

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

Case No. S-2503

PETITION OF HOLTON-ARMS SCHOOL
(Hearing held January 16, 2002)

OPINION OF THE BOARD
(Effective date of Opinion, June 20, 2002)

Case No. S-2503 is a petition pursuant to Section 59-G-2.13.1 (Child day care facility) of the Montgomery County Zoning Ordinance (Chapter 59, Montgomery County Code 1994, as amended) for a special exception to operate a co-educational summer day camp for up to 645 children and 160 staff members on the grounds of Holton-Arms School located at 7303 River Road, Bethesda, Maryland.

Decision of the Board: Special exception **GRANTED**, subject to conditions enumerated below.

A public hearing was held on Wednesday, January 16, 2002, pursuant to Section 59-A-4.11(a) of the Zoning Ordinance. Appearing on behalf of Holton-Arms ("Petitioner") were Jody S. Kline, Esquire; Diana Beebe, Head of School; Susan Spingler, Director of Special Programs; and Lee Cunningham, Land Use/Transportation Planner.

Also participating in the proceedings were Margaret Kaii-Ziegler, Technical Staff of the Maryland-National Capital Park and Planning Commission (M-NCPPC), who testified neither in favor, nor in opposition to the proposed special exception; Linda Kauskay, representative of the Bradley Boulevard Citizens Association; and George Springston, representative of the Burning Tree Civic Association.

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Martin Klauber, Esquire, the People's Counsel for Montgomery County, Maryland, also participated in the proceedings in support of the requested special exception, with conditions.

EVIDENCE PRESENTED TO THE BOARD:

1. The Petitioner has requested a special exception to operate a co-educational summer day camp on 58 acres of property located at 7303 River Road (MD 190), Bethesda, Maryland. The Petitioner previously operated a summer day camp on the subject property under the assumption that it was an ancillary use to its special exception as a private educational institution approved in Case No. CBA-1174. That assumption was determined to be incorrect as a result of a decision by the Board of Appeals dated September 7, 2001 as part of Case No. CBA-1174-C. The Petitioner now requests this special exception in order to operate the camp without limitation on the proportion of students outside of the Holton-Arms' student body who may attend.

2. The subject property is zoned R-200 and R-90 and is located on the north side of River Road, east of that road's intersection with Burdette Road. The property has approximately 770 feet of frontage with River Road and 110 feet of frontage with Burdette Road. The school also has frontage on the unimproved right-of-way for Burning Tree Road approximately 150 feet west of the intersection of Burning Tree and Beech Tree Roads. Bisecting the campus from north to south is Booze Creek, a tributary of the Cabin John Creek main stem.

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3. The surrounding neighborhood is predominantly residential in character. Adjoining the subject property to the north are single-family homes in the R-200 Zone. Adjoining the site to the east are single-family homes in the R-90 Zone and Burning Tree Local Park owned by the M-NCPPC. Located to the southeast is Burning Tree Elementary School. Across River Road to the south are single-family homes in the R-200 Zone and the Primary Day School. Adjoining the site to the west are single-family homes in the R-200 Zone and a retail nursery and commercial greenhouse operating by special exception. Further to the west across Burdette Road is Burning Tree Country Club and the site of the Marriott senior housing facility. The interchange at River Road and the Capital Beltway (I-495) begins approximately 1,100 feet west of the school's entrance on River Road.

4. The subject property is a recorded lot and will not require approval of a preliminary plan of subdivision.

5. The subject property is located within the area of the 1990 Bethesda-Chevy Chase Master Plan (Exhibit No. 8). The Master Plan affirms the existing R-90 and R-200 zoning of the subject property, with R-90 zoning found east of Booze Creek and all the land located west of the creek zoned R-200 (Exhibit No. 12). Child day care facilities are allowed by special exception in the R-90 and R-200 Zones.

6. The Petitioner proposes to operate a co-educational summer day camp program ("Camp") in which children can participate in such activities as dance, drama, music, visual arts, sports, swimming, outdoor exploration, and

computers. The Camp will begin in late June and conclude in early August and will offer over 80 different classes to children ranging in age from three to thirteen years. The Camp will be operated Monday through Friday, no weekends, for a total of six weeks. The camp will have two sessions: Session I will run for three weeks from late June until mid-July, and Session II will run three weeks from mid-July through early August. The total number of campers enrolled in each of these camp sessions will not exceed 645 children (Exhibit No. 3 - Statement of Operations).

