

CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT

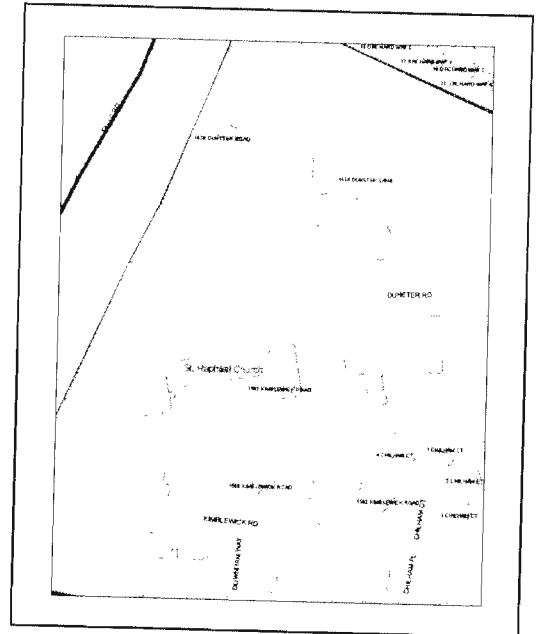
November 21, 2007

**SUBJECT:**

Special Exception Application SPX2007-00374

Applicant: Saint Raphael's Parish School  
c/o Patrick Coggins  
1592 Kimblewick Road  
Rockville, Maryland 20854

Planning Commission Review Date: November 28, 2007  
Board of Appeals Public Hearing Date: December 8, 2007



**REQUEST:**

The subject request is submitted in accordance with Section 25-296 of the City of Rockville Zoning Ordinance. The applicant seeks special exception approval to construct a building addition on the south side of the existing parish school and increase the grade level offerings of the school, adding grades two (2<sup>nd</sup>) thru eight (8<sup>th</sup>). The church located at 1592 Kimblewick Road and/or 1515 Dunster Road has operated a private church school since the mid 1970s, providing educational instruction to pre-school, kindergarten, and first (1<sup>st</sup>) grade students. The subject property is zoned for R-S (Suburban Residential) land usage. As per the ordinance, private educational institutions are allowed in respective residential zones by grant of special exception approval.

Based on available City records, the church has never formally applied for nor been granted a special exception to operate the existing church school. Thus, the applicant seeks special exception approval to 1) bring the existing church school into compliance with current requirements of the Zoning Ordinance, 2) increase the grade level offerings of the school, and 3) expand the existing school building facilities to accommodate the expanded school operations (ref. Section 25-336 & 338 of the Zoning Ordinance).

**PREVIOUS RELATED ACTION:**

Use Permit Application U-316-67, Reverend Patrick A. O'Boyle, a proposal to construct a church and educational building on 11.4 acres of land located at the northeast corner of Dunster Road and Falls Road; approved by the Planning Commission on February 15, 1967.

Use Permit Application U-666-74, Johnson and Johnson Architects, a proposal to construct an addition to the existing church for classrooms and multi-purpose rooms. Approved by Chief of Planning on June 11, 1974.

Special Exception Application S-168-89, Victory Housing Inc., a request for an eleemosynary and philanthropic institution to provided housing for low income and frail elderly persons on a portion of Saint Raphael's Catholic Church site in the R-S (Residential Suburban) Zone. Approved by the Board of Appeals on October 12, 1989.

Use Permit U-456-90, Victory Housing Inc., a proposal to construct a thirty (30) unit residential housing facility for the elderly, on a portion of the church's property located in the R-S (Residential Suburban) Zone; approved by the Planning Commission on April 11, 1990.

Use Permit Application U-512-93, Reverend Raymond F. Schmidt, a proposal to construct a modular home to serve as a residence for church priests and a mobile office structure for use as meeting space. Approved by the Planning Commission on October 13, 1993.

#### **STAFF RECOMMENDATION:**

Approval is recommended subject to the following conditions:

1. The proposed building addition must be constructed in substantial accordance with site and building plans as submitted with the subject application request. Also, the proposed building addition must be constructed of building materials similar in make, color, and quality to that of the existing school building.
2. All construction must meet requirements of the city's construction, fire, and life safety codes, as well as Maryland State accessibility code, and Americans with Disabilities Act (ADA) requirements.
3. At the project's use permit stage the applicant must submit a forest conservation plan for review and approval by the City's Forester's Office. All forest conservation requirements must be met on site, including significant tree replacement.
4. Landscaping in the amount of two and one-half (2½) square feet per parking space shall be provided for developments containing 40 or more parking spaces. A landscaping plan must be submitted at use permit stage and incorporated in the site's Forest Conservation Plan (FCP).
5. The fire access lane should be moved closer to the building, replacing the existing sidewalk, and may be fourteen (14) foot in width when constructed. Note, applicant shall work with Department of Public Works (DPW) staff in determining the need and/or use of the proposed retaining wall located on the south side of the proposed fire access lane.
6. Applicant shall provide a monetary contribution in the amount of \$30,000 for the installation and construction of a bike path along the site's Falls Road street frontage. The applicant will

also provide an easement for a pedestrian path that the applicant will construct in order to connect the proposed bike path on Falls Road to the Kimblewick Road sidewalk.

7. The applicant will install a "mast arm" style gate at the site's Kimblewick Road entrance that will be locked and/or closed during the hours of the school's operation, in order to eliminate vehicular traffic generated by the school, site entry/exit via said site entrance.

8. The applicant shall provide a monetary contribution in the amount of \$6,500 for the installation of a bus shelter; location to be determined by DPW Traffic and Transportation staff.

9. Provide the following information under the "site tabulation" on site plan sheet (1 of 3): Total number of parking spaces provided and required in accordance with Section 25-395(8)(14) & (15) of the Zoning Ordinance. Note, parking information must list requirements for the sanctuary, church school, and elderly housing facility.

## **ANALYSIS:**

### **Site Description**

The subject property is located at the southeast quadrant of Falls Road and Dunster Road. The overall property is approximately 11.3 acres + in size and zoned R-S (Suburban Residential). The existing church campus includes a 750 seat church sanctuary, an activities building which houses the existing church school, an auditorium/gymnasium, a modular office building, a rectory, and elderly housing facility. The site has vehicular access onto Dunster Road to the north and Kimblewick Road located to the south. The elderly housing/assisted living facility (known as Raphael House) has separate but direct vehicular access onto Dunster Road via a semi-circular driveway, allowing for pick-up/drop-off of persons entering/exiting the front entrance to the housing facility.

Based on the plans as submitted with the subject request, the applicant affirms that the site has a total of 224 surface parking spaces. Of the total number of parking spaces provided, nineteen (19) spaces are required for the elderly housing facility, while the remainder are provided for the church, school, and other ancillary support site uses. Site surface parking is located in the western and northern areas of the site. As shown on the site plan, the assisted living/elderly housing facility is located in the eastern area of the site while the church and accompanying activities buildings/school building, gymnasium/auditorium, and modular office building are located in the western half of the site.

The site is bound to the north by Ritchie Park Elementary School and a community private swimming pool, to the east by a wooded area of the site and neighboring single family detached dwellings, and to the south and west by single family detached dwellings.



