

Special Exception Request S-2857, Layhill Learning Center, Inc. (ABC Learning Center)

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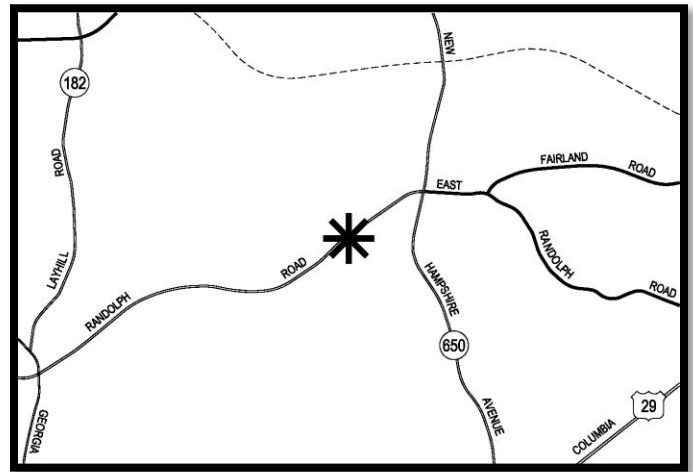
Completed 1/3/13 Updated: January 10, 2013

Notice Dates—not applicable

Description

- 170 Randolph Road, Silver Spring;
- R-200 Zone, 1997 *White Oak Master Plan*;
- Approximately 39,846 square feet;
- Request for a special exception to expand an existing child daycare from 30 to 62 children, under §59-G-2.13.1.

The public hearing is scheduled for February 1, 2013.



Summary

Staff recommends approval with conditions. The application complies with the general conditions and standards for grant of a special exception for a daycare, subject to the applicant receiving a waiver of the double side yard setbacks for the proposed parking facility and a variance from the Sign Review Board. The application does not conflict with any land use recommendations of the applicable master plan or alter the residential character of the area, and is unlikely to result in any unacceptable noise, traffic, or environmental impacts on surrounding properties.

Conditions of Approval

1. Physical improvements are limited to those shown on the site and landscape plan submitted with the application, as provided in Attachments 2 and 3.
2. The daycare use is limited to 62 children and 11 staff, including the Director.
3. The hours of operation must be limited to 7:00 a.m. until 6:30 p.m., with the first employee arriving at 6:30 a.m., and leaving no later than 7:00 p.m., Monday through Friday.
4. Outdoor play times must be staggered. No more than 15 children at a time can be in the outdoor play area.
5. The applicant must seek a waiver of the parking facility side yard setbacks required under §59-E-2.83(b).
6. The applicant must seek a sign variance, under Article 59-F.
7. The applicant must pay \$11,700 to the Montgomery County Department of Transportation to mitigate the one new vehicle trip generated during peak traffic periods.
8. Drop-offs and pick-ups should be limited to 11 vehicles at any one time.

i. Project Description

The applicants, Monika and Jalindar Mahabare, are requesting a special exception to expand an existing child daycare from 30 to 62 children. The Mahabare's have been operating a child daycare of 30 children at this location since 2002 (SE 02-02). The applicants do not live in this single-family detached house, and use the entire structure for a child daycare facility. The main floor includes a kitchen, three learning rooms, three bathrooms and the director's office (see Attachment 1). Each area of the house is designed for specific age groups, with the main floor to have children three years old and younger. The basement of the house is for the four- and five-year olds, and includes two bathrooms and a learning area. The main entrance to the proposed daycare is through the front door of the residence. The door is illuminated with standard residential-type lighting.

Table 1 below illustrates the proposed enrollment increases by program type.

Table 1: ABC Layhill Learning Center Enrollment

Current Program	Existing Enrollment	Proposed Enrollment
Group A (2 years old)	6	12
Group B (3 years old)	5	10
Group C (4 years olds)	5	10
Group D (5 years old)	5	15
Group E (6 weeks to <18 months)	6	6
Group E (>18 months to <2 years)	3	9
Total Enrollment	30	62

The existing hours of operation are Monday through Friday, 6:30 a.m. – 7:00 p.m., with children arriving no earlier than 7:00 a.m. and departing no later than 6:30 p.m. The hours of operation are not the subject of the proposed special exception. In order to accommodate the increase of children, the applicant is requesting staff increase from 6 to 11, minor interior alterations to the

existing interior of the dwelling unit, and the reallocation of classroom space. The current and proposed age range of the children attending the center is from 6 weeks to 6 years. Before- and after-school care is provided at the site, and only children who can be bussed to and from a local school are enrolled. Staff at the center escorts these children to and from the bus stop. There is a “summer camp” at the site; however, it consists of the same children attending the daycare center throughout the school year. The hours of operation are the same, and periodically the school-aged children take a field trip. Transportation for the field trips occurs during off peak hours, and is provided by rented school buses.

