



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 8
7/30/09



MEMORANDUM

DATE: July 17, 2009

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Subdivision Supervisor *CAC*
Development Review Division

FROM: Richard A. Weaver, Coordinator (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Resubdivision of Lot 1, Block A, Travilah Heights and Parcel 60, Tax Map FR43, into a single lot to accommodate a child day care center and private educational institution limited to a maximum combined enrollment of 130 children and 31 staff as approved by Board of Appeals Resolution on Special Exception S-2453-A and S-2726.

PROJECT NAME: Academy Child Development Center

CASE #: 120090270

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-90

LOCATION: On the north side of Darnestown Road, approximately 260 feet west of the intersection with Travilah Road

MASTER PLAN: Potomac

APPLICANT: Academy Child Development Center, Inc.

ENGINEER: Haines/Norton Land Design

FILING DATE: February 24, 2009

HEARING DATE: July 30, 2009

RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a child day care center and private educational institution limited to a maximum combined enrollment of 130 children and 31 staff as approved by Board of Appeals Resolution on Special Exception S-2453-A and S- 2726.
- 2) The applicant must comply with the conditions of the preliminary forest conservation plan approved by the Planning Board on July 3, 2008. The final forest conservation plan must be approved prior to any land clearing activities.
- 3) Prior to record plat, the applicant must enter into a Policy Area Mobility Review (PAMR) Mitigation Agreement with Montgomery County Department of Transportation (MCDOT) and the Planning Board to satisfy the requirements of PAMR.
- 4) The applicant must dedicate, and show on record plat, all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 5) The applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes.
- 6) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management concept approval dated April 17, 2008. These conditions may be amended by MCDPS provided the changes do not conflict with any other condition of the preliminary plan approval.
- 7) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) approval dated June 26, 2009, including the requirements for the revision to the turning restrictions at the easternmost access point. These conditions may be amended by MCDOT provided the changes do not conflict with any other condition of the preliminary plan approval.
- 8) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 9) Other necessary easements must be shown on the record plat.

SITE DESCRIPTION (Fig. 1)

The subject property is approximately 1.5 acres (65,470 square feet) and described as Lot 1, Block A, "Travilah Heights" together with an adjacent unplatted parcel "Parcel 60" shown on Tax Map, FX43. The property is classified in the R-90 zone and is located on the north side of Darnestown Road between the intersections with Good Earth Court and Travilah Road. The property currently contains a day care facility and an accessory single-family home, including outdoor play areas and parking. The area surrounding the subject site contains single and multi family residential, a PEPCO substation, a dance studio/residence and the Montgomery County Public Services Training Academy (PTSA).

PROJECT DESCRIPTION (Fig. 2)

The existing daycare facility for 88 children and 19 staff was approved under Board of Appeals (BOA) action on Special Exception S-2453. The existing lot (Lot 1, Block A, Travilah Heights) was subsequently approved under preliminary plan No. 1-01048, Academy Child Development Center, in October of 2001. In February 2009, the applicant obtained BOA approval for an expanded child day care center (S-2453-A) and a private educational institution (S-2726). The BOA approval on these two cases limited the facility to a combined maximum enrollment (daycare and educational institution) of 130 children and 31 staff. This recent BOA approval shows additional parking on an adjacent parcel and an outdoor pavilion to accommodate the uses. The existing single family home on Lot 1 will continue to house administrative offices for the school and daycare as well as the residence for the president of the facility. The existing daycare center will not require expansion to accommodate the additional children; the only additional structure will be the outdoor pavilion on the area that is currently Parcel 60. The parking lot will be improved and expanded and stormwater management facilities will be added

The BOA conditions of approval require the applicant to submit a preliminary plan to combine Lot 1, Block A, Travilah Heights and the adjacent unplatted parcel (Parcel 60) into a single platted lot. The resulting lot will be approximately 1.5 acres in size, and will include all necessary dedications for MD 28. All elements of this preliminary plan are in conformance with the approved Special Exception.

