

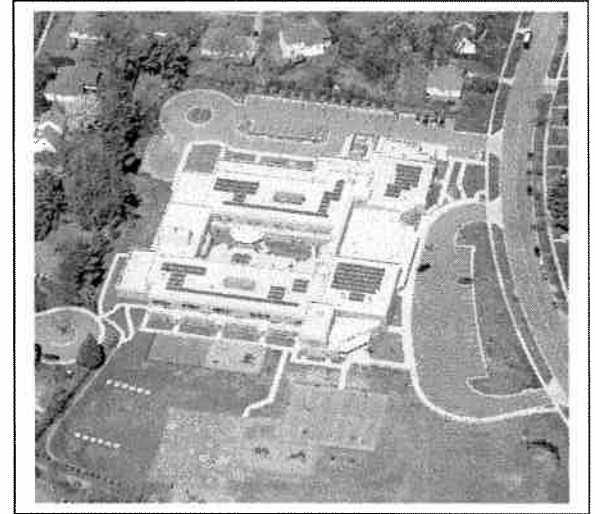
**CITY OF ROCKVILLE
COMMUNITY PLANNING & DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT**

TO: Planning Commission

FROM: Jim Wasilak, Chief of Planning
Bobby Ray, Principal Planner

PLANNER: Nicole Walters, Planner II

DATE: September 15, 2010:
Planning Commission Review



SUBJECT: Level 2 Site Plan Application
STP2011-00054, College Gardens Elementary School
1700 Yale Place.

RECOMMENDATION: Staff recommends that the Planning Commission deny the site plan application to locate two (2) proposed portable classrooms on the site, and deny the requested waiver from the Adequate Public Facilities Ordinance (APFO) regarding fire and emergency services.

REQUEST: The applicant has submitted an application for a Level 2 Site Plan pursuant to Section 25.07.05 of the Zoning Ordinance (Attachment 1). In an effort to accommodate increasing school population, and decrease the current class sizes, the applicant proposes to install two (2) portable classrooms in the rear of the property. Additionally, the applicant requests a waiver from the Adequate Public Facilities (APFO) Ordinance as it relates to fire and emergency services.

PROJECT / SITE INFORMATION:

Location: 1700 Yale Place
Applicant: Montgomery County Public Schools (MCPS)
Land Use Designation: Public building and Facilities
Zoning District: R-90, Single Unit Detached Dwelling – Restricted Residential
Parcel Area: 8 acres or (348,480 square feet)
Current Use: Public School

Proposed Use: Public School
 Proposed Floor Area: 2 – Portable Classrooms: 1,728 square feet
 Parking: Existing: 88 (68 + 20 additional parking spaces when no buses are on site); Proposed: 81 parking spaces

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	R-90	Residential	Residential
South	R-90	Residential	Residential
East	RMD-15	Residential single Unit and multiple family unit dwelling	Residential
West	R-90	Residential	Residential

PREVIOUS RELATED ACTIONS:

- Use Permit U-308-66, Montgomery County Public Schools – a proposal to construct a new elementary school to be located in the College Gardens residential subdivision, between Yale Place and Tulane Place. Approved by the Planning Commission on November 17, 1966.
- Use Permit USE70-0500, Montgomery County Public Schools c/o James Shelton – a proposal to install a temporary classroom building structure on the existing school site located in the R-90 Zone. Approved by the Planning Commission August 5, 1970.
- Special Exception SPX92-0191, Montgomery County Public Schools c/o Richard G. Hawes – a request to construct an addition onto the existing school, along with driveway and site surface parking alterations. Approval by the Board of Appeals on March 7, 1992.
- Use Permit USE92-0492, Montgomery County Public Schools c/o Richard G. Hawes – a proposal to construct a two (2) classroom building addition, and some reconfiguration of school bus loading and parking area. Approved by the Planning Commission on April 15, 1992.

