

# Land Use Report

## Major Modification of Existing Private Educational Institution & Child Care Center (Summer Camp) Special Exceptions

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Case Nos. CBA-1174-E  
S-2503-B

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On Behalf of the Petitioner, Holton-Arms School, Inc.



*Submitted by:*  
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*VIKA Maryland, LLC*  
*March 3, 2026*

**Exhibit 79**  
**CBA-1174-E**

## I. Overview

The Holton-Arms School (the “School”) was founded in 1901, originally operating in Washington, DC, and relocating to 7303 River Road, Bethesda, MD (the “Property”) in 1963 after receiving approval for a Special Exception to operate a Private Educational Institution in 1961. It has been in continuous operation since that time with various modifications to the original approval over the years, as described below.

There are three special exceptions approved for the Property: a Private Educational Institution (CBA-1174) and two former ancillary uses that were broken out into separate special exceptions in 2002 for a childcare center for faculty and staff use (S-2467) and a summer camp (approved under the childcare center special exception use, S-2503), which need to be considered concurrently because of the interrelated operations. The childcare center for faculty and staff approved under S-2467, however, is not being modified.

The School provides rigorous and well-rounded education to girls from the 3<sup>rd</sup> to 12<sup>th</sup> grades on an approximately 58.27-acre campus. With an exemplary track record resulting in 100% of its graduates entering four-year institutions of higher education, there is both a demand and a policy priority to expand the School’s capacity. To that end, the current proposed modification would allow three changes:

- Increase student enrollment from 670 to 870,
- Increase summer camp registration from 665 to 970, and
- Allow for greater flexibility in third-party use of campus facilities.

This Land Use Report provides a review of these modifications considering the School’s history, physical context, and the regulatory environment. Regarding the latter, under Sections 7.7.1.B.1 and 7.7.1.B.3.c of the Montgomery County Zoning Ordinance, this Application is being reviewed under the zoning ordinance in effect prior to October 29, 2014 (the “2004 Zoning Ordinance”).

## II. Previous Approvals Summary

As noted above, the original approval for a Special Exception to operate a Private Educational Institution on the Subject Property was granted by the Montgomery County Board of Zoning Appeals in Case No. CBA-1174 in November of 1961. The School opened in 1963.

This approval was amended several times and related regulatory approvals obtained to permit the following modifications and improvements:



- 1976 – Board of Appeals approved Case No. S-516 allowing a playground, small parking area, and an access road to Burdette Road.
- 1980 – Board of Appeals approved Case No. S-729 allowing the addition of a library.
- 1985-1998 – Modifications approved for maintenance buildings, daycare use, soccer field expansion, performing arts center, athletic field construction, enrollment increase, building structure, and signage maintenance and improvement under CBA-1174-A & CBA-1174-B.
- 1987 – Planning Board approved Preliminary Plan 119870171 creating one lot totaling 54.6 acres for the School and right-of-way dedication on River Road, limiting access to Burdette Road to emergency vehicles.
- 2001 – Planning Board approved a Forest Conservation Plan in connection with No. CBA-1174-C allowing the associated improvements with the proposed School expansion, which required Category I Forest Conservation Easements, a Tree Save plan, and stream restoration measures.
- 2002 – Board of Appeals approved Case No. CBA-1174-C to allow the construction of a new athletic field and track facility, a new science wing, expansion of the performing arts center, an addition to the Lower School building, and a centennial garden.
- 2002 – Board of Appeals approved S-2503 allowing a summer camp for up to 645 children and 160 staff (for a use previously allowed as “accessory” under CBA-1174).
- 2002 – Board of Appeals approved Case No. S-2467 allowing a childcare facility on site for faculty, staff, and nearby schools.
- 2004 – Board of Appeals approved Case Nos. CBA-1174-D, S-2467-A, and S-2503-A to continue after-school programs and increase the student enrollment cap to 665 (plus 5 more under certain circumstances) and summer camp to 665.
- 2008 – Board of Appeals approved a modification to Case No. CBA-1174-D allowing up to 4 enrichment programs a year, an extension of the School’s education program through summer participation in an international exchange program with 24 tennis players, and use of the on-site meeting space by the neighboring Fox Hill Sunrise Community. This also included approval of a corresponding increase in the summer camp registration cap.
- 2013 – Planning Board approved a modification to the Forest Conservation Plan in connection with CBA-1174-D revising existing conservation easements.



- 2014 – Board of Appeals approved Case No. S-2467-A increasing the childcare facility to 31 children and 10 staff.
- 2022 – Board of Appeals approved a modification to CBA-1174-D allowing addition of indoor and outdoor spaces in connection with a library renovation.
- 2023 – Planning Staff approved a redline to the Forest Conservation Plan associated with CBA-1174-D for the library renovation limits of disturbance.

Summary of Current Approved Primary Uses

Use	Max Capacity	Restrictions	Operational Notes
Private Educational Institution	665 + 5 students		The 5 additional students allowed if circumstances warrant; annual reporting required
Childcare	31 students; 10 staff		For use by faculty and staff at nearby schools with priority given to Holton-Arms faculty and staff
Summer Camp	665 campers		
Track & Field	200 max stadium seating; 1 match per weekday and 2 matches per weekend day	No use 6/15-8/3 except for try-outs and practices	May be used for classes, School functions, practice, and competitions

Summary of Current Approved Ancillary Uses

Use	Max Capacity	Restrictions	Operational Notes
College Examination Preparatory Classes	Maximum 4 sessions per year with 80 students per session	7:00-10:00pm Monday-Thursday, 9:00am-1:00pm Saturday 12:00-4:00 & 5:30-9:30pm Sunday	Preference given to Holton-Arms families and 20817 zip code residents; SAT exams given periodically on Saturday mornings with up to 135 students per session
Arts Programming	Up to 375 total participants in weekday classes and 75 in	Must arrive and depart during non-peak hours:	Preference given to Holton-Arms families and 20817 zip code residents



	weekend classes; no more than 60 participants on campus at once  Minimum 50% Holton-Arms participants	2:15-8:30pm Monday-Friday  9:00am-12:00pm Saturday  No Sundays	
Artistic Performances	Maximum 18 events annually	Performances allowed Friday evening or Saturday or Sunday	Seating is limited by facility capacity; cost-sharing basis only
Indoor Gym	Maximum 8 events weekday nights per month and 8 per weekend;  Maximum 60 participants per event	Must be held outside peak hours	Preference given to Holton-Arms families and 20817 zip code residents; cost-sharing basis only
Swimming Pool Use	Maximum 40 swimmers per session	Weekday: 1 morning session before 7:00am & 1 evening session after 5:00pm (or 4:00pm Friday)  7:00am-12:00pm Saturday  12:00-7:30pm Sunday	Parent/driver of swimmer may use pool, not to exceed 40 total swimmers; cost-sharing basis only
Charitable Events	Maximum 3 events per year  Maximum 60 participants per		Cost-sharing basis only



	event in gym or 40 in pool		
Miscellaneous	<p>Maximum 2 groups on campus at one time with up to 60 participants</p> <p>Maximum 48 sessions per year</p>	Arrivals & departures must be outside peak	Advance notice to community required

### III. Property Description

#### a. Legal Description

The Subject Property is located on River Road (MD-190) in Bethesda, Maryland. It is identified as Lot 26, Block B, Section 3 of the Bradley Hills Grove Parcel 4 in the Burning Tree Valley Holton-Arms School subdivision, as shown on Plat No. 24741 recorded among the Land Records of Montgomery County, Maryland on March 20, 2014. Tax Account of the Subject Property is 03743658. The School campus subject to the Special Exceptions also includes parts of Lots 6 & 7, Part of Outlot A, and Parcel I to the two parcels of land to the north of Lot 26 Parcel 4, described in a deed recorded at L.15417 P.146 that are undeveloped and subject to a Category I Conservation Easement. These combined parcels total 58.5 acres. The total area subject to the Special Exception is 58.27 acres.