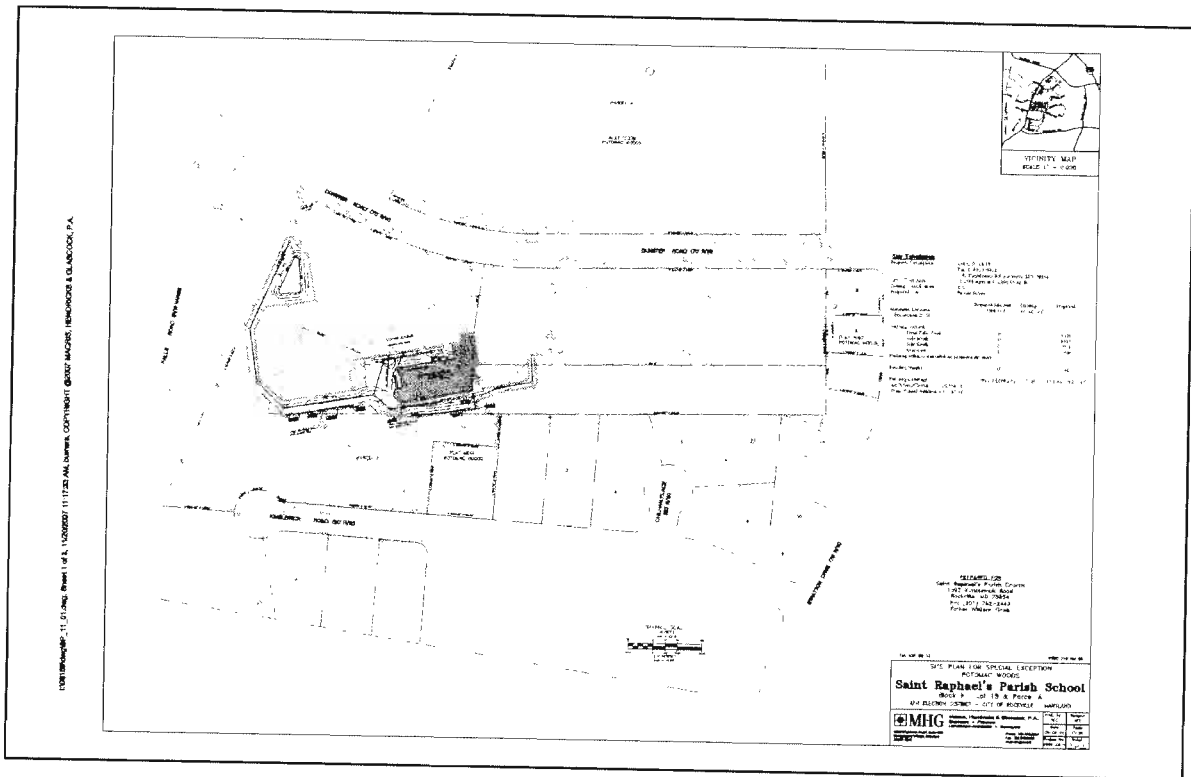
**Aerial View – Saint Raphael's Catholic Church**

While the site's topography is relatively flat there is gradual sloping along the site's Falls Road street frontage, as well as in the far eastern areas of the wooded portion of the property. Mature trees and other vegetation are found throughout the property, all differing in species and size.

The subject school currently provides educational instruction for 164 pre-school, kindergarten, and first (1<sup>st</sup>) grade students. Based on available City Records, the school kindergarten students are counted in the enrollment of Saint Elizabeth's Parish School located on Montrose Road. Staff would expect that if the subject special exception were granted as requested, the student enrollment numbers for Saint Elizabeth's Parish School would require adjustment. The applicant affirms that current staff level for the parish and school is 35 employees. The school's academic year starts in September and ends in May. The school operates on a weekday schedule, starting at 8:00 a.m. and ending at 3:00 p.m.

### Site Use & Project Proposal

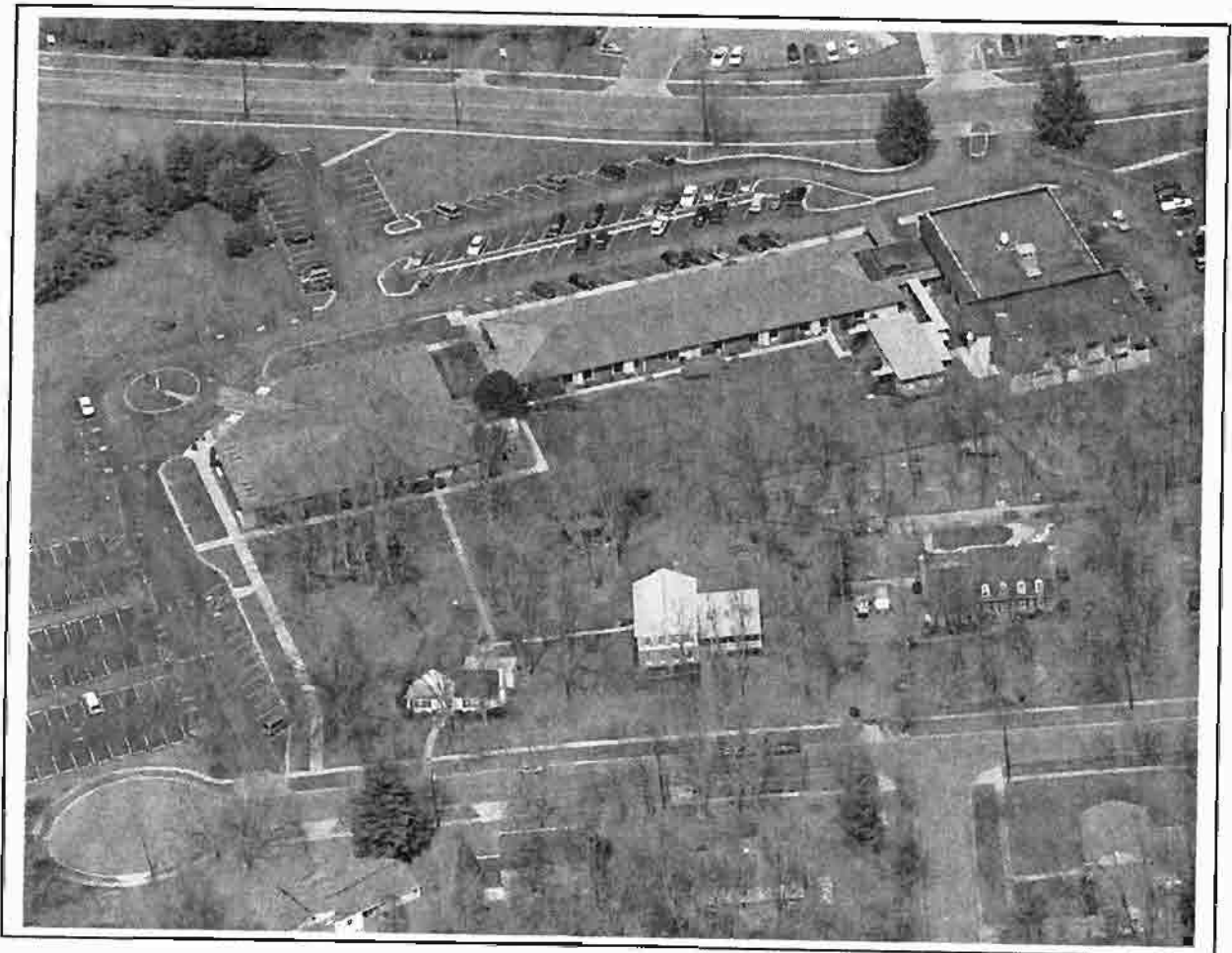
The applicant seeks special exception approval to expand the existing parish school, which began in 1969 as a nursery school, however without grant of special exception as required by the City's Zoning Ordinance. As noted the church school currently provides education for 164 pre-school, kindergarten, and first grade - school aged children. The subject special exception request if granted would bring the church school into formal compliance with the applicable requirements of the Ordinance.



**Illustration "A" - Proposed Site Plan**  
*(Also See Exhibit 1)*

Under the subject request the church plans to expand the existing school, i.e., construct a 12,861square foot (three level) classroom building addition and increase the grade level offerings of the school via adding grades two (2<sup>nd</sup>) thru eight (8<sup>th</sup>). Under the subject request, the school's current enrollment of 164 students would increase by a total of 220 additional students; the school would have an enrollment of 384. The existing school does not provide bus service for students. The applicant notes that "due to the age of the children currently attending the school, the majority of the children are driven to the school except for a few who are walked to school by their parents." Hence school bus service is not and will not be provided for the planned expanded church school.

