



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

MCPB
Item #11
6/16/11

June 9, 2011

M E M O R A N D U M

TO: Montgomery County Planning Board

FROM: Damon B. Orobona, Senior Analyst *Damon*

VIA: Rose G. Krasnow, Division Chief *RK*
Robert A. Kronenberg, Area Supervisor *RAK*

SUBJECT: Remand of Special Exception S-2781:Child Daycare Center in the R-60 Zone

RECOMMENDATION: *Denial.*

The applicant, Gilmore-Brunett, LLC, owns a 37,987 square foot vacant property located at 220 West University Boulevard. The applicant is requesting a special exception to construct a 5,469 square foot child daycare center that provides services for up to 94 children, with up to 20 employees on site.

This application was previously before the Board on December 16, 2010. Initially, the applicant requested a daycare facility for up to 120 children and 25 employees in a building of 6,430 square feet. Staff recommended denial of the application due to a variety of reasons. Most notably, the denial was warranted because (1) the application was inconsistent with the 1996 Four Corners Master Plan as the Plan discouraged special exceptions in the neighborhood where the subject property is located, (2) if a special exception is to be located on the subject property, the Plan gives specific guidance that the special exception should be operated in an existing one-family home or a newly-constructed structure of residential character and scale, and (3) the applicant's request for a reduction in the Zoning Ordinance requirement of 500 square feet of lot area per child does not meet the stated standards for such a reduction.

After an extensive discussion of the issues and considerable testimony from both the applicant and the community, the Board unanimously recommended that the Board of Appeals deny the special exception request. In the transmittal letter to the Board of Appeals, the Board stated that "although [...] mindful of the Master Plan's general discouragement of special exceptions at the location of the subject property, the Board is not convinced that the Plan's guidance amounts to an absolute prohibition of a child daycare on the subject property if designed, scaled, and buffered appropriately. However, the Board is strongly of the view that the size and

scale of the proposed child daycare center is much too large and out of character with the surrounding residential neighborhood.” [Emphasis added] The Board also agreed that the proposal did not meet the zoning ordinance requirements that allow a reduction of the typically-required 500 square foot lot area per child standard.¹

Following the Planning Board’s December hearing, the applicant postponed the scheduled Hearing Examiner proceedings to make amendments to the original proposal. In pertinent part, the application has been revised to decrease the size of the building from 6,430 square feet to 5,469 square feet – a 15 percent reduction in total square footage. Similarly, the number of children to be cared for on site has been reduced from 120 children to 94 children (a 22 percent reduction), with a reduction in staffing levels from 25 to 20 employees. Parking has also been reduced. In the original proposal, the applicant was providing 45 total parking spaces, with a 25 spaces located in a surface parking lot and 20 spaces provided in a below-grade structure under the daycare facility. In the revision, the applicant is providing all parking in a surface lot – reducing overall parking from 45 to 28 spaces but increasing the size of the outdoor lot by three spaces (38 percent reduction in parking). A parking waiver of six spaces will be necessary to approve the amended application. Lastly, a reduction to the typically-required 500 square foot lot area per child standard is still necessary. The applicant is now requesting a reduction of this standard to 404-square feet of lot area per child (the previous request was for 317-square feet of lot area per child).

While the revised proposal comes closer to providing a neighborhood-scaled child daycare facility, the proposal again falls short of adequately addressing issues of size and scale given the Master Plan’s specific guidance. As the Board is aware, the 1996 Four Corners Master Plan discourages special exceptions in this area of the County. While the Plan’s discouragement does not rise to the level of an absolute prohibition, the Plan does give pointed design considerations for special exceptions on page 26:

The Plan recommends reuse of existing structures for special exception uses, where feasible. If a use requires a new building, the Plan encourages designs that are residential in character and scale [Emphasis added]

This Plan encourages the continued requirement for landscape plans for all special exception uses except accessory apartments. Landscape plans enhance the integration of a special exception use into the community by retaining grassed and landscaped front, side, and rear yards.

The above language serves to underscore that potential special exceptions in this neighborhood should be housed in existing one-family detached homes or, if new construction is necessary, in a structure that is similar in character, appearance, and scale to other residential homes in the area. Since the subject property is now a vacant lot, new construction is necessary to accommodate the proposed child daycare center. As illustrated in the elevations shown later in the report, the proposed center incorporates architectural features that provide aspects of residential appearance, but the size and scale of the proposed building is much greater than is

¹ The Board’s Transmittal Letter and the initial Staff Report are found at attachments 1 and 2, respectively.

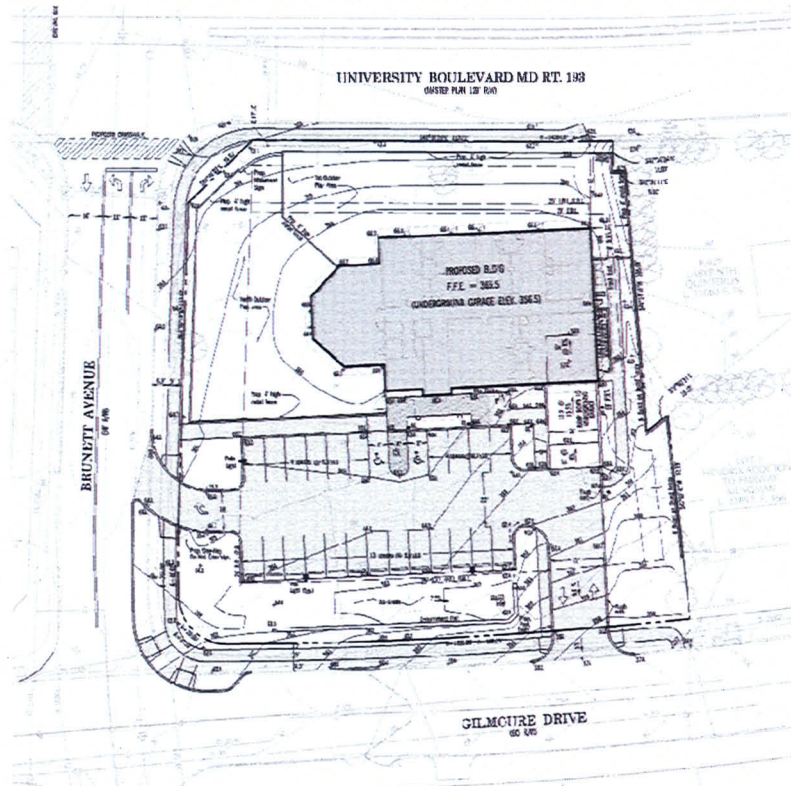
typical for a neighborhood home. The size of the proposed parking lot is also much larger than a typical driveway in the South Four Corners area.

In comparison to other properties in the neighborhood, the proposed child daycare center is clearly at a larger scale than the typical residential dwellings of the neighborhood. On average, neighborhood homes measure 1,296 square feet of gross floor area on lots of approximately 7,260 square feet.² In contrast, the child daycare center is proposed to have 5,469 square feet of gross floor area on a lot measuring 37,987 square feet. Alternatively, if analyzing building footprints, the child daycare center has a proposed footprint of 5,469 square feet since the center is proposed to be on a single level, while the average building footprint for the rest of the neighborhood is only 1,207 square feet. The proposed parking lot furthers the argument that the scale is not typical for the neighborhood. The applicant is proposing a 28-space surface parking lot, which is substantially larger than the typical driveway parking area in the neighborhood. Even with the reduction proposed, the child daycare is not residential in size or scale in comparison to other homes in the neighborhood. Accordingly, the amended proposal continues to be inconsistent with the Four Corners Master Plan.