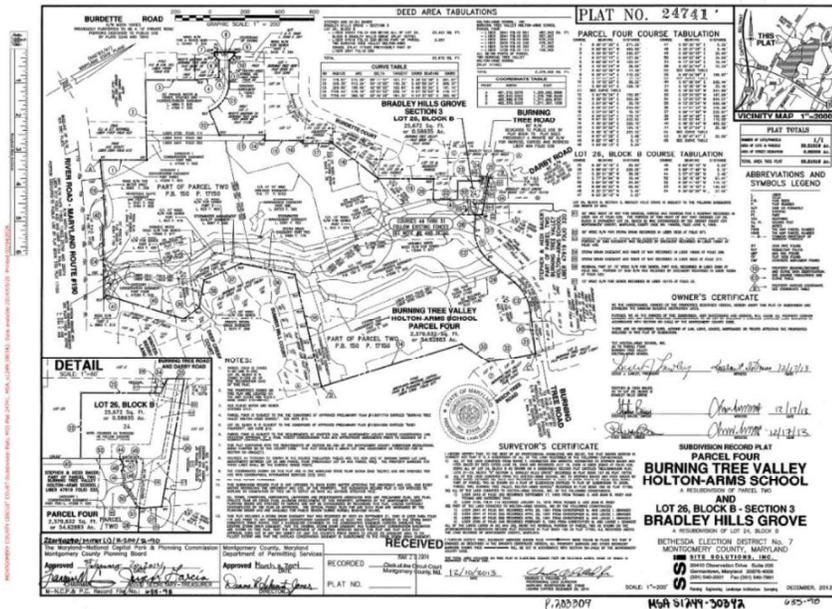


Figure 1: Plat 24741, Subject Property

b. Neighborhood Context

The Surrounding Neighborhood (“Neighborhood”) for purposes of establishing compatibility is defined by

- West: I-495, the Burning Tree Club, and the Fox Hill/Marriott Continuing Care Retirement Community
- North: the residential properties south of Heathwood Court, Darby Road, Beach Tree Road, Burning Tree Road, and Meadowlark Lane
- East: Burning Tree Local Park; Burning Tree Elementary School; and the residential properties to the west of Meadowlark Lane, Winterberry Lane, Winterberry Place, and Nevis Road
- South: American Plant Nursery; the Primary Day School; and the residential properties to the north of Arran Place, Loch Lomond Drive, Barra Drive, Hidden Creek Road, Booze Creek, and the Cabin John Parkway.





*Figure 2: Defined Surrounding Neighborhood*

Land uses in the surrounding area are predominantly residential in character with parks and schools and a couple non-residential uses, such as the American Plant horticultural nursery and the private Burning Tree Club. Properties adjacent to the School are zoned R-200 single-family homes to the north and west and R-90 single-family homes to the east, with additional R-200 single-family development across River Road to the south. Additionally, Burning Tree Elementary School is located southeast of the Subject Property and Burning Tree Local Park is located to the east.



Figure 3: Area Zoning Map

As noted above, the School received Special Exception approval in 1961 and began operations in 1963. The School has evolved over the years as the neighborhood has changed around it with housing built closer to the School than when it was first built. For example, one house located close to the Property that has an access easement<sup>1</sup> through School property to Burdette Road was built in 1977 according to SDAT records after two parcels were consolidated and a confirmatory easement for access was executed by the School in 1976.<sup>2</sup> It appears from historic aerial images that a previous house or structure existed on the northern parcel and was rebuilt closer to the School. Similarly, the subdivision known as Burning Tree Valley was platted in 1989 with most homes built in the 1990s.

<sup>1</sup> Liber 4664 folio 825 for easement and right-of-way previously granted to the Rixey's who sold their land to the current owners' predecessors-in-interest in 1976.

<sup>2</sup> Liber 4780 folio 255 for confirmatory easement and right-of-way granted by the School to the current owners' predecessors-in-interest in 1977.



1970



1979

Figure 4: Aerial Views 1970 and 1977 showing new residential and sports fields

There are five<sup>3</sup> additional existing special exceptions/conditional uses within the Neighborhood:

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<sup>3</sup> MNCPPC Staff has listed S-458 for a Charitable Institution along Winterberry Place as within their defined Neighborhood. Based on previous practice, however, we typically follow roads or major environmental elements (e.g., streams) to define the boundary of a Neighborhood and have maintained

- S-2504 Fox Hill Continuing Care Community
- S-2373/CBA-517 Burning Tree Club
- S-824 American Plant Nursery
- S-2410 Accessory Apartment on Royal Dominion Drive
- CBA-222/CBA-632/CBA-2074 Primary Day School

The project has frontage on River Road (MD 190) and Burdette Road, but access except for emergency vehicles is limited to River Road where there is a traffic signal with pedestrian crossing controls. As discussed in further detail in the Local Area Transportation Report (“LATR”), River Road provides access to the larger network of Neighborhood and Area Connector Streets – River Road, Wilson Lane, Burdette Road, & Seven Locks Road – within 0.5 to 0.75 miles from the entry.

Public transportation service is available along River Road via WMATA Bus Route M82 (previously T2) bus stops at the entrance of the Subject Property. The M82 line connects to Ride-On 32 at Wilson Lane and Ride-On 36 at Seven Locks Road.

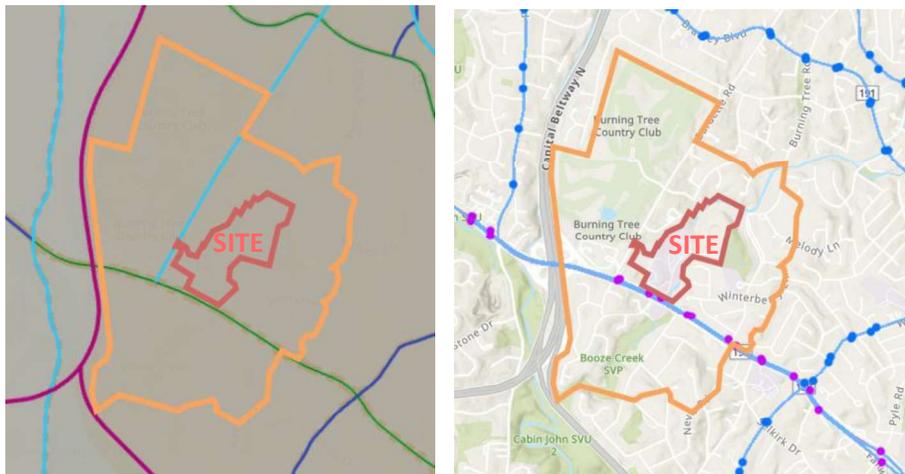


Figure 5: Neighborhood Connector or Higher Classification Street Network (Left) & Local Bus Lines & Stops (Right)

c. Existing Site Conditions

The Subject Property is characterized by varied topography with areas of steep slopes mainly on the northeast and south sides within natural buffers between the School campus and the athletic fields and between the campus and surrounding residential neighborhoods. Booze Creek, a tributary of

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a boundary along Winterberry Place, thus excluding that particular Special Exception. They did not list S-2410.

Cabin John Creek, traverses the site from north to south and is Use Class I,P. Portions of the site lie within the 100-year floodplain, hydraulically-adjacent steep slopes, and approximately 25.8 acres of Category I Forest Conservation Easements.

The site is developed as the Holton-Arms School campus and contains multiple existing educational buildings and recreation facilities including the Lower School, Middle School, Upper School, dining facility, gym, pool, theater, the Brown House, the Granger House, 3 athletic fields, tennis courts, and maintenance sheds.

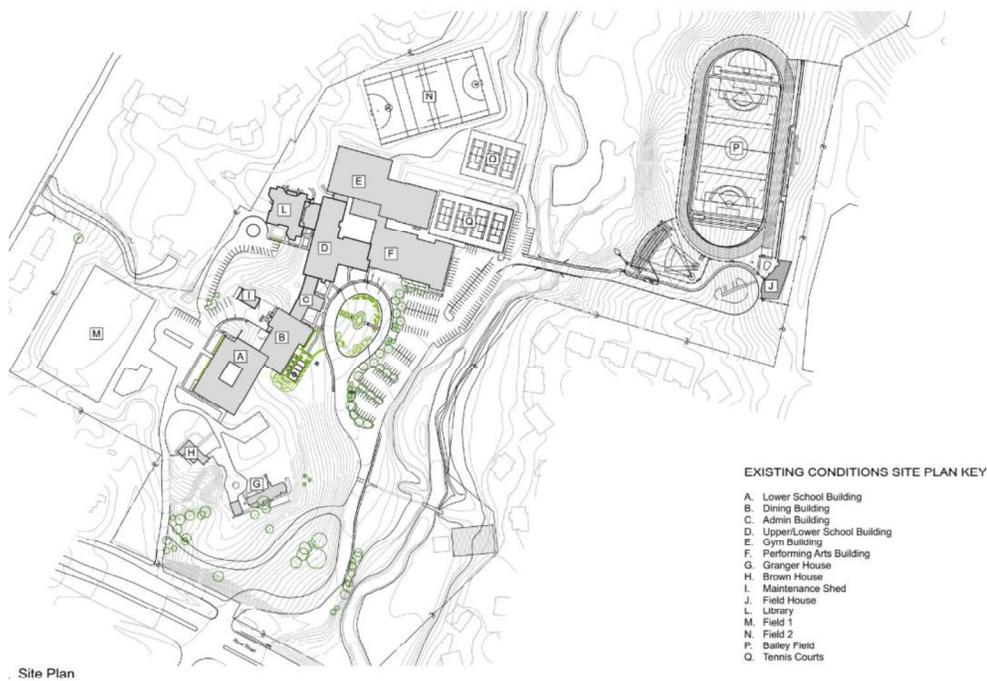


Figure 6: Illustrative Site Plan – Existing Conditions

d. Zoning & Regulatory Context

The Property is split-zoned R-200 and R-90 and is within the 1990 Bethesda-Chevy Chase Master Plan area. Land use is subject to Divisions 59-G-1 and 59-G-2 under the 2004 Zoning Ordinance, as detailed below.