- Special Exception SPX2005-00362, Montgomery County Public Schools c/o Rakesh Bagai – a request to raze the existing elementary school and construct a new two (2) level school, reconfigure and provide new vehicular site entrances, and other associated site improvements on the subject property located in the R-90 zone. Approved by the Board of Appeals on February 4, 2006.
- Use Permit USE2006-00695, Montgomery County Public School c/o Rakesh Bagai – a request to raze the existing elementary school and construct a new two (2) level school, reconfigure and provide new vehicular site entrances, and other associated site improvements on the subject property located in the R-90 zone. Approved by the Planning Commission on March 8, 2006.

BACKGROUND:

The subject site is located at the northwest corner of Yale Place and College Parkway. The 7.9-acre site is bounded on 3 sides by residential development, and is bordered to the south by College Gardens Park. The property has been a school site since the original building construction in 1967. In February 2006 a Special Exception (SPX2011-00362) was approved allowing the development of a new 2-story building totaling 92, 760 square feet. The Special Exception was implemented by Use Permit USE2006-00695 that was approved on March 8, 2006. Construction of the existing facility was completed in 2008.

All vehicular access to the site is provided from Yale Place. A semi-circular drive provides bus and auto access, with a two-way driveway located farther north on Yale Place providing additional parking access. The site is developed with a total of 68 on-site parking spaces, with an additional area for 20 spaces available when buses are not parked on-site. The Zoning Ordinance (Section 25.16.03, "Number of Spaces Required") requires 1 parking space per 2 employees including teachers and administrators. Based on information provided by the applicant, the total number of employees at the school is 66, requiring a total of 33 parking spaces.

The applicant is seeking to locate two (2) portable classrooms on the site of College Gardens Elementary School. The portables are approximately 1,600 square feet in size (total) and 12-feet in height. The proposed location of the portable buildings is on the northwest corner of the building, partially on an existing grass area and adjacent to seven (7) existing surface parking spaces.

Given the location and orientation of the proposed buildings they will preclude the use of these spaces for future parking. The proposed location is adjacent to residential development, approximately 120-feet from the nearest residential dwelling unit.

ANAYLSIS:

Since construction of the school in 2008, zoning of the property changed from RE ("Residential Estate") to the current R-90 zoning district. Public schools are classified as "Publicly owned or publicly-operated building and use" per Section 25.10.03 (Land Use Tables) of the Zoning Ordinance, and are permitted in the R-90 zone as conditional uses.

The placement of portable classrooms on existing school sites constitutes an amendment to the approved site plan. Typically these uses are considered to be minor in nature and are processed as minor site plan amendments, with the Chief of Planning as the Approving Authority. In the initial review of the Pre-Application submittal (PAM2010-00027) it was discovered that the project, as proposed, would eliminate access to 7 required parking spaces and would therefore require approval by the Planning Commission for the parking reduction. Based on further review of the application it was determined that the site was over-parked for the use and had enough excess spaces to absorb the loss of the seven spaces.

However, as discussed below, it was also discovered during the project review that the subject site does not meet the level of service for fire and emergency service protection as required by the Adequate Public Facilities Ordinance (APFO). Therefore a waiver of this APFO provision is required and, pursuant to the ordinance, the Chief of Planning "may not grant a waiver". In light of the wavier request the application is referred to the Planning Commission as the Approving Authority for review.

Master Plan Compliance

The subject property is located in Planning Area 5, the Woodley Gardens and College Gardens Planning Area. The Master Plan recommended that the school construct a gymnasium in order to maintain and improve educational and human service programs at the school. The Boards of Appeals granted Special Exception (SPX2005-00362) on February 4, 2006 for the construction of a two (2) level school, which included a new gymnasium. The property is consistent with

the Master Plan's land use designation of the property for "Publicly owned or publicly operated buildings and use excluding sanitary landfill use" and has since the original school was constructed in 1967.

Zoning Compliance

The proposed portable classrooms comply with the requirements of the Zoning Ordinance. On-site parking remains compliant even with the loss of the seven spaces. The parking calculation, pursuant to Article 25.16.03 ("Educational Institutions"), is as follows:

One (1) parking space per 2 employees including teachers and administrators.

In addition, the Planning Commission has the authority to require additional vehicle parking spaces required based on number of students and operational factors.