The applicant is proposing to expand the existing parking lot from the current 11 spaces to 21, including a van accessible parking space. Spaces 2 through 10 will be reserved for visitors and drop-off/pick-up of children, while spaces 11 through 21 are reserved for staff. There is a handicapped space (space #1) proposed for use of an individual needing it. The applicant is requesting a waiver of the minimum side yard setback for the parking lot, under §59-E-4.5 of the Zoning Ordinance to accommodate the existing parking facility and the proposed expansion of the parking area. Currently, the Code requires any parking facility used for a special exception within a residential zone to maintain double the minimum required side yard setbacks. The side yard setback for the R-200 Zone is 12-feet. Therefore, the parking facility would need to be 24-feet from the common boundary of Lot P1 (see Attachment 2). The proposed setback is 12-feet.

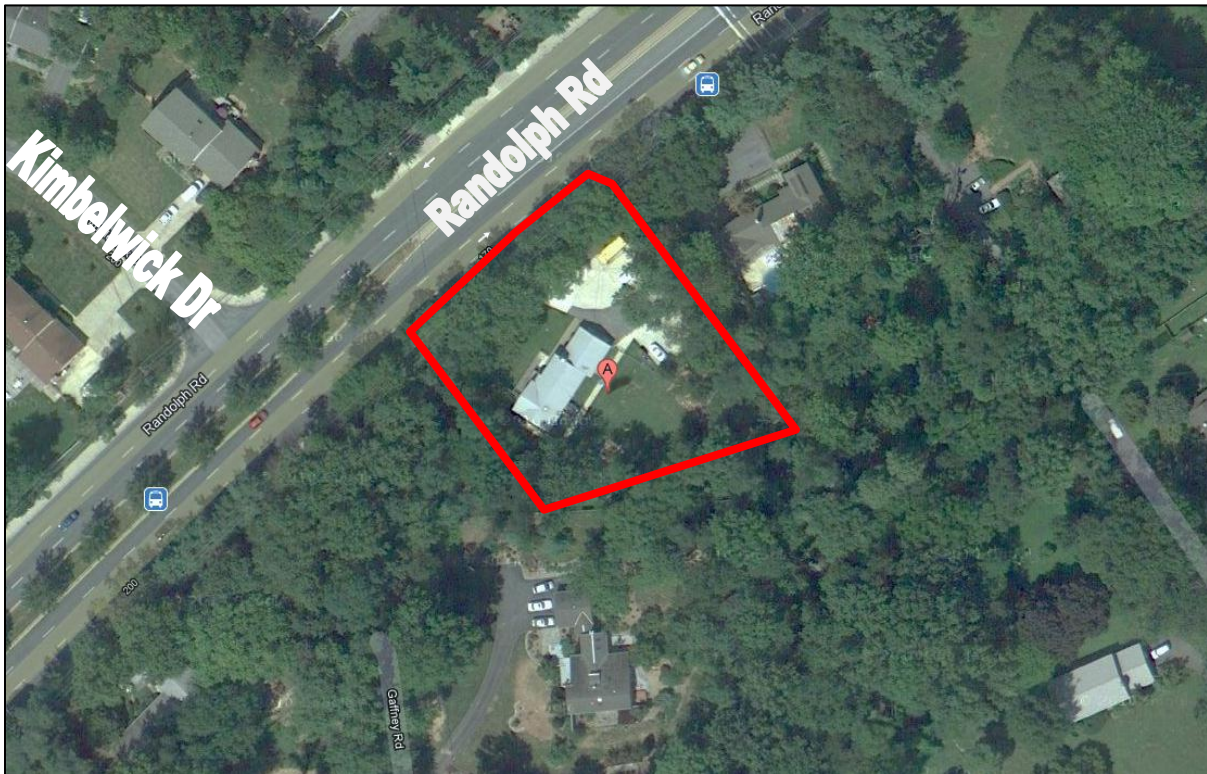
Several new light fixtures will be installed with timers. The proposed lights are four-sided lanterns that have reflectors deflecting any light away from the property lines, and towards the parking areas. The lighting fixtures will be mounted on a 14-foot pole and look like typical residential lights found along a driveway.