IV. Application Proposal

As listed above, there are three proposed modifications to the existing special exceptions:

- Increase student enrollment from 670 to 870,

- Increase summer camp registration from 665 to 970,
- Allow for greater flexibility in third-party use of campus facilities

a. Land Use

The application proposes operational modifications to the existing Special Exception for a Private Educational Institution and the summer camp approved as a Childcare Facility. The third-party uses are ancillary to the Private Educational Institution. No new land uses are proposed, and the campus will continue to operate as a private educational institution and childcare facility for both an on-site daycare and a summer camp. But these three uses are interrelated and analyzed in this Report holistically.

b. Site Design

There are no on-site design changes proposed; upgrades to the intersection of Royal Dominion Drive and River Road are proposed to mitigate existing and future queuing. Additional landscape plantings and fencing may be proposed, if deemed necessary to mitigate noise or visual impacts.

c. Circulation & Parking

As noted above, except for Emergency Vehicles, which may use Burdette Road, all vehicular and pedestrian access is from River Road via Royal Dominion Drive where there are crosswalks and sidewalks to the bus stops. Internal parking lots are provided primarily in front of the primary building entrance facing east with additional parking behind the building where loading and service is also accommodated.



Figure 7: Circulation Plan

No changes to on-site circulation and parking are proposed, however, several off-site improvements will be provided. In addition to transportation demand management strategies to reduce peak hour trips, mitigation to address queuing on adjacent public roads, as detailed in the LATR, includes:

- Optimized signal timings and offsets along the River Road (MD-190) Corridor
- River Road (MD-190) & Royal Dominion Drive intersection improvements
  - Intersection Improvements
    - Widen the northbound approach to install a 150' northbound left turn lane
    - Extend the striping for the westbound right turn lane from 210' to 500'
  - Traffic signal phasing modifications
    - Protected left turns for eastbound and westbound River Road



Summary of Proposed Ancillary Uses

Use	Max Capacity	Restrictions	Operational Notes
Enrichment & Preparatory Classes	Maximum 6 sessions per year with 80 students per session	7:00-10:00pm Monday-Thursday,  9:00am-5:00pm Saturday  12:00-4:00 & 5:30-9:30pm Sunday	Preference given to Holton-Arms families  No restrictions on number or capacity for SAT exams provided on Saturday mornings.
Auxiliary Programming – Music, Theater, & Sports	Up to 375 total participants in weekday classes & 75 in weekend classes; no more than 60 participants on campus at once	Must arrive and depart during non-peak hours: 2:15-8:30pm Monday-Friday  9:00am-5:00pm Saturday  Make-up sessions allowed Sundays	Preference given to Holton-Arms families
Artistic Performances	Maximum 18 events annually	Performances allowed Friday evening or Saturday or Sunday	Seating is limited by facility capacity
Indoor Gym	Maximum 8 events weekday nights per month and 8 per weekend;  Maximum 60 participants per event	Must be held outside peak hours	Preference given to Holton-Arms families



Swimming Pool Use	Maximum 60 swimmers per session	Weekday: 1 morning session before 7:00am & 2 evening sessions 5:00-9:00pm  7:00am-5:00pm Saturday  12:00-7:30pm Sunday	Parent/driver of swimmer may use pool, not to exceed 60 total swimmers
Charitable Events	Maximum 3 events per year  Maximum 60 participants per event		
Miscellaneous – Third-Party Use of Outdoor Athletic Facilities	Maximum 3 groups on campus at one time with up to 120 participants	Arrivals & departures must be outside peak  2 weekdays and Saturdays	Advance notice to community required
Holton-Arms Neighbor Access (“HANA”) program	Capacity limited by venue/facility	Weekdays outside peak hours & weekends	Use of track, camps grounds, tennis courts, and other community events and programs for community residents

## V. Planning Analysis

### a. Area Master Plan

The Property is within the 1990 Bethesda-Chevy Chase Master Plan (the “Plan”). There are specific “guidelines” for Special Exception uses within the Planning Area, generally, (Pages 31-33) and the Holton-Arms School is listed as one of the “Large Land Users” within the Planning Area. (Page 33) General recommendations for Special Exceptions and specific references to the School property are discussed in order below, in turn.



Special Exceptions, Generally: With respect to Special Exceptions generally, the Plan notes that “excessive concentration” or inconsistency “with Master Plan recommendations” may be grounds for denial. (Page 31) But the Plan also recognizes that Special Exceptions “meet important social needs.” (Page 31)

There are 5 guidelines for these uses:

1. Avoid excessive concentration of special exceptions along major highway corridors. This guideline pertains primarily to office uses and concerns that might be raised by numerous access points and conflicting turning movements. This guideline does not apply to the Application, which is an existing use (therefore not increasing the concentration of special exceptions) and is not proposing any new access points. Further, turning movements are all clearly controlled by a traffic signal.
2. Avoid over-concentration of commercial services or office-type special exception uses in residential communities. As a private educational facility, this guideline does not apply to the Application.
3. Protect major highway corridors and residential communities from incompatible design. Specifically, provide architecture that is compatible with the architecture of adjoining neighborhoods and avoid front yard parking (or screen it with plantings). Although no new buildings or exterior renovations are proposed, this guideline has been met with entry signage similar to a residential subdivision. Further, brick and glass buildings typical of a school with key residential elements such as the stepped and pitched roof at the main entrance ensure compatible building design. Parking is far from the front yard and well setback from River Road; in fact, because of topography and forested buffers, the parking is not visible from passers-by.
4. Support special exception uses that contribute to the housing objectives of the Plan. Although not providing housing options, the summer programs and third-party uses are critical elements to residential neighborhoods fostering community and supporting homeowners in the area, thereby buttressing the social framework to encourage additional housing where it is appropriate.
5. Support special exception uses that contribute to the service and health objectives of the Plan. In addition to the day care and elderly care uses cited in the Plan, summer camps and recreation



opportunities are excellent means to promote health and wellbeing in our children. The provision of crafts, arts, drama, dance, science, athletics, outdoor play, and swimming all contribute to physical and mental health and the high demand point to the fact that there is a need for facilities that can provide such activities. Given that existing campus infrastructure, this is an efficient and sustainable way to accommodate the need. Further, the on-site day care is an excellent use contributing to the necessary service and health objectives noted in the Plan.

Specific Property Recommendations: Addressing the specific references to the School in the Plan, it first recommends continued use of “private schools and other institutions throughout the Planning Area.” (Page 33) And, while “new, large-scale special exception uses are generally not appropriate for these sites,” because they “would generally change the residential character of adjacent areas,” new facilities or additions may be allowed “on a case-by-case basis to ensure compatibility with area residences and conformance with other plan objectives.” (Page 33)

The Property is identified as Large Land User LL6 in Table 1, Page 36. There are several comments in the table noting that the site has limited development potential, that trees and slopes should be protected and the environmental character should be enhanced, that connecting paths should be provided, and that the existing private school conforms to the existing development pattern.

With almost 26 acres of the site already in Conservation Easements and stream restoration performed, there are not a lot of new environmental enhancements that can be made except for the continued, expensive task of maintenance. And there are no new facilities or additions proposed by this modification to the existing use, so the only questions are whether the proposed changes to class and summer camp enrollment and third-party use will maintain compatibility with area residences and will conform with other plan objectives.

Taking the latter question first, the General Goals and Objectives of the Master Plan are broken into several categories: General, Land Use & Zoning, Transportation, Environmental Resources, and Public Facility and Community. (Pages 19-20) An analysis of each of these Objectives is provided below.



