Georgetown Hill at Woodley Gardens/ Woodley Waves, LLC, Applicant

Project Narrative and Statement of Justification

Combined Level II Site Plan to Implement Modifications to

Co-Located Special Exceptions for Private Educational Institution and Community Pool

STP2024- 00488

And Parking Deferral, Waivers, and Non-conforming Alteration Applications

Woodley Waves, LLC, the "Applicant" and "Owner" of the Property at 850 Nelson Street on which the Georgetown Hill School and the Woodley Gardens Pool co-locate, requests approval of a Site Plan to implement the major modification of Private Education Institution Special Exception SPX1999-0284, as amended through SPX2024-00408 and minor amendment of Community Pool Special Exception S-54-62, as amended, to permit: i) the (re)construction of a new Georgetown Hill private educational institution ("School") after fire casualty; ii) modifications to the existing pool house and deck to accommodate School facilities and new Community Pool member facilities and administrative spaces; iii) site improvements including, but not limited to, the addition of sidewalks, stormwater management facilities, landscaping, and parking lot, driveway, and circulation updates including pavement markings, lighting, and green area; iv) a Parking Deferral for 14 parking spaces in the shared parking lot for the colocated uses; and v) Non-conforming Alteration approval for an expansion of impervious area in the front yard for new sidewalks.

Woodley Waves, LLC acquired the property December 14, 2021 by deed recorded in the land records of Montgomery County, MD in Book 64825 at page 048. See attached **Exhibit 1**.

This Site Plan includes comprehensive site modifications to update a majority of the Property including the existing pool house, a school addition, site circulation, parking, and landscaping. See the comprehensive plan attached as **Exhibit 2**. The Site Plan application for the Property addresses stormwater management, forest conservation, parking lot layout, and related site plan development submissions encompassing both the School and the Community Pool. This Site Plan is filed for consideration concurrently with a Major Modification to the Private Educational Institution for Georgetown Hill School anticipated to be approved by the Planning Commission, and a Minor modification to the Community Pool Special Exception S-54-62 anticipated to be approved by the Chief of Zoning.

Major Site Plan Amendment

This application under Section 25.05.07 meets the criteria in Section 25.05.07.d.1 (b) and (d) as a Major Amendment of the site plan for the Property due to an increase in non-residential square footage that triggers an increase in the parking requirements. This Site Plan is to implement the modified Private Educational Institution special exception for a new building, alterations to an existing building, the increase in maximum student attendance from 123 students to 198 students and other operational changes, and site modifications for circulation, stormwater management, landscaping, and parking lot updates. The fire damaged school addition that was demolished was 5300 sf. The new School building addition is 9700 sf. The existing club/pool house will be expanded from 3,900 sf to 5,975 sf through a 2,075 sf rear expansion of the existing club/pool house building. The School will utilize 13,450 sf of the

total 15,675 SF of building area on the Property. This is an approximate 6500 sf increase over the original square footage of the School building on the site prior to fire casualty, therefore updates to meet current code have been made throughout the Property.

The Community Pool special exception will utilize 2,225 sf of total building area on the Property within the expanded club/pool house. This is a slight increase over its current area of usage within the existing club/pool house. The Site Plan also demonstrates certain changes to the Community Pool deck area as impacted by the new School special exception modifications

The nature or character of the Property is not changed because: i) the use of the property remains the same as established in 1973 as a co-located school and community pool, ii) the replacement school is of similar nature - a 1-story structure extending from the existing poolhouse, albeit within a slightly deeper footprint not visible from Nelson Street, and iii) the retrofit of the existing club/pool house to accommodate use in part by the school and in part with updated facilities for the community pool preserves the character of the existing structure with the sensitive addition of traditional windows and door; and iii) the replacement of the school with the increase in daily school capacity does not have an adverse impact on traffic from the use in or on the immediate neighborhood.

PRIOR APPROVALS

Private Educational Institution -

<u>SPX1998-0274</u> Georgetown Hill, max 76 student enrollment, max children onsite of 58

SPX1973-00197/SPX75-00001/SPX79-00058 Initial Special Exception for Private Education Institution

Use Permit <u>U-29-76</u> Initial Early Learning Center site plan

<u>SPX2000-00286</u> to implement parking standards per TXT2000-0181 and permit year-round operations

Use Permit USA1976-0029A Georgetown Hill site plan amendment

SPX2000-00296 increase student enrollment to 96 with max students onsite of 78

<u>SPX2005-00363</u> increase student enrollment to 123 with max students onsite of 105, added before and

after school care, student profile - ages 3 month to 10 years old

<u>USA1976-0029B</u> to implement SPX2005-00363 Georgetown Hill site plan amendment

SPX 2014-00388 1-story addition

STP2014-00207 Addition and parking lot re-stripe

Community Swimming Pool - not part of this SPX Application, background info only

Special Exception – S-54-62 Established swim club special exception on property

Use Permit U-29-76 Addition to Woodley Gardens Pool for early learning center, expand parking lot

Plat 11221 created Lot 6, Block D, Rockville Estates May 6, 1976

SPX2023-00405 Poolhouse Modification – new poolhouse (not implemented)

STP2023-0455 Poolhouse Modification – new poolhouse (not implemented)

Pre-Application Meeting PAM2022-00137 Pre-Application community meeting held April 26, 2022. Development Review Committee meeting held June 30, 2022. Comprehensive development plan combined for community pool and school proposed development.

SPX2024-00408 Private Educational Institution filed

Post-Application Meeting SPX2024-00408 Post-Application community meeting held March 12, 2024 on School special exception. Development Review Committee meeting held March 28, 2024.

Property

The "Property" is Lot 6, Block D, Rockville Estates per Plat 11221 with address of 850 Nelson Street, Rockville, Maryland and Tax Parcel Identification No. 00157435. See Plat 11221 attached as **Exhibit 3**. The Property is a 140,515 square feet/ 3.23 acre record lot improved with an existing club/pool house and pool with related improvements, the foundation for a school building demolished due to fire casualty, a 67 space surface parking lot, landscape, lighting and signage. The Property has 497 feet of frontage on Nelson Street with two curb cuts. The western entrance from Nelson Street leads to a circular drive in front of the club/pool house and school site, where it joins the second entrance into the parking lot. See the existing conditions on the approved NRI/FSD attached as **Exhibit 4** and the aerial of the Property attached as **Exhibit 5**.

The Property is zoned R-90 Single Family Detached Residential with two special exceptions – one established in 1962 for a community swimming pool and a second established in 1973 for a private educational institution. See Zoning Map attached as **Exhibit 6**.

The Property is adjacent to Woodley Gardens Park, a 37.5-acre City park that wraps the Property boundaries on the south and west with a mature woodland buffer. See neighborhood aerial attached as **Exhibit 7.** The Park tennis and basketball courts are the closest improvements to the Property with the Park's parking lot further southwest. Adjacent to the east along the Property parking lot is a single family home with address of 800 Nelson Street zoned R-90 buffered from the Property by a row of mature trees. Confronting the Property is the 3-way stop sign controlled intersection of Crocus Drive with Nelson Street with a painted crosswalk box and ADA accessible sidewalk stubs on each leg to connect to the sidewalk along the Property frontage. Confronting the Property are single-family homes (803-811, 901 Nelson Street) zoned R-75 and the Regents Square condominium townhouse community (902-913 Nelson Street) zoned RMD-15.