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7. Campers will participate in indoor and outdoor classes; participation is geared predominantly towards indoor classes. Campers will have full access to school facilities, including the Petitioner's art, dance, and music studios; 400-seat theater; double gymnasium; indoor swimming pool; outdoor stage; photography lab; tennis courts; nature trails; playground; and one of the school's two athletic fields (Exhibit No. 3 - Statement of Operations).

8. The Camp is comprised of half-day and full-day programs beginning each day at 9:00 a.m. Campers participating in the half-day program will arrive between 8:30 and 9:00 a.m. and will depart at 1:00 p.m. Campers participating in the full-day program will arrive between 8:30 and 9:00 a.m. and will depart at 3:00 p.m. Extended care arrangements will also be in place, commencing at 7:30 a.m. and concluding at 6:00 p.m. Under the extended care arrangements, approximately 25 campers will arrive between 7:30 and 8:30 a.m. and approximately 50 campers will depart the campus between the hours of 3:00 and 6:00 p.m. Campers participating in the full-day program will bring a bagged lunch, except on days when the school provides a pizza lunch (Exhibit No. 3 - Statement of Operations).

9. Diana Beebe explained the history of the Camp and its function in the community. She testified that the Camp is a source for employment for local teaching professionals and early work experience for students, and that the Camp serves a critical local need for summer camp educational and recreational activities. Ms. Beebe testified that the Petitioner would initiate construction of improvements to an emergency access at Burdette Road, as approved in Case No. CBA-1174-C, prior to the commencement of camp operations in Summer, 2002. Ms. Beebe stated that the driveway would be restricted to emergency use only.

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10. Susan Spingler explained the daily operations of the Camp. Ms. Spingler emphasized that Creative Summer was not a sports camp but is rather an indoor camp that "catered to the arts." Ms. Spingler testified that for the limited outdoor activities under the camp program, the campers would utilize only one of the existing outdoor athletic fields on the campus. Ms. Spingler testified as to the very high level of competition for enrollment in a limited number of camp slots and that a priority in enrollment is given to Holton-Arms students, children of

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Holton-Arms employees, returning campers, and children residing in the 20817 zip code area surrounding the school campus.

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11. Ms. Spingler testified about the total number of staff and campers associated with the Camp. She stated that there will be 160 staff members associated with the Camp comprised of professional teachers, coaches, counselors, graduate students, college students, and Holton-Arms' students used as "counselors-in-training;" a registered nurse will be on duty at the school's infirmary during regular camp hours.

12. Ms. Spingler described the operational aspects of the Camp carpool program, including the issuance of carpool numbers to campers participating in the carpool program. Ms. Spingler explained the Camp's morning and afternoon "extended day" programs, designed for working parents, in which approximately 25 students would arrive at staggered times between 7:30 a.m. and 8:30 a.m. and approximately 50 campers would depart the campus between 3:00 p.m. and 6:00 p.m. Utilizing a site plan for the subject property (Exhibit No. 21), Ms. Spingler demonstrated the operational aspects of the vehicular circulation system, testifying to the manner in which staff and local police would direct the flow of traffic to and from the Holton-Arms campus in the morning and afternoon hours. In response to a question from George Springston, Ms. Spingler indicated that she was not aware of any traffic back-ups on River Road for either arrivals or departures from the campus and that she had never received any complaints from parents of campers to that effect.

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13. In response to questioning from Martin Klauber, Esquire, Ms. Spingler discussed a component of the Camp program called "Evening Carnival" ("Carnival"). Ms. Spingler testified that the Carnival is held during the last two days of each of the camp sessions as a means of allowing the campers, through performances, to showcase to their families what they have learned and achieved at the Camp. Carnival generally involves approximately 35 campers and their parents and runs from 3:30 p.m. until 7:00 p.m. on the first evening, and culminates in one-hour performances beginning at 4:30 p.m. and 7:30 p.m. on the following evening. Ms. Spingler testified that approximately eight to ten staff members assist with traffic management during the evenings for Carnival.

14. Ms. Spingler testified that the Camp would be operated in harmony with the surrounding neighborhood and that the associated camp activities would not cause any adverse effects on the health, safety or welfare of the surrounding neighborhood.