- **General:** The proposed modifications will increase opportunities for more young women, children, and community members to obtain an excellent education and participate in social and athletic activities perpetuating and enhancing the high quality of life in the Planning Area. The School maintains a facility employing 225 people in a highly competitive professional environment providing excellent jobs. Through its financial aid program, the School provides opportunities for a diverse economic range of students supporting the social framework needed for housing diversity and equity in the area.
- **Land Use:** the proposed modification is operational and the character of the site remains largely natural and, around the campus, manicured and safe. The School provides services and environmental protections that enhance the quality of the area.
- **Transportation:** the existing transportation network, including a traffic signal at Burdette Road that did not exist when the Plan was written, is adequate to support the proposed modifications, as detailed in the LATR. Transit is available at the Property entrance and, via a connecting bus at Wilson Lane, is only a 26-minute bus ride to the Bethesda Metro Station. With this system and proposed road improvements and transportation management, mobility alternatives are supported.
- **Environment:** No new impacts are proposed and approximately 26 acres of forest is already conserved on site protecting existing natural resources.
- **Public Facility and Community:** Schools and parks are two of the fundamental pieces of any community and the programs they provide are also one of the solutions to common social ills, such as the obesity epidemic, screen time, and lack of social civility. Many of the youth sports organizations that use these fields are from the surrounding community and the recreation facilities being offered support community health and well-being.

While the proposed modifications conform to the objectives of the Plan, it should be noted that those objectives have become somewhat outdated in its 36 years. And as the Plan states in its Notice to Readers (no Page #), “Master plans generally look ahead to a time horizon of about 20 years from the date of adoption, although it is intended that they be updated and revised about every ten years. It is recognized that the original circumstances at the time of plan adoption will change over time, and that



the specifics of a master plan may become less relevant as time goes on.” In such cases, it is standard to ensure that the proposed modifications also conform with the latest overarching County planning policies that have evolved since the local area plan was approved.

b. Thrive Montgomery 2050

The Master Plan for this area is 36 years old, and much has changed. In 1990, the County had a population of approximately 761,776 people with 50% of the population having a bachelor’s degree or higher, and 24% of the population identifying as persons of color.<sup>4</sup> By 2024 (latest available data in MNCPPC’s report), the County’s population had increased to 1,082,273 people with 61% of the population having a bachelor’s degree or higher, and 62% of the population identifying as persons of color.<sup>5</sup> On the other hand, while median income remains higher than state and national averages, at \$140,837, 59% of households earned less than \$100,000 annually, an increase since of approximately 5% since 1990. Addressing these changes in demographics and economic conditions, the County adopted Thrive Montgomery 2050, a new General Plan for the County.

Based on three overarching goals – Economic Competitiveness, Racial Equity and Social Justice, and Environmental Health and Resilience – Thrive lays out the challenges and proposes solutions to address each. For example, Montgomery County was one of the only area counties that saw a decrease in Real Median Household Income between 2009-2019. (Page 8) Education is one of the factors that can address this challenge and the proposed modifications will allow more young women and more children to participate in programs that lead to higher achievements. With 100% of graduates from the School being accepted to 4-year higher education programs, 200 more students will have a chance to obtain a bachelor’s degree or beyond and we know that educational attainment is a key indicator of higher future income.<sup>6</sup>

Thrive also notes that racial equity and social justice are challenges in our County and that education and recreational opportunities are two of the means to address this. (Page 11) Again, with 48% of students being persons of color, 21% of students receiving financial aid, and 80-100% (depending on

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<sup>4</sup> Data from MD Department of Planning and Montgomery County Planning Department Census Data summaries available online 2/17/26.

<sup>5</sup> Data from MNCPPC’s Third Place Blog on Findings from the 2024 American Community Survey, published 9/19/25.

<sup>6</sup> <https://www.census.gov/library/stories/2025/09/education-and-income.html>



school level) of the students participating in sports, the proposed modifications will allow more students to partake in important elements addressing equity and justice in the County.

Finally, part of the Montgomery County Economic Development Strategic Plan is complemented by Thrive, which quotes the strategic priority to “provide greater workforce and educational opportunities.” (Page 28) But infrastructure and land to provide such opportunities on new sites is limited and expensive. Taking advantage of existing sites and private facilities to offset some of these expenses and expand programs within existing infrastructure is a hallmark of Compact Development objectives, “strengthening the case for focusing growth in nodes and along corridors” (Page 34) and River Road is classified by Thrive as a Growth Corridor. (Page 71)

c. Compatibility with Area Residences

For most special exceptions, compatibility is focused on building massing and height, architectural character, surface parking, or site lighting. The School – that is built and not proposing any exterior or site changes – is established as compatible with the area residences in all these respects. As mentioned above, schools and parks – with their fields, buses, playgrounds, and employees – are integral to residential neighborhoods and a framework element in many communities; they are intrinsically compatible with the residential uses they directly serve. And this includes third-party as well as School use of the facilities – any impact from the facilities is agnostic concerning the user’s affiliation with the School. The remaining element for analysis, then, is whether the number of people enrolled at the School or participating in the summer camp or third-party programming will cause the special exception use to become incompatible.

One obvious impact is traffic. And traffic impacts in Montgomery County are subject to an objective test: Local Area Transportation Review under the Council-approved Growth and Infrastructure Policy (“GIP”), which establishes, “the methods and criteria that the Planning Board and its staff must use in determining the adequacy of public facilities.” (County Council Resolution No. 20-651, November 12, 2024) If the established criteria are met, the system is deemed adequate and is, by definition, in accord with County policy objectives.



In the LATR filed by Gorove Slade, the findings are broken into motor vehicle, pedestrian, bicycle, and transit adequacy sections and no criteria triggered or required improvements by County Standards. Mitigation recommended in the LATR is based on a queueing analysis requested by SHA and was decided in coordination with County and SHA Staff. The Applicant is proposing these mitigation measures per the Report's recommendations regarding potential impacts and to improve existing conditions, generally:

- Transportation Demand Management
- Traffic signal optimization along River Road
- Intersection improvements at River Road & Royal Dominion Road
- Traffic signal phasing modifications

Mitigation is intended to improve the movement of vehicles along the entire River Road corridor. This is due to the high volumes along River Road, a heavily travelled commuter corridor – prioritizing the flow of through-movement traffic prevents back-ups and ensures that there is space on the roadway for vehicles existing side streets along the corridor. The addition of a left-turn lane to the northbound approach of Royal Dominion drive gives more time and opportunity for drivers exiting the Al-Marah neighborhood, balancing the needs for mobility along the corridor and mobility along side streets.

Holton-Arms pick-up and drop-off operations are concentrated during a relatively short period of time, which will be managed by a double-cycling of the left turn off of River Road into the School driveway. This change in signal timing allows the left turn into the site to occur twice in a single cycle at the light. This mitigation, in combination with an expansion of the School's bus program, should minimize traffic impacts during the pick-up/drop-off periods, while ensuring that mobility along the corridor is compromised as little as possible.

Net increases in trips for the school year total 150 AM/81 PM in the peak hour and 235 AM/190 PM for the summer programs. River Road is already a congested corridor, and its use as a commuter route is the main cause of persistent rush-hour traffic. Additional volumes at the Holton-Arms driveway are not the root cause of congestion. That said, the mitigations proposed improve flow along the entire corridor, improving the system rather than a single intersection. These mitigations satisfy Adequate Public Facilities requirements and maintain traffic at a level comparable to that of



current conditions, keeping with the character of the neighborhood and corridor.

Finally, third-party use, as conditioned, is restricted to off-peak hours to limit impact on the surrounding transportation network. Third-party uses are highly unlikely to generate more traffic than School pick-up/drop-off and will occur during less congested time periods, minimizing the impact on River Road.