The applicants are not proposing to remove any existing trees. They are proposing to plant three additional oak trees adjacent to the parking facility, in the rear of the lot to provide shade. Several additional shrubs will be placed at the front of the property to buffer the existing parking area (see Attachment 3).

ii. Site and Neighborhood Description

The site is an irregularly shaped parcel containing 39,846 square feet of land and is located at 170 Randolph Road, on the south side of Randolph Road east of Georgia Avenue, less than one mile west of New Hampshire Avenue. Roads closest to the site are Kimblewick Drive and Hammonton Place. The site is adjacent to Gaffney Road, which is a paper street (see Attachment 4).

The site is improved with a single-family, detached residential structure, measuring 3,137 square feet, including the basement and garage. Site access is provided by a curved driveway sloping up from Randolph Road. Access to and from this site is by right-in and right-out, only. The site is elevated approximately 10-feet above the grade of Randolph Road and adjacent properties (see Attachment 5).



The site is surrounded by residential houses in the R-200 Zone (see Attachment 4). The only special exceptions in the immediate vicinity are two accessory apartments, approved in 1985 and 2009, and a home occupation approved in 1989.

iii. Master Plan Conformance

This site is located within the boundaries of the 1997 *White Oak Master Plan*. The Master Plan does not contain any specific recommendations for this property or for the neighborhood. A major land use objective of the Master Plan is to “ensure livable communities for the future by protecting and strengthening their positive attributes and encouraging development that will enhance the communities “function” (page 16). The Master Plan states that excessive special exceptions for non-residential uses along major transportation corridors, such as Randolph Road, should be avoided. Further, the Master Plan states that the evaluation of new requests for special exception uses with regards to their impact on the character and nature of the residential neighborhoods in which they are proposed, should be compatible with their surroundings, and front yard setbacks maintained. Noting particularly that front yard parking should be avoided, and side and rear parking should be screened from view, the Master Plan suggests that any modifications or additions be compatible with the character and scale of the adjoining neighborhood.

The Master Plan also recognizes the importance of daycare uses within the planning area. Specifically, the Master Plan supports the provision of child daycare facilities at appropriate locations.

Staff believes that the proposed application is consistent with the Master Plan objectives, as the applicant is not proposing to alter the existing residential appearance of the property to accommodate this request, and is maintaining the residential appearance of this site. The parking for the proposed special exception is along the side and rear of the property, and the front yard is maintained. The parking area is minimally visible from the street. Additionally, the proposal provides for sufficient landscaping to screen the parking area from view. There is not an over concentration of special exception uses within the neighborhood.

iv. Transportation Planning

The 1997 *White Oak Master Plan* designates Randolph Road as a major highway, (M-17), with a 120-foot wide right-of-way. The 2005 *Countywide Bikeways Functional Master Plan* recommends a shared use path, (SP-26), on the north side of the road (see Attachment 6). The site is served by two bus routes: Metrobus, Route C8; and Ride On, Route 10. Bus stops are located within 200 feet west and 300 feet east of the subject property. There is one point of access to this site via a 20-foot wide driveway, which slopes upward to the parking area.

The subject property is within the Fairland/White Oak Policy Area. The Critical Lane Volume (CLV) for the Fairland/White Oak Policy Area is 1,475 vehicle trips, and the Policy Area Mobility Review (PAMR) trip mitigation rate is 45% of the new trips. Staff identified two intersections as critical intersections affected by the proposed development: Randolph at Kemp Mill; and Randolph at Locksley Lane. Staff also evaluated the entrance to the subject site against CLV standards. It is anticipated that the proposed development will meet Local Area Transportation Review (LATR) requirements of the Adequate Public Facilities (APF) review. Table 2 shows the existing, background (existing plus approved, but not built), and total future (background plus proposed use) number of vehicle trips during the a.m. and p.m. peak hours.