The proposed three (3) level building addition is to be constructed on the south side of the existing school building and on the west side of the auditorium/gymnasium. The proposed new building addition would create new classroom space, computer and science labs, a library, office and administrative support space, meeting rooms, and storage area. When the new 12,861 square foot building addition is completed, the subject private school and church will collectively total approximately 49,851 gross square feet. The proposed building addition will also be of masonry construction and designed to be compatible with the existing school building. The new classroom building addition will feature a front building entrance which opens onto a courtyard connected by a series of walk ways. Thus, this new building entrance as designed allows for exterior and interior pedestrian access between the new addition and existing building.



**Aerial View of Project Site Area**

In accordance with Section 25-417 of the Ordinance, the applicant will be required to install additional site landscaping, in addition to planting requirements imposed by the Forest and Tree Preservation Ordinance. This additional site-planting requirement specifically applies to developments and/or land uses having forty (40) or more on-site parking spaces. Thus, in order to expand the school as proposed, make the necessary physical improvements associated with the

planned building expansion, increase the grade level offerings of the school as proposed, the applicant seeks approval of the special exception request as submitted.

### **Applicable Sections of the Zoning Ordinance & Staff Analysis**

Section 25-296 of the Ordinance allows " private educational institutions" in the R-S zone as a special exception land use. As per Section 25-338 of the Ordinance, the Board of Appeals shall not grant any petition for a special exception unless it finds from a preponderance of the evidence of record that:

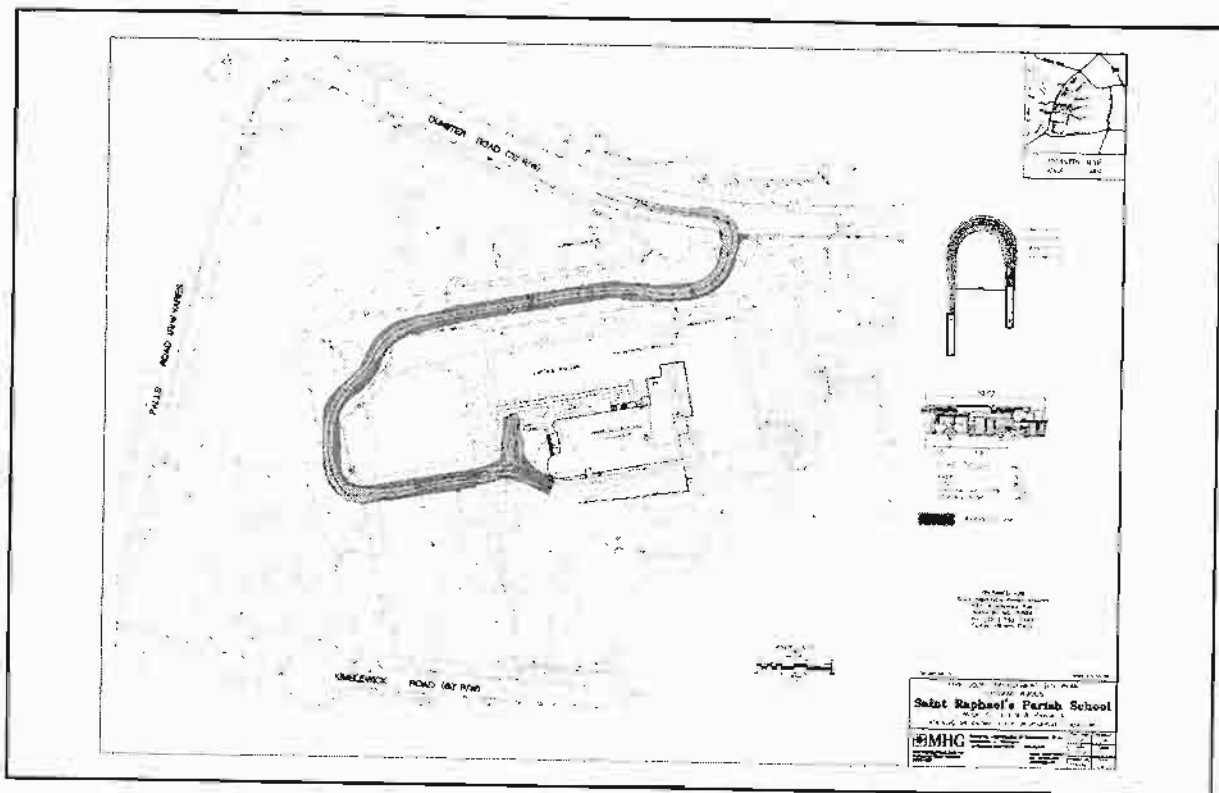
**1. The proposed land use will not adversely affect the City's Master Plan (the Plan), Zoning Ordinance, or any other applicable law; and**

Saint Raphael's Catholic Church has been an established institutional land use within the subject community in which it is located since the late 1960s. Both the church and its school component have been in existence for well over thirty (30) years. The subject community in which the property is located is primarily residential in character. The proposal as submitted does not violate or adversely affect the Plan or any known laws of the City. The subject request seeks to expand and increase the grade level offerings of the existing private educational institutional use of the property. The Master Plan's land use designation of the subject site is for "institutional" land usage and as such the applicant's request is in compliance. By allowing "private schools" in respective residential zones, inference is made from the ordinance that such uses are appropriate in a such zones if it can be demonstrated the use will not be adverse to the public health, safety and welfare.

**2. The proposed use at the location selected will not: a) Adversely affect the health and safety of residents in the area; or b) Overburden existing and programmed public facilities as provided in Article XVI of this Chapter and as provided in the adopted Adequate Public Facilities Standards; or c) Overburden existing and programmed storm drainage and other public improvements; or d) Be detrimental to the use or development of adjacent properties or the neighborhood; or e) Change the character of the neighborhood in which the use is proposed, considering services currently required, population density, character, and number of similar uses; and**

The planned building addition will create new classroom and support space for both staff and students. The applicant affirms that the planned building addition is needed primarily to accommodate the increased student enrollment, which will be brought about by adding grades two (2) through (8). With the exception of the planned increase of twelve (12) new staff members and increase in grade levels, the applicant does not propose any substantive changes in the administrative structure of the school, e.g., increased school days, introduction of summer school, etc. The school in many ways will continue to operate much as it has over the past several years. The new proposed school addition will be a modern facility and provide students will larger classrooms, added support space, a new library, art and music rooms. At present time the average size of a class is 15 students. It is anticipated that the new building addition will allow the school's administration to accommodate slightly larger class sizes up to 25 students.

