2.83(d). There are two proposed parking facilities and an internal drive isle considered part of the parking facility on the Subject Property totaling 30,553 sq ft of paved area. The Applicant is providing approximately 9,330 sq ft of shading from numerous MD overstory trees. This results in approximately 31% of shade coverage over the paved areas.

C. Section 59-E-2.91; Required Standards, Screening from land in a residential zone or institutional property.

- 1. Per Section 59-E-2.91 an off-street parking facility for 6 or more vehicles must be effectively screened on each side that adjoins or faces land in a residential zone or institutional property.**

The Application meets the requirements of Sec. 59-E-2.91. There is a proposed parking facility of 14 spaces located in the southwest corner of the Subject Property adjacent to residential development. The parking facility is effectively screened from the residential units with a dense row of mature evergreen trees in good condition which meets the requirements under Sec. 59-E-2.91.

D. Section 59-G-1.23; General Development Standards

1. Section 59-G-1.23(h); Lighting in Residential Zones Per Section 59-G-1.23(h) all outdoor lighting must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:

- a. Luminaires must incorporate a glare and spill light control device to minimize glare and light trespass.**
- b. Lighting levels along the side and rear lot lines must not exceed 0.1 foot candles.**

The Application meets the requirements under Sec. 59-G-1.23(h). The Lighting Plan is adequate and safe for vehicular, resident and employee movement. The proposed lighting serves multiple purposes, including illumination of the two proposed parking areas, the internal drive lanes, and the adjacent sidewalks. A photometric study submitted with the Application shows measured lighting intensity across the entire property in foot-candles, the locations of lighting fixtures and the manufacturer's specifications on the proposed lighting fixtures. The details on the Photometric Plan show that the lighting assemblies incorporate a glare and spill light control devices in the form of full cut-off glare shields. The Photometric Plan also shows that the light levels will not exceed 0.1-foot candles at the property lines adjacent to the neighboring residential properties.

(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 Site is located within the 2002 *Potomac Subregion Master Plan* area, which does not have recommendations for The Bullis School property; however, it does state some general guidelines that shall be followed as it relates to Special Exceptions. The Master Plan requires Special Exceptions in residential zones to be screened from residential uses and major roadways such as Falls Road and Democracy Boulevard.

(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 physical and operational modifications reflected on the school's proposed 2022 Campus Master Plan and discussed herein, will be in harmony with the general character of the neighborhood. The population density at the full enrollment number of 1,096 students equates to 10.75 students per acre, well short of the 87 students per acre maximum density allowed under Section 59-G-2.19(a)(4)a.5 of the 2004 Zoning Ordinance. The traffic study described in section 9 below confirms the increase in enrollment will not have a detrimental impact on the surrounding transportation network as well.

The neighboring homes on Democracy Boulevard that are nearest to the area of the campus where the new Lower School building and associated improvements are proposed, benefit from the existence of a mature landscape buffer that will serve to effectively mitigate any perceived impacts as well as the minimal lighting, parking, and landscaping to accommodate the new Lower School.

(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 physical and operational modifications reflected on the school's proposed 2022 Campus Master Plan and discussed herein, will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site. The 2022 Plan continues to depict significant buffers of forest, mature landscaping, and open space between the school's facilities and its neighbors. The school's campus is adequately sized to allow for this modest expansion to occur without overcrowding the site or diminishing the value and enjoyment of surrounding residential properties.

(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.

(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 plan do not alter the nature of an area.

The Bullis School has been located at the subject property since 1963 and predates most of the neighboring homes in the area. The physical and operational modifications reflected on the school's proposed 2022 Campus Master Plan and discussed herein, will not 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.

(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 physical and operational modifications reflected on the school's proposed 2022 Campus Master Plan and discussed herein, will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area at the subject site.

The neighboring homes on Democracy Boulevard that are nearest to the area of the campus where the new Lower School building and associated improvements are proposed, benefit from the existence of a mature landscape buffer that will serve to effectively mitigate any perceived impacts. The purpose of the new parking facility drive aisle being proposed in conjunction with the Lower School project is to continue the school's vigilant efforts to avoid any queuing of school related traffic on adjacent public roads either during the school year or summer. In addition, the drive aisle is setback a minimum of 50' from the front lot line and a minimum of 34 feet from the school's southern property line shared with the neighboring homes, which is twice the building side yard of 17 feet in the RE-2 Zone as required by Section 59-E-2.83 of the 2004 Zoning Ordinance.