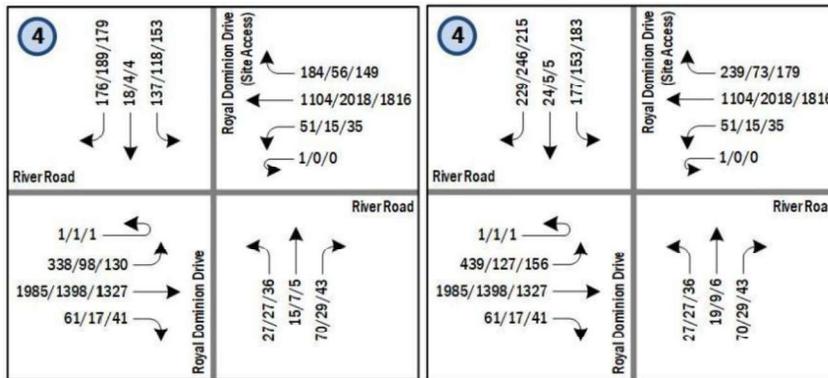


Figure 8: Excerpt from LATR – Background/Existing Counts (Left) & Net Proposed Trips at River Road & Royal Dominion Drive (Right) (AM/PM/Summer PM peak hour volumes)

## VI. Analysis & Findings: General Standards for Special Exceptions under Division 59-G-1.

### 59-G-1.3.(c) Modification.

*The Board may amend or modify the terms or conditions of a special exception on request of the special exception holder or recommendation of the Department, or after a show cause hearing held under subsection (e).*

The proposed modifications are subject to this section, as described below.

- (1) If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the board, without convening a public hearing to consider the proposed change, may modify the term or condition.*

Subsection is not applicable – this is a major modification.

- (2) *If the proposed modification substantially alters the nature, character, intensity of use or the conditions of the original grant, the Board must convene a public hearing to consider the proposed modification. The Board must notify the special exception holder that, except as otherwise provided in this section, such request for modification is subject to the requirements set forth in Sections 59-A-4.2 and 59-A-4.4. The Board must receive and process petitions for modification of a special exception in accordance with the provisions of those sections.*

The proposed modifications will increase the numbers of students, participants, and third-party users of the existing facilities resulting in an intensification of use. Therefore, a petition for modification is being pursued subject to the requirements of Sections 59-A-4.2 and 59-A-4.4.

Under Section 59-A-4.2., specifically 59-A-4.22. Data to accompany petition for special exception, 12 items must accompany the petition for modification (excluding additional elements for a telecommunications facility). Those items have been filed, as applicable where they are directly related to the proposed modifications, as required by 59-G-1.3.(c)(4), quoted below.

The petition is following Section 50-A-4.4. Public hearings on petitions and appeals.

- (3) *Petitions for modification of the terms or conditions of a special exception must be scheduled for hearing as promptly as possible, provided that hearings on petitions for modifications of a special exception must be held not less than 30 days following the date of public notice. Nothing herein prohibits the Board from convening a hearing within a shorter period of time if the Board determines by the vote of at least 3 members that an emergency exists which poses an immediate threat to the public health, safety, convenience, welfare or necessity, or that delay would impose unusual individual or community hardship.*

The hearing will be conducted as determined by the Hearing Examiner subject to this provision.

- (4) *The public hearing must be limited to consideration of the proposed modifications noted in the Board's notice of public hearing and to (1) discussion of those aspects of the special exception use that are directly*

*related to those proposals, and (2) as limited by paragraph (a) below, the underlying special exception, if the modification proposes an expansion of the total floor area of all structures or buildings by more than 25%, or 7,500 square feet, whichever is less.*

The proposed modifications do not propose any new structures or expansion of floor area and are, thus, subject only to those aspects of the special exception use that are directly related to those proposals.

From list of items to accompany petition for special exception under Section 59-A-4.22, the following were submitted.

- (1) A survey plat
- (2) Existing conditions site plan: no site changes are proposed and no development standards are modified
- (3) Statement of operations
- (4) Existing conditions landscape and lighting plan: no site changes are proposed and no development standards are modified
- (5) Official zoning map
- (6) Owner's authorization is not applicable
- (7) Master plan sections and references, as applicable; full master plan is available on file and online
- (8) Forest conservation plan under separate application with MNCPPC: no site changes are proposed and this is only to address off-site improvements
- (9) Approved NRI/FSD 419991320
- (10) Water quality plan is not required; the site is not in a special protection area: no site changes are proposed and no stormwater management plan is required
- (11) Additional exhibits, as provided
- (12) Summary of case: Statement of Justification and Land Use Report

**59-G-1.2.1. Standard for evaluation.**

*A special exception must not be granted without the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, 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. Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.*

As previously found in this case (CBA-1174-D, S-2467-A, and S-2503-A, Report and Recommendation dated 1/9/2004), inherent uses for a private educational institution include activities typical of a private educational institution and expressly permitted by the code definition.<sup>7</sup> The specific number of students enrolled, the specific number of summer camp participants, or the specific number of third-party events are not non-inherent characteristics. As the opinion notes, “the Board has repeatedly stated that, in determining the inherent, generic physical and operation characteristics associated with a given use, the evaluation standard ‘does not include the actual physical size and scale of operations of the use proposed.’”<sup>8</sup> Further, “the broader educational activity is necessarily associated with all private schools and thus is not an operational characteristic that, in and of itself, generates non-inherent adverse effects.”<sup>9</sup>

The conclusion of this precedent is that the proposed modifications to the Special Exceptions are herein analyzed based on whether they will impact the character of the neighborhood to such an extent warranting denial, not on any specific number of students enrolled or number of participants in any program. Finally, as in the previous approval of modifications, the scope of analysis is limited to a discussion of those aspects of the special exception uses that are

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<sup>7</sup> Section 59-A-2.1. **Educational institution, private:** Every private school or educational or training institution, however designated, which offers a program of college, professional, preparatory, high school, junior high school, elementary, kindergarten, or nursery school instruction, or any combination thereof, or any program of trade, technical or artistic instruction. An educational institution operated by the County Board of Education is not a private educational institution. A private educational institution may include: (i) tutoring and college entrance exam preparatory courses, (ii) art education programs, (iii) artistic performances, (iv) indoor and outdoor recreation programs, or (v) summer day camps, which may serve individuals who are not enrolled as students in the institution’s academic program. A private educational institution is not a home occupation. Private educational or artistic instruction conducted in a home by a resident of that home is not a private educational institution and is regulated as a home occupation. Any private educational institution granted a special exception before February 10, 1992 is a conforming use and may continue under the terms of the special exception as originally granted.

<sup>8</sup> From page 44 of the 1/9/04 Report and Recommendation on cases CBA-1174-D, S-2467-A, and S-2503-A; internal quote is from three Board of Appeals opinions referenced in footnote 9, page 43.

<sup>9</sup> From page 45 of the 1/9/04 Report and Recommendation.



directly related to the modification proposals and not the underlying special exceptions.<sup>10</sup>

In the previous approval, staff, the Hearing Examiner, and the Board found that there are seven characteristics in analyzing inherent and non-inherent effects: size, scale, scope, light, noise, traffic, and environment. And those physical and operational characteristics necessarily associated with a private educational institution and child day care use are inherent.

We maintain the opinion from the previous approval that the inherent impacts for the private educational institution are:

- Buildings and facilities to accommodate the academic and athletic programs
- Parking and drives to accommodate parking and drop-off/pickup
- Traffic generated by vehicles
- Noise from activities
- Lighting
- Signage

We also maintain the opinion from the previous approval that the inherent impacts for the childcare facility (summer camp) are:

- Buildings and facilities to accommodate the childcare facility
- Play areas for children
- Parking and drives to accommodate parking and drop-off/pickup
- Traffic generated by vehicles
- Noise from activities
- Lighting
- Signage

There are no non-inherent impacts associated with the modifications to the uses or adverse effects created by unusual characteristics of the site. And, per regulation, inherent adverse effects alone are not a sufficient basis for denial of a special exception. Approval of the proposed modifications, therefore, is based on satisfying and appropriately conditioning the uses under the general conditions, additional requirements, development standards, and specific use regulations, as applicable per the requested modifications.

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<sup>10</sup> See page 40-41 of the 1/9/04 Report and Recommendation.



Finally, as the School has existed since 1963 and provided education, recreation, and ancillary programming, there is a long history of current conditions and character of the use. These uses have been in operation before many abutting homes were built and, as such, any inherent impacts should be considered pre-existing allowing them to continue. Mitigation of the impacts, however, is being considered and might include new fencing, screening, and adjustments to athletic facilities/equipment as practicable and bus warning indicators to reduce visual and auditory effects.

**59-G-1.21. General Conditions.**

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

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

Educational Institution, Private is allowed in the R-200 & R-90 zones as a Special Exception per the Land Use Table, Section 59-C-1.31(d). Summer camp and childcare are also allowed as a Special Exceptions<sup>11</sup> per the Land Use Table, Section 59-C-1.31(d). These uses were previously approved under Case Nos. CBA-1174, SE-2503, and S-2467, respectively.