Based on the number of employees provided with the application (66), the current parking requirement for the school is 33 parking spaces. Overall the school has a total of 88 parking spaces on site (68 plus an additional 20 parking spaces when there are no buses on site). The site will comply with Zoning Ordinance parking requirements, even though the seven spaces will be precluded.

Forest and Tree Preservation/Landscaping

The applicant is not required to meet this requirement since no trees are being impacted.

Stormwater Management

The applicant will be required to provide Stormwater Management (SWM) Monetary contribution for the area not previously receiving Stormwater Management (SWM).

Traffic/Transportation

Based on the location of the portables, seven (7) spaces will be displaced. Based on the parking calculations indicated previously, the site has a surplus of parking spaces and can accommodate the loss of these spaces.

The Transportation Report was submitted in accordance with the City's Comprehensive Transportation Review (CTR) Methodology analysis for development projects that generate less than 30 peak hour trips. The report focused on internal circulation and parking and non-auto access through and onto the site. The use will continue to have three vehicular access points from Yale Place. The main access to the site has one ingress/egress point used for faculty parking, parent drop-off area, visitor parking and loading dock access. The other two access points are used for some faculty parking and the bus loop. The two portable trailers will hold a maximum of 60 students, which will generate less than 30 peak hour trips; therefore, the project will not have any adverse impacts on the adjacent roadway.

The site contains a five-foot wide concrete sidewalk along the Yale Place street frontage. It also contains sidewalks throughout the property and will have sidewalks to connect the portable classrooms with the main building.

There is no bus service along Yale Place. The nearest service (Montgomery County Ride-On bus Route #45) runs along College Parkway between the Falls Grove Transit Center and the Twinbrook Metro Rail Station. This route operates Monday through Saturday with 30-minute headways.

Adequate Public Facilities Standards (APFS) / Utilities

The City's Adequate Public Facilities Standards establishes levels of service to determine the adequacy of public facilities to serve proposed development projects. The level of service check is applied to the areas of transportation, schools, fire and emergency service protection, water supply and sewer service.

Section 11.C. ("Waiver Provisions") of the Adequate Public Facilities Standards allows for waivers for certain classes of uses, as follows:

Certain classes of uses are deemed to have little or no impact on public facilities. As such, the deciding body may waive full compliance with the APFO provisions if it finds that there will be minimal adverse impact resulting from such a waiver. Such a waiver does not exclude any project from the final adequacy check for water and sewer service, if needed for the project.

One of the classes of uses deemed eligible for an APFO wavier is “publicly-owned or publicly operated uses”.

Section 25.20.01.b. of the Zoning Ordinance states that:

Any development or redevelopment within the City must comply with all requirements of the Adequate Public Facilities Standards, unless a waiver is granted pursuant to said standards. A waiver of the requirement to comply with one (1) or more of the Adequate Public Facilities Standards may be granted only upon a super-majority vote of the Approving Authority. For purposes of this Article, a super-majority vote must be three (3) votes for the Board of Appeals, five (5) votes for the Planning Commission, and four (4) votes for the Mayor and Council. The Chief of Planning may not grant a waiver.

Fire and Emergency Services

The Fire and Emergency Service Protection section of the Adequate Public Facilities Standards identifies certain uses, as “higher-risk”, requiring an “optimal” fire and / or EMS response. Such uses include schools, hospitals, nursing homes, and places of assembly seating more than 500 (Attachment 2). These uses are required to have 3 full stations within a 10-minute response time, based on data provided by the Montgomery County Fire and Rescue Services (MCFRS). Based on the most recent data provided by MCFRS, the subject property does meet this requirement.

Recent data provided by the Montgomery County Fire and Rescue Services (MCFRS), indicated that the site does not have the required number of fire stations within the response time as identified by the Adequate Public Facilities Ordinance (APFO) as indicated in Attachment 3. It is important to note that at the time the APFO was adopted on November 1, 2005, as well as when Special Exception SPX2005-00362 was approved on February 4, 2006, which allowed for the new two level school, the site met this requirement.