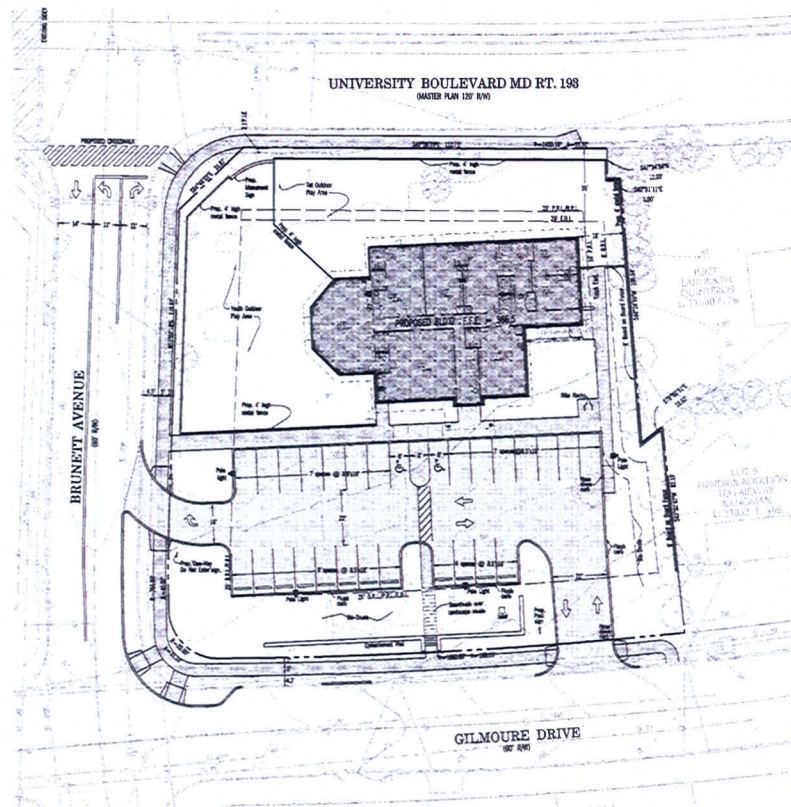
To avoid any potential mischaracterization of the Board's initial recommendations, the Board's guidance on the amended proposal is requested. To help facilitate the Board's decision, the original plans and elevations of the proposal are shown in a side-by-side comparison with the amended plans below. Additionally, a neighborhood aerial is shown with the daycare proposal superimposed, showing the relationship of the proposal to the surrounding one-family detached neighborhood.

² This figure does not include the park.

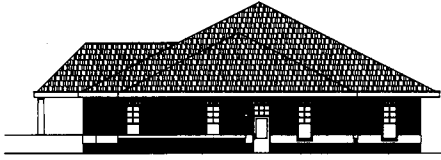
Original Special Exception Plan



Amended Special Exception Plan



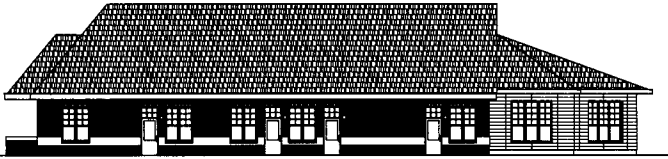
Original Elevations



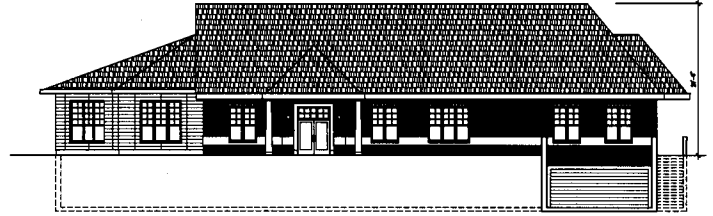
④ SIDE ELEVATION
1/8" = 1'-0"



② BRUNETT AVE. ELEVATION
1/8" = 1'-0"



③ UNIVERSITY BLVD. ELEVATION
1/8" = 1'-0"



① GILMOURE DRIVE ELEVATION
1/8" = 1'-0"

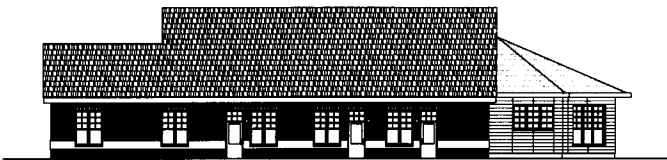
Amended Elevations



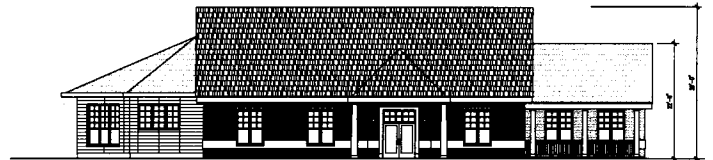
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① GILMOURE DRIVE ELEVATION
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Aerial with Proposal Superimposed (surrounding building footprints outlined red)



ATTACHMENTS

1. Planning Board Transmittal Letter to the Board of Appeals on Original Application
2. Planning Staff Report and Recommendation on Original Application
3. Community Letter received 6/9/2011



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

OFFICE OF THE CHAIRMAN

January 21, 2011

Ms. Catherine G. Titus, Chair
Montgomery County Board of Appeals
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Re: Special Exception S-2781: Request for a Child Daycare for up to 120 Children

Dear Ms. Titus:

At its regular meeting on December 16, 2010, the Montgomery County Planning Board reviewed a special exception request for a property located at 220 West University Boulevard. The applicant, Gilmoure-Brunett, LLC, is requesting a special exception for a child daycare center for up to 120 children and 25 employees in a proposed 6,430 square foot facility. Because the property is zoned R-60, the applicant must obtain a special exception to operate the daycare center.

In a report dated December 6, 2010, planning staff recommended denial of the special exception on grounds that the application is inconsistent with the 1996 Four Corners Master Plan and noncompliant with required zoning standards. During staff's overview to the Board, three primary issues were identified: (1) the Master Plan discourages special exceptions in the area where the subject property is located, (2) if a special exception is to be placed at this location, the Master Plan recommends reuse of an existing residential home, or, if reuse is not possible, new construction of a residential character and scale, and (3) the applicant's request for a reduction in the Zoning Ordinance requirement of 500 square feet of lot area per child does not meet the stated standards for such a reduction. Additionally, staff suggested the Planning Board recommend that, if the Board of Appeals approves the special exception, a condition be imposed requiring site plan review under §59-G-1.22(b)(2) to regulate the impact of the proposal on surrounding properties.