To the further southwest along Nelson Street is the Woodley Gardens Shopping Center zoned MXC- Mixed Use Commercial. The greater neighborhood surrounding the Property includes the Woodley Gardens, Woodley Gardens West, Regents Square, and West End communities.

Nelson Street runs from Montgomery Avenue through Woodley Gardens with a single lane in each direction within a 70-foot right of way. A four-foot wide sidewalk with a lawn buffer and a painted bike lane runs along the frontage of the Property. On-street parking with a painted bike lane is on the opposite side of the street from the Property. A bus stop with shelter is opposite of the sidewalk leading to the club/pool house.

A sidewalk extends from the public sidewalk to the circular drive. The buildings are set back approximately 100 feet from the Nelson Street right of way. Between Nelson Street and the circular drive is a wide front lawn lined by mature trees. The Woodley Gardens Pool sign sits within the front lawn.

The Property is generally flat, with a gentle grade across most of the Property with the highpoint at the northeast corner along Nelson Street sloping down approx. 10 feet in elevation to the south and west boundaries. Along the southwest corner of the Property beyond the pool deck and amenity area, the site slopes down approx. 10 additional feet to the Park elevation.

Co-Located Woodley Gardens Pool and Existing Club/Pool House

The co-located Woodley Gardens Pool is a membership community swimming pool serving the Woodley Gardens and other City communities. The Woodley Gardens Pool was established and developed in 1962 under SPX54-62. Its membership organization is Woodley Gardens Community Swim & Recreation Association. Currently, the pool operates in the warm weather season, generally Memorial Day to Labor Day with special membership events common to community pool operations. Woodley Gardens Pool has a swim team – the Woodley Waves – that practices before the pool is open to the general membership and hosts several competitive swim team meets during the season.

The existing club/pool house is a one-story gabled brick-faced concrete block building approximately 3,900 square feet in size. The Community Pool locker rooms, guardroom, administrative, storage and equipment, and snack bar facilities and entrance are currently co-located with the School in the existing club/pool house with an interior demising wall separating the Community Pool uses from the School all-purpose space. The School building on the left side of the club/pool house was extended to the east and south multiple times between 1973 and 2014, however the section beyond the club/pool house was demolished after the School addition was damaged by fire. The prior roofline/footprint of the School can be seen on the pre-fire aerial and street-view of the Property on Exhibit 5. As noted above and discussed in detail below, the Community Pool space within the existing club/pool house is undergoing a complete interior alteration to provide modern facilities for its members. A separate special exception application filed for the Community Pool use within the club/poolhouse, but the exterior modifications to the club/pool house building are included in the application for the School special exception and this Site Plan since it is one building.

The Community Pool obtained approval in SPX2023-00405 for a replacement poolhouse. That special exception modification will not be implemented within the validity period at this time. If implemented in the future the application will be re-filed. In the interim, alterations to the existing club/pool house as illustrated here will permit continued co-location of the Community Pool member and administrative facilities with the School in the existing club/pool house.

PROPOSED SCHOOL SITE PLAN MODIFICATION

This Application is for a year-round Private Educational Institution for 198 maximum student attendance onsite at one time, for ages up to 5th grade. Applicant proposes a new replacement School building, interior and exterior alterations to the existing club/pool house, as well as site-wide modifications to update site circulation, landscaping, and parking for 65 vehicles, to support 10 classrooms and an all-purpose room, to accommodate a maximum student attendance of 198 students onsite at one time, before and after school programs, enrichment programs, and summer camp.

See Site Plan Cover Sheet attached as part of full Site Plan submissions.

School Building

The 13,450 sf School includes a one-story, 9,700 sf replacement School building extension and 3,750 sf of retro-fit/expansion space within the existing club/pool house building. The School includes fenced outdoor play area for the students along the rear façade of the School space. The School flat roof (behind the mansard roof parapet) will incorporate a vegetated "green roof" as a sustainable stormwater management practice.

Alterations to Existing Club/Pool House

The existing club/pool house will undergo exterior and interior alterations and an expansion along the rear facade to provide: i) 3,750 sf on the east side of the building for School classrooms and an approx. 1810 sf all-purpose space, and, ii) 2,225 sf on the west side of the existing building for modernized member locker rooms and administrative space for the Community Pool. The addition of two new windows and a door in the eastside front façade, of the same style and scale to the existing mullioned windows and doors on the club/pool house, will serve as the new entrance for the Community Pool facilities. The sensitive addition of the windows and door to the east side will provide a pleasing symmetry to the existing building. The club/pool house expansion along the rear façade accommodates the additional building depth needed for the classrooms, all-purpose room, and Community Pool facilities. Otherwise, the existing club/pool house architecture is retained with the gable roofs, cupola, and white trimmed windows and doors.

See the Preliminary Building Elevations and Floor Plan attached as **Exhibit 8.**

Construction Phasing

The Project is intended to be developed in one continuous construction period with phased occupancy for the co-located uses. The exterior alterations to the Existing Club/Pool House and the interior alterations for the Community Pool use are intended to be completed for occupancy by May 2025 for the opening of the pool summer season. Construction will continue on the School addition and all site modifications with completion anticipated for occupancy of the School by August 2025.

Site Circulation

The existing ring road in the front along the club/pool house and new school building will be marked as one-way. Nine new parallel parking spaces and a fire access space will be striped on the building side adjacent to the upgraded building sidewalk system that connects the School and Community Pool to the parking lot. The building sidewalk improvements include a bump-out or "bulbout" at the school main entrance so that public school buses and private school vans picking up and dropping off students from the School's before- and after-school programs can safely embark and disembark students at the School entrance door.

The sidewalk connection from the public sidewalk along Nelson Street to the internal ring road is relocated to the west to align with the intersection of Nelson Street and Crocus Lane that has a complete cross-walk box from the Woodley Gardens neighborhood to the School and Community Pool.

See Site Plan attached as **Exhibit 2.** See Fire Access Plan attached as part of full Site Plan submissions.

Parking Update

The existing parking lot is proposed to be updated and restriped to current standards with the addition of internal green area, handicapped spaces, lighting, and circulation. Additional perimeter landscaping will be added along the front and the common property line with the adjacent single-family home on the east side.

New long-term and short term bicycle parking/storage for the School and the Community Pool uses per current code are located as shown on the Special Exception Site plan close to the respective School and Community Pool entrances.

Landscaping

Additional tree canopy and landscaping will be provided and approved throughout the site at Site Plan as part of the amended Forest Conservation Plan. A landscaped "raingarden" style stormwater management facility is proposed in the front yard per the Stormwater Management Concept Plan. Green areas within the parking lot will be provided per code. See Landscape Plan attached as part of full Site Plan submissions.