According to data provided by MCFRS, Station 3, located at 380 Hungerford Drive, is within a 10-minute response time. Station 23 at 121 Rollins Avenue serves primarily the southern portion of Rockville, along with other stations available to supplement service in Rockville, as needed (page 3 of Attachment 3). While the site is not in compliance today, there are several fire stations that are

programmed but not fully functional that may account for this discrepancy. These stations include a recently approved fire station located at Shady Grove and Darnestown Road and a proposed fire station located off of Shady Grove Road. Once fully operational further analysis will have to occur to determine if these stations allow the site to meet this requirement (page 4, Attachment 3).

The applicant is requesting a waiver from the APFO requirement for fire and emergency service protection. The applicant's basis and justification for the waiver request is provided as Attachment 4. The basis for the applicant's waiver request is (1) the site is served by 2 stations within a 10-minute response time, and (2) an approved station to be developed at the intersection of Darnestown Road and Shady Grove Road will bring the site into compliance with the APFO.

The Code does not allow for approval of any development application without a determination of the adequacy of the public facilities, or a demonstration that mitigation measures can be applied which alleviate any adverse impacts. One such mitigation measure that staff was willing to consider in the recommendation of the waiver, is the adequacy of fire flow (amount of water available, as measured in gallons per minute) to the site. Staff initially requested this data on May 26, 2010 as part of the Fire Protection Site Plan requirements. However at the time of report preparation (September 3, 2010) the analysis of the fire flow has not been conducted by Washington Suburban Sanitary Commission (WSSC). Without this data staff is unable to support the waiver from the Adequate Public Facilities requirement (APFO) as it relates to fire and emergency services, and cannot recommend approval of the development application.

Roads and Public Transportation

The roadway and non-auto facilities around the site are adequate to serve the two proposed portable classrooms. The applicant completed a Transportation Report based on the Comprehensive Transportation Review (CTR) Methodology for uses that generate less than 30 peak hour trips. The Transportation Report showed minimal traffic impact from the proposed classrooms. Therefore, the applicant was not required to study intersections or complete any mitigation.

Water and Sewer

The proposed portables will not create any significant impact upon water and sewer services.

Schools

The portables are being installed due to an increase in the number of students. According to the "City of Rockville FY2011 School Test – in effect from July 1, 2010 through June 30, 2011" prepared by the Montgomery County Public Schools, and dated June 9, 2010, College Gardens Elementary School is over the 110% capacity in test year (2011-2012) at 115%.

Publicly Accessible Art in Private Development

Since this project is a publicly owned and operated building, the applicant is exempt from this requirement.

RECOMMENDED CONDITIONS:

Should the Planning Commission wish to support the proposed project, staff is recommending that the following conditions be imposed:

1. Proposed site improvements must be constructed in accordance with site development and building plans submitted and/ or as may be modified by the Planning Commission. Submit, for the approval of the Chief of Planning, twelve (12) copies of the site plan, if modified.
2. Provide Stormwater Management monetary contribution for the areas not previously receiving Stormwater Management.
3. Relocate the existing shed away from existing trees a minimum of 10 feet, and away from existing residences.
4. The applicant shall sign and return the approval letter prior to the release of any permits.

REQUIRED FINDINGS:

Pursuant to Section 25.07.01.a.3 of the Zoning Ordinance, a site plan may be approved only if the applicable Approving Authority finds the application will not:

(a) Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development;

When Use Permit USE2006-00695 was approved on March 8, 2006, additional trees and plantings were installed along the site's northwestern lot lines, to serve as natural buffers between the new school use and the neighboring homes to the west. The landscaping was an effort to mitigate adverse visual and physical impacts that the newly developed school site may have on abutting properties. The proposed portables are located adjacent to this landscaped buffer, as well as a property line fence separating the residential and school use.

The proposed location will "move" the use 32-feet closer to the residential properties, however the portables meet the required 25-foot rear setback requirement and maintain a distance of approximately 120-feet from these residential properties. Additionally the proposed location will eliminate the use of 7 surface parking spaces currently oriented toward these adjacent properties.