Following testimony from the applicant and the community, the Planning Board had a considerable discussion of the primary issues. Although the Board is mindful of the Master Plan's general discouragement of special exceptions at the location of the subject property, the Board is not convinced that the Plan's guidance amounts to an absolute prohibition of a child daycare on the subject property if designed, scaled, and buffered appropriately. However, the Board is strongly of the view that the size and scale of the proposed child daycare center is much too large and out of character with the surrounding residential

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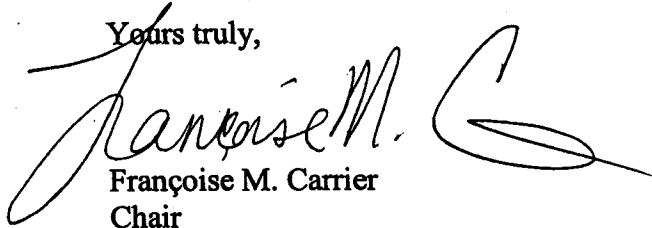
neighborhood. Moreover, the Board agrees with staff that the proposal does not meet the Zoning Ordinance requirements that allow a reduction of the typically-required 500 square foot lot area per child.

Typically, when the Planning Board recommends a denial of a special exception to the Board of Appeals, the Planning Board will recommend conditions that the Board of Appeals can adopt to lessen the impact of the proposal on nearby properties if the Board of Appeals ultimately approves the application. In this particular application, the proposal is so out of scale that the Board cannot draft any conditions to lessen the proposed child daycare center's impact on nearby properties other than the condition for site plan review under §59-G-1.22(b)(2), as indicated above. The Board stresses that including a recommendation for site plan review should in no way be construed to imply that the Board recommends approval of the application as it now stands.

On a motion by Commissioner Presley and seconded by Commissioner Alfandre, with Chair Carrier, Vice-Chair Wells-Harley, and Commissioner Dreyfuss in agreement, the Planning Board unanimously recommends that Special Exception S-2781 be denied.

We hope these recommendations are helpful to the Hearing Examiner and Board of Appeals.

Yours truly,

A handwritten signature in black ink, appearing to read 'Françoise M. Carrier', with a large, stylized flourish extending to the right.

Françoise M. Carrier
Chair

cc: Martin L. Grossman, Director, Office of Zoning and Administrative Hearings



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

December 6, 2010

M E M O R A N D U M

TO: The Montgomery County Planning Board

FROM: Damon B. Orobona, Senior Analyst *DAMON*

VIA: Rose Krasnow, Division Chief *RK*

SUBJECT: Special Exception S-2781: Request for a Child Daycare Center in the R-60 Zone

RECOMMENDATION: *Denial.*

The applicant, Gilmore-Brunett, LLC, is the owner of a 37,987 square foot vacant property located at 220 West University Boulevard. The applicant is requesting a special exception to construct a 6,430 square foot child daycare center that provides services for up to 120 children. Daycare services will be provided by as many as 25 employees on site. The daycare center will be operated by Childway, a daycare provider with three existing locations in the DC area.

To obtain approval for a child daycare special exception, the applicant must satisfy general zoning standards applicable to all special exceptions and specific zoning requirements tailored specifically to a child daycare center. While the application meets many of the technical requirements for a child daycare, the proposal is inconsistent with the 1996 Four Corners Master Plan as the Plan discourages special exceptions in residential areas adjacent to the Four Corners commercial district. Master plan consistency is a general standard that every special exception must satisfy to be approved.

The size and scale of the physical building and parking facility associated with the proposed child daycare could potentially alter the residential character of the neighborhood. The size and scale of the proposal is more typical of non-residential uses located southeast of the site in the Four Corners commercial district. Furthermore, the proposal calls for only 316 square feet of lot area per child, which will require the Board to recommend a waiver of the 500-foot standard typically required by the ordinance. Staff does not recommend the waiver.

SUMMARY OF REPORT

- Public Hearings:** December 16, 2010 (Planning Board)
January 7, 2011 (Hearing Examiner)
- Overview of Site:** The subject property is comprised of one recorded lot, totaling 37,987 square feet (0.87 acres). The property is located on the residential block immediately west of the Four Corners commercial center near the intersection of University Boulevard and Colesville Road. The site is zoned R-60. A residential dwelling that housed a dental office previously existed on the property, but the home was demolished a few years ago leaving the site vacant.
- Proposed Use:** The applicant is proposing a child daycare center on the site for up to 120 children. The operations will be housed in a 6,430 square foot building and will employ up to 25 staffers. 45 parking spaces are associated with the child daycare, with 25 spaces in a surface parking lot and 20 spaces below-grade. Because the property is zoned R-60, a special exception is required to operate the proposed child daycare at this location.
- Sector Plan Consistency:** The project is not consistent with the 1996 *Four Corners* Master Plan. The Plan specifically discourages special exceptions in residential areas adjacent to the Four Corners commercial district, particularly in locations along major highways. Further, the Plan states that if a special exception is to be allowed, it should be contained within a building of residential size and scale. The proposal does not meet any of these recommendations.
- Zoning Provisions:** Although the project satisfies many technical zoning standards, it fails to satisfy special exception provisions relating to size, scale, and master plan consistency. Further, the applicant is providing only 316 square feet of lot area per child, requiring a waiver of the typical standard of 500 square feet of lot area per child. Staff does not recommend the requested waiver as it is necessary to permit 120 children to be cared for onsite, which serves to increase the scale of both the building and the parking facilities.
- Recommendation:** Staff recommends a denial of the special exception. If the Board of Appeals should approve the application, neither subdivision nor site plan review will be required.

I. PROCEDURE

Application S-2781, filed September 1, 2010, seeks a special exception, pursuant to §59-G-2.13.1 of the Montgomery County Zoning Ordinance, to permit a child daycare center on a currently vacant lot located at 202 West University Boulevard in Silver Spring.

The Office of Zoning and Administrative Hearings has scheduled a public hearing date on this application for January 7, 2011, in the Stella B. Werner Council Office Building at 100 Maryland Avenue, Rockville, Maryland. Before the Hearing Examiner's proceedings, the Montgomery County Planning Board will conduct an initial public review of the application on December 16, 2010, at 8787 Georgia Avenue, Silver Spring, Maryland.

II. THE PROPOSAL

A. The Subject Property

The subject property is located at 220 West University Boulevard. The site is within the residential block lying immediately west of the Four Corners commercial district at the intersection of University Boulevard and Colesville Road. This area is approximately a half-mile north of the Beltway. The lot measures 37,987 square feet and is at the west end of the block.¹ The site has frontage along three roads – University Boulevard, Brunett Avenue, and Gilmore Drive. The site is generally square-shaped and has a gentle slope. There are no forests, streams, floodplains, wetlands, or environmental buffers on the property.

Previously, the lot contained a single-family residential home that housed a dentist's office for many years. In 2006, the Planning Board approved a preliminary plan for the site with five lots for single-family detached residential homes.² After the Planning Board's approval of the preliminary plan, the existing single-family home on site was demolished. However, platting of the five lots and construction of the homes under the preliminary plan was not pursued. According to the applicant, the recent real estate market affected the 2006 plan's financial viability.

B. The Neighborhood

The property is located in the South Four Corners neighborhood of the Four Corners Master-Plan area. The defined neighborhood, for technical purposes of finding compatibility for the special exception request, is defined as an area much smaller than the entire South Four Corners neighborhood. Staff generally agrees with the applicant's proffer of the neighborhood boundaries, only slightly modifying the boundary lines to the north, east, and south so the lines fall neatly along neighborhood streets. The neighborhood is defined by Timberwood Avenue to the north, Lorain Avenue to the east, Harding Drive to the south, and by a senior housing

¹ Technically speaking, the property is known as lot 13 of block P.