Statement of Operations

The School operates year-round with a variety of programs and enrollment types to serve the needs of the neighborhood that includes nearby residential communities and employment centers. The School offers:

- i) Full-day, 5-day weekday enrollment;
- ii) Full-day, less than 5-day weekday enrollment;
- iii) Half-day morning and afternoon enrollments;
- iv) Drop-in care enrollments;
- v) Before and after school programs;
- vi) After-school enrichment programs;
- vii) Public School Closures Full/Half-Day Care/Programming;
- viii) Full-Day and Half-day summer camp enrollments on a weekly basis;
- ix) School Year Weekend 9 am 3 pm Special Enrichment programs;
- x) Third party enrichment and community use and programs.

The variety of enrollment types described above have children on campus during different enrollment and program periods that do not all overlap or coincide. Therefore, a single enrollment cap does not make sense. The School will cap its maximum student attendance on-site at one time at 198 children. This is the standard that has been used for prior Special Exception approvals for the School since 1998.

In addition, the School will have 35 fulltime teachers and administrators on-site at one time.

As proposed in the Special Exception Application, **Program Operation Hours** are as follows:

Year-round Weekday: 7 am – 9:30 am Before School care (approx. 50 students)

9:30 am – 3:30 pm School day Early/Elementary Levels

Two half day Early Ed sessions 9:30 am - noon, 12:30 pm to 3:00 pm

3:30 pm – 6:30 pm After school care, enrichment programs

Summer Camp – full day 9:30 am – 3:30 pm

Summer Camp - before and after Camp care starts 7am, ends 6:30 pm Public School Closures Full-Day Care/Programming 9:30 am – 3:30 pm with

before and after care starts 7 am, ends 6:30 pm Occasional evening School events 4pm – 9:30 pm

Occasional late afternoon and evening Community use and events 4pm-9:30 pm

Weekend: School year Sept – June, Saturday/Sunday 9 am – 3 pm for

Special Enrichment Programming and/or community use and programming Summer – occasional, coordinated not to conflict with Pool Peak Operations

Staggered Student Arrival

The variety of enrollment types, programs, and ages provides for staggered arrivals and departures of both students and teachers in the morning, mid-day, afternoon, and early evening.

All students no matter the age are walked into the school by parents for hand-off to school personnel as the majority of the student population are young. Parent parking for drop-off takes about 3 minutes as the School has a very efficient student intake and discharge system.

Public School and some Private school buses/vans do pick-up and drop-off from the before-school program and to the after-school care program at the School. Bus pick-up and drop-off is right at the School main entrance door.

Off-cycle Activity and Coordination with Community Pool Operations

The School main periods of vehicular activity are the staggered morning drop-off and afternoon pick-ups weekdays. These are off-cycle from peak Community Pool member arrival and departures during the Community Pool Summer season that has the peak usage periods on weekends, holidays, and weekday evenings. The Community Pool operates Memorial Day through Labor Day, 11 am to 8 pm daily and 10 am to 9 pm Saturdays. The Community Pool does small group and private swim training before daily pool opening. The swim team holds swim team practices 7:30 – 11 am, on various days Monday through Fridays through July. The Swim Team hosts 3-4 swim meets during the summer pool season generally on a Saturday 9am-noon and occasionally on a Wednesday between 5-9 pm. The Swim Team is responsible for directing parking to available onsite and on-street parking to manage parking lot usage. The Community Pool is walkable and accessible via bike lanes from the nearby neighborhoods. A bus stop is located across Nelson Street from the Pool as a transit option for pool members.

The School and Community Pool will coordinate their summer weekend and evening events to minimize overlap.

Architectural Narrative

The proposed School is a modern evolution of the Woodley Gardens neighborhood, innovative at the time of its conception, with a building designed with sustainability and the future in mind. The materials and design of the School are a brick masonry veneer with double-hung windows and glazing divisions, with a combination mansard roof and flat roof, are similar to the character and materiality of the existing pool house and surrounding residences. The color palette of the brick veneer, painted trim,

roofing materials, and additional zones of composite siding reflect the architectural vernacular of the nearby single family, attached and multi-family home mix in Woodley Gardens. See illustrative elevations included in **Exhibit 8**.

The orientation and location of the main entrance for the School at the northeast corner creates separation with the proposed relocation of the pool house-function spaces to the north-west of the building, with convenient proximity to both the parking lot as well as pick-up and drop-offs from the entrance circle. The location of the School offices and reception desk allows the School personnel to keep an eye on the Property, with attention to activities in the parking lot, vehicular traffic into and out of the Property, and pedestrians and cyclists coming to the School.

The deeper footprint of the new School accommodates the flexible programming for a range of ages within one-story. The combo mansard/flat roof, while maintaining a favorable scale relative to the existing pool house structure, permits the addition of the sustainable stormwater practice of green roof facilities. The floor plan is designed for flexible use of the classrooms to accommodate changing student enrollment ages. See illustrative floor plan included in **Exhibit 8**.

Access to outdoor play space is provided from many of the classrooms directly or by secured access doors at strategic points of the school building. The School proposes interior alterations to the existing Club/Pool house for classrooms and an all-purpose room. The open-truss ceiling height of the all-purpose room will accommodate many activities within the space.

The depth of the existing club/pool house will be increased with an addition facing the Community Pool deck not directly visible from Nelson Street. Otherwise, the existing club/pool house will retain its colonial-inspired features of gabled roofs, mullioned windows, and cupola.

The addition of a second entry for the Community Pool on the west side of the existing club/pool house facing Nelson Street is designed to maintain visual harmony by sensitively replicating existing elements with a divided window door with sidelites of matching style flanked by windows of the size and style of existing windows on the front facade. The one-story scale of the School is complimentary to the existing club/pool house and commensurate with the height of typical single-family houses surrounding the site.

The Woodley Gardens area was designed and constructed as a modern and innovative approach to the neighborhood concept in the early 1960s, introducing a mix of residential offerings and community-benefiting programs such as a public pool, shopping center, and elementary school, not common in the surrounding areas at the time.

There is a diversity of design within the neighborhood such that the School and proposed additions to the existing club/ pool house structure with its proposed mix of traditional elements and contemporary materials and methods will seamlessly fit in. In keeping with the spirit of the original community plan by Monroe Warren Sr. and Monroe Warren Jr., the proposed project aims to continue the use of the site for community-focused amenities, while updating the facilities to meet the needs of a modern community.

Master Plan Compliance

The Property is located within City Planning Area 5 – *Woodley Gardens and College Gardens*. There is no neighborhood plan for this planning area and none pending. The Master Plan describes the architectural style of the neighborhood as Colonial and Federal styled architecture.

The Woodley Gardens Swim Club/School property is identified as Focus Area 1 ("A1") (page 315) and designated on the Land Use Policy Map as *Open Space Private* (page 317). The Master Plan provides the following recommendations:

- 1. Continue the recreation/education use of the site.
- 2. Retain the existing R-90 zone.
- 3. If the current use as a swim club and school become impractical, redevelopment into residential housing compatible in size, scale, and design with the surrounding neighborhood is the Urban Design Recommendation. Preference is that some kind of private community amenity replace the existing uses.