Table 2: Intersection Capacity Analysis

Studied Intersection	Critical Lane Volume						
	CLV Standard	Existing		Background		Total Future	
		AM	PM	AM	PM	AM	PM
Randolph Road & Kemp Mill Road	1,475	1,171	1,145	1,187	1,182	1,187	1,183
Randolph Road & Site Driveway	1,475	468	818	485	855	490	863
Randolph Road & Locksley Lane	1,600	1,051	891	1,097	928	1,100	930

As proposed, the project will generate a total of 8 vehicle trips in the a.m. peak period and 11 vehicle trips in the p.m. peak period (see Table 3). However, the proposal will generate one net new trip in the a.m. peak period and three net new vehicle trips in the p.m. peak period. To mitigate 45% of the new peak hour trips under PAMR, the applicant will be required to make a lump sum payment of \$11,700 to the Montgomery County Department of Transportation.

Table 3: Trip Generation Rates

		Trip Generation Totals					
		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing Facility (6 staff)	New (Primary) Trips	5	4	9	4	3	8
	Pass-by Trips	4	4	8	1	2	3
	Diverted Trips	6	5	11	9	9	17
	Total (Existing) Trips	15	13	28	14	14	28
Proposed Facility (11 staff)	New (Primary) Trips	6	5	11	5	6	11
	Pass-by Trips	5	5	10	2	2	4
	Diverted Trips	8	7	15	12	12	24
	Total (Proposed) Trips	19	17	36	19	20	39
Resulting Increase in Trips	New (Primary) Trips	1	1	2	1	3	3
	Pass-by Trips	1	1	2	1	0	1
	Diverted Trips	2	2	4	3	3	7
	Net Trips	4	4	8	5	6	11

v. Environmental Planning

The property is within the Northwest Branch watershed - a Use IV watershed. The proposed project does not have any proposed activities within any streams, wetlands, or environmental buffers, and is in compliance with the Environmental Guidelines.

This site is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). However, this property is exempt from the requirements of submitting a Forest Conservation Plan per 42011135E (FCP Exemption), approved on September 27, 2011. This exemption covers an activity occurring on a tract less than one acre that will not result in the clearing of more than 20,000 square feet of existing forest, or any specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet. Any changes from the approved exemption may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a separate amendment must be submitted to M-NCPPC for review and approval prior to those activities occurring (see Attachment 7).

vi. Community Comment

Staff has received two letters from the community - one in support (Attachment 8) and one in opposition (Attachment 9) to the proposed special exception. The letter in support is from the adjacent property owner at 160 Randolph Road, stating that the ABC Learning Center does not make a lot of noise, and the operators maintain their property very well.

In the opposition letter, claims are made that the increase in enrollment risks changing the nature of the neighborhood into a commercial area, and that there is not enough space for the children. Staff believes these concerns have been addressed to the extent possible, as thoroughly discussed in this staff report.

vii. Standards for Evaluation

The Zoning Ordinance specifies standards for evaluating compliance with general and specific conditions that require an analysis of inherent and non-inherent adverse effects. The first step in analyzing the inherent and non-inherent adverse effects of a special exception is to define the boundaries of the surrounding neighborhood, outlined in Section II above for this application (see Attachment 4).

An analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and the environment. Every special exception has some or all of these effects in varying degrees. What must be determined during the course of review is whether these effects are acceptable or would create adverse impacts sufficient to result in denial. To that end, inherent effects associated with the use must be determined. In addition, non-inherent effects must be determined as these effects may, by themselves, or in conjunction with inherent effects, form a sufficient basis to deny a special exception.

The physical and operational characteristics necessarily associated with a child daycare include: (1) vehicular trips to and from the site; (2) outdoor play areas; (3) noise generated by children; (4) drop-off and pick-up areas; and (5) lighting.

There are no significant traffic impacts that would result from the proposed special exception, as there will be only four new trips to and from the site. Outdoor play areas are adequate, and a slight increase in noise will be generated by the additional children. Further, all 62 children would not be outside at once, rather staggered throughout the day. The maximum number of children that would be outside at any one time would be 15, which is representative of the largest group of children, the 5-year olds. The lighting on the property is adequate and consistent with the residential character of the neighborhood. The site is well landscaped, and a six-foot high board fence surrounds the property's edge. Additionally, a chain link fence is on the interior of the property, and further separates the children's playing area from the neighbors. The applicant is providing three-foot high shrubs to screen the existing parking areas from the road. The additional parking areas will be located to the rear and side of the property and are well screened from the adjacent residential properties.