*(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.*

No buildings or structures are proposed and the project remains in compliance with previously approved development standards.

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

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<sup>11</sup> The Land Use Table in Article 59-C, lists the use as "Child Day Care Center," whereas the Special Exception standards for the use under Section 59-G-2.12.1., under which the approvals were made, list the use as "Child day care facility."



*decision to grant the special exception must include specific findings as to master plan consistency.*

The Property is located within the 1990 Bethesda-Chevy Chase Master Plan, which affirms the existing R-90 and R-200 zones and recognizes that private school use may continue on the Property with changes over time. As discussed in detail in this Report, the proposed modifications are consistent with several objectives of the Master Plan, including enhancing the quality of life, retaining an aesthetically pleasing site design and land use supporting the residential community, a transportation management plan meeting or exceeding all County standards, retained environmental resources, and facilities that support the greater community. The uses are also supported by the General Plan, Thrive 2050, which focuses on education, health, and access as key pillars of economic development and equitable communities, as discussed in detail in this report.

*(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 School remains in harmony with the general character of the neighborhood when considering population density, design, scale, intensity and character of activity, traffic and parking conditions, and number of similar uses.

Population density of the surrounding neighborhood within R-200 and R-90 zones allows approximately 2 units per acre to 4.8 units per acre (excluding the higher density senior living center within the neighborhood). The School's population will grow from approximately 11.45 to 14.9 students per acre for the school year, and 11.37 to 16.5 campers per acre for the summer camp, well below the 87 students per acre density allowed only with special additional findings under §59-G-2.19(a)(4)a.5 of the 2004 Zoning Ordinance. This is also significantly lower than many similar institutions, as laid out in the Statement of Justification, which lists 11 other schools averaging 30.39 students per acre. And most of these schools are also surrounded by RE-2, R-200, R-90, R-60 zones.



No new buildings or structures are proposed with these modifications and the general visual character of the neighborhood, thus, remains unchanged.

And, while enrollment in the School & Summer Camp is increasing, the changes to traffic are comparable to existing conditions, as described in detail in the LATR and above in this Report. This is particularly true with the proposed road and traffic signal improvements and updates to the Transportation Management Plan.

Parking, as discussed further below meets the operational needs of all uses and is carefully regulated through student permits and drop-off/pick-up management.

*(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.*

With the proposed modifications, no new buildings or facilities are proposed and School operations will continue as they have for decades. The existing setbacks, topography, landscape plantings, and forest conservation areas continue to buffer the athletic facilities. Like many residential communities around schools and parks, peaceful use and enjoyment of the adjacent properties will continue.

Although there is not a lot of turnover in the neighborhood, a quick review of tax records of adjacent properties shows sale prices increasing over the years with most houses recently selling for \$1,000,000 to \$2,000,000 or more. The proposed modifications will not be detrimental to economic value.

*(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 proposed modifications to enrollment and more flexible third-party use will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site. The existing



facilities will continue to be used under operational restrictions and within the standards of the noise ordinance. And, while the continuing and expanded enrollment and activities are inherent elements of a private educational institution and a summer camp, and any adverse impacts are not alone grounds for denial, the School is conducting noise studies and determining where and how mitigation may be provided to further enhance compatibility. Potential solutions will be based on data collection, modelling, and analysis of potential mitigation techniques.

Physical activity by students and other participants on site will be like any park or school with athletic facilities integrated into a residential community and these activities are not detrimental to the character of such a neighborhood. Activity from traffic, as shown by the LATR, will be mitigated through upgrades to traffic signal operations throughout the corridor and physical infrastructure improvements at the intersection of River Road and Royal Dominion Drive.

Further, the existing setbacks, topography, landscape buffers, and conservation areas will continue to provide sufficient separation between School and residential uses.

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

The proposed modifications do not propose an increase in the number or scope of special exception uses in the area. As discussed above, any change to the intensity of Special Exception uses at the Property will be fully contained and managed within the Property. The 1990 Bethesda-Chevy Chase Master Plan recognized Holton-Arms School as one of the many private educational institutions in the area and reconfirmed its use and potential expansion over time.

*(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 proposed modifications will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area. The School has operated for many years without causing such adverse effects and the proposed increase in enrollment has been analyzed with respect to traffic, which confirmed that the existing road network can accommodate the increase. Additionally, the Applicant will make intersection improvements at the intersection of River Road and Royal Dominion Drive and upgrade traffic signal operations.

The School is a very secure environment that takes the safety of the students, faculty, staff, and its neighbors very seriously. It has an existing gate at the entrance from River Road and employs its own security staff.

*(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.*

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

Preliminary Plan 119871710 was approved by the Planning Board on December 15, 1987 to create one lot and dedication of River Road right-of-way. No APF determination was made with the Preliminary Plan and the analysis, therefore, is determined under the Special Exception.

*(B) If the special exception:*

*(i) does not require approval of a new preliminary plan of subdivision; and*

*(ii) the determination of adequate public facilities for the site is not currently valid for an impact that is the same as or greater than the special exception's impact;*

*Then the Board of Appeals or the Hearing Examiner must determine the adequacy of public facilities when it considers the special exception application. The Board of Appeals or the Hearing*



*Examiner must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted.*

As discussed above, Conclusions regarding transportation adequacy are detailed in the Local Area Transportation Report by Gorove Slade, last revised 9/12/25. The Property is within water and sewer categories W-1 and S-1, respectively, and any changes to internal facilities will be subject to plumbing permits. Dry utilities, such as electric and telecommunications, also currently serve the site. Other local public facilities are not impacted by the proposed changes; the Property is closest to the Montgomery County Police Department 2D on Rugby Ave in Bethesda (3.5 miles) and the Cabin John Park Fire Department on River Road (1.1 miles).

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

There are no sidewalks along River Road except at the intersection, which is signalized and has crosswalks and pedestrian signals providing access to the east- and west-bound bus along River Road. Improvements are proposed to address potential vehicular queuing issues and safety will not be reduced due to the proposed modifications

*(b) Nothing in this Article relieves an applicant from complying with all requirements to obtain a building permit or any other approval required by law. The Board's finding of any facts regarding public facilities does not bind any other agency or department which approves or licenses the project.*

Any building permits required for internal modifications per enrollment changes will be submitted per regulatory requirements.

*(c) The applicant for a special exception has the burden of proof to show that the proposed use satisfies all applicable general and specific standards under this Article. This burden includes the burden of going forward with the evidence, and the burden of persuasion on all questions of fact.*

This Land Use Report and other application documents provide the evidence that these proposed modifications satisfy all applicable general and specific standards under Article 59-G of the 2004 Zoning Ordinance.

**59-G-1.22. Additional Requirements.**

- (a) *The Board, the Hearing Examiner, or the District Council, as the case may be, may supplement the specific requirements of this Article with any other requirements necessary to protect nearby properties and the general neighborhood.*

No specific supplementary requirements are proposed or necessary to protect nearby properties and the general neighborhood.

- (b) *Using guidance by the Planning Board, the Board, the Hearing Examiner, or the District Council, as the case may be, may require a special exception to comply with Division 59-D-3 if:*  
*(1) The property is in a zone requiring site plan approval, or*

The zone does not require site plan approval.

- (2) The property is not in a zone requiring site plan approval, but the Planning Board has indicated that site plan review is necessary to regulate the impact of the special exception on surrounding uses because of disparity in bulk or scale, the nature of the use, or other significant factors.*

The Planning Board has not indicated that site plan review is necessary.

**59-G-1.23. General development standards.**

- (a) *Development standards.* No buildings or structures are proposed and the project remains in compliance with previously approved development standards.
- (b) *Parking requirements.*

School: Under Section 59-E-3.7, one parking space for each employee is required, plus sufficient off-street parking space for the safe and convenient loading and unloading of students, plus additional facilities for all student parking. There are 310 parking spaces on the Property, which are distributed between faculty, staff, and students. There will be no increase in parking



permits with the proposed enrollment increase and this number will be adjusted between use groups, as necessary. For large events, the School has agreements with three nearby partners to accommodate overflow parking of up to 160 spaces. During these large events, shuttles are provided from the off-site parking locations.

Summer Camp: As approved as a Child Daycare Facility Under Section 59-E-3.7, one space for every non-resident staff member and one space for every six children for discharge and pickup is required. The Summer Camp does not operate as a typical childcare facility and parents and guardians do not park and walk their children to their respective activity center. Instead, drivers are guided by staff to their activity center location and queue along the ample drives to drop-off or pick-up their children.