The proposed Site Plan proposes to retain the use of the Property as the co-located community swim club and private educational institution consistent with the Master Plan. Consistent with the Plan's Urban Design recommendation, the proposed School is designed to a compatible size, scale and design as the surrounding neighborhood and the existing club/pool house. The periodic community use of the School all-purpose room and other spaces will provide a private community amenity for community use and enrichment.

Zoning Ordinance Development Standards Compliance

The Application demonstrates conformance with the development standards for the Private Education Institution special exception, the Community Pool, and the zoning ordinance, as shown on the Special Exception/Site Plan. A copy of the Site Plan development standards cover sheet is attached as **Exhibit 9.**

The tabulation indicates an existing, previously approved, grandfathered nonconformance with current standards: maximum Impervious Surface in Front Yard. The parking lot and ring road has existed since the inception of the pool use and has been affirmed with the previous approvals of the various Special Exceptions, Site Plan and Use Permit approvals over the last 62 years as listed on page two of this Statement. The additional front yard impervious area is to provide improved pedestrian and ADA access to the School and Pool as well as accommodate any non-waived, non-deferred parking spaces. Non-conforming Alteration Application for additional front yard impervious surface and reduced parking spaces resulting from this application is discussed in the next section below.

Nonconforming Alteration Request – Front Yard Impervious Area/ Waiver of Parking Spaces

ZO Sec. 25.08.0 provides for Planning Commission review of Nonconforming alteration applications be processed as a level 2 site plan review. Therefore, the Nonconforming alteration request is made as part of the Level 2 site plan review to implement the Special Exceptions modifications on the Property. A separate Statement of Justification for the Nonconforming Alteration application is included with that application submission.

ZO Sec. 25.08.06.b on <u>Development standards nonconformities</u> provides that "Alterations, expansions, and enlargements made to a building, structure, or site that contains a development standards nonconformity must not expand or extend the development standards nonconformity, except as provided in subsection b.3." See <u>Exhibit 10</u> for the existing nonconformity for front yard impervious area and the existing parking lot, with mitigation from the addition of green islands in the front yard of the parking lot. See <u>Exhibit 11</u> for the proposed expansion of impervious area for non-waived, non-deferred parking spaces required.

Subsection b.3 provides for the following Exceptions that are the basis for allowance of expansions to existing nonconformities:

(a) Alterations, expansions, and enlargements to the portion of the building, structure or site that contains a development standards nonconformity may be made only for the following reasons: i) To maintain the building, structure or site in safe repair; i) To improve the facade of the building or structure so as to enhance its appearance; or iii) To comply with the requirements of the Americans with Disabilities Act or other safety code requirements.

(b) Such alteration or expansion must not exceed that amount reasonably necessary to accomplish the purpose of the alteration or expansion.

The Nonconforming Alteration Request is to expand the front yard impervious area to 47% should a Parking Waiver not be approved. The front yard impervious area is expanded to improve the sidewalk connections along and between the School and Community Pool and the parking lot. These are all within the stated Exceptions related to site maintenance to meet current codes, safety code requirements, and ADA improvements. The requested expansion is the minimum necessary to accomplish the purposes of the sidewalk expansions and extensions. Applicant has mitigated this expansion of impervious area with the introduction of green area islands in the front yard of the parking lot as discussed in more detail in the separate Statement of Justification.

In addition, the existing parking lot contains 67 parking spaces, a number that is less than required by Article 16, but has been approved as shown on Special Exception and Site Plan approvals since 2014. Applicant is requesting a further reduction in parking from the existing 67 spaces to 66 spaces, a waiver of meeting current parking requirements for 79 spaces, in order to meet more recently adopted regulations for stormwater management, as well as parking lot standards for landscaping, green area, tree canopy, and lighting, without having to expand the parking lot into the green front yard and add additional impervious area. The requested waiver for a reduction in parking is the minimum necessary in order to limit the expansion of impervious area in the front yard, maintain the site in safe repair and meet current codes triggered by the reconstruction of the School after fire casualty, improve the overall appearance of the Property in keeping with the new building and alterations proposed for the existing building, and meeting City codes for a safe, well-drained, well-lit parking lot with improved pedestrian connection between the parking lot and the buildings.

ZO Sec 25.08. 08.c.2.b.vi provides that the Planning Commission may issue a nonconforming alteration approval only if all of the following findings are made:

There exists documentation of the existence and extent of the nonconforming zoning status of the use or development standard

All of the many prior approved entitlements from 1962 to present - use permits, site plans and special exceptions for the School and Community Pool document the existence and extent of the front yard impervious area.

The proposed nonconformity alteration does not exceed that amount reasonably necessary to accomplish the purpose of the structural alteration expansion, or enlargement as permitted by subsection 25.08.06b.3(b).

The extent of the proposed nonconformity alteration is the amount of additional front yard impervious area necessary to provide the sidewalk improvements and connections needed for code or requested by planning staff (to the extent unmitigated by the introduction of green area islands in the front yard of the parking lot), as well as impervious area needed for any non-waived or non-deferred parking spaces in the front yard around the ring road.

The proposed nonconforming alteration is compatible with the general character of the surrounding neighborhood or zone.

The proposed nonconforming alteration is for the purpose of providing additional parking if required, and improving the walkability and connectivity of a community amenity on its own Property as well to its community and other community amenities. This additional parking and sidewalks have been designed to be compatible with the general character of Woodley Gardens, Nelson Street, and the City generally.

The proposed nonconforming alteration will not have negative impacts on the public health, safety, aesthetics, and welfare of the nearby properties.

The proposed nonconforming alteration is limited. Rather than having a negative impact, it will have a positive impact, on the public health, safety, aesthetics, and welfare of the nearby properties by enhancing the walkability and connectivity of the Property to nearby properties. To the extent additional parking is required, the spaces are provided on the ring road, more than 50 feet from Nelson Street, so there will be no negative impacts on the public health, safety, aesthetics and welfare of nearby properties.

The proposed nonconforming alteration will be consistent with the purpose and intent of the zone in which the property is located and of the plan.

The Property operates two privately owned community amenities – an early learning center and a community pool, both permitted as special exceptions in the R-90 zone, that have each operated under special exceptions on the Property for decades. These uses are consistent with the recommendations for the Property in the 2040 Plan.

For nonconforming alteration approvals that trigger conformance with current parking requirements pursuant to <u>article 16</u>, the Planning Commission may waive the current parking requirement and allow the maintenance of the existing nonconforming parking status through the grant of the nonconformity alteration approval, if the Commission finds that:

- A. It is not practicable to provide the required parking onsite in a manner that preserves neighborhood character;
- B. Preserving the nonconforming parking status is the best solution to provide consistency with the goals, policies, and intent of the plan.

The Nonconforming Alteration request is triggered by the current City regulations related to the special exception modifications and site plan for the School and Community Pools.

Applicant request that the Planning Commission waive the current parking requirement of 79 spaces and allow the parking lot to be modified as proposed to a 66 space lot with the upgrades to storm water management, landscaping, tree canopy, lighting and pedestrian crossing. A Parking Deferral is also requested as an alternative as justified in the submissions.