(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 Bullis School is on public sewer and water service. Rockville Fire Station 33 is located 1.2 miles from the school on Falls Road. There is an approved Fire Department Access Plan for the latest plans submitted to Staff.

Master-Planned Roadways

The Property is located along Falls Rd., identified by the Complete Streets Design Guidelines as an Area Connector with a 120 ft. wide right-of-way (ROW) as determined by the Master Plan of Highways and Transitways, and Democracy Boulevard, identified by the Complete Streets Design Guidelines as an Area Connector with an 80 ft. wide right-of-way (ROW) as determined by the Master Plan of Highways and Transitways.

Bike and Pedestrian Facilities

There are no bike or pedestrian facilities in the project vicinity. The Bicycle Master Plan recommends a sidepath along the eastern side of Falls Rd. Following the prior revision to the Bullis School's special exception, the school entered into an MOU agreement (Attachment D) with the Montgomery County Department of Transportation (MCDOT) to provide payment for the school's portion of sidepath along the frontages of Falls Rd. and Democracy Boulevard. The payment is contingent on MCDOT's request at a time closer to the eventual construction of the overall Falls Rd. sidepath CIP project, which would construct a continuous sidepath to the north and south of the school along some 4.5 miles of Falls Road. However, this CIP project has been placed on indefinite hold. As discussed below, Planning Staff are instead requesting the Applicant construct the already approved path as part of this amendment

in order to address known deficiencies immediately as opposed to being linked to an indefinite timeline.

Local Area Transportation Review

The proposed 196 student expansion of the school will produce 199 AM net-new AM peak hour person trips, 106 net-new person trips during the school’s afternoon PM peak hour (ed, following school dismissal, but prior to the area wide peak-hour), and 44 net-new person trips during the area-wide PM peak hour. The numbers are based on the 2022 Local Area Transportation Review.

Table 2: Trip Generation – Person Trips

Development	Measure	AM Peak Hour 7:30 – 8:30	PM School Peak Hour 3:00-4:00	PM Area Peak Hour 4:30-5:30
Existing Private School	900	931	603	202
Expanded Private School	1,096 Students	1130	710	246
Net New Person Trips	--	199	106	44

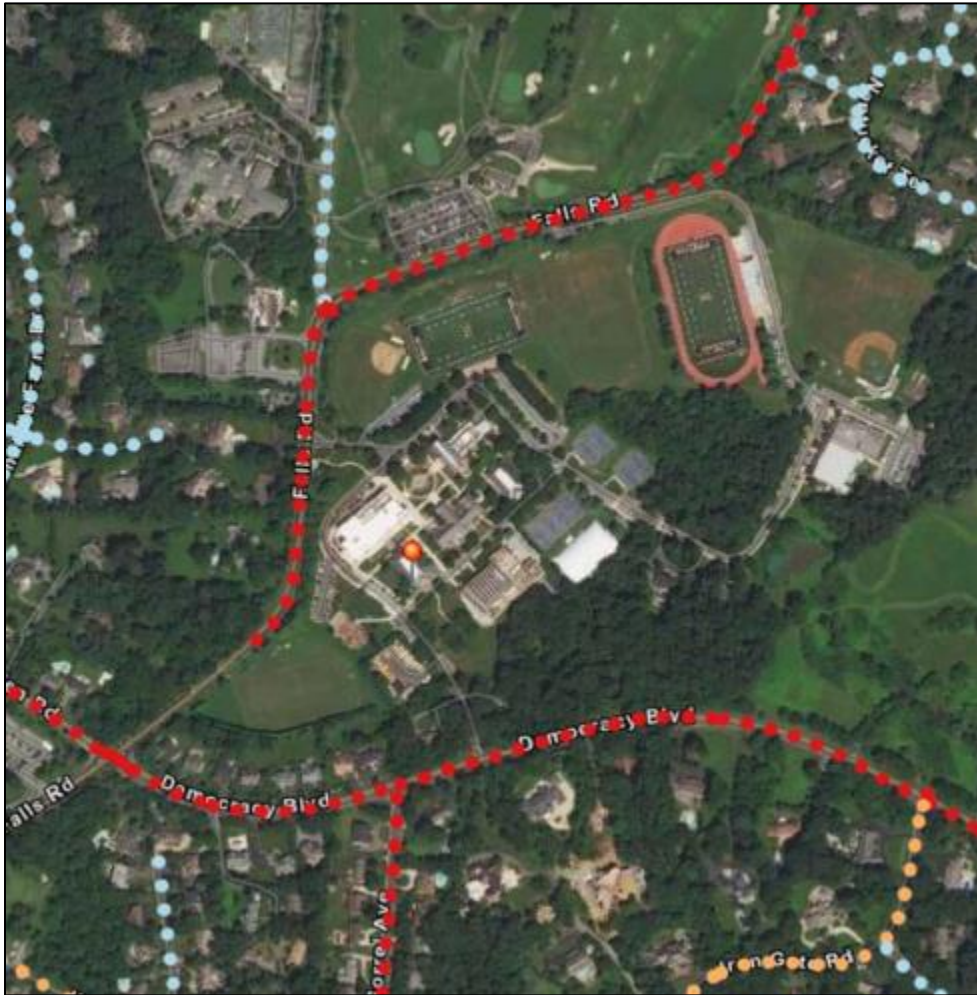
The proposed use exceeds 50 peak hour person trips, requiring a full multimodal LATR study. Six local intersections were studied using the CLV methodology. No intersection exceeded the 1,450 CLV limit.