Two existing access points (driveways) are shown along the frontage of MD 28. The easternmost driveway is currently left/right-in and right-out only for all vehicles; limited because of site distance restrictions. The westernmost driveway is an exit only and limited to right-out only, again due to site distance restrictions. The applicant petitioned the Hearing Examiner, at the time of the special exceptions, to also support left-out turn movements for trucks and busses only and the request was apparently supported as stated under Condition #7 which reads:

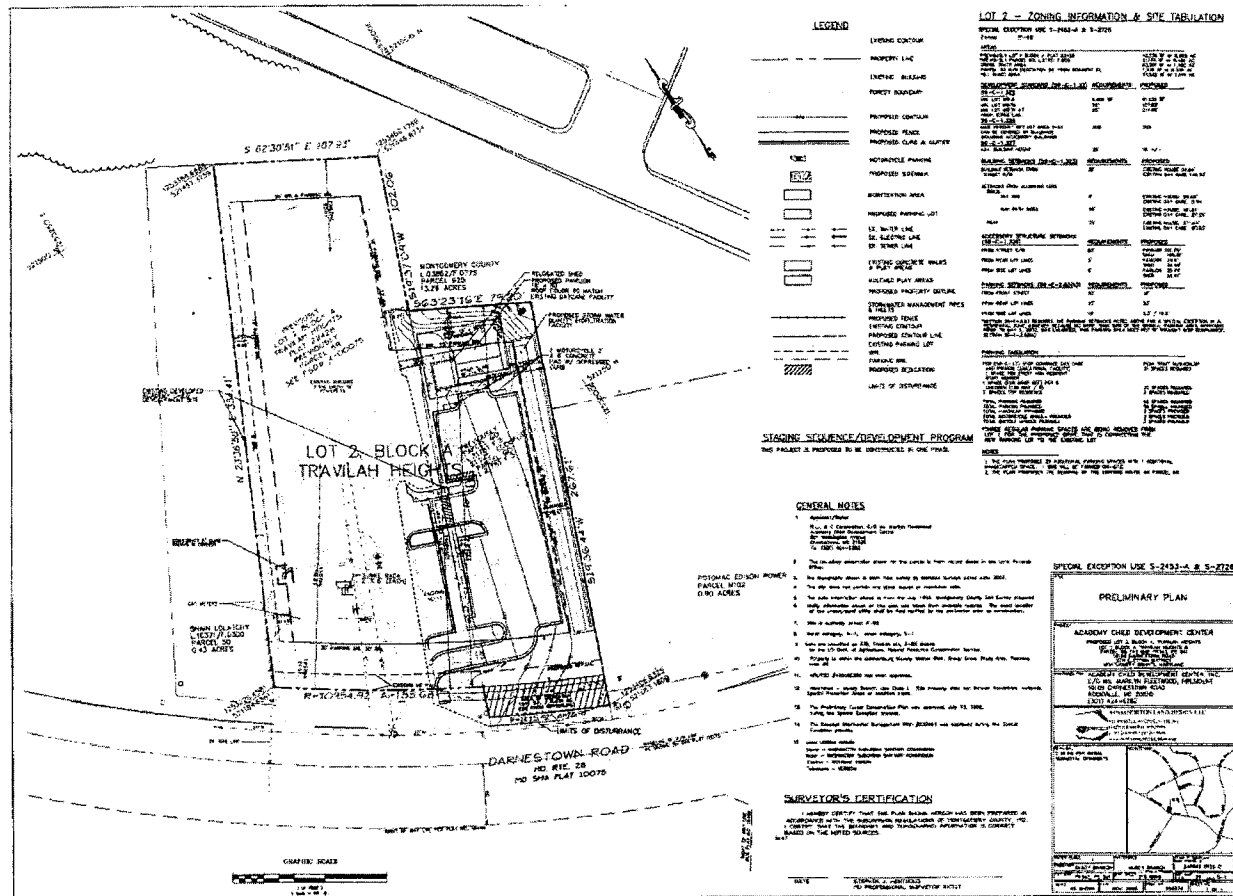
7) Petitioner must comply with its revised Transportation Management Plan (Exhibit 53(a)). Under the TMP, Petitioner may permit truck and busses to make a left-hand turn out of their driveways¹, but passenger vehicles may exit with a right-turn only. These restriction must be strictly monitored and enforced in accordance with the TMP. If changes in the TMP are made at subdivision, Petitioner must request a modification of these special exceptions from the Board of Appeals to so reflect.

The applicant has worked with MCDOT, and MCDOT has made the necessary findings to allow left/right-out only at the westernmost driveway, but only for trucks and busses. Passenger vehicles will be restricted from using the westernmost driveway. New site distance studies for this driveway showed that only trucks and busses can safely turn left out of this driveway because, by design, the driver sits at a higher elevation relative to the road surface thereby allowing farther sight lines. By condition of the MCDOT approval, the applicant will need to

¹ The applicant may need to request a modification to the special exception based on the finding that left-out movements for trucks and busses can only be supported at one of the two driveways.