Off-street Parking Requirements/ Parking Deferral Request

The School Application complies with off-street parking requirements and parking design standards as set forth in the Zoning Ordinance and shown on the Special Exception Site Plan. However, during the summer pool season, the addition of the total required off-street parking for the Community Pool under the Zoning Ordinance (61 spaces) to the total parking required for the operations of the School under the Zoning Ordinance (18 spaces) is greater than the parking lot capacity. The Zoning Ordinance requires 79 parking spaces for both uses without adjustments for shared use. The Property is proposed to provide 66 parking spaces, including 9 new parallel spaces on the internal ring road.

The Site Plan application includes a Parking Deferral Request for consideration by the Planning Commission with a justification based on a parking demand analysis, Georgetown Hill's own 26 years of operating experience co-located on the Property with the Community Pool, as well as the desire to retain green area in lieu of additional asphalt for unneeded parking. A separate Parking Deferral Statement is also submitted.

In support of the Parking Deferral Request, a parking demand analysis looks at the School parent parking demands during staggered morning, mid-day and afternoon drop-off and pick-up times together with school employees parking demand based on years of operational experience and adds in the Community Pool historical parking demands during the pool summer operating season and demonstrates that adequate parking is available onsite to meet the demands of both uses after an hourly demand analysis and a monthly demand analysis. See Attachments to the Parking Deferral Statement.

The Parking Deferral Request includes an exhibit for where additional parking would be accommodated on the ring road if required in the future. See **Exhibit 11.** The Applicant states that the additional parking is not needed based on the years of co-location and shared use of the existing 67-space parking lot. The parking demand study reflects how and when parking demands of the co-located uses rises and wanes and demonstrates that peak parking demand period for the normal operations of both the School and the Community Pool does not exceed the 65 parking spaces provided.

Only the front yard is available for an expansion of the parking lot, if required. The front-yard lawn of the Property with its mature trees along Nelson Street is a key aspect to the welcoming

character of the site. The Applicant does not wish to replace the front lawn with asphalt or disturb the mature tree canopy. At the Post-Application community meeting for the special exception application, the neighborhood attendees were in support of a parking deferral. The general consensus was that other than swim meets which occur 3-4 times during the summer pool season, the parking lot was adequate AND that the front lawn of the Property was a much appreciated green gateway into their community that the community would not wish to lose to more asphalt. The neighbor attendees also supported the addition of green areas, landscaping and lighting to the parking lot, even with the loss of parking, as a desirable update to the site. The neighbor attendees who are members of the Community Pool agreed to work with the Applicant during the 2024 pool season on best practices for the Community Pool membership to manage parking demand during their swim meet events.

The Parking Calculation under the Zoning Ordinance is as follows:

Parking Tabulation - 25.16.03.d.					Requi		<u>ired</u>	
Private Edu	cational Institution:							
35 employees @		1.00	space per	2	employees =	17.5	spaces	[1]
					Total Parking Spaces Required =	18.0	spaces	
Community	y Pool, non-accessory:							
406	persons @	1	space per	7	persons =	58.0	spaces	
6	employees @	1.00	space per	2	emplys =	3.0	spaces	[1]
					Total Parking Spaces Required =	61.0	spaces	
Total Parki	ng Spaces Required							
School + Community Pool					18 + 61 = 79 spaces	79	spaces	
Total Parking spaces provided:						Provided		
	Regular parking spaces				=	63	spaces	
	ADA parking spaces (8' x 18' w/ 8' aisle min.)				=	3	spaces	
					Total parking spaces provided =	66	spaces	
School Bicy	cle spaces:							
2 Classroom	Grades 2-5	2	Short term per	Classroom		4	spaces	
2 Classroom	Grades 2-5	1	Long term	Classroom		2	spaces	
					Total bicycle spaces required School =	6	spaces	
Community	Pool Bicycle spaces:							
20,634 SF	bldg/pool/deck GFA @	2	short term per	2,000	sq. ft. =	20.6	spaces	

20,634 SF	bldg/pool/deck GFA	1	long term	4,000	sq. ft. =	5.2	spaces			
	@		per							
					Total bicycle spaces	26	spaces			
					required Pool =					
					Total Short term =	30	spaces			
					Total Long term =	8	spaces			
					Total bicycle spaces provided =	38	spaces			
_	sign Standards -									
<u>25.16.06:</u>										
				Required	<u></u>	Prov	Provided			
Drive aisle	width:									
	Two way			24	ft. min.	24	ft.			
	One way			14	ft. min.	14	ft.			
Parking Spa	aces:									
	Width			9	ft. min.	9	ft.			
	Length - perpendicular			18	ft. min.	18	ft.	[2]		
	Length - parallel			21	ft. min.	21	ft.			
Footnotes:										
[1]	Based on number of employees when the maximum number of employees is present at any one time other than during changes at shifts (25.16.03.a).									
[2]	Some parking spaces e	extend	beyond the cur	rb by two fe	et or less as allowed by 25.	16.06.b.4	4.			

ADEQUATE PUBLIC FACILITIES STANDARDS COMPLIANCE

A Comprehensive Transportation Review was prepared by The Traffic Group dated July 7, 2022 and submitted at that time to the City for review and was accepted. After discussions with staff, the Traffic Group updated the traffic counts for the seven (7) intersections in January 2024 and prepared a Memo confirming the conclusions from the 2022 CTR that the proposed increase in students satisfied the City's APFO for Traffic as follows:

2022:

The results of the report demonstrate that all study intersections currently experience acceptable levels of service. In the future with the granting of this Special Exception, each of the study area intersections will continue to main acceptable operations. Since the subject site has minimal impact during the peak periods, no physical improvements are required to the road system. Adequate pedestrian and transit facilities exist at the study intersections near the subject site. As a result no improvements are required to satisfy Rockville's requirements.

2024:

Our report dated July 7, 2022, on page 23, Table 3, details the results of the intersection capacity analysis. Attached to this [updated February 2024] memo is a spreadsheet that details that the traffic volumes in 2024 are not dramatically different from those in 2021. With 2024 traffic conditions and 2024 traffic volumes, we would expect to maintain Level of Service "A" or Level of Service "B" conditions during both the morning and evening peak hour at all intersections if new intersection capacity analysis were conducted. It is important to recognize that the increase in traffic is project to be 68 morning peak hour trips and 69 evening peak hour trips as detailed in Table 2... This results in approximately 1 new peak hour trip per minute which obviously is and results in a de minimis condition. No intersection improvements are required for this Project.

The Water and Sewer Authorization submitted by Applicant in 2023 has been accepted by the City and public water and sewer infrastructure has been determined to be adequate for the proposed Special Exception Modification.

The Application is for a non-residential use so the APFO School test is not applicable.

SIGNS

Zoning Ordinance Section 25.15.01.b provides that as part of a modification of a Special Exception existing as of December 31, 1983, an applicant may request a modification of the allowable signs. Section 25.18.12.b authorizes the Board of Appeals to approve all signs for a special exception use, except that the Board of Appeals is not authorized to approve Prohibited Signs. The following requested signs are part of the School Special Exception application and anticipated to be approved by the Board of Appeals.