15. Margaret Kaii-Ziegler testified that the Technical Staff had concluded that the Camp's traffic impact on the surrounding transportation network will be less than that generated during Holton-Arms' "regular school year." She testified that, based on the information provided by the Petitioner, fewer children would be arriving/departing the campus during the summer peak traffic hours than during peak traffic hours for Holton-Arms' regular school year.

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Ms. Kaii-Ziegler testified that for the Camp, the Technical Staff adopted its findings on traffic from the analysis previously conducted in connection with Case No. CBA-1174-C (Holton-Arms Special Exception Modification).

16. Lee Cunningham testified that in preparing his analyses, he utilized traffic data from Case No. CBA-1174-C because Petitioner had not previously been required to conduct a formal traffic analysis for the summer months, nor had the Petitioner had an opportunity to conduct such analysis. Mr. Cunningham testified that based on the traffic analysis conducted for Case No. CBA-1174-C, it was his opinion that the intersections of River Road with Beech Tree Road, Royal Dominion Drive, and Burdette Road would continue to operate at acceptable levels during the Camp operations. Mr. Cunningham also testified that the traffic calculations that were performed for the subject application indicated hourly arrivals during the highest peak hour of 281 vehicles and buses, versus arrivals of 378 vehicles and buses during the same peak hour for the regular school year. In response to questioning from Mr. Springston, Mr. Cunningham testified that based on his years of experience with state traffic studies, peak hour traffic for the summer months is slightly lower than during the regular school year. Mr. Cunningham explained the Petitioner's Transportation Management Plan ("TMP") (Exhibit No. 22) and testified that the surrounding transportation network for the subject site is adequate to accommodate the Camp operations. Finally, Mr. Cunningham testified that the traffic circulation system for the campus site would be safe and adequate and that the Camp's operations would not have any detrimental effect on traffic safety or traffic movement.

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17. In response to a question from Board Member Allison Fultz, Jody Kline, Esquire, stated that Petitioner would agree, as reflected in its TMP (Exhibit No. 22), to performance standards governing busing operations, carpooling, and individual vehicle trips. Mr. Kline explained that Petitioner expects to transport approximately one-third of its campers by bus; approximately one-third of its campers by carpool; and approximately one-third of its campers by individual vehicle trips (Exhibit No. 22). In addition, in response to a question from Linda Kauskay, Esquire, Mr. Kline verified that the TMP includes a provision requiring Petitioner to work with the "Neighborhood Liaison Committee", established in Case No. CBA-1174-C, to develop specific incentives to encourage campers to carpool or to use bus service (Exhibit No. 22). Also, Mr. Kline confirmed that the Petitioner will include, as part of its quarterly report to be submitted for Case No. CBA-1174-C, an assessment of the Petitioner's progress in meeting the goals of the Camp TMP (Exhibit No. 22).

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18. In its Memorandum submitted to the Board (Exhibit No. 15), the Technical Staff explained that the number of campers and staff arriving or departing during the morning and evening peak hours "is anticipated to be less than during the regular school year due to staggering of camp activities" and that the Petitioner's proposed TMP and its associated carpool and bus services "will

reduce the number of trips to the campus." The Staff found that with the TMP the use would not have an adverse impact on the area transportation system.

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19. An approved Natural Resources Inventory/Forest Stand Delineation Plan and a Preliminary Forest Conservation Plan for the subject site are on record as part of the Applicant's case in CBA-1174-C. The Technical Staff found that this application would not alter or pose additional impacts to the site (Exhibit No. 15). The Petitioner is bound by the conditions set forth in the Preliminary Forest Conversation Plan for Case No. No. 1174-C and is required to submit a Final Forest Conversation Plan to the Technical Staff.

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20. Ms. Kauskay stated that the Bradley Boulevard Citizens Association had received a letter from Petitioner committing to begin construction of the Burdette Road emergency access improvements prior to commencement of the Camp and that the Association therefore generally supported the application.

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21. The Technical Staff found that the proposed use satisfies the general and specific requirements of the Zoning Ordinance and recommended approval of the request for special exception, subject to conditions (Exhibit 15).

FINDINGS OF THE BOARD:

Based on the Petitioner's binding testimony, the evidence of record and the exhibits presented at the public hearing, the Board concludes that the requested special exception can be granted with the conditions set forth below:

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Section 59-G-1.2 Conditions for granting.