ACADEMY DAY CARE





use/facilities. The subject property will be within the boundaries of the “Gaithersburg West Master Plan,” which is currently in the development process. The child day care use is in conformance with the Shady Grove Study Area Master Plan as found by the Planning Board during the review of the special exception.

Public Facilities

Transportation

Three intersections were identified as critical intersections affected by the proposed expansion of the existing childcare facility and were examined in the traffic study to determine whether they met the applicable congestion standard. The congestion standards in the R and D Village Policy Area are 1,450 Critical Lane Volumes (CLV). The result of the CLV analysis is summarized in Table 1.

Table 1: Calculated Critical Lane Volume Values at Studied Intersections

Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total
Darnestown Road & Key West Avenue	Morning	1,036	1,126	1,131
	Evening	1,014	1,098	1,100
Darnestown Road & Travilah Road	Morning	961	1,034	1,036
	Evening	1,023	1,098	1,214
Darnestown Road & Great Seneca Highway	Morning	1,084	1,155	1,174
	Evening	1,117	1,248	1,265

As shown in the above table, all intersections are currently operating at an acceptable CLVs level of 1,450 and they are expected to continue for the background (the existing traffic plus traffic from the approved/unbuilt developments) and the total future development condition (the background traffic plus traffic from the site) during the weekday AM and PM peak hours. Therefore, this preliminary plan application meets the LATR requirements of the APF review.

Policy Area Mobility Review (PAMR)

The site is located within the R&D Village Policy Area where 35% of new trips were required to be mitigated for PAMR according to the Growth Policy in effect at the time the subject preliminary plan was filed. In order to satisfy this PAMR requirement, the applicant proposed a Transportation System Management Program which includes a number of programs including designation of a Transportation Coordinator and distribution of free transit fares to employees of the site (and/or other nearby employers). The distribution of free transit fares is proposed to mitigate the required number of trips by increasing ridership on existing transit routes. This transportation management proposal will be memorialized in a formal PAMR Traffic Mitigation

Agreement to be executed by the applicant, the Planning Commission, and MCDOT prior to recordation of a plat. Staff finds that with implementation of the transportation management program, this preliminary plan application meets the PAMR requirements of the APF review.

Site Access and Vehicular/Pedestrian Circulation

Two existing site access points from Darnestown Road will remain unchanged. The applicant has requested to remove restrictions on the left turn movements out of the easternmost driveway to allow such movements by trucks and buses only. MCDOT has reviewed this request with the amended sight distance study submitted by the applicant and approved the left turn movements for trucks and buses only, not passenger vehicles. The Applicant will be required to execute a new Traffic Order with MCDOT that legalizes this movement. MCDOT has required that the Traffic Order be executed prior to issuance of access permits. Staff accepts MCDOT's findings regarding the requested traffic operational change.

Staff has reviewed the proposed internal traffic/pedestrian circulation system shown on the preliminary plan and finds it to be adequate. Staff also finds that the internal queuing area will adequately accommodate the additional traffic.

Environment

Forest Conservation

The application has an approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD), 42008036. The site contains 0.07 acres of forest cover which is adjacent to an off-site forest on the Public Service Training Academy (PSTA) property. There are no existing streams, wetlands or other environmentally sensitive features on the property.

The 0.07 acres of forest is classified as upland forest in early stages of growth with trees in the 4-6-inch diameter at breast height (DBH) range. Silver Maple, Mulberry, American Elm and Boxelder dominate this forest stand. There is also a layer of invasive understory including Honeysuckle, Multiflora Rose and Greenbrier. Several large trees in the 18" to 36" range share the common property line with the PTSA.

The Preliminary Forest Conservation Plan was approved by the Planning Board on July 3, 2008 in association with the Special Exception cases. This preliminary plan is in conformance with the Preliminary Forest Conservation Plan. The 0.07 acres of forest is shown to be removed and a planting requirement of 0.29 acres will be met with on-site planting and by paying a fee-in-lieu. Staff finds that the plan complies with Chapter 22A, the Montgomery County Forest Conservation Law.

Landscape and Lighting Plan

A landscape and lighting plan was approved as part of the Board of Appeals action on the special exceptions for this Property. The landscape and lighting plan remains in full force and effect.