Staff finds that the size, scale, and scope of the requested use are acceptable, and that any noise, traffic, neighborhood disruption, or environmental impacts associated with the use would be slight. Staff does not find any the non-inherent characteristic of this application.

viii. Conditions for Granting a Special Exception

a. §59-G-1.2.1 General Conditions

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

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

Staff Analysis: A child daycare use is a permissible special exception in the R-200 Zone.

(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.

Staff Analysis: Based on the applicant's submittal, the proposed use would comply with the standards and requirements of §59-G-2, subject to the applicant receiving a waiver of the side yard setbacks for a parking facility, as necessitated in §59-G-1.23(b). As discussed in the parking section within section viii, 8b, of this report, the proposed parking facility does not reduce the protection of the health, safety and welfare of those who use any adjoining land; there is not a reduction in pedestrian and motorist safety; and there is optimum safe circulation of traffic within the parking facility.

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

Staff Analysis: This site is located within the boundaries of the 1997 *White Oak Master Plan*. The Master Plan does not contain any specific recommendations for this property or for the neighborhood. The Master Plan does contain specific recommendations with regards to the approvals of new special exceptions along major corridors, such as Randolph Road. It states that new special exceptions should be compatible with their surroundings, and front yard setbacks maintained. The Master Plan particularly states that front yard parking should be avoided, and side and rear parking should be screened from view, and suggests that any modifications or additions be compatible with the character and scale of the adjoining neighborhood.

The applicant is proposing internal modifications, but the exterior of the single-family detached structure is to remain intact; therefore, the existing building will remain compatible with the surrounding neighborhood. The proposed expansion of the parking facility will occur in the side and rear yards and is buffered with a 6-foot stockade fence and several types of deciduous trees and shrubs. The front yard setback will be maintained.

This special exception request will not conflict with any land use goals of the master plan, and the residential character of the neighborhood will not be adversely affected.

- (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.*

Staff Analysis: The one-family detached dwelling unit, in which the daycare operates, will not undergo exterior alterations and will continue to be in harmony with the typical homes of the surrounding neighborhood. The intensity of activity, traffic, and parking conditions will not alter the general character of the neighborhood.

- (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.*

Staff Analysis: The proposed daycare will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood as it does not create any objectionable adverse impacts.

- (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.*

Staff Analysis: The proposed use will not cause any objectionable adverse effects. There are no exterior renovations proposed. As with the previous approvals for the current use on site, the children will continue to have alternate outdoor playing times. The outdoor play times will be during the main part of the day, while most neighbors are at work. Additionally, the grade separation and heavily treed areas around the structure will further buffer any surrounding residences from noise.

- (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.*

Staff Analysis: Staff identified three special exceptions within the staff-defined neighborhood (see Attachment 4). The addition of the proposed special exception will not result in an excessive concentration of special exception uses in general, or daycare uses in particular, and will not adversely affect the area or alter its residential character.

(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.*

Staff Analysis: The proposed daycare use will cause only a marginal increase in activity in the neighborhood, and therefore will not have any adverse effects on residents, visitors, or workers in the area.

(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 adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception.*

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 Management 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.*

Staff Analysis: This site is not subject to preliminary plan of subdivision and therefore, this special exception is reviewed under B, above. The available public facilities are adequate to serve the proposed use. Additionally, the proposal will not reduce the safety of vehicular or pedestrian traffic.

b. §59-G-1.23 General Development Standards

(a) **Development Standards.** *Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.21 or in Section G-2.*

Staff Analysis: This site is located in the R-200 Zone. A comparison of the R-200 Zone standards with the applicant's proposal is in Table 3. Staff finds that the proposed special exception application meets the required development standards of the zone, except for the parking requirement discussed below.