The School and Community Pool have an existing freestanding sign in the front yard of the Property along Nelson Street. The Applicant proposes the replacement of the freestanding sign with a monument sign on a base in the front yard perpendicular to Nelson Street in the area shown on the Special Exception site plan. The sign will identify the uses on the Property and include a changeable message sign.

The Applicant proposes a building sign for the School on the canopy of the School main entrance. The Application also proposes two building wall signs, one over the entrance door to the existing club/pool house and a second smaller sign at the Community Pool entrance. Additional directional signage will be provided in accordance with code at the entrances and on the Property to provide direction to visitors.

See Sign Plan attached as part of Exhibit 8.

Necessary Findings for Site Plan Approval

Per ZO 25.07.01.a.3.c, a site plan that implements all or a portion of an approved special exception is deemed to meet the findings for approval so long as the site plan complies with the conditions and requirements of the approved special exception and where the application will not:

i. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;

The Application is for a replacement building for a use established in 1962 around which the neighborhood has developed and thrived and for which the community pool is an amenity.

ii. Adversely affect the natural resources or environment of the City or surrounding areas;

The Application will not adversely affect natural resources or environment of the City as the replacement building will be constructed in accordance with City ordinances and regulations. The Application provides improvement to the environment with the installation of stormwater management facilities, additional tree canopy, street trees and landscaping, and a new building meeting current green building code requirements.

or

iii. Constitute a violation of any provision of this chapter or other applicable law.

The Application complies with all applicable requirements of the Zoning Ordinance and is designed to comply with other applicable laws and regulations.

Meets the General Purposes of the Zoning Ordinance

Zoning Ordinance Section 25.01.02. sets forth the general purposes of the Zoning Ordinance. The Application meets the intent of the purposes as follows:

1. Provide for appropriately scaled, designed, and sited buildings and other structures that are compatible with the natural and built environment;

The Application proposes a replacement of the School that was established in 1973 and successively expanded with increases in student attendance through 2014, and operated continuously until the use was suspended by fire casualty just before COVID, with a similarly scaled, designed and sited building. The Application maintains the deep front setback from Nelson Street and the homes across the street. The one-story School is of similar scale and character as the existing club/pool house that is being retrofitted. At one-story the School is compatible in scale with the 1- to 2-story gabled homes in the neighborhood.

2. Promote environmentally sustainable developments and otherwise provide for the conservation of natural resources and the environment;

The Application replaces a former school building damaged by fire casualty with a new building with modern facilities and site updates meeting current building performance and sustainability standards.

3. Promote the City as an inclusive community by facilitating diversity in housing, building design, and land use;

The Application preserves a community amenity – the neighborhood early learning center – and supports its long-range continuity with much needed updates. The increase in maximum student attendance capacity meets community demand for these services. The school provides much needed before and after school care, early learning programs and lower school-level education opportunities to serve diverse household populations who live in the neighborhood residential communities and work in the employment centers nearby. The Application proposes periodic community use and third party enrichment program use of the building, mainly the all-purpose room, when not in use by the School as a privately provided amenity to the neighborhood.

Promote alternative modes of transportation by providing convenient, safe, and connected
accessibility to public transportation, pedestrian and bicycle systems, inviting streetscapes,
and a mixture of uses;

The Application is for modernization of a community amenity that is accessible by foot, car, bus, and bicycle along Nelson Street. Street trees and sidewalk along the Nelson Street frontage are part of the Site Plan. The site will once again include the co-location of the swim club and the private educational institution, both much needed services and desirable amenities for the families in the neighborhood. Improved bicycle parking, internal circulation and sidewalks, and landscaping will enhance the whole Property.

4. Ensure that development occurs in an orderly fashion consistent with the master plan (the "plan") and the availability of adequate infrastructure capacity and other public facilities;

The Application is consistent with the recommendation of the Master Plan and the specific recommendation for the Property for the continued use as a community amenity co-located with the community pool. The Application satisfies the City's APFO standards.

5. Ensure the most appropriate use of land throughout the City;

The Application is consistent with the historical use of the Property since 1962/1973, the original comprehensive plan for Woodley Gardens community, and the recommendations in the Master Plan.

6. Protect and enhance the aesthetic and visual character of the City and its residential neighborhoods;

The Application preserves the aesthetic and visual character of the decades-long community amenity use of the property with the retention of the existing club/pool house, the one-story School, and the front yard open space with its new vegetated stormwater "rain garden" facility.

7. Preserve sites, structures, and districts of historical, archeological, or architectural significance, and their appurtenances and environmental settings;

The Application preserves the decades-long use of the Property as a co-located community swim club and school as established in 1962 and 1973 as part of the comprehensive development plan for and the early development of Woodley Gardens. The Application proposes retention of the original club/pool house with sensitive exterior window and door additions, rear expansion, and an interior retrofit to allow continuation of the historical use of the Property as a swim club and school is important to the neighborhood and the original comprehensive plan for the Woodley Gardens development.

8. Secure the public safety;

The Application seeks approval of a Level 2 Site Plan to implement special exception modifications to allow the issuance of applicable permits for the construction of the replacement School building and site improvements in accordance with public safety laws.

9. Provide adequate light and air;

The Application proposes a replacement building sited with setbacks that exceed Zoning Ordinance required minimums. The retention of the front setback with its circular driveway entrance around a wide tree lined lawn provides significant light and air to the nearest single family homes and adjacent uses.

10. Foster innovative, creative, sustainable, and flexible building and site design;

The Application reflects how to integrate modern facilities in order to preserve and continue a swim club that was established over 60 years ago and a school established over 50 years ago so these neighborhood amenities can continue sustainably for the benefit of future families and generations.

11. Provide attractive, high quality development and design that enhances the community's quality of life; and

The Application proposes a modern design that still reflects the architectural vernacular of an established neighborhood. It provides attractive modern facilities to improve the experience and quality of life of its students, teachers, and their families, as well as its surrounding neighbors. The retrofit of the existing club/pool house provides improved amenities and long-term sustainability for the health and welfare of the Woodley Gardens Pool members, the

School students and their families, and neighbors in nearby residential communities and employment centers.

12. Otherwise protect and promote the health, safety, comfort, convenience, welfare, and happiness of the Rockville community through the comprehensive regulation of the use and development of land and structures.

The Application is a necessary evolution to maintain a much beloved amenity within the neighborhood by replacing and modernizing the School onsite. It complies with the comprehensive codes and regulations of the City of Rockville to protect and promote the health, safety, comfort, convenience, and welfare of the Rockville community. As to "happiness" of the Rockville community, there could not be many other proposals like this one that will ensure the continuation of important neighborhood amenities that has created, and will continue to create, so many happy family and childhood memories as the Woodley Gardens Pool and the Georgetown Hill School.

Conclusion and Request

Based on the application materials and the foregoing, the Applicant respectfully requests approval by the Planning Commission of a Level II Site Plan to implement Special Exception SPX2024-00408 for a Private Educational Institution and the minor modification of the Community Pool special exception.