With the proposed expansion of the summer programs, 223 staff members may drive to the Property using 72% of the existing 310 spaces, leaving 87 spaces for circumstances where parents or guardians may need to park. As shown on the circulation plan, there is approximately 5,780 linear feet of on-site driveways allowing for queuing. And because summer programs are run in staggered start and end times – day-long, morning, and afternoon – there will not be any one time when all participants are on site. The parking requirement per child is met, however, by providing 87 surface spaces and queuing space for another 275 vehicles along the internal driveways (362 total spaces), which is in excess of the 162 spaces required at a rate of 1 space per 6 children.

- (c) *Minimum frontage*. No change/provided as previously approved.
- (d) *Forest conservation*. Being updated per offsite improvements.
- (e) *Water quality plan*. Not applicable/not within a Special Protection Area.
- (f) *Signs*. No change/provided as previously approved.
- (g) *Building compatibility in residential zones*. No change/provided as previously approved.
- (h) *Lighting in residential zones*. No change/provided as previously approved.



**59-G-1.26. Exterior appearance in residential zones.**

*A structure to be constructed, reconstructed or altered pursuant to a special exception in a residential zone must, whenever practicable, have the exterior appearance of a residential building of the type otherwise permitted and must have suitable landscaping, streetscaping, pedestrian circulation and screening consisting of planting or fencing whenever deemed necessary and to the extent required by the Board, the Hearing Examiner or the District Council. Noise mitigation measures must be provided as necessary.*

Not applicable; no structure is being constructed, reconstructed, or altered.

**VII. Findings For Approval: Educational Institutions, Private Under Division 59-G-2.**

**59-G-2.19. Educational institutions, private.**

(a) *Generally, a lot, tract or parcel of land may be allowed to be used for a private educational institution if the board finds that:*

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

As described in detail regarding traffic, noise, and activity in the discussion of Section 59-G-1.21 and the Proposal explanation, above, and the density section, below, the proposed modifications will not constitute a nuisance because of any site or operational element that is incompatible with the environment or character of the surrounding neighborhood. The School has operated since 1963 and provided activities and facilities for summer programs and third-parties for decades. As the LATR demonstrates, the proposed changes can be accommodated within the area-wide road network. And, while the Major Modification proposes some additional use of the facilities by third-party users, most of these changes are not about the number of uses. As before, these uses will not adversely impact the character of the neighborhood nor cause a nuisance and will remain bound by certain limitations on the number and timing of events.



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

Not applicable; the proposed modifications do not propose any new buildings, additions, or physical changes to the Property.

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

As described in detail regarding the character of the neighborhood in the discussion of Section 59-G-1.21; the Proposal explanation, above; and the density discussion, below, the proposed modifications will not adversely affect or change the character of the residential community. There are no physical changes to the neighborhood nor any new uses proposed. The number of students and participants, or the entity that runs events, does not change the character of the Property. And, as noted, limitations on the number and timing of activities further mitigate these educational and recreational activities that are typical of any school or park that is integrated into a residential neighborhood.

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

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

*1. Traffic patterns, including:*

- a) Impact of increased traffic on residential streets;*
- b) Proximity to arterial roads and major highways;*



- c) Provision of measures for Transportation Demand Management as defined in Section 42A-21 of the Montgomery County Code;*
- d) Adequacy of drop-off and pick-up areas for all programs and events, including on-site stacking space and traffic control to effectively deter queues of waiting vehicles from spilling over onto adjacent streets; and*
- 2. Noise or type of physical activity;*
- 3. Character, percentage, and density of existing development and zoning in the community;*
- 4. Topography of the land to be used for the special exception; and*
- 5. Density greater than 87 pupils per acre may be permitted only if the Board finds that (i) the program of instruction, special characteristics of students, or other circumstances justify reduced space and facility requirements; (ii) the additional density will not adversely affect adjacent properties; (iii) additional traffic generated by the additional density will not adversely affect the surrounding streets.*

The Major Modification proposes 3 modifications:

- Increase student enrollment from 670 to 870,
- Increase summer camp registration from 665 to 970, and
- Allow for greater flexibility in third-party use of campus facilities

As noted by Technical Staff, this equals a density of 14.9 students per acre for the school year, and 16.5 campers per acre for the summer camp, well below the 87 students per acre density allowed only with special additional findings under §59-G-2.19(a)(4)a.5 of the 2004 Zoning Ordinance. That said, the appropriate density when less than 87 students per acre is established not by students/acre but under consideration of four factors: traffic, noise, character of the surrounding community, and topography. Standard #5 does not apply.

Traffic: As noted above and reiterated by Technical Staff, the School has access only on River Road, classified as a Boulevard<sup>12</sup>

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<sup>12</sup> A Boulevard was previously classified as a major highway or arterial (Section 49-31(c)(8) of the Road Code).



(not a residential street) and for the vast majority of trips does not require travel through a residential neighborhood. As shown in the LATR, only 3% (15 vehicles) of AM trips into the School come from the south on Royal Dominion Drive and only 4% (7 vehicles) of PM trips. Further, only 6% (18 vehicles) in the AM leaving the School and only 1% (4 vehicles) in the PM leaving the School travel south on Royal Dominion Drive. These volumes are expected given the addresses of existing students living in the neighborhood or of student families with a sibling attending Primary Day School.

Where the trips to the School arrive through the neighborhood to the south of River Road, some are from families that live in the neighborhood and some are from families who will use the street network to drop off/pick up at Primary Day School. Thus, these trips are more a coincidence of where some School families live than a result of any site design element that could be controlled operationally by the School.

The School has an existing Transportation Management Plan (“TMP”) based on traffic conditions at the time of its approval. The updated TMP is based on the School’s current conditions and aims to increase trips by bus and carpooling. For those students still arriving by car, the existing conditions plans and supporting documents show ample queuing for drop-off/pick up operations to function in a safe and efficient manner to support the proposed enrollment increase.

As noted above, third-party use of the School facilities is limited in number of events and time of use to ensure that these trips are off-peak hours during the school year or in summer. This minimizes impacts to commute times and peak-hour congestion.

Noise: Noise control is regulated under Chapter 31B, which establishes maximum allowable noise levels in decibels (“dBA” per a standard calculation method) for receiving noise areas. In this case, the “receiving” noise areas are the abutting properties. The Maximum dBA in this context is 65dBA daytime and 55dBA nighttime.<sup>13</sup> Unamplified sports and athletic contests are

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<sup>13</sup> Daytime = 7:00 AM – 9:00 PM weekdays & 9:00 AM – 9:00 PM weekends; nighttime = remaining hours of the day.



exempted from these requirements under Section 31B-10.(a)(4), but the facilities in question have been designed and located to reduce impacts through topographic differences and landscape screening. Further, the School is running testing around the subject fields and will model and analyze potential mitigation strategies based on the findings.

Service and bus traffic is located where previously approved and, as an inherent impact necessary for the existing approved uses, ...

As the existing fields have been used for many years and were previously approved with the finding that the noise associated with the athletic activities was acceptable, the proposed modifications will not substantially change this variable. Like any neighborhood school or park, recreation and athletic participation is important to individual and community health. The School has carefully limited practice and game times to fall within the allowed parameters and to ensure that “quiet time” remains quiet for all their neighbors.

Character of the Community: The proposed modifications do not alter the character of the community. As discussed in detail above, the transportation impact is well within County standards and the use of the facilities is in keeping with schools and parks integrated into residential areas throughout the County. There are no new visual impacts – the site remains tucked away from River Road with only an elegantly signed entrance typical of a residential subdivision.

Topography: No site changes are proposed by these modifications. The site remains nestled within a forested area with playing fields sitting lower than the surrounding neighborhood and the School buildings and parking behind curving roads and topographic ridges making them invisible from River Road.

- b. *Buffer – All outdoor sports and recreation facilities must be located, landscaped, or otherwise buffered so that the activities associated with the facilities will not constitute an intrusion into adjacent residential properties. The facility must be designed and sited to protect adjacent properties from noise, spill light, stray balls and other objectionable impacts by providing appropriate screening*



*measures, such as sufficient setbacks, evergreen landscaping, solid fences and walls.*

There are no proposed changes to the previously approved and constructed sports and recreation facilities. The primary facility – the track and stadium seating area – is buffered by the existing Burning Tree Local Park and at least 280 feet of forest conservation area. There is also a knoll and ridge rising to approximately 38 feet above the elevation of the track between the facility and the adjacent homes to the east.