Table 3: Applicable Development Standards – R-200 Zone

Development Standards	Required	Provided
Maximum Building Height:	50 ft.	25 ft.
Minimum Lot Area	20,000 sq. ft.	39,846 sq. ft.
Minimum Width at Proposed Street Line:	25 ft.	± 160ft.
Minimum Front Yard Setback:	40 ft.	± 59ft.
Minimum Side Yard Setback:	12 ft.	67ft.
Minimum Rear Yard Setback:	30 ft.	± 190 ft.
Parking Facility Side Yard Setback for Special Exceptions in a Residential Zone (§59-E-2.83)	24 ft.	12 ¹
Parking Requirement (§59-E-3.7)	<i>1 space for each employee; 1 space per 6 children</i> 11 staff X 1 = 11 62 children/6 = 11 Total = 22	22

(b) **Parking Requirements.** *Special Exceptions are subject to all relevant requirements of Article 59-E.*

Staff Analysis: The proposed special exception request meets the parking requirements of Article 59-E, with the exception of §59-E-2.83(b), which requires a parking facilities setback twice the standard side yard setback for special exception uses in a residential zone. Therefore, a minimum of 24-foot setback (2 X 12’) is required for the parking facility along the side yard line. The current parking facility’s side yard setback from the adjoining lot is 12 feet. The applicant is proposing to retain the existing parking facility and expand it by four parking spaces along the side yard setback, with the remaining spaces to be in the rear yard.

The applicant is seeking a 12-foot waiver of the side yard setback requirement for parking facilities in accordance with §59-E-4.5 Waiver – parking standards, which allows a waiver by the Board of Appeals or Hearing Examiner of any

¹ The site was previously built under the zoning code, which did not require the double side yard setback. The applicant is requesting a waiver of the minimum side yard for the proposed parking expansion.

requirement in Article 59-E that is not necessary to accomplish the objectives of Section 59-E-4.2, Parking facilities plans objectives. The objectives of parking facilities plans are as follows:

- (a) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include, but shall not be limited to, the reasonable control of noise, glare or reflection from automobiles, automobile lights, parking lot lighting and automobile fumes by use of perimeter landscaping, planting, walls, fences or other natural features or improvements.
- (b) The safety of pedestrians and motorists within a parking facility.
- (c) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exits to public roads so as to reduce or prevent traffic congestion.
- (d) The provision of appropriate lighting, if the parking is to be used after dark.

Staff supports the parking facility waiver because the proposed parking facility will not diminish the objectives of Section 59-E-4.2. The applicant is not proposing to move the existing parking facility (which currently consists of 11 parking spaces), and the proposed expansion of the existing parking facility by four parking spaces (along the side yard) will not disturb existing vegetation or the existing 6-foot high board fence along the eastern property line. Any lighting from cars parked along the eastern side of the house will be shielded by the board fence. The proposed lighting does not exceed the maximum footcandles allowed for a special exception use. Lighting for the parking facility will also be on a timer. There are no safety concerns with regards to pedestrians and motorists within the proposed parking facility, and adequate circulation exists. The entrance and exit to the public road are sufficient.

(a) **Minimum Frontage.** *For the following special exceptions the Board may waive the requirement for a minimum frontage at the street line if the Board finds that the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of Section 59-G-1.21:*

- (1) *Rifle, pistol and skeet-shooting range, outdoor;*
- (2) *Sand, gravel, or clay pits, rock or stone quarries;*
- (3) *Sawmill;*
- (4) *Cemetery, animal;*
- (5) *Public utility buildings and public utility structures, including radio and TV broadcasting stations and telecommunication facilities;*
- (6) *Equestrian facility;*
- (7) *Helipport and helistop.*

Staff Analysis: Not applicable, since the proposed use is for a child daycare is not included in the above list. The application satisfies the minimum frontage requirements of the R-200 Zone.

- (d) **Forest conservation.** *If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.*

Staff Analysis: This site is subject to Chapter 22A, Montgomery County Forest Conservation Law; however, this property is exempt from the requirements of submitting a Forest Conservation Plan per 42011135E (FCP Exemption), approved on September 27, 2011.

- (e) **Water quality plan.** Not Applicable. The site is not in a Special Protection Area.

- (f) **Signs.** *The display of a sign must comply with Article 59-F.*

Staff Analysis: The applicant is proposing a freestanding sign that is 24 inches by 36 inches in size, double-sided with lettering of a dark color on a contrasting lighter color background. The sign will be located at the end of the driveway, approximately at the same location as the existing sign (see Attachment 5). The applicant must secure a sign variance for the proposed sign, as the proposed sign area exceeds the two-square foot area allowed under Article 59-F.

- (g) **Building compatibility in residential zones.** *Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping, scale, bulk height, materials and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.*

Staff Analysis: Not applicable. The proposed daycare is located in an existing structure and does not require any exterior building modifications.