² Preliminary Plan 120060800.

complex to the west. This definition includes nearby homes that may be affected by the child daycare structure and its associated activities.

The defined neighborhood sufficiently shows a predominant residential character. The entire neighborhood is zoned R-60. The neighborhood is solely comprised of single-family detached homes except for three properties. The most notable non-residential use in the neighborhood is the Nichiren Shoshu Temple, which is a church located directly west of the subject property. Additionally, a local park lies to the north of the neighborhood³, and there is one special exception (a home occupation flower shop business) within a single-family detached home. The church and the flower shop special exception have been part of the neighborhood for some time, and both were in existence at the time of the 1996 Four Corners Master Plan. The defined neighborhood boundary is shown below.

Aerial Photo with Neighborhood Boundary



³ The local park is held by MNCPPC. Prior to MNCPPC acquisition, the site housed a Private Educational Institution and child daycare use for up to 225 children and 25 staffers. However, these uses were abandoned in 2001. The Master Plan recommended this site be transformed into parkland if the PEI changed locations, which is exactly what occurred in 2001.

C. The Proposal

The applicant is proposing to construct and operate a child daycare center. The operation will provide for up to 120 children with a 25-person staff. Children in the daycare will range from six week-old infants to 12 year-old children. The year-round proposed hours of operation will be Monday to Friday from 7am to 7pm.

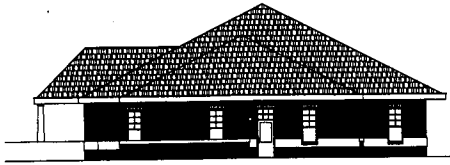
The applicant is proposing a 6,430 square foot, one-story facility, an outdoor play area, and 45 associated parking spaces for the child daycare operations. According to the applicant, the building is designed to mirror the residential architecture of the neighborhood, incorporating architectural dressings such as a pitched roof and a sunroom-style addition as well as a below-grade parking facility. The layout of the site places the building in a location to help buffer the outdoor play areas from the nearest residences to the east, therefore placing the outdoor play area along University Boulevard and Burnett Avenue.

There will be two access points to the child daycare by way of a full movement driveway along Gilmore Drive and a right-out only along Brunett Avenue. Both Gilmore and Brunett are classified as secondary residential streets. Access to the site from University Boulevard is not possible because of State Highway regulations; therefore, all access to the daycare must be through these local neighborhood roads.

The parking for this project is unusual as it utilizes the cellar-level of the building for almost half of the required 45 parking spaces so the surface parking area need not be so large. The applicant is proposing that employees will use the 20 space below-grade level and the outdoor lot will be used for clients. While reducing large asphalt parking areas wherever possible is always commendable from an environmental standpoint, the proposal will still need a 25-space outdoor paved lot to meet its parking requirement due to the proposed scale of daycare operations at this location. The applicant is proposing numerous trees and shrubs to help buffer the outdoor parking area. Additionally, a six-foot board-on-board fence is proposed along the east side of the property to buffer the parking area from adjoining residential homes, and a four-foot metal fence is proposed to separate play areas from the adjoining roadways.

To reduce adverse traffic impacts of the daycare, the applicant has proposed a Transportation Management Plan (TMP), which is available at attachment 4. The applicant's special exception plan and elevations of the proposed building are shown below.

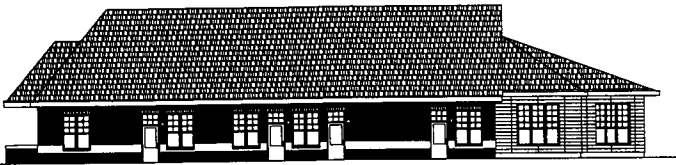
Elevations



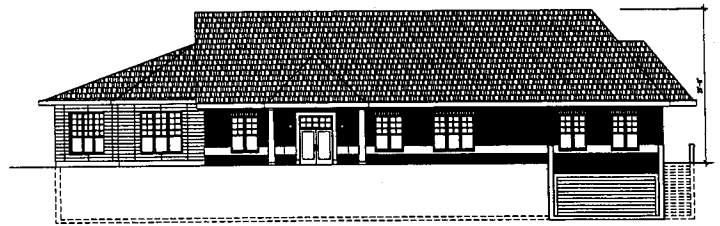
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① GILMOURE DRIVE ELEVATION
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III. ISSUES TO CONSIDER

A. Master Plan Guidance

The site is within the 1996 *Four Corners Master Plan*. It is not typical of many County plans to give specific guidance regarding the placement of special exceptions. However, the Four Corners Plan provides pointed language on the topic of special exceptions.

The Four Corners Master Plan provides three clear guidelines for special exceptions as part of its land use chapter (page 26). The guidelines reflect concerns about the impact of institutional or non-residential uses on otherwise residential communities. The first guideline addresses the larger issue of the location and establishment of special exceptions, while the next two guidelines address physical design elements for special exceptions.

In the first guideline, the Four Corners Master Plan strongly discourages special exceptions within certain locations of the Plan area. This language is reproduced below:

This Plan discourages special exceptions in residential areas immediately adjacent to the commercial district. Residential neighborhoods immediately adjacent to the Four Corners commercial district are particularly vulnerable to encroachment of non-residential uses, as are single-family homes along the major highways. Several single-family homes along the west side of Colesville Road between the Beltway and University Boulevard have been converted to office use by special exception. This location is suitable for special exception office use; however, residences or other special exception uses are not precluded. Special exception review should continue to pay particular attention to the number, type, and intensity of existing special exceptions as currently provided in the Zoning Ordinance (emphasis added).

As indicated in the excerpt above, the Plan specifically calls out an area on the west side of Colesville Road between the Beltway and University as suitable for special exception uses if the type and intensity of the special exception is compatible with the neighborhood. However, the subject property does not fall within this area recommended as suitable for special exceptions by the Plan. In fact, the subject property is located in the exact location where the Plan specifically discourages special exceptions – in a residential neighborhood immediately adjacent to the Four Corners commercial district and along a major highway. The subject property is part of the South Four Corners residential block that immediately adjoins the Four Corners commercial district to the west. Additionally, it is in a single-family zone located directly along University Boulevard, a major highway. Because of the subject property's location, the Plan's language should be given great weight as it clearly discourages the encroachment of non-residential uses, such as a large child daycare operation, within the South Four Corners residential neighborhood.

The next two guidelines specify design considerations that should be followed for any special exception request within the master-planning area. These considerations are reproduced below:

The Plan recommends reuse of existing structures for special exception uses, where feasible. If a use requires a new building, the Plan encourages designs that are residential in character and scale (emphasis added).

This Plan encourages the continued requirement for landscape plans for all special exception uses except accessory apartments. Landscape plans enhance the integration of a special exception use into the community by retaining grassed and landscaped front, side, and rear yards.