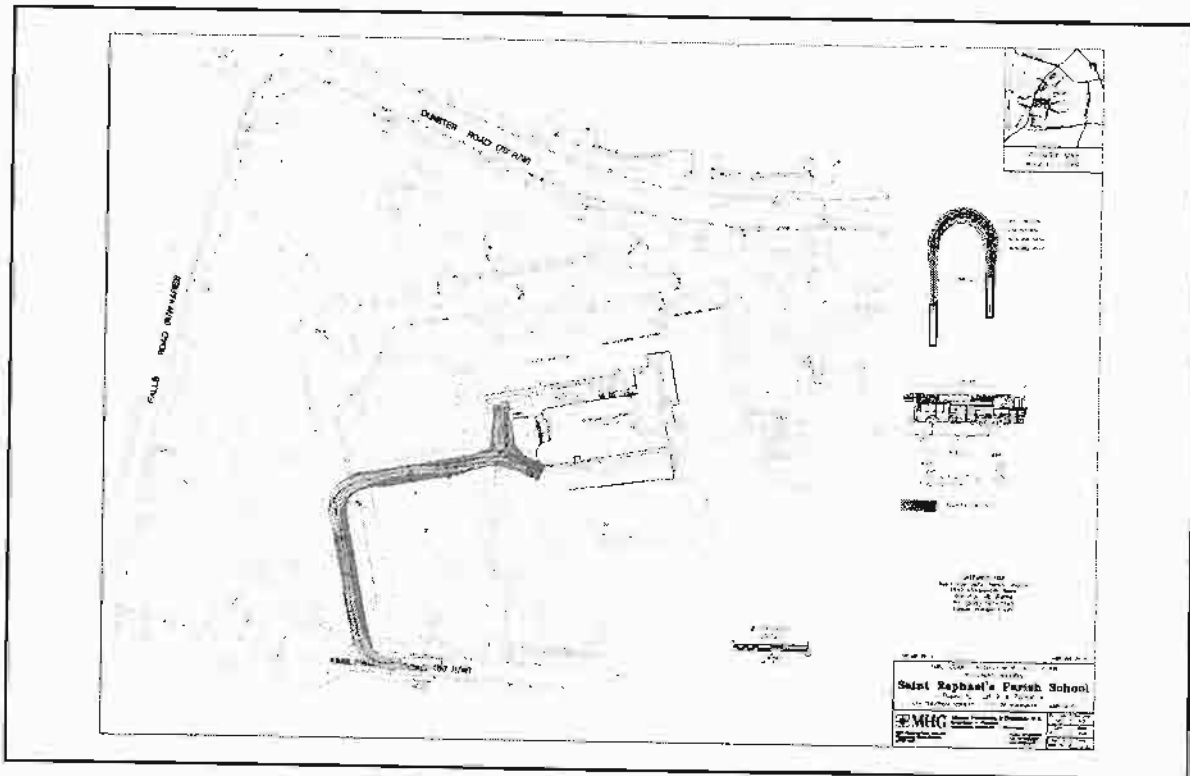
As previously noted, the vast majority of students are dropped-off and picked-up by parents. The school day starts at 8:00 a.m. and ends at 3:00 p.m. Since the proposed building addition is needed primarily to accommodate a planned increase of 220 additional students, vehicular traffic generated by the school will increase above current levels. Since the filing of the special exception request, staff has been contacted by a number of persons raising concerns about the church's planned expansion of the school. Concerns center primarily on the impact that site generated vehicular traffic has and will have on the "quality of life" for many of the residents living on Kimblewick Road. Staff has been informed by a number of residents living on abutting Kimblewick Road, that they frequently observed persons driving to/from the church, who either were attending church services or other functions, including those parents picking up and dropping off children who attend the school, speeding and disregarding (on numerous occasions) the posted speed limit for Kimblewick Road.



**Illustration "B" – Fire Vehicle Access From Dunster Road**  
*(Also See Exhibit 6)*

Staff has continued to work closely with the community and applicant in order to determine how best to address (if possible) the neighbors' concerns about vehicular traffic being generated by the school and its impact on Kimblewick Road. Staff has recommended as a condition of approval that the church install a "mast arm" style gate at the site entrance on Kimblewick Road, in order to limit site ingress/egress via said entrance during hours of school operation. Staff believes that limiting access to/from this site entrance when school is operational will reduce the

amount of vehicular traffic on Kimblewick Road during those times when school is in session or when it is holding school related special events. Thus, parents dropping off/picking up children from the school would have vehicular access to the site via Dunster Road. Since Kimblewick Road is a public street staff does not believe that closing or denying the church permanent access via that this site entrance is warranted. Staff believes that controlling and/or limiting access from that entrance should address a number of concerns neighbors on Kimblewick Road have raised about vehicular traffic being generated by the church and its planned expansion of the school .

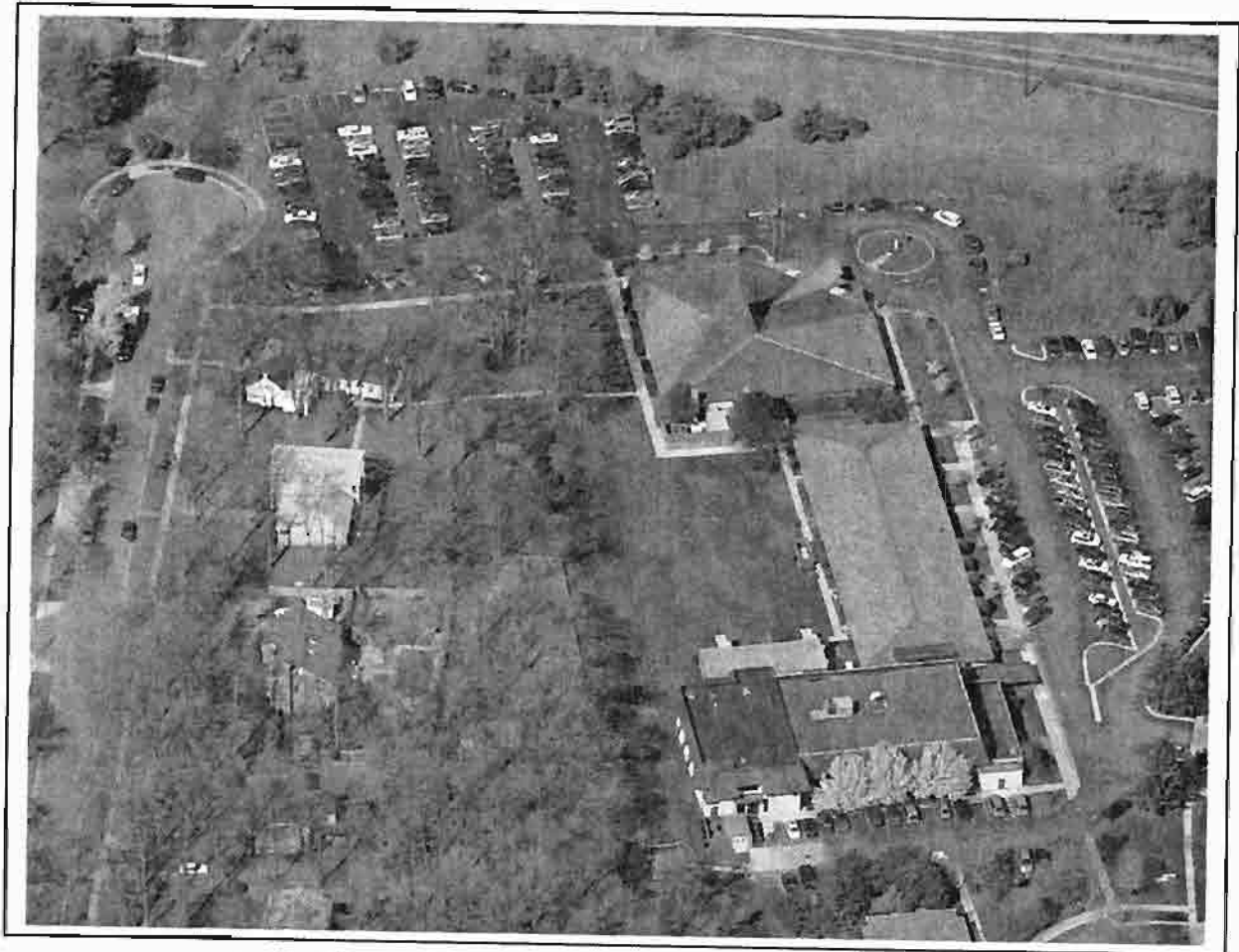


**Illustration "C" – Fire Vehicle Access From Kimblewick Road**  
*(Also See Exhibit 7)*

At present time the school does not have a summer school session and as such is not fully operational year round. Based on the information provided, vehicular traffic generated by the school generally occurs when other site church related activities are not taking place. When school is not in session, vehicular access on both Dunster Road and Kimblewick Road provides alternative means of site ingress and egress. While staff understands concerns raised by residents living on Kimblewick Road regarding any potential increase in vehicular traffic from the school, it is important to note that when school is not in session, dual vehicular site entrances lessen the likelihood that vehicles will stand and/or stack out onto the abutting public roadways when attempting to access the site.