59-G-1.21 Standard for evaluation. A special exception must not be granted absent the findings required by the Article. In making these findings, the Board of Appeals ... must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site.

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Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception.

The Board interprets this section of the Zoning Ordinance to require the following analysis. The Board must:

(1) Make a determination as to the general neighborhood affected by the proposed use.

(2) Establish those inherent, generic physical and operational characteristics associated with a given use, in this case the operation of a summer camp, not including the physical size and scale of operations.

(3) Determine separately the physical and operational characteristics of the summer camp special exception use proposed by the Petitioner.

(4) Compare the generic physical and operational characteristics with the particular characteristics of the summer camp. Inherent adverse effects are those characteristics of the modification that are consistent with the generic characteristics. Non-inherent adverse effects are those characteristics of the modification that are unique given the facts of a particular case.

Applying the above analysis to this case, the Board finds as follows:

(1) The General Neighborhood

The Board finds that the surrounding neighborhood is predominantly residential in character. Adjoining the subject property to the north are single-family homes in the R-200 Zone. Adjoining the site to the east are single-family homes in the R-90 Zone and Burning Tree Local Park owned by the M-NCPPC. Located to the southeast is Burning Tree Elementary School. Across River Road to the south are single-family homes in the R-200 Zone and the Primary Day School. Adjoining the site to the west are single-family homes in the R-200 Zone and a retail nursery and commercial greenhouse operating by special exception. Further to the west across Burdette Road is Burning Tree Country Club and the site of the Marriott senior housing facility. The interchange at River Road and the Capital Beltway (I-495) begins approximately 1,100 feet west of the school's entrance on River Road.

(2) Evaluation Standard – Physical and Operational Characteristics

The Board recognizes that Planning Board staff has, in previous cases, offered seven criteria to be used to establish the physical and operational characteristics of a requested special exception use. These are: size, scale, scope, lighting, noise, traffic, and environment.

The Board finds that summer camps display many of the same features and the same activities, as private educational institutions on whose campuses many summer camps are located. These features and activities include indoor and outdoor activities, traffic, parking, and special events. Additionally, a summer camp may often involve use of substantially sized structures in terms of building area and a height of one to two stories. Summer camps vary in terms of size but do not typically exceed the density permitted for private educational institutions located in residential zones (87 children per acre). Summer camps typically involve outdoor activities that can be expected to generate noise and bustle. Camps occur during the summer months, during weekdays, usually between the hours of 8:00 a.m. and 4:00 p.m., but occasional special evening events (e.g. banquets, award ceremonies, performances) may take place after regular camp hours of operation. Camps require little exterior lighting. Substantial traffic volumes, including buses, are associated with camp operations, for commuting to and from the camp as well as for off-site trips. Impacts on the environment are related to physical improvements, such as buildings, parking lots and athletic facilities.

(3) Physical and Operational Characteristics

The Petitioner proposes to operate a summer camp that utilizes the facilities of the private school on which it is to be located. These facilities have met the standards for a special exception use as a private educational institution and for the zone in which they are located.

The Board finds that the Camp's activities are predominantly located inside the buildings and when they are conducted outside there is sufficient separation from adjoining properties to satisfactorily mitigate noise or other possible adverse affects. The Camp will not have more than 645 campers per session, a number which can be readily handled on a campus of 58 acres. The hours of operation are generally within the range expected for camps with an extended day program for 25 to 50 campers arriving or departing outside of the normal hours, 7:30 a.m. to 6:00 p.m. Evening activities are conducted on two nights of each Camp session. The Camp is located on an arterial road and has adopted a Transportation Management Plan with specific performance goals designed to minimize the impact of traffic generated by the Camp. The Petitioner's traffic management efforts will eliminate any adverse impact due to the volume of automobiles and buses entering and exiting the subject property. Substantial paved parking, over 300 striped parking spaces, exists on site to accommodate needs for daily and special event parking.

(4) Comparison of Characteristics

After considering the generic characteristics of the use and comparing them with the physical and operational characteristics of the Camp, based on the Technical Staff analysis and recommendation, the Planning Board

recommendation, the evidence and testimony presented by the Petitioner and the other parties of record as set out above, the Board finds that all of the physical or operational characteristics associated with this requested modification will be inherent adverse effects.

Section 59-G-1.21 General Conditions.