Table 3: CLV Methodology

Intersection	Traffic Conditions					
	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
<i>Potomac Policy Area (1,450)</i>						
Falls Road / Democracy Boulevard	842	1113	858	1125	914	1194
Falls Road / Bells Mill Road	667	879	670	883	700	905
Democracy Boulevard / Newbridge Drive	480	549	487	1008	509	579
Falls Road / Main Bullis School Driveway	868	915	871	919	1004	991
Falls Road / Bullis School Driveway	665	731	668	735	707	772
Democracy Boulevard / Bullis School Driveway	473	648	480	656	537	703

The absence of bike and pedestrian infrastructure in the project vicinity combined with high speeds on both Falls Rd. and Democracy results in the lowest acceptability rating for the bike and pedestrian networks. For bicyclists, these roads receive a Level of Traffic Stress rating of 4, “high stress”. For pedestrians, the Pedestrian Level of Comfort (PLOC) is likewise found to be level 4, “undesirable”. In both cases, walking and biking along these major roads is uncomfortable and dangerous.

Image 1: Local Pedestrian Level of Comfort Analysis



There were two serious crashes reported in the County’s crash database from 2015-2022, one of which resulted in a fatality, both occurring on Falls Rd. There is one recorded bicyclist related crash that did not result in serious injury.

To remedy these ongoing safety concerns, Planning Staff requests that the Applicant construct the already conditioned sidepath along the school’s frontages on Falls Rd. and Democracy Boulevard. The school is currently responsible to contribute to the eventual Falls Rd. sidepath CIP project through an existing MOU linked to the existing Special Exception, paying for the full construction costs of implementing the path along the Application’s frontage. However, the need to provide these safety improvements are immediate. Linking payment for the improvement to an indefinite timeline will delay the construction of these important improvements; therefore, the applicant is conditioned to construct these sidepath as part of the current proposed school expansion. This would provide immediate benefit to the school and community by providing valuable safety and connectivity improvements along these roads. This will improve access to the school, existing transit, the Falls Rd. Montgomery County Golf Course, and surrounding residents. The immediate construction would avoid

the uncertainty of the provision of funds in the future and would allow MCDOT to potentially break up the Falls Rd. CIP project into smaller, more affordable segments to construct. Additionally, this requirement is in line with typical requirements placed on all applicants to implement bike and pedestrian improvements as soon as possible.

(A) If the special exception use requires approval of a preliminary plan of subdivision, the Planning Board must determine the adequacy of public facilities in its subdivision review. In that case, approval of a preliminary plan of subdivision must be a condition of granting the special exception.

The subject property and use are already served by adequate services and facilities. The Traffic Study submitted in support of this Application concludes that the proposed modification will not have a detrimental impact on the surrounding transportation network, adequate water category W-1 and sewer category S-1 facilities currently serve the use, and Rockville Fire Station 33 is located 1.2 miles to the north on Falls Road, only 2 minutes away from the school site. The Applicant has obtained an approved Fire Department Access Plan from DPS.