The above language serves to underscore that special exception uses in this master-planning area should be housed in existing single-family detached homes or, if new construction is necessary, then in a structure that is similar in character, appearance, and scale to the other residential homes in the area. Since the subject property is now a vacant lot, new construction will be necessary to accommodate the proposed child daycare center. As illustrated in the elevations shown earlier in the report, the proposed center incorporates architectural dressings

that provide aspects of residential appearance, but the size and scale of the proposed building is much greater than is typical for a neighborhood home and the size of the proposed parking facility is much larger than the typical driveway in the South Four Corners area. Furthermore, a 20 space structured garage is also not in character with a residential neighborhood, even though it is underground.

In analyzing other properties within the defined neighborhood, the proposed child daycare center is clearly at a larger scale than the typical residential dwellings of the neighborhood. On average, neighborhood homes measure 1,296 square feet of gross floor area on lots of approximately 7,260 square feet.⁴ In contrast, the proposed child daycare center is to be 6,430 square feet of gross floor area on a lot measuring 37,987 square feet. Alternatively, if analyzing building footprints, the child daycare center has a proposed footprint of 6,430 square feet, while the average building footprint for the rest of the neighborhood is only 1,207 square feet. The proposed parking area furthers this argument. The applicant must provide 45 parking spaces to meet zoning ordinance requirements. While the applicant has proposed a below-grade parking plan for 20 spaces in an attempt to lessen the impact of a large parking lot on the surrounding neighborhood (an attempt that is commendable), the outdoor parking area still has 25 spaces, which is substantially larger than the typical driveway in the neighborhood.

The applicant has argued that due to the subject property's large lot size, a single-family detached house that is even larger than the proposed daycare center could potentially be built on the site by right. While this is true, and the applicant has every right to pursue a single-family detached home on the site, the applicant is not proposing this course of action and has instead undertaken the special exception review process. During the special exception process, care is taken by this Agency to ensure master plan conformance and the proper size and scale of special exceptions in residential neighborhoods.⁵ Staff cannot find that the proposed child daycare is residential in size or scale given the other homes in the neighborhood. Accordingly, the proposal is not compatible with the defined neighborhood and is not consistent with the Four Corners Master Plan.⁶

The applicant has provided an adequate landscaping plan as recommended by the Master Plan.

B. Traffic and Parking Considerations

The proposal satisfies the Local Area Transportation Review (LATR) and the Policy Area Mobility Review (PAMR) tests. All proposed access to the site is from Gilmoure Drive and Brunett Avenue, which are secondary residential streets. Many in the community have raised transportation issues regarding the proposal, particularly referencing increased traffic associated with the proposed child daycare on the local neighborhood roads. Transportation

⁴ This figure does not include the park.

⁵ See §§59-G-1.21(a)(4) and G-1.23(g).

⁶ See Vision interoffice memorandum at attachment 1.

staff has estimated that the child daycare will generate 20 new peak-hour trips in the morning and 18 new peak-hour trips in the evening after accounting for pass-by and diverted trips.⁷

C. Environmental Issues

There are no environmental issues associated with the application.⁸

D. Community Involvement

There has been very heavy interest in the child daycare application over the past few months. Staff has met with community representatives from the South Four Corners Citizens Association and the Woodmoor-Pinecrest Citizens Association to listen to concerns regarding the application. Further, staff has received approximately 90 letters opposing the application. Two letters have supported the application. A separate attachment packet has been prepared for the Board with copies of all community correspondence and a cover sheet summarizing major areas of citizen concern.

IV. ZONING ORDINANCE ANALYSIS

A. Compliance with Development Standards

The subject property is located in the R-60 Zone. The proposal conforms to all technical development standards of the R-60 Zone, as shown on the table below.

⁷ See Transportation Planning interoffice memorandum at attachment 2.

⁸ See Environmental Planning interoffice memorandum at attachment 3.

Development Standard	Min/Max Required	Provided	Applicable Zoning Provision
Minimum Lot Area	6,000 sq ft	37,987 sq ft (0.87 acres)	§59-C-1.322(a)
Minimum Lot Width at Front Building Line	60 ft	178 ft	§59-C-1.322(b)
Minimum Lot Width at Street Line	25 ft	146 ft	§59-C-1.322(b)
Setback from Street	25 ft	35 ft	§59-C-1.323(a)
Side Setback from adjoining lot	8 ft	16 ft	§59-C-1.323(b)(1)
Rear Yard Setback	20 ft	n/a because corner lot	§59-C-1.323(b)(2)
Building Height	35 ft	31.3 ft	§59-C-1.327
Building Coverage	35 percent	17 percent	§59-C-1.328
Parking Facility Side Yard Setback for Special Exceptions in Residential Zone	16 ft	29 ft	§59-E-2.83(b)
Parking Requirement	<ul style="list-style-type: none"> • 1 space per employee = 25 spaces • 1 space per every 6 children = 20 spaces 45 spaces	45 spaces (25 surface spaces; 20 below-grade spaces)	§59-E-3.7

B. Inherent and Non-Inherent Adverse Effects

The standard of evaluation for a special exception requires consideration of the special exception's inherent and non-inherent adverse effects on nearby properties and the general neighborhood where it is proposed.⁹ Inherent adverse effects are the harmful effects caused by the physical and operational characteristics necessarily associated with the particular special exception use, irrespective of the size or scale of the proposed operations. Alone, inherent characteristics are not sufficient to constitute a denial of the application. Non-inherent adverse effects are any harmful effects caused by physical and operational characteristics of the proposed special exception not inherently associated with the special exception use. Or, alternatively, they could be adverse effects created by unusual characteristics of the site. An application can be denied based on non-inherent adverse effects.

Any analysis of inherent and non-inherent adverse effects must first establish what physical and operational characteristics are associated with a particular special exception use. According to recent cases decided by the Hearing Examiner¹⁰, the following are the inherent physical and operational characteristics necessarily associated with a child daycare center special exception: (1) a physical building, (2) parking areas, (3) lighting, (4) noise generated by children, (5) drop-off and pick-up areas, (6) outdoor play areas, (7) long hours of operation, (8) employees of the child daycare facility, (9) vehicular trips to and from the site, (10) signage, (11) delivery of supplies, and (12) trash pick-ups.

In the instant case, there are four non-inherent adverse effects of the proposed child daycare on the surrounding neighborhood that might not occur if the proposal were established elsewhere in the R-60 Zone: the effect of the physical size of the daycare building on surrounding properties, the effect of the large surface parking lot on surrounding properties, a below-grade parking facility that permits a larger building footprint and more children onsite, and noise generated from children playing outdoors. Except for the below-grade parking facility, all of the non-inherent adverse effects are inherent characteristics of a typical child daycare that are amplified by locating a child daycare of this degree on a small residential lot.

Any child daycare special exception located on the subject property will inherently have a building for the care of children, a parking area for pick-up and drop-off of kids, and noise from children. However, it is possible for a child daycare to be established on this site that does not have a building that is, on average, almost five times larger than the typical residential home in the surrounding neighborhood or an outdoor parking area that has 25 parking spaces – much larger than the typical neighborhood driveway. Although the below-grade parking area, on its surface, does not appear to have adverse impacts, the below-grade structure allows for a larger building footprint on the site. As already established, the large building size does not fit the existing character of the neighborhood.

⁹ §59-G-1.2.1.

¹⁰ See Hearing Examiner Report for S-2710 and SE 10-1.