(a) *A special exception may be granted when the Board ... finds from a preponderance of the evidence of record that the proposed use:*

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

The Board finds that the proposed use is allowed in the R-200 and R-90 Zones, in accordance with Section 59-G-1.21(a)(1) of the Zoning Ordinance.

(2) *Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.*

The Board finds that the proposed application satisfies the standards and requirements for a child day care facility under Section 59-G-2.13.1, in accordance with Section 59-G-1.21(a)(2) of the Zoning Ordinance.

(3) *Will be consistent with the general plan for the physical development of the District, including any master plan thereof adopted by the Commission. Any decision to grant or deny special exception must be consistent with a recommendation in an approved and adopted master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that the granting of a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.*

The Board finds that the proposed use is consistent with the Bethesda-Chevy Chase Master Plan. The Master Plan affirms the existing R-200 and R-90 Zones for the subject property; child day care facilities are allowed by special exception in those zones, in accordance with Section 59-G1.21(a)(3).

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(4) Will be in harmony with the general character of the neighborhood considering population density, design, scale, and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

The Board finds that the proposed use will be in harmony with the general character of the neighborhood when considering population density, design, scale, and bulk of the proposed new structure, intensity and character of activity, traffic and parking conditions, and number of similar uses, in accordance with Section 59-G-1.21(a)(4) of the Zoning Ordinance.

The Board finds that proposed use will not require any new structures nor criteria.

(5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site irrespective of any adverse effects the use might have if established elsewhere in the zone.

The Board finds that the use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood, in accordance with Section 59-G-1.21(a)(5) of the Zoning Ordinance.

(6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The Board finds that the proposed use will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity in accordance with Section 59-G-1.21(a)(6) of the Zoning Ordinance. The Board finds that the camp is geared predominantly towards indoor activities and the use of outdoor facilities will be well-buffered.

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(7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

The Board finds that the proposed use will not, when evaluated in conjunction with existing and approved special exceptions in the neighboring one-family residential area, increase the number, intensity or scope of special exception uses sufficiently to affect the area adversely or alter its predominantly

residential nature, in accordance with Section 59-G-1.21(a)(7) of the Zoning Ordinance.

(8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The Board finds that the proposed use will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area, in accordance with Section 59-G-1.21(a)(8) of the Zoning Ordinance.

(9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

The Board finds that the proposed use is adequately served by public services and facilities, in accordance with Section 59-G-1.21(a)(9).

(i) If the special exception use requires approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception.

The Board finds that the subject property is a recorded lot and will not require approval of a preliminary plan of subdivision.

(ii) With regard to findings related to public roads, the Board ... must further determine that the proposal will have no detrimental effect on the safety of vehicular or pedestrian traffic.

Based on the testimony of M-NCPPC staff and Mr. Cunningham, and the Transportation Management Plan (Exhibit No. 22), the Board finds that the proposal will have no detrimental effect on the safety of vehicular or pedestrian traffic.

Section 59-G-2.13.1 Child day care facility.

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(a) The Hearing Examiner (or Board of Appeals) may approve a child day care facility for a maximum of 30 children if:

1) a plan is submitted showing the location of all buildings and structures, parking spaces, driveways, loading and unloading areas, play areas and other uses on the site;

In accordance with Section 59-G-2.13.1(a)(1), the Board finds that the Petitioner has submitted a plan in compliance with this subsection.

2) parking is provided in accordance with the Parking Regulations of Article 59-E. The number of parking spaces may be reduced by the Hearing Examiner if the Applicant demonstrates that the full number of spaces required in Section 59-E-3.7 is not necessary because:

- (A) existing parking spaces are available on adjacent property or on the street abutting the site that will satisfy the number of spaces required; or
- (B) a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems;

In accordance with Section 59-G-2.13.1(a)(2), the Board finds that the parking space requirements for the proposed use, as set forth in Section 59-E-3.7, will be met by the Petitioner. The proposed use will require 268 parking spaces, 160 spaces for faculty, plus 108 drop-off and pick-up spaces. The subject site provides at least 300 striped spaces on-site and has additional area that is not marked for parking but could be used for parking. Parking will not be permitted on the adjacent public streets.

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(3) an adequate area for the discharge and pick-up of children is provided;

In accordance with Section 59-G-2.13.1(a)(3), the Board finds that there will be adequate area for the discharge and pick-up of children. The site has a long entrance road with a large drop-off and pick-up circle at the entrance of the school. The road and loop are wide enough for parked cars and through movement to continue.