Based on the project proposal as submitted and the concerns which have been voiced by a number of neighboring residents, staff believes that installation of a gate at the site's Kimblewick

Road entrance, which would limit access via that entrance during school hours and during school related special events, would serve to limit the amount of vehicular traffic on Kimblewick Road.



**Aerial View of Abutting Kimblewick Road Site Entrance**

At this initial stage in the development review process, it is unlikely existing site utilities and other public services such as water, sanitary sewer, storm drainage will require major or substantial upgrade or renovation in order to accommodate the planned school expansion. However, if the special exception is granted, the applicant will be required to provide greater detailed analysis of the adequacy of utility infrastructure and services on and off site. As noted, the building addition will be compatible in design and constructed of building materials similar to that of existing church campus buildings. The applicant will also be required to replace any significant trees removed to accommodate the planned building expansion. The applicant continues to work with the City Forester to ensure that the project will fully comply with applicable requirements of the Forest and Tree Preservation Ordinance. The proposed new building addition will be located well over 100 feet from the closest residential dwelling to the south of the church property. Due to the significant size of the subject property, coupled with the school's site location, it is highly unlikely that the neighboring residential land uses would be physically and/or visually impacted by the planned school expansion. It is also important to note

that the school's play area located between the planned school building addition and neighboring homes to the south serve as a buffer between the uses. Thus, due to existing site characteristics, proximity of adjacent land uses, and site area land use patterns, there is no evidence the school addition as proposed would be detrimental to the continued use or development of properties in the neighborhood.

The applicant is working with the City's Department of Public Works (DPW) staff on the design and implementation of stormwater management facilities to accommodate the planned building and site development. Hence, the applicant will be required to provide appropriate SWM facilities on site, as determined by DPW staff.

By allowing "private schools" in respective residential zones as special exception land uses, the Ordinance insures that the proliferation of similar land uses within a given site area does not occur. Staff has found no evidence that the delivery and availability of public services within the site area will be altered or reduced by the planned school expansion, e.g., police, fire and rescue, refuse collection, etc. Lastly, the subject school is not a boarding school or long term residential/institutional facility, therefore the planned school expansion will not impact site area population densities.

### **3. The proposed use complies with requirements of the Zoning Ordinance that are applicable thereto.**

The subject application request and accompanying site development proposal as submitted, comply with all applicable land use regulations and development standards. e.g., minimum lot size, lot width, maximum lot coverage, building height, and building setback requirements (Ref. Sections 25-311 & 356 of the Ordinance).

### **RECOMMENATION**

Based on all of the afore noted factors, staff finds suitable justification to recommend Special Exception Application SPX2007-00374 be approved, subject to the conditions as referenced on pages two and three of this staff report.

### **COMMUNITY NOTIFICATION PROCESS**

Notification cards were sent to nearby property owners informing them of the application request and upcoming Planning Commission review and Board of Appeals public hearing, at which time the subject land use request will be publicly heard and considered. Notices were sent to 239 property owners located within the subject site area. A list of the addresses where notices were sent is contained in the project's application file for public review and inspection.

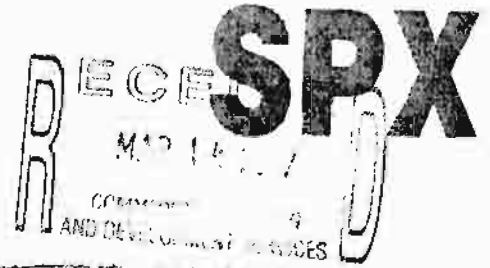
#### **Attachments**

- Exhibits "1 thru 3" - Site Development Plan
- Exhibit "4" - Natural Resources Inventory Plan
- Exhibit "5" - FCP & Landscape Plan

Exhibits "6 & 7" – Fire Vehicle Access Plan  
Exhibit "8" – Onsite Vehicle Circulation Plan  
Exhibits "9 thru 12" – Floor Plans  
Exhibits "13 thru 15" – Building Elevation Drawings



City of Rockville  
 Dept. of Community Planning & Development Services  
 Planning Division  
 111 Maryland Ave. • Rockville, MD 20850-2364 • 240-314-8200  
 www.rockvillemd.gov



# APPLICATION FOR SPECIAL EXCEPTION (SPX)

PROJECT IDENTIFICATION: ST. RAPHAEL'S PARISH SCHOOL

Application is hereby made with the Board of Appeals of Rockville for approval of a Special Exception for the property described below:

PLEASE PRINT CLEARLY OR TYPE	NUMBER, STREET & ZIP <u>1592 KIMBLEWICK RD. ROCKVILLE, MD, 20854</u>		
	SUBDIVISION <u>PISCATAWAY WOODS</u>	LOT <u>K</u>	BLOCK <u>17</u>
	ZONING <u>R-S</u>	TAX ACCOUNT NO. <u>02177422</u>	PROPERTY SIZE (in square feet) <u>411,172</u>
	NAME <u>ST. RAPHAEL'S PARISH SCHOOL</u>		
APPLICANT*	FIRST <u>PATRICK</u>	LAST ADDRESS, NUMBER, STREET, CITY, STATE, ZIP <u>ST. RAPHAEL'S PARISH SCHOOL</u>	
	LAST <u>COGGINS</u>	<u>1592 KIMBLEWICK RD. ROCKVILLE, MD, 20854</u>	
PROPERTY OWNER	FIRST <u>PATRICK</u>	LAST ADDRESS, NUMBER, STREET, CITY, STATE, ZIP <u>1590 KIMBLEWICK RD. ROCKVILLE MD, 20854</u>	
	LAST <u>BOYLE</u>		
ARCHITECT Registration # <u>110 4416</u>	COMPANY <u>DELIZIO ARCHITECTS &amp; PLANNERS</u>		
	LAST <u>DELIZIO</u>	FIRST <u>DENNIS</u>	
ENGINEER/ OTHER Registration #	COMPANY <u>MAGRETT HENRICKS &amp; ASSOCIATES</u>		
	LAST <u>PERNE</u>	FIRST <u>RAY</u>	
Total Gross Floor Area: <u>12,861</u>	Office Gross Floor Area: <u>N/A</u>	Retail Gross Floor Area: <u>N/A</u>	Hotel Gross Floor Area: <u>N/A</u>
Number and Type of Dwelling Units: MF: <u>N/A</u> TH: <u>N/A</u> SFD: <u>N/A</u>		Number of Parking Spaces Provided: <u>N/A</u>	

\* A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner

Work description: ADDITION OF NEW CLASSROOM BUILDING TO EXISTING SCHOOL

List below the application numbers, filing dates and action taken on all prior applications filed within the past three years or currently in effect prior to this date for the Special Exception use of the whole or any part of the land described herein.

Application Number	Date	Action Taken

I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understand all procedures for filing this permit.

TO BE COMPLETED BY THE PLANNING DIVISION  
 Application #: SPX2007-00374  
 Staff Reviewer: \_\_\_\_\_  
 Target Board of Appeals Review Date: \_\_\_\_\_

Signature of Applicant [Signature]

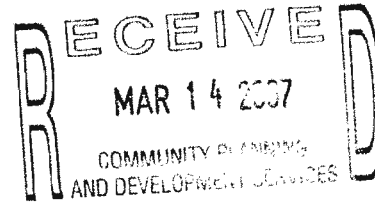
Received by: [Signature]  
 Date: 3/14/07  
 Total fee: \$ 2500

See reverse side



March 13, 2007

Mr. James Wasilak, Chief of Planning  
City of Rockville  
Department of Community Planning  
and Development Services  
111 Maryland Avenue  
Rockville, MD 20850-2364



Re: Saint Raphael's Parish School  
Special Exception Application  
MHG Project No. 06.159.11

Dear Mr. Wasilak:

Please accept the attached Special Exception application for the above referenced project, which we are submitting on behalf of Saint Raphael's Parish School.