- (h) **Lighting in residential zones.** *All outdoor lighting must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:*

- (1) *Luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.*
- (2) *Lighting levels along the side and rear lot lines must not exceed 0.1 foot-candles.*

Staff Analysis: The applicant proposes five, 4-sided lantern-style lights, mounted on 14-foot poles to illuminate the driveway and parking facility for the proposed special exception. The proposed lighting is located, shielded, and buffered so that no direct

light intrudes into the adjacent residential properties. Lighting levels along the side and rear lot lines will not exceed 0.1 footcandles. Additionally, there are seven wall-mounted lantern-style lights proposed at various locations on the existing building. These lights will illuminate the entrances and exits, and walkways to provide safe access to and from the site by foot. All lights will be on timers, and appear as typical residential-style lights. Staff concludes that the proposed lighting meets the requirements.

ix. Conditions for Granting Child Day Care Facility (§59-G-2.13.1)

(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.*

Staff Analysis: The applicant has submitted site and landscape plans that satisfy these requirements (see Attachment 3).

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

(A) *Existing parking spaces are available on adjacent property or on the street abutting the site that will satisfy the number of spaces required; or*

(B) *A reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems;*

Staff Analysis: The applicant meets the parking regulations of Article 59-E and satisfies this requirement, subject to the applicant receiving a waiver in the required double side yard setback, as discussed in Section viii, above.

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

Staff Analysis: Adequate on-site discharge and pick-up area exists for the children (see Attachment 2). The proposed special exception request is providing ample parking spaces needed for drop-off of children to the facility. In addition, and as modified by this request, parental contracts must indicate the drop-off and pick-up times for children attending the center.

(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*

Staff Analysis: The applicant has supplied such an affidavit with the application materials (see Attachment 10).

(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.*

Staff Analysis: As previously stated in the General Conditions section above, the proposal will be compatible with the surrounding neighborhood.

(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*
- (2) *In the one-family residential zones, facilities providing 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 predominately 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.*

Staff Analysis: The applicant provided a landscape plan showing the location, caliper and species of all plant material. The landscape plan shows multiple locust, tulip poplar, red maple, and black cherry trees on the site. In addition, the applicant is proposing willow oak and scarlet oak trees (see Attachment 3).

Based on the information provided, the lot contains 642 square feet per child, more than the 500 square feet per child required.

The additional traffic generated by the proposed increase in enrollment will not adversely affect the surrounding streets. Access to and from this site is from Randolph Road and is limited to right-in/out. As proposed, the special exception will create two and three new trips in the a.m. and p.m. peak hours, respectively. The evaluated intersections will operate below the maximum Critical Lane Volume standard. An adequate drop-off and pick-up area for children is provided.

(c) The requirements of §59-G-2.13.1 do not apply to a child day care facility operated by a nonprofit organization and located in:

- (1) A structure owned or leased by a religious organization and used for worship;*
- (2) A structure located on premises owned or leased by a religious organization that is adjacent to premises regularly used as a place of worship;*
- (3) A structure used for private parochial educational purposes, which is exempted from the special exception standards under §59-G-2.19(c); or*
- (4) A publicly-owned building.*

Staff Analysis: Not applicable. This site is not operated by a nonprofit, nor located in a building or property as listed above.

x. Conclusion

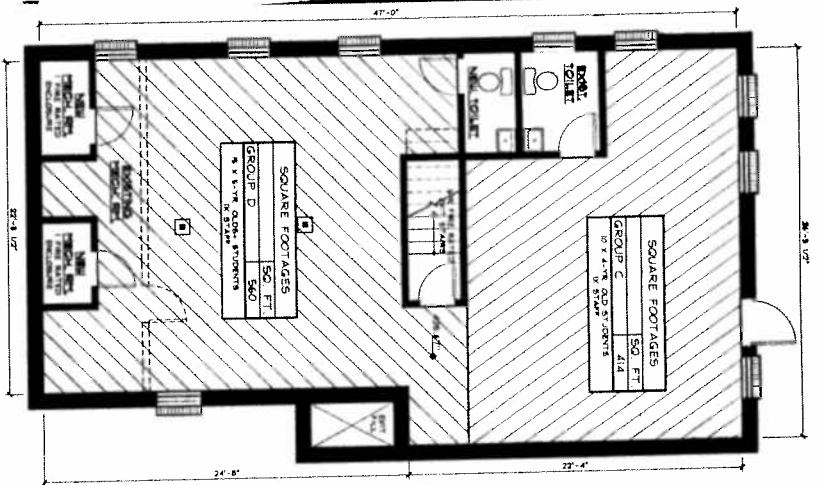
The application complies with the general conditions and standards for grant of a special exception for a daycare use, subject to the approval of a waiver of the double side yard setbacks requirement for the expanded parking area. The proposed signage will also require a variance. The application does not conflict with any land use recommendations of the applicable master plan or alter the residential character of the area. The application is unlikely to result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval with conditions shown on page 2 of this report.