Given the limited height of the buildings (12 feet), their location adjacent to a landscaped buffer and existing fence, and their distance of approximately 120-feet from the adjacent residential properties, the proposed portables will not adversely affect the health and safety of persons residing or working in the neighborhood.

(b) Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;

With the addition of the portables, the school will continue to operate much as it has over the years and, the additional space is needed to accommodate the increase in the number of students attending. As indicated previously, the school has existed on the site for over 40 years and the proposed portables do not represent a substantial increase of this

existing use. The addition of the two portables, in the location proposed, will not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

- (c) *Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards;*

The proposed portables will not overburn site area roadways and streets, or water and sewer services. However, as discussed above, the site does not meet the required level of service for fire and emergency service protection based on recent data from the Montgomery County Fire and Rescue Service (MCFRS).

Based on the Traffic and Transportation Report that was submitted in accordance with the City's Comprehensive Transportation Review (CTR) the project will generate less than 30 peak hour trips.

- (d) *Adversely affect the natural resources or environment of the City or surrounding areas;*

The portables will not require any disturbance in the property's existing features. Staff finds that the location as proposed will not adversely affect the natural resources or environment of the City or surrounding areas.

- (e) *Be in conflict with the Plan;*

As previously indicated publicly owned or publicly operated buildings and uses, excluding sanitary landfills, are approved uses in the R-90 zone and the Master Plan acknowledges the land use designation for the property and has existed at this location for over 40 years. The proposed portables will not be in conflict with the Plan.

- (f) Constitute a violation of any provision of this Chapter or other applicable law.*

While the proposed use has been established for many years, the subject site does not comply with the Adequate Public Facilities Ordinance requirements as it relates to fire and emergency services. As previously stated the applicant has requested a waiver from this requirement but staff is unable to support the waiver without having the determination from Washington Suburban Sanitary Commission (WSSC) that indicates the site has adequate fire flow.

- (g) Be incompatible with the surrounding uses or properties.*

As previously noted in this report, the use has been at this location for over 40 years. Publicly owned or publicly operated buildings and use such as a school is a permitted use in the zone. The portables will be located in the rear where there has been some buffering for the neighboring properties.

PUBLIC OUTREACH:

In accordance with the requirements of the Zoning Ordinance, the applicant held a Pre-application area meeting on May 18, 2010, and a Post area application meeting on August 4, 2010 to provide interested parties an opportunity to hear and ask questions about the proposal. Per Attachment 5, the summary provided by the applicant indicated no concerns were raised at this meeting by the community that attended the May 18, 2010 meeting. Per Attachment 6, the summary provided indicated that the community was concerned in reference to a future building addition, possible additional screening from the portables and existing site lighting, timing of the placement and construction of the portables, and a variety of program issues unrelated to the portables at the August 4, 2010 meeting. Notification letters were sent by the applicant to properties within 1,250 feet of the subject site area, per the requirements of the Zoning Ordinance. The applicant provided affidavits for both Area Meetings as well as the Planning Commission meeting.

A sign has been posted on the property since the application filing that provides references to the up coming meetings. Additional concerns have been raised by

the community to staff in reference to the need for portables since the school was newly constructed in 2006-2008 and the need for Montgomery County Public Schools (MCPS) to revisit building King Farm elementary, to help alleviate overcrowding of College Gardens Elementary School (Attachment 7).

CONCLUSION:

Based upon recent data from Montgomery County Fire and Rescue Services (MCFRS) indicating that the site does not comply with the level of service requirement of the City's Adequate Public facilities Ordinance, and without adequate mitigation, staff recommends denial of the Level 2 site plan.

Attachments:

1. STP2010-00054 Site Plan Application
2. Adequate Public Facilities Standards section (p. 9 Section III.C. -fire and emergency services protection)
3. Data from Montgomery County Fire and Rescue Services (MCFRS)
4. Waiver Request from the APFO requirements as it relates to fire and emergency services.
5. Pre-Application Area Meeting packet
6. Post-Application Area Meeting packet.
7. Additional Concerns / Correspondence Received