The large building footprint also increases the amount of children cared for in the daycare. Moreover, although the ordinance requires 500 square feet of area per child, the applicant is requesting a waiver to 316 feet per child specifically so that a large number of children can be accommodated. The amount of noise generated from playing children on this particular site will be much different for a small-scale child daycare and a center that accommodates up to 120 children. On a lot that is less than an acre, noise from a few children may not create an adverse effect. In the alternative, noise generated from 120 children will likely be great and have an impact on surrounding properties. These amplified effects, which are unique to the subject property due to its small size and residential surroundings, are not residential in character as called for in the Master Plan and will adversely effect the surrounding neighborhood.

C. General Special Exception Requirements:

§59-G-1.21. General Conditions.

- (a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:
- (1) Is a permissible special exception in the zone.

Analysis: A child daycare center special exception is a permissible special exception in the R-60 Zone if all zoning standards are met.¹¹

- (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.

Analysis: The proposal does not meet all requirements of §59-G-2 (analysis given in subsection D below). Staff reiterates the sentiment in the above provision that compliance with technical zoning standards does not create a presumption that the proposed child daycare is compatible with nearby properties and does not require the Board to recommend approval of the special exception. The proposal is not compatible with the surrounding neighborhood.

- (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

¹¹ §59-C-1.31

be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

Analysis: As previously discussed, the proposal is not consistent with the 1996 Four Corners Master Plan.

- (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.

Analysis: This provision requires a finding that the proposal is compatible with the surrounding neighborhood. It has been long established that the proposed kind, location, size, and form of proposed structures, as well as effects upon the neighborhood, are considerations to be weighed in the determination of compatibility. Here, as previously discussed, the size, scale, and bulk of the proposed child daycare building and outdoor parking lot is not compatible and is not in harmony with the typical homes of the surrounding neighborhood. This finding is particularly strong given the Four Corners Master Plan guidance to ensure that new special exceptions are of a compatible residential size and scale.

- (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.

Analysis: Approval of the proposed child daycare center may present detrimental effects to the use and development of surrounding properties. As stated in the Vision memo, the approval of a special exception in this location could contribute to a commercialization of the long-established residential neighborhood adjacent to the contained commercial district of Four Corners.

- (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.

Analysis: While staff hesitates to classify noise or physical activity from the play of children objectionable, many letters from the community have expressed reservations about having up to 120 children at this location in a residential neighborhood. As previously stated, impact from noise would be greatly reduced if the daycare were smaller in scale. No objectionable vibrations, fumes, odors, dust, illumination, or glare will be associated with the proposal.

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

that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

Analysis: Although there is only one existing special exception in the defined neighborhood (a home occupation for a flower shop operating out of a single-family detached home), the approval of this special exception will affect the area adversely and may alter the predominant residential character given the specific master-planning guidance for the neighborhood.

- (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.

Analysis: There is no evidence that the proposed use will adversely affect the health, safety, security, morals, or general welfare of the residents, visitors, or workers in the area of the proposed special exception.

- (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 of subdivision must be a condition of granting the special exception.
- (B) If the special exception does not require approval of a preliminary plan of subdivision, the Board of Appeals must determine the adequacy of public facilities when it considers the special exception application. The Board 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.
- (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.

Analysis: The proposed special exception will be adequately served by existing public services and facilities. Police and fire services, water, and sanitary sewer are already established for the site. The proposal meets both the LATR and PAMR transportation findings.

- (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.

Analysis: No finding necessary.

- (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.

Analysis: The applicant is aware of this standard.

D. Specific Child Daycare Special Exception Standards

§59-G-2.13.1 Child Daycare Facility.

- (a) The Hearing Examiner may approve a child daycare 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;

Analysis: The applicant has satisfied this standard.

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

Analysis: The applicant has satisfied this standard.

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

Analysis: The applicant has satisfied this standard.

- (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

Analysis: The applicant has supplied an affidavit with the application materials.

- (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.

Analysis: As previously stated, the proposal will not be compatible with the surrounding neighborhood.

- (b) A child daycare 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, caliper, and species of all plant materials; and

Analysis: The applicant has satisfied this standard.

- (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:
 - (A) the facility will predominantly serve children of an age range that require limited outdoor activity space;
 - (B) the additional density will not adversely affect adjacent properties;
 - (C) additional traffic generated by the additional density will not adversely affect the surrounding streets; and
 - (D) adequate provisions for drop-off and pick-up of students will be provided.

Analysis: The applicant is requesting a waiver of the typically required 500-foot standard and is proposing only 316 square feet of lot area per child. As stated in the provision above, the Board may recommend a waiver of the 500-foot standard if the application meets all four of the above conditions.

Here, staff does not find that the applicant satisfies subsection (A) or (B) above. To recommend the waiver, the Board must find that (1) the applicant's facility predominantly serves children of an age that require limited outdoor activity space and (2) the additional density allowed on the site by allowing the waiver will not adversely affect adjacent properties. Additional density could mean either additional children allowed on site or, in the alternative, additional building mass. Staff cannot make either of the findings under (A) or (B).

Out of 120 total children cared for by the center, 90 children will be between the ages of two to 12. Children in this age range are likely to engage in substantial outdoor play. Therefore, a finding cannot be made that the applicant's facility predominantly serves children of an age that requires limited outdoor activity space.

As previously stated, the proposed center's size and scale is not compatible with the surrounding neighborhood. Maintaining the 500-foot standard per child will result in a smaller building – housing 75 children – and would encourage reductions in the amount of space needed for the pick-up and drop-off of children, which, in the current 25-space outdoor parking

configuration, creates a particularly non-residential atmosphere. A smaller facility may better meet guidelines that encourage special exceptions to be residential in character and scale. Given this reasoning, staff finds that supporting the waiver of the 500-foot standard effectively increases building density on the site and adversely affects adjacent properties.

V. STAFF RECOMMENDATION

Staff recommends that application S-2781, for a special exception to permit a child daycare center at 220 West University Boulevard, Silver Spring, Maryland, be denied.

VI. ATTACHMENTS

1. Vision Interoffice Memorandum
2. Transportation Planning Interoffice Memorandum
3. Environmental Planning Interoffice Memorandum
4. Applicant's proposed Transportation Management Plan (TMP)

From: Glen Richardson [gleninssmd@yahoo.com]
Sent: Thursday, June 09, 2011 11:45 AM
To: Orobona, Damon
Cc: gleninssmd@yahoo.com; Harriet Quinn
Subject: S-2781 (Gilmoure-Brunett): Neighborhood comments regarding petitioner's June 7 submission. With two attachments.
Attachments: Site-Plan-coloverlay-with-parking-in-pdf.pdf; 2011JUN09-DAYHILL-GODDARD-SCHOOLS.docx

June 9, 2011

Mr. Damon Orobona
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Reference: S-2781

Mr. Orobona:

I would like to share the neighborhood comments regarding petitioner's most recent revisions to special exception S-2781. Although the amendments slightly reduced the number of children, staff and building size, the changes are not material. The applicant has also introduced a significant parking shortage by providing only 28 of the required 36 parking spaces.