(4) the Petitioner submits an affidavit that the Petitioner will:

- (A) *comply with all applicable State and County requirements;*
- (B) *correct any deficiencies found in any government inspection;*
- (C) *be bound by the affidavit as a condition of approval for this special exception;*

In accordance with Section 59-G-2.13(a)(4), the Board finds that the Petitioner has submitted an affidavit stating compliance with the conditions cited above.

(5) the use is compatible with surrounding uses and will not result in a nuisance because of traffic, parking, noise or type of physical activity. The hearing examiner (or Board of Appeals) may require landscaping and screening and the submission of a plan showing the location, height, caliper, species, and other characteristics, in order to provide a physical and aesthetic barrier to protect surrounding properties from any adverse impacts resulting from the use.

In accordance with Section 59-G-2.13.1(5), the Board finds that the proposed use will be compatible with the surrounding uses and will not result in a nuisance because of traffic, parking, noise or type of physical activity.

- (b) *A child day care facility for 31 or more children may be approved by the Board of Appeals subject to the regulations in subsection (a) above, and the following additional requirements:*

(1) a landscaping plan must be submitted showing the location, height or caliper, and species of all plant materials; and

In accordance with Section 59-G-1.13.1(b)(1), the Board finds that the Petitioner has submitted a landscaping plan that includes the existing and proposed landscaping for the site (Exhibit No. 7(a-d)).

(2) In the one-family residential zones, facilities providing care for more than 30 children must be located on a lot containing at least 500 square feet per child.

In accordance with Section 59-G-2.13.1(b)(2), the Board finds that the subject site is in excess of the required 7.4 acres for 645 children. The subject site contains 58 acres.

Therefore, based on the foregoing, the Board **GRANTS** the requested special exception for a child day care facility (summer day camp), subject to the following conditions:

1. The Petitioner shall be bound by its testimony and exhibits of record, the testimony of its witnesses and the representations of its attorney in these proceedings. Deleted: all submitted statements and plans.
2. The Petitioner shall comply with conditions of approval of the Preliminary Forest Conservation plan for CBA-1174-C. A Final Forest Conservation Plan must be approved by M-NCPPC Technical Staff. Deleted: Compliance
3. The Petitioner must implement the Transportation Management Plan (Exhibit 22), to minimize and manage vehicular traffic to and from the camp. Deleted: Applicant's submission of a
4. The Petitioner's Transportation Management Plan shall be made available to parents of campers via the Creative Summer camp handbook.
5. Camp enrollment shall be limited to a maximum of 645 campers per session, with a maximum number of two camp sessions per summer. Deleted: .
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6. The Petitioner shall advise camp parents as to the potential difficulty of left turn movement onto the campus from River Road and shall suggest alternative means of access. Deleted: 7. Transportation Management Plan to be amended to inform
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7. The Petitioner shall record in its September Quarterly Report required by Case No. CBA-1174-C an evaluation of its performance in meeting the goals of the Transportation Management Plan and its effectiveness. The Petitioner shall report such observations in its September report annually thereafter. Deleted: 9. Applicant to
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8. The Liaison Committee established in conjunction with Case No. CBA-1174-C shall be incorporated into and be applicable to Case No. S-2503. Deleted: Annual Report, in September, thereafter.
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9. The Petitioner shall prepare and submit studies and a request to the State Highway Administration seeking approval to extend the storage area for left turns into the subject property from River Road

and to extend the time during which such a protected movement can be made. The Petitioner shall use its best efforts to secure such approval.

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10. The Petitioner's proposed construction as shown on Exhibit 7 (a) - (d) shall be completed prior to commencement of Camp in 2004.

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On a motion by Angelo M. Caputo, seconded by Donna L. Baron, with Donald H. Spence, Jr., Chairman, Louise M. Mayer and Alison Ishihara, Fultz in agreement, the Board adopted the following Resolution:

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BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled case.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book of the Board of Appeals for Montgomery County, Maryland this 20th day of June, 2002.

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Katherine Freeman
Executive Secretary to the Board

NOTE:

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and any party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (see Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four months' period within which the special exception granted by the Board must be exercised.

See Section 59-A-3.2 of the Zoning Ordinance regarding Use and Occupancy Permit for a Special Exception.