Nancy Regelin, Esquire Shulman Rogers Law Firm 12505 Park Potomac Avenue #600 Potomac, Maryland 20854 301-230-5224 nregelin@shulmanrogers.com

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kfoster@glwpa.com

Certified Planner for Applicant

Exhibits to Statement of Justification

- 1 Deed
- 2 Comprehensive Site Plan*
- 3 Plat 11221
- 4 Approved NRI/FSD
- 5 Aerial of the Property
- 6 Zoning Map
- 7 Aerial of Neighborhood
- 8 Site Plan Cover Sheet with Development Table
- 9 Preliminary Floor Plan and Building Elevations, Sign Plan*
- *Plans provided as exhibits to the Statement for convenience, the Plans submitted as part of the application, as amended through review, will control.

Application Submissions. The Site Plan application submission includes:

Site Plan Application

Site Plan School Project Narrative and Statement of Justification

Sheet 1 of 8 Site Plan Cover Sheet with Parking and Development Stds Tables

Sheet 2 of 8 Approval Sheet

Sheet 3 of 8 Site Plan

Sheet 4 of 8 Site Detail Sheet

Sheet 5 of 8 Site Detail Sheet

Sheet 6 of 8 Landscape Plan and

Sheet 7 of 8 Landscape Detail Sheet

Sheet 8 of 8 Fire Access Plan

Architectural Sheet A101 Floor Plan (includes illustrative of Community Pool interior alterations)

Architectural Sheet A201 Exterior Elevations

Architectural Sheet A202 Exterior Elevations

Architectural Sheet 901 Illustrative Colored Perspectives also reflecting sign plan

CTR Traffic Counts Update Memo Traffic Group dated February 2024 with attachments

CTR The Traffic Group dated July 7, 2022 with attachments

Approved NRI/FSD and Stormwater Management Concept plan

Nonconforming Alteration Application and Statement of Justification

Waiver Application and Statement of Justification

Parking Deferral Statement with Deferred Parking Plan

BOOK: 64825 PAGE: 48

Tax ID# 4-224-157435

THIS DEED

Made this 2nd day of December, 2021, by and between BELL & BECK, LLC, a Maryland limited liability company, party of the first part, and WOODLEY WAVES, LLC, a Maryland limited liability company, party of the second part:

Witnesseth, that in consideration of THREE MILLION AND 00/100 DOLLARS (\$3,000,000.00), the said party of the first part does grant and convey unto WOODLEY WAVES, LLC, party of the second part, its heirs and assigns, in fee simple as sole tenant, all that piece or parcel of improved land situate, lying and being in Montgomery County, State of Maryland, described as follows to wit:

Lot numbered Six (6) in Block lettered "D" in a subdivision known as "ROCKVILLE ESTATES" as per plat thereof recorded in Plat Book 100 at Plat 11221, one of the Land Records of Montgomery County, Maryland.

Being the same property conveyed by deed recorded in Liber 29997 at folio 603.

Subject to the covenants and restrictions of record.

To Have and To Hold said land and premises above described or mentioned and hereby intended to be conveyed, together with the building and improvements thereon erected, made or being, and all and every title, right, privilege, appurtenance and advance thereunto belonging, or in anywise appertaining unto and for the proper use, benefit and behalf of said party of the second part.

Property Address : 850 Nelson Street, Rockville, Maryland 20850
Grantee's Address : 236 Anderson Avenue, Rockville, Maryland 20850
Grantor's Address : 9903 Cable Drive, Kensington, MD 20895
Title Insurance Co. : Old Republic National Title Insurance Company

And the said party of the first part covenants that it will warrant specially the property hereby conveyed; and that it will execute such further assurances of said land as may be requisite.

Witness its hand and seal.

MONTGOMERY COUNTY, MD

5,000

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) KAB 64825, p. 0048, MSA. CE63. 64782. Date available 12/17/2021, Printed 02/05/2024

\$ 38,200 RECORDATION TAX PAID
\$ 30,000 - TRANSFER TAX PAID

Bell & Beck, LLC, a Maryland limited liability company

/ N //.

(SEAL)

Stephen J. Beck, Manager

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EXHIBIT 2 COMPREHENSIVE SITE PLAN