This application involves the construction of a new classroom building. Also included with this application is the removal of an existing portable office, abandonment of storm drain pipes under existing buildings, and re-routing the storm drain system around the south side of the building to connect to the existing system at the northwest corner of the property.

To the best of our information, the Saint Raphael's Parish School has always been located within the City of Rockville. The original construction of the church and multi-purpose building, which now houses the school, took place circa 1967 and subsequent additions were constructed in circa 1974 and 1999. MHG is unaware of the Special Exception status of the existing school, in that none of the record drawings refer to a Special Exception application or approval. With this application we would propose to bring the entire school campus into compliance with the current Special Exception requirements, excepting any grandfathering provisions.

We believe that this application meets all of the requirements and findings found in Section 25-296, 25-311, and 25-338 of the City Code of the City of Rockville.

Should you have any questions concerning this matter, please don't hesitate to contact me.

Very truly yours,

Ray Burns

Enclosures

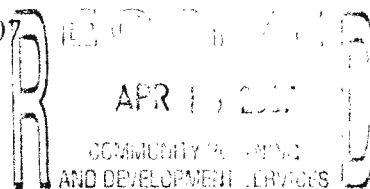
Mr. James Wasilak  
City of Rockville  
March 13, 2007  
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cc: Fr. William Finch, St. Raphael's Parish  
Patrick Coggins, St. Raphael's Parish  
Dennis Delizzio, Delizzio Architects & Planners

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April 9, 2007



Mr. Cas Chasten, Chief of Planning  
City of Rockville  
Department of Community Planning  
and Development Services  
111 Maryland Avenue  
Rockville, MD 20850-2364

Re: Saint Raphael's Parish School  
Special Exception Application  
MHG Project No. 06.159.11

Dear Mr. Chasten:

In response to our phone conversation on 4-3-07, I am providing you with a narrative summary of how the proposed development meets the general requirements for granting a special exception as specified in Article VIII, Division 1, Section 25-338 of the Zoning and Planning Ordinance for the City of Rockville.

This application involves the construction of a new classroom building. Also included with this application is the removal of an existing portable office, abandonment of storm drain pipes under existing buildings, and re-routing the storm drain system around the south side of the building to connect to the existing system at the northwest corner of the property.

The Church currently provides education for 164 pre-school, kindergarten, and 1<sup>st</sup> grade students and the church proposes to expand the existing school, offering education for an additional 220 students for 1<sup>st</sup> through 8<sup>th</sup> grade. The existing access, parking and site circulation will remain as it is currently designed to serve the existing church facilities. With the addition of the trips generated by the proposed school expansion, the level of service at each of the study intersections as determined by the Traffic Impact Study will continue to operate at acceptable levels of service.

The property is served by both City of Rockville and the Washington Suburban Sanitary Commission (WSSC). Existing utility lines are located along both Dunster Road (City of Rockville) and Kimblewick Drive (WSSC). Should water and sewer connections be needed from the existing connections along Dunster Road (serving the retirement community) these would be from the City of Rockville's connections.

**Sanitary Sewer**

The Subject property is in sewer service category S-1. Existing infrastructure is adjacent to the site and makes for a logical connection or extension. A 6-inch pipe located along Kimblewick Drive is considered sufficient for the proposed development.

Mr. Cas Chasten  
 City of Rockville  
 April 9, 2007  
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Water

The subject property is in water category W-1. Existing infrastructure is adjacent to the site and makes for a logical connection or extension. The existing 4-inch pipe may not be sufficient to accommodate the proposed development's needs, especially given the sprinkler requirements associated with an educational facility. Capacities and/ or the need for an upgrade in infrastructure will be determined as part of a flow test and in consultation with a mechanical engineer.

Stormwater management will be required to be met on-site. Both quality and quantity facilities will need to be located primarily in surface structures located west of the existing parking lot, possibly using available sand-filter technology. The size and location of the proposed educational facility will occupy much of the space currently devoted to a stormwater management structure.

To the best of our information, the Saint Raphael's Parish School has always been located within the City of Rockville. The original construction of the church and multi-purpose building, which now houses the school, took place circa 1967 and subsequent additions were constructed in circa 1974 and 1999. MHG is unaware of the Special Exception status of the existing school, in that none of the record drawings refer to a Special Exception application or approval. With this application we would propose to bring the entire school campus into compliance with the current Special Exception requirements, excepting any grandfathering provisions.

Per the Rockville City Code Section 25-296, in the R-S Zone, a private educational institution is a permitted use by special exception. As indicated on the site plan, per Section 25-311, the proposed development meets the required Development Standards for building setbacks building coverage and building height.

	Required/Allowed	Existing	Proposed
Minimum Lot Area	20000 s.f.	492,001 s.f.	-
-Per Section 25-311			
Building Setback			
Front-Falls Road	35'		+321'
Side-North	25'		+143'
Side-South	25'		25.81'
Rear-East	35'		>700'
Building setbacks indicated for proposed structure			
Building Height	40'		40'
Building Coverage	25% (123,000 s.f.)	7.52%	10.13% (49,851 s.f.)
Ex School/Church = 36,990 s.f.		Prop. School Addition = 12,861 s.f.	

Mr. Cas Chasten  
City of Rockville  
April 9, 2007  
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We believe that this application meets all of the requirements and findings found in Section 25-296, 25-311, and 25-338 of the City Code of the City of Rockville.

Should you have any questions concerning this matter, please don't hesitate to contact me.

Very truly yours,



Ray Burns

Enclosures

cc: Fr. William Finch, St. Raphael's Parish  
Patrick Coggins, St. Raphael's Parish  
Dennis Delizzio, Delizzio Architects & Planners

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**LETTER OF TRANSMITTAL**

To: City of Rockville  
Department of Community Planning  
and Development Services  
111 Maryland Avenue  
Rockville, Md. 20850

Attn: Cas Chasten

From: Ray Burns  
Email: rburns@mhgpa.com

Project: St. Raphael's Parish School  
Date: April 17, 2007

We are sending you the attached items via:

- Mail     FEDX     MHG Courier     Messenger     Your Pickup

COPIES/TYPE	Dwg/Doc Date	Description
1		Parish schedule

THESE ITEMS ARE TRANSMITTED as checked below:

- For Approval     Approved As Submitted     For Your Records     For Your Information  
 For Your Use     For Review and Comment     As Requested     Return To MHG

Cas,

Attached are the additional items you requested to process this Special Exception Application. The Church expects to add a minimum of 7 new staff and a maximum of 12 with the proposed building addition. Current staff level for the parish and school is 35. Please contact me if you have questions or require additional information.