(B) If the special exception:

- (i) does not require approval of a new preliminary plan of subdivision; and***
- (ii) the determination of adequate public facilities for the site is not currently valid for an impact that is the same as or greater than the special exception's impact, then the Board of Appeals or the Hearing Examiner must determine the adequacy of public facilities when it considers the special exception application. The Board of Appeals or the Hearing Examiner must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted.***

(C) With regard to public roads, the Board or the Hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.

The school has incorporated transportation and circulation improvements to support future growth, in particular by providing adequate on-site parking and queuing space on internal driveway to accommodate all planned vehicular queuing for daily drop-off and pick-up operations as illustrated in the applicant's Transportation Study. There will be no queuing or offsite impact to public roads.

FOREST CONSERVATION

All Forest Conservation Law, Chapter 22A requirements are satisfied.

Final Forest Conservation Plan Amendment

A Final Forest Conservation Plan (“FFCP”) Amendment 12008003D was submitted for review on November 8, 2022 (Attachment A). The application revises the approved plan to add all land disturbing activities and the limits-of-disturbance. The new construction will impact one tree greater than 30 inches in diameter, so a tree variance request is required with this application.

ANALYSIS AND FINDINGS

1. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

Forest Conservation

Final Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required by the County Forest Conservation Law (Chapter 22A of the County Code), a FFCP (Attachment A) was submitted as part of the review process. This FFCP is an amendment to previously approved FFCP #12008003C.

The proposed revisions are all typical of a private educational facility and are consistent with the approved use on the Property. The additional limits of disturbance will not trigger any changes to afforestation/reforestation requirements.

Variance Request

The Applicant submitted a variance request for the impacts of a protected tree (Attachment A). The Applicant proposes to remove one and impact five protected trees that are 30 inches or greater, DBH, and considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

The protected tree to be impacted, noted on the FCP, as a 39” DBH Red Oak (*Quercus rubra*) in fair condition. The Application proposes to connect into the existing storm drain system on the north side of this tree.

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Tree in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Property. The Applicant contends that an unwarranted hardship would be created if the Applicant could not as part of the proposed development and the management of stormwater, a storm drain connection is required to properly convey water from the site. In doing this the proposed storm drain must run from the proposed stormwater facilities at the west end of the drive aisle and down the existing drive aisle in order to connect to the existing storm

drain system. This storm drain impacts the root zone of a 39" Red Oak. The limits of disturbance has been placed at the far side of the road to minimize the impact to the tree.

Variance Findings

Section 22A-21 of the County Forest Conservation Law sets forth the following findings that must be made by the Planning Board for a variance to be granted.

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to reasonable modifications to the existing features on the Property granting a variance to allow land disturbance within the Property to better fulfill the operation of the school while minimizing impacts is not unique to this Applicant. The granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing conditions on the Property, including the location of the protected trees within the area of the Property and connectivity between commonly owned pieces of land.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the desire for the Applicant to reconfigure existing features to better serve the existing school and is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. No trees are proposed to be removed and one tree will be impacted. The tree that will be impacted, but not removed will continue to provide their existing functions. In addition, Montgomery County Department of Permitting Services will require a detailed sediment and erosion control plan for the land disturbance and a stormwater management plan to treat all runoff from impervious surfaces on the Property prior to discharging into the receiving waterway.

Mitigation for Protected Trees

Staff does not recommend mitigation for trees impacted, but not removed. The affected root systems will regenerate, and the functions provided restored.

Variance Recommendation

Staff recommends that the variance be granted.

The proposed Final Forest Conservation Plan Amendment meets all requirements established in the Montgomery County Code.

SECTION 6: CONCLUSION

The proposed Special Exception Major Amendment complies with the general conditions and standards of an Educational Institution, Private, subject to the recommended conditions of approval. The proposed use is consistent with the goals and recommendations of the 2002 *Potomac Subregion Master Plan*, will not alter the residential character of the surrounding neighborhood, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval of the Conditional Use with conditions and transmittal of comments to the Hearing Examiner and approval with conditions of the associated Forest Conservation Plan.

ATTACHMENTS

Attachment A: Forest Conservation Plan

Attachment B: Correspondence from neighbors in opposition

Attachment C: Previous MC-DOT MOU