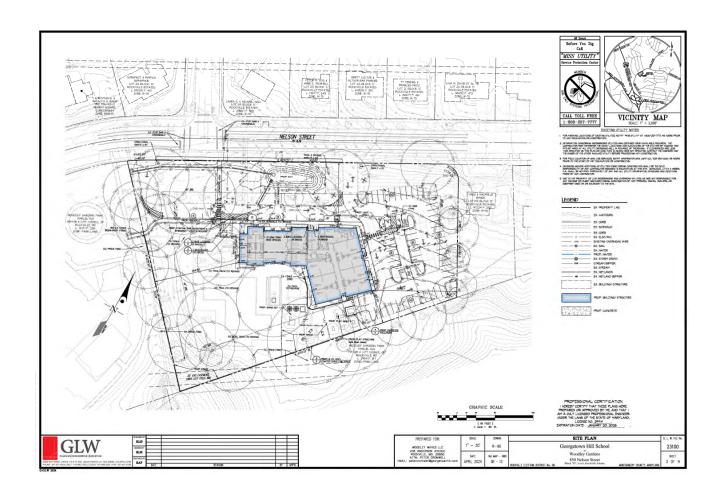


EXHIBIT 3

PLAT 11221

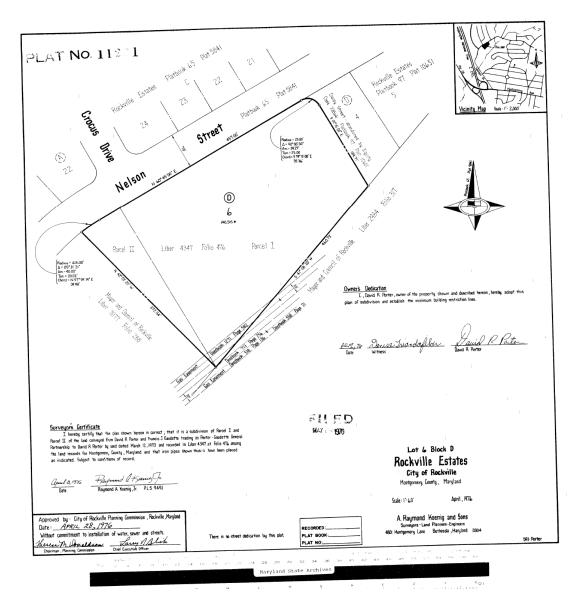


EXHIBIT 4

EXISTING CONDITIONS APPROVED NRIFSD

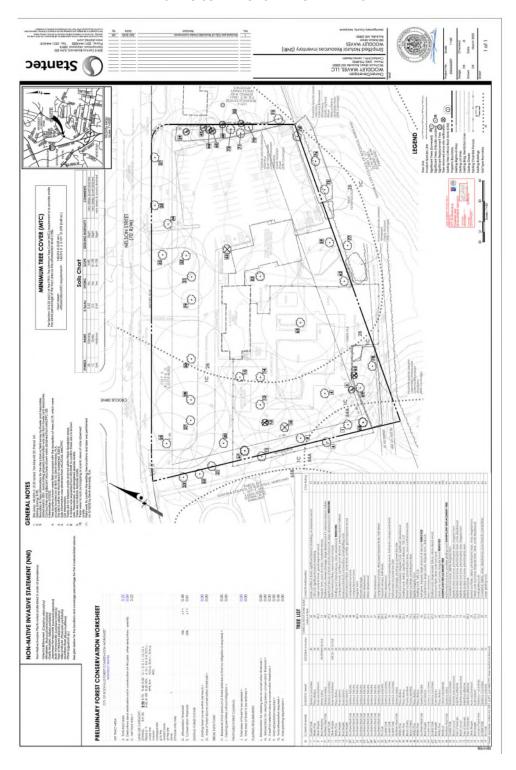


EXHIBIT 5

AERIAL OF PROPERTY

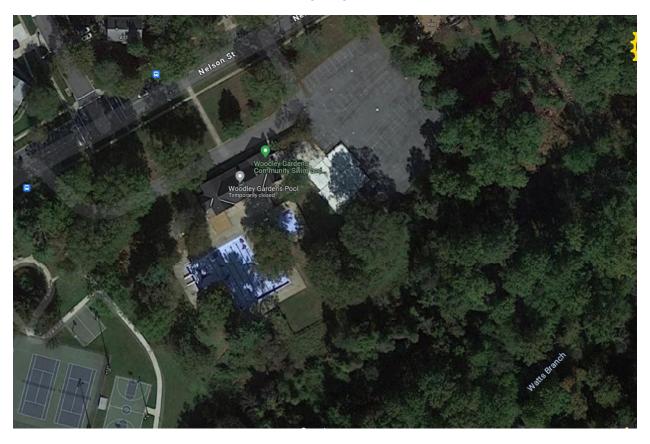


EXHIBIT 6

ZONING MAP

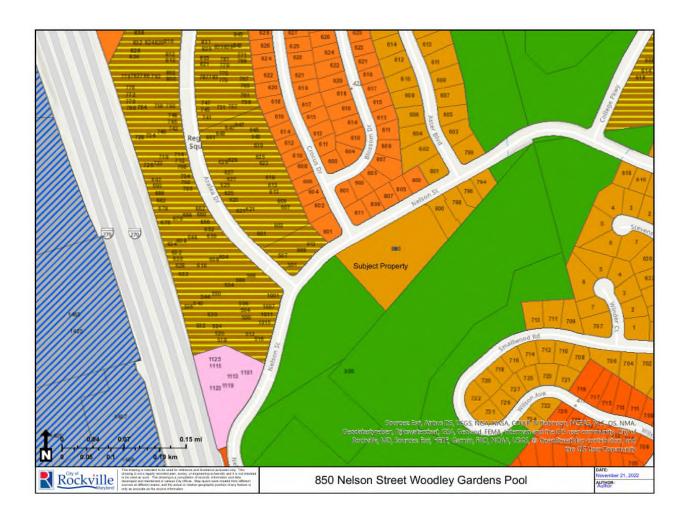


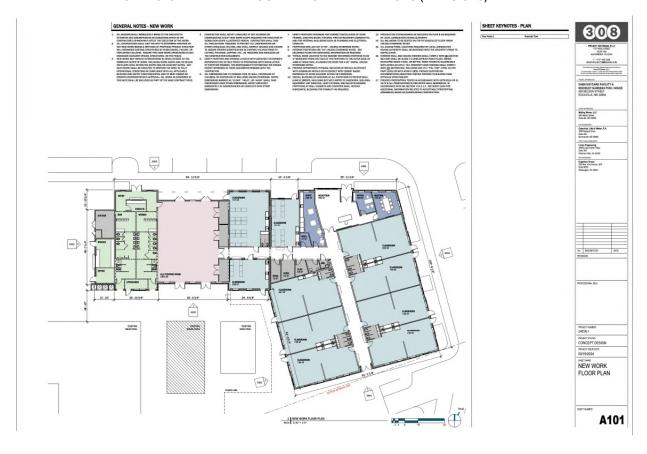
EXHIBIT 7

AERIAL OF NEIGHBORHOOD



EXHIBIT 8

ARCHITECTURAL PRELIM FLOOR PLANS AND ELEVATIONS (AND SIGNS)





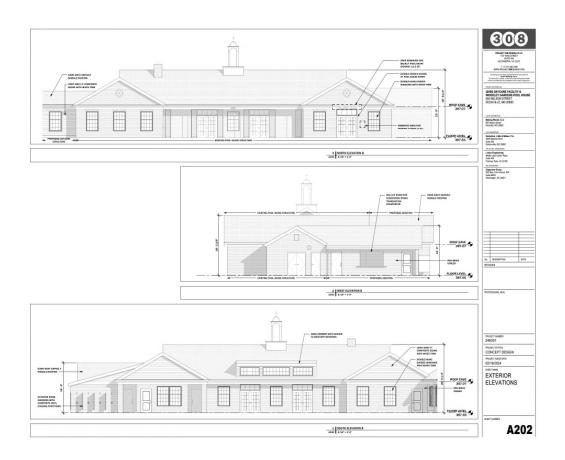




Exhibit 9
Site Plan Cover Sheet with Development Table

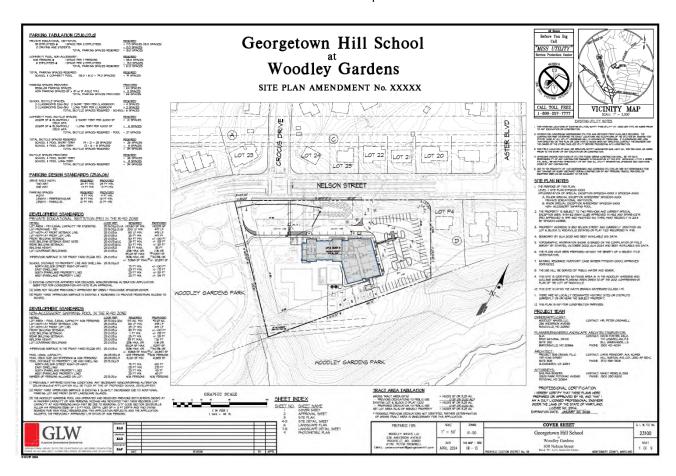


Exhibit 10
Front Yard Impervious Area Exhibit

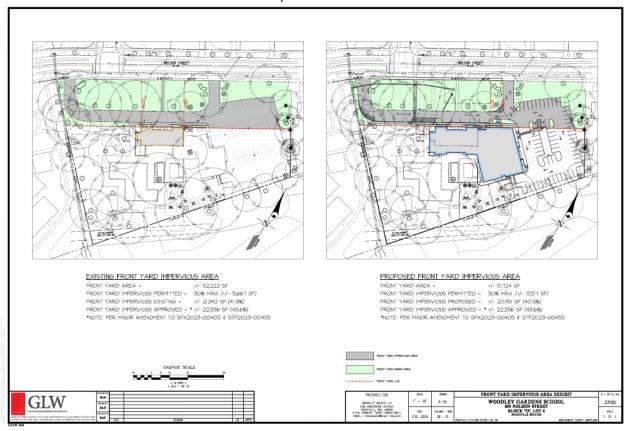


Exhibit 11
Deferred Parking Exhibit