Thanks,

Ray Burns

**St. Raphael Catholic Church  
1592 Kimblewick Road  
Rockville, MD 20854**

**Church Events-Ongoing**

Daily Mass 6:30 and 9:00AM  
Confessions Tuesdays 7-7:30PM  
Adoration Thursdays 9:30 AM-7:30PM  
Confessions Saturdays 3:45PM-4:30Pm  
Saturday Vigil Mass 5:00PM  
Sunday Masses-7, 8:30, 10:00, 11:30 AM, 1:00PM and 6:00PM  
Christmas Eve/Day Masses –  
December 24-4:00PM (3)  
6:00Pm (2)  
8:00Pm  
Midnight Mass  
December 25-7:00, 8:30, 10:00, 11:30 and 1:00PM  
Easter Sunday Masses per Liturgical Calendar  
Saturday-Vigil 8:00PM  
Sunday 7:00, 8:30, 10:00(2), 11:30(2), 1:00PM

**Church-Sacraments**

Funeral Masses- as needed  
Weddings Saturdays-scheduled 6 months prior (average 25 a year)  
Baptisms-Monthly Communal.  
Private by appointment  
First Communion/Confirmation-last weekend in April  
Holy Day Masses as per Liturgical Calendar  
Parish Penance-Advent and Lent

## St. Raphael Catholic Church

### Facility/Meeting Rooms/ Gym

#### Weekly Meetings-On going

AA Fridays 8:30-9:00PM –Duffy Center

Small Prayer Groups, Tuesday, 7:30-9:00PM-Trailer

Wednesdays 9:30-11:30AM & 7:30-9:00PM-Trailer

Saturdays-9:45-12Noon and 9:30-11:30AM-Trailer/Upper Rooms

Saturdays 6:30-9:00 Duffy Center

#### September –May

Elementary/Nursery School-8:00AM-3:00PM

Religious Education classes-classrooms

Sunday 7:30-8:30PM

Monday 4:30-5:30 PM

7:15-9:15PM

Tuesday 4:30-5:30PM

Choir Rehearsal-Wednesdays 7:30-9:30-Upper Rooms

Children's Choir Rehearsal-Mondays 3:30-4:30-Church

Boy Scouts Thursdays 7:30-9:00-Gym

RCIA Classes, Sundays 8:30-11:30AM

Youth Group Thursdays 3-6Pm, Sundays 7-9PM-Youth Center

Knights of Columbus-Every other Thursday 7:30-9:00Pm Duffy Center

#### **Monthly-**

Parish Council Mondays, monthly 7:30-9:00PM

Spanish Council, Mondays monthly

Finance Council-four times a year, Mondays 7:30-9:00PM

Youth Group Core Team-Wednesdays 7:30-9:00Pm

Children's Liturgy Planning Meetings-Wednesday 7:30-9:00Pm

Ancient Order of Hibernians, second Wednesday of the Month-7:30-9:00Pm-classroom

DRADA-

Baptism Prep-Monthly 7:30-9:00Pm Duffy Center

Prison Ministry-Mondays 7:30-9:00-Upper Rooms

School Board Meetings-Monthly Pm

Home School Association-Monthly AM

### **Larger Parish Events**

Parish Picnic- Last Sunday of September  
Our Lord of Miracles Mass/Luncheon- Sunday-October  
Care and Share Indian Bazaar-Second Sunday of October  
Our lady of Guadalupe Mass/Luncheon-Sunday-December  
Mother Teresa homeless Luncheon-Tuesday-December  
Welcome New Parishioners-October and May  
Thank you Party-Last Saturday of January  
Blood Drive 3-9PM Twice a year (January & July)  
Pizza Dinners-Every Friday in Lent



**St. Raphael School**  
**1513 Dunster Road**  
**Potomac, MD 20854**

St. Raphael School  
Dismissal Procedure:

At present for the 2007-2008 school year we are anticipating continuing the current arrival and departure procedure of our students.

Due to the age of the children currently in the school, the majority of the children are driven to the school except for a few neighborhood children who are walked in by their parents. We do not employ busses at our school due to the wide dispersion of our students and the expense of maintaining a bus route. None of our students arrive via public transportation.

Between 8 AM and 8:10 AM the 50 children attending kindergarten, 1<sup>st</sup> and 2<sup>nd</sup> grades will be dropped off at the circle in front of the church. Parents do not park or enter the building.

The next drop off for about 80 children is at 9:15 AM. This time parents do park and walk their children into the building. For the most part, they immediately exit and leave the parking lot.

From 9:30 to 11:30 our building is quiet during most days.

Those children who have been with us for the morning leave at 11:45. Again, their parents park and come into the building to pick up their children.

The afternoon session of about 60 children arrives at 12:15. Lunch Bunch leaves at 12:45.

Most children remaining in the building (approximately 128 children) are dismissed at 2:45. At this time parents park and walk into the school to pick up their children. There are a few staggered after school activities like After Care that dismiss as needed.

All of the parents are regularly reminded to enter and exit via the Dunster Rd. entrance and, with the exception of an occasional few, they generally comply with these directions.

**ST. RAPHAEL PROJECT KIMBLEWICK ROAD,  
ROCKVILLE, MD**

November 20, 2007

Chair of City Board of Appeals  
Allan Sternstein  
111 Maryland Ave  
Rockville MD

Dear Mr. Sternstein:

**RE: WEEK DAY ADDENDUM**

As you are aware, the residents of Kimblewick Road have had many concerns on the impact to the residents' quality of life with the St. Raphael project to expand their school. The project proposes increasing their school through Grade 8. This will be a phased process where one or more grades will be added to the curriculum. The Residents feel that the Kimblewick Road is already impacted by the existing school traffic through use of the St. Raphael's use of the access to a resident street.

We believe the increase in school attendance due to the new grades will further increase traffic and use of our street in a similar vein to the increased traffic and use of our street with the increased church services on weekend days. St. Raphael's complex is growing rapidly into busy complex that operates seven days a week.

The residents feel that the Kimblewick Road is already heavily impacted by the existing school traffic through use of the St. Raphael's access to Kimblewick. School-related traffic includes:

- Dropping off and picking up school children each weekday
- After-school activities on weekdays and weekends
- Parent meetings and events during the weekdays
- Fund-raisers on weekdays and weekends

In addition, weekday activity is also impacted by the rectory office, from which vehicles come and go on a regular basis on weekdays. Some of these vehicles park on Kimblewick all day rather than using the St. Raphael parking lot, forcing residents and guests and ourselves to park elsewhere.

Additionally, we have significant concerns regarding the various impacts that the proposed enrollment growth will cause, above and beyond the traffic impacts already described. Without the chance to see a detailed site plan for the school expansion, we have no way to assess the impact of the church's plans on the value of the several residential properties contiguous to the church's property. We question St. Raphael's ability to double enrollment at the school and add middle school grades without also expanding the playground, and without building at least one athletic field on site. We assume there will also have to be storm water control facilities connected to the expanded building. Until all contiguous neighbors have an opportunity to see a detailed site plan that includes all facility and site changes that the proposed school growth will realistically require, we cannot support the church's proposal to increase school enrollment.

Should any construction occur at St. Raphael, we also request that all construction vehicles be prohibited from using Kimblewick for access or parking. In the recent renovations at the Church, there have been trucks, semi-trailers, and work-related cars accessing the property via Kimblewick.