The central ball fields and tennis courts, while closer to the adjacent residential homes are mostly owned by the School and no third-party use is proposed. Where closer to a neighbor not associated with the School, there is an approximately 40-foot landscaped slope between the outfield and the residential property.

The lacrosse field on the western portion of the site is bordered by the horticultural nursery to the south. To the west, there is an approximately 18' tall, landscaped slope 60' deep buffering the field from the houses. At a pinch point north of the field where an existing house's driveway, which is provided via an easement from the School to Burdette Road, fencing and landscaping is provided. Further, the Applicant has reached out to the community to discuss additional measures or enhancements to buffers or mitigation techniques.

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



*management plan that identifies measures for reducing demand for road capacity must be approved by the Board.*

*The Board may limit the number of participants and frequency of events authorized in this section.*

The activities operated by third-party organizations, in combination with the School's activities, will not have an adverse effect on the surrounding neighborhood. As described previously, the traffic volumes created by these uses within County standards and, where necessary, are being further mitigated through intersection improvements and signal modifications. As required by this subsection, however, even when the capacity of the road is not exceeded, the number of car trips is considered and the existing transportation management plan is being modified to reduce single-occupancy vehicular trips.

*(c) Programs Existing before April 22, 2002.*

The programs under evaluation for the proposed modifications were last approved generally in 2004, although modifications have been approved since then. This proposal requests modifications to the established limits on the number of programs and frequency of events authorized.

*(d) Site plan.*

*(1) In addition to submitting such other information as may be required, an applicant shall submit with his application a site plan of proposed development. Such plan shall show the size and shape of the subject property, the location thereon of all buildings and structures, the area devoted to parking and recreation facilities, all access roads and drives, the topography and existing major vegetation features, the proposed grading, landscaping and screening plans and such other features necessary for the evaluation of the plan.*

No site design changes are proposed and existing conditions plans are submitted, as described in the discussion of Section 59-A-4.22, above.

*(2) No special exception, building permit or certificate of occupancy shall be granted or issued except in accordance with a site plan of development approved by the board. In reviewing a proposed site plan of development the board may condition its approval thereof on such*



*amendments to the plan as shall be determined necessary by the board to assure a compatible development which will have no adverse effect on the surrounding community, and which will meet all requirements of this chapter. Any departure from a site plan of development as finally approved by the board shall be cause for revocation of the special exception, building permit or certificate of occupancy, in the manner provided by law.*

There are no proposed on-site improvements. All off-site improvements will be approved under the applicable regulatory agency.

*(d) Exemptions.*

Not applicable.

*(e) Nonconforming uses.*

Not applicable.

*(f) Public Buildings.*

Not applicable.

## VIII. Findings for Approval: Child Day Care Facility under Section 59-G-2.

### **59-G-2.13.1. Child day care facility.**

*(a) The Hearing Examiner 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;*

There are no proposed site design changes; an existing conditions plan is provided for reference.

- (2) parking is provided in accordance with the Parking Regulations of Article 59-E.*

For a child day care center, one space for every non-resident staff member and adequate parking for discharge and pick up of children is required. In this instance, the average drop-off and pick-up space required is one space for every six children.

As described above, with the proposed expansion of the summer



programs, 223 staff members may park on site and up to 162 spaces are required for drop-off and pick-up. Because of the operational management of the drop-off/pick-up routine and the staggered start/finish times of the summer camp programs, staff will typically use the surface lot and most parents or guardians will queue along the internal drives as directed toward their respective activity center.

With 310 surface parking spaces and internal drives able to provide queuing space for up to 275 vehicles, the space for 585 vehicles exceeds the 385 spaces required. Thus, no waiver or variance is requested and no reduction is requested; thus, subsections (A)-(B) are not applicable.

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

As shown in the circulation plan provided there is ample discharge and pick-up area provided ensuring that queuing will not impact River Road.

- (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; and*  
(C) *be bound by the affidavit as a condition of approval for this special exception; and*

As an existing approved use, the Applicant and third-party users will continue to meet all State & County requirements and remain bound by the affidavit as a condition of approval.

- (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 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.*

Summer day camp programs provide crafts, arts, drama, dance, science, athletics, outdoor play, and swimming activities, as well as discovery camps that focus on reading and literacy. With increasing demand and limited community facilities, this use is a critical element supporting childhood development in our County.

Given the timing of the camp programs off-peak hours and during the summer, traffic will not be a nuisance. Parking, as shown above, exceeds that necessary and the noise and physical activities allowed are



typical of a school or park use in any residential neighborhood. As noted in the Statement of Justification and discussion of operations, a methodical strategy for orienting pick-up and drop-off will be utilized to reduce congestion on and off River Road.

While some of these activities are outdoor, many are accommodated within the campus buildings, e.g., dance, swimming, and theater. That said, for the outdoor programs any inherent visual or auditory impacts are not a nuisance in a residential community and the increased enrollment will not result in a significant change in character.

*(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), 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*

There are no proposed changes to the landscaping and the facilities will remain as previously approved. An existing conditions site plan that includes depiction of existing tree lines has been submitted for reference.

*(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. The Board may reduce the area requirement to less than 500 square feet, but not less than 250 square feet, per child if it finds that:*

Enrollment of 970 participants in summer camp programs – if they were all on site at one time – requires at least 11.13 acres. The existing 58.27-acre campus is much larger than the minimum required and, even reducing the campus by that area subject to forest conservation and not as “usable,” the 32.7 acres more than accommodates the needs for summer camp participants.

Given that the facility provides more than the 500 square feet per child, Subsections (A)-(D) do not apply.

## IX. Conclusion

Under the School’s mission to cultivate the unique potential of young women through the “education not only of the mind, but of the soul and spirit,” it provides a college preparatory education for girls in grades 3-12 through a comprehensive curriculum. A significant element of this curriculum is to balance challenging academics with engagement in the arts and athletics, and a premier campus environment is critical to the success of each student.

County policy supports the School’s mission. Education is a key pillar in Montgomery County’s Economic Development Strategic Plan and Thrive 2050, both of which recognize that education attainment is critical to addressing inequities and improving the County’s chance for success. Each student that the County can help attain a higher education benefits all residents. And with 40% of the student body being people of color, 23% of students receiving financial aid, and 100% of graduates accepted to four-year institutions, the School provides an excellent opportunity to support the County’s goals.

The Master Plan supports the continuation of the School and notes that it may expand over time. In doing so, the School continues to support many of the Plan’s goals to improve quality of life, maintain environmental resources, provide transportation management strategies, and support health and well-being in the community.

All development standards are met and the proposed modifications do not impact the character of the use or create a situation unharmonious with a residential neighborhood. Schools and parks are integral and important to thriving, healthy communities; whether public or private they offer the education and enrichment through numerous programs and activities. Impacts inherent in these activities and programs were anticipated by the Council when they adopted the standards and the allowed ancillary programs delineated by the definitions in the Zoning Ordinance. And, when deemed necessary, it provided the deciding body the opportunity to condition the allowed uses to enhance compatibly and harmony. Many of these elements are built into the design of the site and will continue. But to further this goal, the School continues to engage the community to address concerns, mitigate impacts, and offer its facilities for use and enjoyment.

The proposed enrollment will allow more young women to get a high-quality education while addressing the impacts – primarily traffic – through the mitigation outlined in the report. There is no increase in size or number of



buildings, parking areas, or athletic facilities. As reasonably conditioned to make certain transportation improvements, in particular, the special exception remains compatibility with the neighborhood.

The proposed enrollment increase of summer programs will allow more children to participate in arts, education, and athletic activities. As this use takes place during summer, transportation capacity is more available and many of these activities take place indoors. Pick-up and drop-off is staggered and well managed on-site and noise concerns are being carefully measured, modeled, and analyzed to provide suggestions for additional mitigation. The proposed modification will not change the fundamental nature of the existing use and it remains compatibility with the neighborhood.

The proposed flexibility regarding third-party use allows for minimal increased use but changes certain parameters making these more viable for the School to run or partner with aligned entities. Whether the programs are run by Holton-Arms or a third-party, these events take place outside of peak hours and there is no reason to differentiate between an event run by the School or by a third-party group. Security remains high – the School employs security staff – and regular reporting ensures that the many limitations on size, number of events, and participation is transparent. Like many parks and schools that offer their facilities for public use, the School is providing access to the community, including non-profit organizations, for important events. With increasing demand for such facilities, this is an excellent opportunity to take advantage of existing infrastructure without public expense and maintenance. More flexible use of School facilities by third-partes remains compatible with the neighborhood.