MASTER PLAN: The petitioner's revised special exception fails to meet the guidance of the Master Plan for use of special exceptions in residential areas immediately adjacent to the commercial district. At the December 16, 2010 Planning Board session, three witnesses who worked on the Master Plan in the mid-1990s testified to the intent of the Master Plan wording.

Petitioner's property at 220 West University Boulevard is in the block immediately adjacent to the Safeway Store at 116 West University Boulevard. The Safeway Store is the largest commercial activity in Four Corners. Further, Petitioner's property at 220 West University Boulevard was previously the site of a single-family home along the major highway before Petitioner razed the house more than two years after he purchased the property. The single-family home could have been used for a special exception. It could have been used to house a child day care center.

RESIDENTIAL CHARACTER & SCALE: Given the Planning Board's guidance that the original proposal was "much too large and out of character with the surrounding residential neighborhood," petitioner has literally cut the corner off the proposed building.

With a revised size of 5,469 square feet, the applicant has reduced the original 6,430 square feet by only 15% ($6,430 - 5,469 = 961 / 6,430 = 14.94\%$) At 5,469 square feet, the revised building is still 422% the size of the average residence in the defined neighborhood ($5,469 / 1,296 = 421.99\%$).

If measured by footprint, the proposed building is even larger than residences in the defined neighborhood. The footprint of the adjoining house at 413 Gilmoure Drive easily fits into the proposed

building six times. The proposed sunroom is larger than the adjoining footprint. The footprint of the proposed building is larger than the adjoining lot. The adjoining lot easily fits within the parking lot. Refer to the attached site plan with overlay of 413 Gilmoure Dr. for a visual display.

The petitioner has failed to use wall offsets to achieve compatible scale. The most visible side of the building facing West University Boulevard is a continuous plane in excess of 84 feet in length providing a distinct warehouse appearance. The size and scale of the proposed building will adversely alter the residential character of the neighborhood.

In their most recent submission, the petitioner has favorably compared their proposed building to other day care facilities. Both the Dayhill and Goddard schools have buildings larger than the petitioner's; however a review of the appropriate Master Plans, zoning, lot sizes, surrounding residences, building appearance and forest protection plans show the petitioner's building with 5,469 square feet is extremely out of scale for the less than one acre lot.

A quick comparison of the petitioner's 404 square feet per child with the 585 square feet at Dayhill and the 698 square feet at Goddard shows how out of scale the applicant's special exception is.

Refer to the attached comparison of Dayhill and Goddard Schools for a list of differences. The source of all information is either the Hearing Examiner's or the Staff's Technical reports.

500 SQUARE FEET PER CHILD: The zoning guidance of 500 square feet per child suggests the petitioner's 37,987 square foot lot is suitable for only 75 children. ($37,987 / 500 = 75.974$) Petitioner's request to decrease the 500 square feet per child standard to accommodate 25% more children ($94 - 75 = 19 / 75 = 25.33\%$), will cause a density adversely affecting adjacent properties.

The planned facility would serve children from ages 6 weeks old to 12 years old. Sixty-four of the children, over two-thirds ($94 - 30 = 64 / 94 = 68\%$) would be two years of age or older, an age range likely to engage in substantial outdoor play. The younger children will also need to be outside for some period of time. The noise of 94 children will be substantially greater than that of 75 children.

PARKING DEFICIENCY: A substantial parking deficiency has been introduced by the petitioner since the original application. The petitioner now plans to provide only 28 of the 36 required parking spaces.

Providing less than 78% ($36 - 28 = 8 / 36 = 22.2\%$) of the required parking will have an adverse impact on the neighbors. Our homes are 60-70 years old and were built without driveways or parking pads. We rely on street parking and compete on a daily basis with non-residential drivers from Safeway, students at Blair High School, and employees from the US Post Office for the few available street spaces. The neighbors have already implemented permitted parking.

Providing only 28 parking spaces for 20 staff also raises concerns about adequate space for drop-off and pick-up of children. With 94 parents competing for 8 parking spaces, it will be impossible for the parents to avoid queuing on Gilmoure Dr. (the only entrance) as they wait for a parking space. This is not compatible with recommendation two of the December 4, 2010 Transportation Planning Interoffice Memorandum included as attachment two in the December 6, 2010 Technical Report.

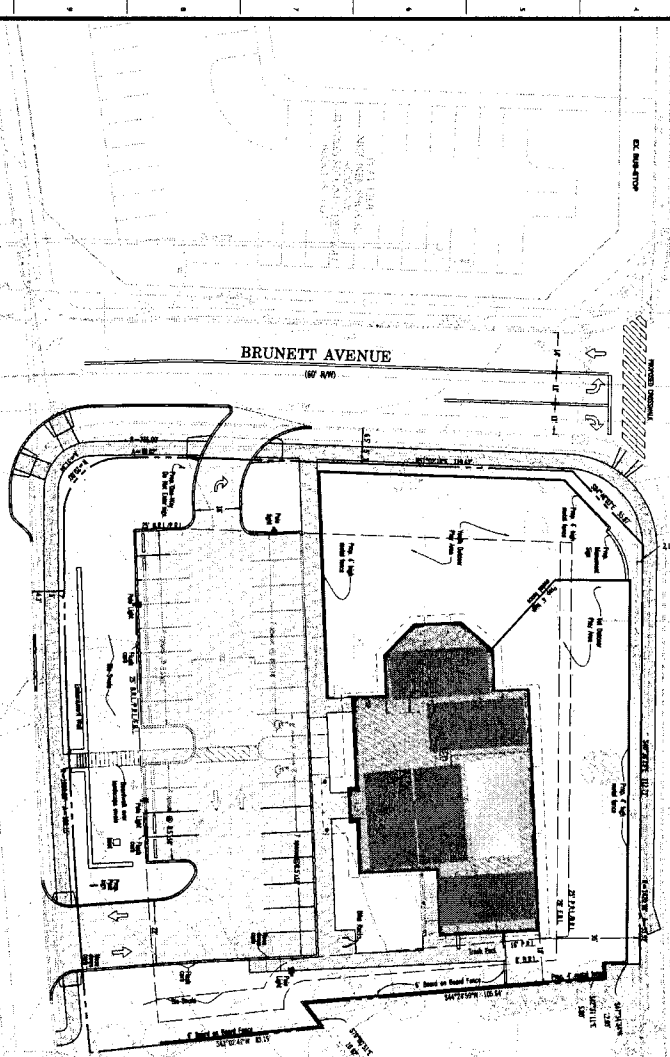
For the above reasons, we believe the applicant's revised special exception fails to meet the Four Corners Master Plan and the Zoning Ordinance.