**ATTACHMENT "A"**

Weekday Observations

Date	Day of Week	Observation and Picture, if available
Fall 2004	Monday	<ul style="list-style-type: none"> <li>Mr. Williamson was hit as a pedestrian at the corner of Kimblewick and Stratton by a vehicle that ran the stop sign. The parent had just dropped off a child for after-school activities.</li> </ul>
September 5, 2007 6pm to 10pm	Wednesday	<ul style="list-style-type: none"> <li>Several school-bound vehicles entered Kimblewick, many with printed directions showing Kimblewick as an access point to the school.</li> <li>Approximately fourteen cars exited Kimblewick access. A car alarm went off for approximately 20 minutes on that evening.</li> <li>A couple of vehicles went to the rectory while others went to the school.</li> </ul>
September 7, 2007 5:30pm	Friday	<ul style="list-style-type: none"> <li>Several vehicles entering via Kimblewick access.</li> <li>Vehicles parked on Kimblewick even though ample parking in the parking lot.</li> <li>Parents picking up sports activity items.</li> </ul>
September 13, 2007 7am	Thursday	<ul style="list-style-type: none"> <li>Event bus entered via Kimblewick access for pick up (large and noisy)</li> </ul>
September 20, 2007 4:30pm	Thursday	<ul style="list-style-type: none"> <li>Several mini-vans exiting Kimblewick access</li> <li>Speeding vehicles entering Kimblewick access</li> </ul>
September 24, 2007 4pm	Tuesday	<ul style="list-style-type: none"> <li>Vehicle parked at rectory.</li> </ul>
September 27, 2007 7pm	Thursday	<ul style="list-style-type: none"> <li>Vehicle parked illegally in front of rectory</li> </ul>
September 28, 2007 ~4pm	Friday	<ul style="list-style-type: none"> <li>After-school activity cars parked on street and walked between the rectory and priest residence to get to activity.</li> </ul>
October 2, 2007 ~4pm	Tuesday	<ul style="list-style-type: none"> <li>Vehicles parked on street (illegal) pointing the wrong way</li> <li>Vehicles coming up Kimblewick access and street with children in soccer uniform and soccer ball – after school activity.</li> </ul>
Week of October 7, 2007	Monday, Tuesday and Friday	<ul style="list-style-type: none"> <li>Mr. Williamson observed two to three delivery service trucks (UPS, Fedex, and/or DHL) coming up Kimblewick, each day before 10:00am just for the St. Raphael. Also four to five cars passed around 8:30am to 9:00am with children to drop off at the school. In addition each week the Churches yard service access the property on Kimblewick with a truck and large trailer. And potentially related to the Church renovations, two semi-trucks made a delivery to the Church property.</li> </ul>
October 31, 2007	Wednesday	<ul style="list-style-type: none"> <li>Incident with Ron Keech: Last Tuesday October 30th at 6:30pm he was pulling into his drive when a car coming from the church tried to pass him on the inside rather than wait a few seconds for him to enter his</li> </ul>

		drive. Another issue is that as leaves are being raked to the street in the fall, homeowners are often in the street as St. Raphael cars pass at excessive speeds.
September 1, 2007- November 17	Various days	<ul style="list-style-type: none"><li>• Dave Bowen has stopped or waved down 38 speeding cars heading to the church on Kimblewick Road asking them to obey the speed limits due to safety concerns.</li><li>• Separate incidents include weekdays and weekend days.</li><li>• Dave has documented 20 license plate numbers of people that he has waved down or stopped.</li><li>• In several of these incidents, drivers have been irate for being asked to slow down.</li><li>• In one weekend incident, a driver, told Dave that "she has no time for this because she is late for church".</li><li>• In one weekday incident, a driver has sped up more to avoid being requested to slow down.</li><li>• In one weekday incident, a driver has yelled back and started a <u>nasty verbal exchange</u> with Dave.</li></ul>

**ST. RAPHAEL CATHOLIC CHURCH**  
**1592 KIMBLEWICK ROAD**  
**ROCKVILLE, MARYLAND 20854**  
**301-762-2143 FAX: 301-762-0719**

August 14, 2007

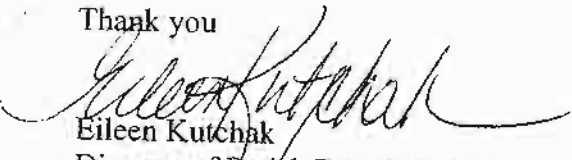
**ATTACHMENT "B"**

Cas Chasten  
City of Rockville  
111 Maryland Ave.  
Rockville, MD 20850

Re: St Raphael School Exception Case # SPX2007-00374

Enclosed please find six copies of the Agreement between Potomac Woods Swim Club and St. Raphael Catholic Church.

Thank you

  
Eileen Kutchak  
Director of Parish Programming  
240-864-2510

**R** **RECEIVED** **D**  
AUG 15 2007  
COMMUNITY PLANNING  
AND DEVELOPMENT SERVICES

LICENSE AGREEMENT

WHEREAS, the Parties hereto, **Potomac Woods Swim Club** ( ) (hereafter referred to as PWSC) and **St. Raphaels Catholic Community** ( ) (hereafter referred to as the Church), are desirous of entering into a license agreement whereby persons attending church functions may utilize the PWSC parking lot for overflow parking and,

WHEREAS, the Church recognizes that the PWSC parking lot has suffered general wear and tear in the past as a result of its extensive year-round use by members of both parties, which will require major repairs, renovations and upkeep in the near future, the financial responsibility for which should be shared if use is to be shared, and,

WHEREAS, the parties have reached an Agreement for these purposes, it is

NOW THEREFORE, this 3<sup>rd</sup> day of July, 2002, agreed as follows:

1. **USE OF PARKING LOT.** PWSC, for the consideration described below, hereby licenses the use of its parking lot to the Church for the purposes of overflow parking by persons attending functions at the Church. This license to use shall be in effect at all times except:

A. Saturdays, Sundays & Holidays from Memorial Day through Labor Day from noon - 9:00 p.m.

*(Handwritten: 12:30pm)*

B. During swim and/or dive meets - PWSC will provide the Church with a schedule of such events as early as practicable each season.

2. **CONTRIBUTION/CONSIDERATION.** In consideration of this general license to use, the Church shall contribute \$20,000.00 to PWSC. PWSC shall use all of these funds to repair and renovate the parking lots, including but not limited to repaving, relining, installing lighting and general maintenance in the sole discretion of PWSC. These funds shall be used for those purposes no later than May 31, 2003.

3. **ANNUAL CONSIDERATION/CONTRIBUTION.** If, and only if, PWSC installs lighting on the parking lot, PWSC will provide the Church with the means to control the lights during PWSC's off season. In that case, the Church shall pay all electrical bills, maintenance and repair expenses during the off season. If PWSC is unable to separately meter the lights, if and when they are installed, the Church shall pay the increased electrical costs incurred by PWSC as determined by the electric bill received each month in the year immediately preceding the installation.

4. **TERMS OF AGREEMENT.** The initial terms of this agreement shall be 50 years (7/1/2003 thru 6/30/2053). Thereafter, the Church shall have the right to renew this license on an annual basis or as otherwise agreed by the parties for

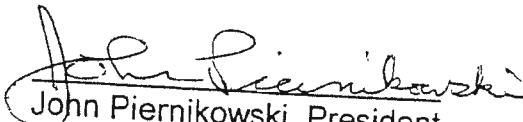
contributions/considerations to be determined.

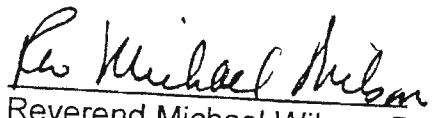
5. **SNOW & ICE REMOVAL**. The Church acknowledges that PWSC does not use the parking lot in winter months. Thus, in order to use the lot during those times, the church agrees to be fully responsible for snow and ice removal to make the lot safe for use and as may be required by State law and/or local ordinance. The Church agrees to indemnify and hold PWSC harmless (including costs of defense) for any claims made for injuries directly or proximately caused by the failure to remove snow or ice from the parking lot.

6. **GENERAL LIABILITY INSURANCE & INDEMNIFICATION**. PWSC agrees to maintain general liability insurance on the parking lot. The Church shall also include the parking lot in its general liability insurance. In addition to the specific provisions in Paragraph 5, the Church shall indemnify and hold PWSC harmless (including costs of defense) against any claim arising out of the use of the lot by a person attending a church function to the extent that any such claim is not covered by or exceeds liability insurance coverage limits of PWSC's policy.

7. **MERE LICENSE AGREEMENT**. This agreement establishes a mere license between the parties for the purposes and on the terms specifically defined. This agreement shall not be interpreted to establish an interest in real property. This agreement shall not be recorded and, if recorded, shall be deemed cancelled, unenforceable and of no effect.

8. **NON-ASSIGNABILITY/AUTOMATIC TERMINATION**. The license established by this agreement is not assignable. Upon the sale of either PWSC or the Church, the license is terminated.

  
John Piernikowski, President

  
Reverend Michael Wilson, Pastor