Stormwater Management & Sediment Control

Conceptual stormwater management approval was granted by DPS in a letter dated April 17, 2008. The proposed stormwater management quality concept consists of a biofiltration facility and is shown on the plan. On-site channel protection volume (quantity control) is not required, as the site's peak discharge is less than 2 cubic feet per second. The runoff will be conveyed by pipe to the property line that separates Lot 1 and Parcel 60 with an outfall at the northeast end of Lot 1. The designed controls provide on-site water quality and on-site recharge via the proposed biofiltration facility. Staff finds that the project adequately addresses stormwater quality and quantity control in accordance with Chapter 19 and Chapter 50 of the County Code.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections, including the requirements for resubdivision as discussed below. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations of the local master plan and for the type of development or use proposed.

The lot was reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The proposed lot will meet the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lot complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

B. Neighborhood Delineation

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must typically determine the appropriate "Neighborhood" for evaluating the application. The analysis Neighborhood has historically consisted of a reasonable sampling of nearby platted lots within the same zone as the property being evaluated. In this instance, however; the properties along the north side of Darnestown Road within the R-90 zone only include one lot that has been

recorded by record plat; the PEPCO Substation. (See Fig. 1) All other lots within this pocket of R-90 zoning are unplatted parcels which the Planning Board has historically excluded from resubdivision analyses because such parcels have never been subjected to any subdivision or zoning standards. In other words, their size, shape, width, frontage, alignment, area and suitability are relatively unknown. Adjacent properties to the north, including the PTSA, are zoned R-90/TDR but remain unplatted. Properties confronting on the south side of Darnestown Road are zoned R-200/TDR or RT-10 (residential townhouse). Lots with dissimilar zoning have also historically been excluded from the analysis Neighborhood.

C. Analysis

For this application, staff suggests that a Neighborhood needed to analyze this resubdivision does not exist, and therefore, staff's evaluation of the resubdivision criteria focuses on the zoning standards that apply to the Property and to the appropriateness of the lots with respect to their location. For this application, the proposed lots comply with the minimum standards established within the Zoning Ordinance for this zone and the Plan complies with the findings of a standard subdivision as outlined in Section 50-29(A) of the Subdivision Regulations. The size, shape, width and orientation of the proposed lot, as discussed in the sections above, is appropriate for the location of this lot given the language in the local master plan and for the uses approved for this facility.

Citizen Correspondence and Issues

A presubmission public meeting was held in accordance with procedures established in the Development Manual. The property was appropriately signed and notice of the presubmission meeting was sent out to parties of record for the special exception, adjacent and confronting property owners and local civic associations. No one attended the presubmission meeting. As of the date of this report, no written correspondence has been received on the preliminary plan application.

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance, and the proposed lot complies with the recommendations of the Shady Grove Study Area. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Academy Child Day Care				
Plan Number: 120090270				
Zoning: R-90				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Non-Residential/Special Exception				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	9,000 sq. ft.	65,470 sq. ft. is minimum proposed	RW	7/17/09
Lot Width	75 ft. min.	213 ft. is proposed	RW	7/17/09
Lot Frontage	25 ft. min.	213 ft. is proposed	RW	7/17/09
Setbacks				
Front	30 ft. Min.	Must meet minimum ¹	RW	7/17/09
Side	8 ft. Min./25 ft. total	Must meet minimum ¹	RW	7/17/09
Rear	25 ft. Min.	Must meet minimum ¹	RW	7/17/09
Height	35 ft. Max.	May not exceed maximum ¹	RW	7/17/09
Max Resid'l d.u. or Comm'l s.f. per Zoning	As approved by BOA	As approved by BOA	RW	7/17/09
MPDUs	No		RW	7/17/09
TDRs	No		RW	7/17/09
Site Plan Req'd?	No		RW	7/17/09
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	RW	7/17/09
Road dedication and frontage improvements		N/a	RW	7/17/09
Environmental Guidelines		No	Staff memo	6/9/09
Forest Conservation		Yes	Staff memo	6/9/09
Master Plan Compliance		Yes	Staff memo	5/23/08
Other (i.e., parks, historic preservation)				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency letter	4/17/08
Water and Sewer (WSSC)		Yes	Agency comments	3/30/09
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	3/30/09
Well and Septic		N/a		
Local Area Traffic Review		Yes	Staff memo	7/2/09
Policy Area Mobility Review		Yes	Staff memo	7/2/09
Transportation Management Agreement		No	Staff memo	7/2/09
School Cluster in Moratorium?		No	RW	7/17/09
School Facilities Payment		No	RW	7/17/09
Fire and Rescue		Yes	Agency letter	7/2/09

¹ As determined by MCDPS at the time of building permit.