Respectfully,

Glen Richardson
409 Gilmore Drive
Silver Spring, MD 20901

Attachments:

Site plan with overlay of 413 Gilmore Dr.
Comparison of Dayhill and Goddard Schools



UNIVERSITY BOULEVARD MD RT. 198
 SHOWN PLAN 100' R/W

PREPARED FOR:
GILMORE BRUNETT, LLC
 PROJECT TEAM:
 LAND USE ATTORNEY: Linnell and Blocker
 ARCHITECT: Nelson Architecture, PC
 CONSTRUCTION CONSULTANT: Eberhard Construction

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NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLANS	11/15/11	SS
2	REVISIONS		
3	REVISIONS		
4	REVISIONS		
5	REVISIONS		
6	REVISIONS		
7	REVISIONS		
8	REVISIONS		
9	REVISIONS		
10	REVISIONS		
11	REVISIONS		
12	REVISIONS		



GREENHORNE & O'MARA
 CONSULTING ENGINEERS
 2810 CENTRAL BOULEVARD, SUITE 200
 ROCKVILLE, MARYLAND 20854
 PHONE: (301) 444-8393 FAX: (301) 444-8181

SITE PLAN FOR SPECIAL EXCEPTION
Gilmore Brunett LLC/Child Day Care
 220 West University Boulevard, Silver Spring MD
 PLAN 17422 200 LOT 13 BLOCK P
 MONTGOMERY COUNTY, MARYLAND

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLANS	11/15/11	SS
2	REVISIONS		
3	REVISIONS		
4	REVISIONS		
5	REVISIONS		
6	REVISIONS		
7	REVISIONS		
8	REVISIONS		
9	REVISIONS		
10	REVISIONS		
11	REVISIONS		
12	REVISIONS		



GENERAL NOTES

1. All dimensions are in feet and inches.
2. All setbacks are from the centerline of the street unless otherwise noted.
3. All easements are shown on the site plan.
4. All utility lines are shown on the site plan.
5. All existing structures are shown on the site plan.
6. All proposed structures are shown on the site plan.
7. All proposed parking spaces are shown on the site plan.
8. All proposed landscaping is shown on the site plan.
9. All proposed signage is shown on the site plan.
10. All proposed lighting is shown on the site plan.
11. All proposed fencing is shown on the site plan.
12. All proposed site work is shown on the site plan.

DEVELOPMENT STANDARDS (R-60 ZONE)

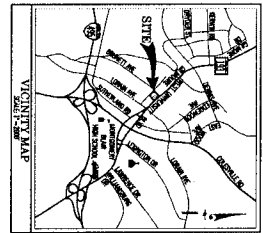
REQUIREMENT	MINIMUM	MAXIMUM
Lot Area (R-60-C.1.1)	4,000 S.F. MIN.	37,000 S.F. MAX.
Lot Width (R-60-C.1.2)	20 FT. MIN.	100 FT. MAX.
Lot Depth (R-60-C.1.3)	25 FT. MIN.	100 FT. MAX.
Setback from Street (R-60-C.1.4)	10 FT. MIN.	25 FT. MAX.
Setback from Side Yard (R-60-C.1.5)	5 FT. MIN.	10 FT. MAX.
Setback from Rear Yard (R-60-C.1.6)	5 FT. MIN.	10 FT. MAX.
Building Footprint (R-60-C.1.7)	10 FT. MIN.	30 FT. MAX.
Building Height (R-60-C.1.8)	10 FT. MIN.	30 FT. MAX.
Building Area (R-60-C.1.9)	4,000 S.F. MIN.	4,000 S.F. MAX.
Number of Units (R-60-C.1.10)	1 UNIT MIN.	1 UNIT MAX.
Number of Stories (R-60-C.1.11)	1 STORY MIN.	1 STORY MAX.
Number of Bedrooms (R-60-C.1.12)	1 BEDROOM MIN.	1 BEDROOM MAX.
Number of Bathrooms (R-60-C.1.13)	1 BATHROOM MIN.	1 BATHROOM MAX.
Number of Living Areas (R-60-C.1.14)	1 LIVING AREA MIN.	1 LIVING AREA MAX.
Number of Dining Areas (R-60-C.1.15)	1 DINING AREA MIN.	1 DINING AREA MAX.
Number of Kitchens (R-60-C.1.16)	1 KITCHEN MIN.	1 KITCHEN MAX.
Number of Bedrooms (R-60-C.1.17)	1 BEDROOM MIN.	1 BEDROOM MAX.
Number of Bathrooms (R-60-C.1.18)	1 BATHROOM MIN.	1 BATHROOM MAX.
Number of Living Areas (R-60-C.1.19)	1 LIVING AREA MIN.	1 LIVING AREA MAX.
Number of Dining Areas (R-60-C.1.20)	1 DINING AREA MIN.	1 DINING AREA MAX.
Number of Kitchens (R-60-C.1.21)	1 KITCHEN MIN.	1 KITCHEN MAX.

PARKING TABULATION

ACTIVITY	SPACES REQUIRED	SPACES PROVIDED
Residential (1 space per 1,000 sq. ft.)	40	40
Commercial (1 space per 300 sq. ft.)	10	10
Public (1 space per 100 sq. ft.)	5	5
Other (1 space per 500 sq. ft.)	2	2
TOTAL	57	57

TRACT AREA TABULATION

TRACT	AREA (S.F.)	AREA (AC.)
Tract 1	10,000	0.23
Tract 2	10,000	0.23
Tract 3	10,000	0.23
Tract 4	10,000	0.23
Tract 5	10,000	0.23
Tract 6	10,000	0.23
Tract 7	10,000	0.23
Tract 8	10,000	0.23
Tract 9	10,000	0.23
Tract 10	10,000	0.23
Tract 11	10,000	0.23
Tract 12	10,000	0.23
Tract 13	10,000	0.23
Tract 14	10,000	0.23
Tract 15	10,000	0.23
Tract 16	10,000	0.23
Tract 17	10,000	0.23
Tract 18	10,000	0.23
Tract 19	10,000	0.23
Tract 20	10,000	0.23



June 9, 2011 Comparison of Dayhill & Goddard Child Day Cares to S-2781 (Gilmoure-Brunett)

	S-2710 DAYHILL SCHOOL	S-2759 GODDARD SCHOOL
REFERENCE	Hearing Examiner's report.	Staff Technical report.
MASTER PLAN	Master Plan says to build a DAY CARE on this very space!	Master Plan says we need services including DAY CARE so build anyplace in the area. No neighborhood opposition.
LOT SIZE	1.85 acres or 80,802 square feet for day care	5 acres or 197,723 square feet
CHILDREN / STAFF	138 children 23 staff	283 children (120 after school only) 41 staff
SQUARE FEET PER CHILD	585	698
REQUIRED PARKING	46	89
PROVIDED	52	60 Over 4.2 acres are heavily wooded and within the Clarksburg Special Protection Area (SPA). Per page 4 of the technical report: 'Environmental guidelines for SPAs require consideration of various tool designed to minimize storm water run-off and site imperviousness.' Page 14 'One way to accomplish a reduction on impervious areas is to reduce the number of parking spaces which the applicant has done.'
BUILDING SIZE	9,004 square feet	One @ 13,000 square feet Another @ 7,500 square feet.
ZONING	The 3.07 acre lot is split zoned C-T & R200 A bank is on the C-T side, while the day care will be on the R200 side with 1.85 acres.	R200 (20,000 SF)
RESIDENTIAL APPEARANCE	Defined neighborhood has townhouses on 3 sides (N, E & W). On page 64 of report the land planner says: 'the building itself is about the size of a stick of eight townhouses.'	Defined neighborhood is very large houses on very large lots. The forest conservation plan leaves a perimeter of trees around the building for additional buffer. See images on pages 42 & 48. Page 16 'The building proposed is divided into distinctive planes and offsets that make the building appear smaller than actually provided.'
OTHER FACTS		Only entrance & exit is on a state highway, MD355.