RMK:ha: n:\area2 division\kamen\S-2857 (Layhill Learning Center)\S-2857 (Layhill Learning Center Peer Review .docx

Attachments:

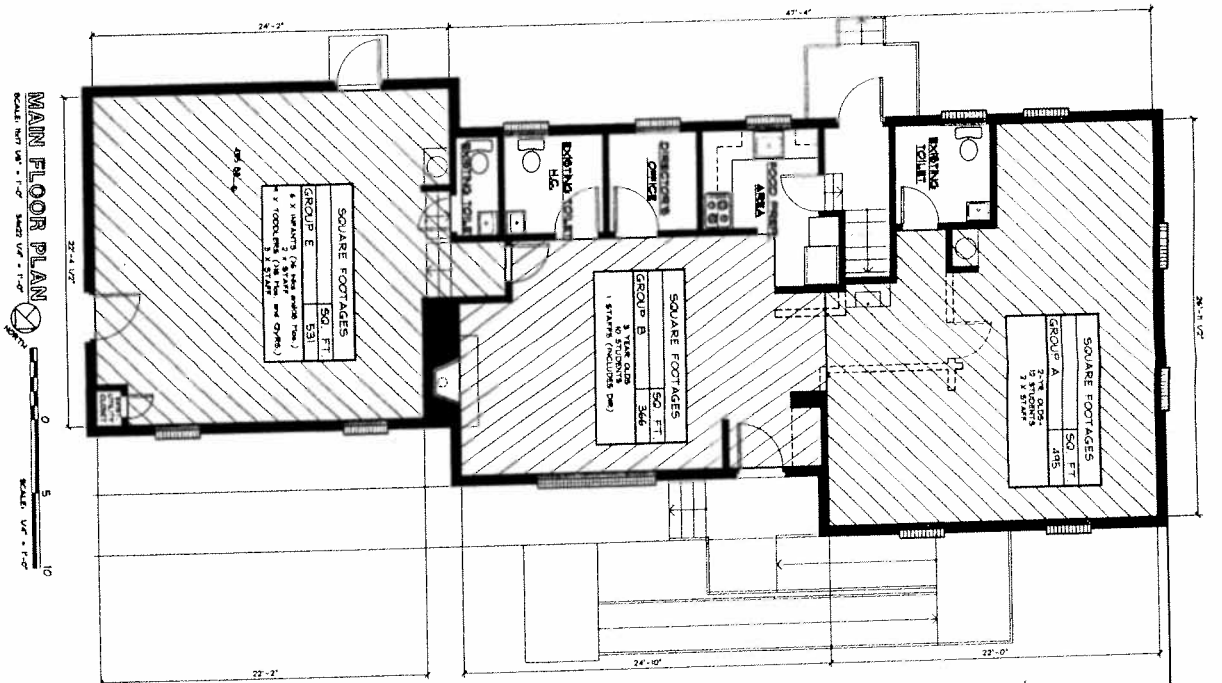
- Attachment 1-** Floor Plan Sketch, per applicant submittal
- Attachment 2-** Site Plan, per applicant submittal
- Attachment 3-** Landscape and Lighting Plan, per applicant submittal
- Attachment 4-** Neighborhood Map
- Attachment 5-** General Site Photographs
- Attachment 6-** Memorandum from Marc Lewis-DeGrace, Area 2 Planning Division to Renée M. Kamen, AICP, Area 2 Planning Division, dated December 10, 2012
- Attachment 7-** Email correspondence from Amy Lindsey, Area 2 Planning Division, dated December 6, 2012
- Attachment 8-** Letter(s) in Support
- Attachment 9-** Letter(s) in Opposition
- Attachment 10-** Affidavit of Compliance

ATTACHMENT 1

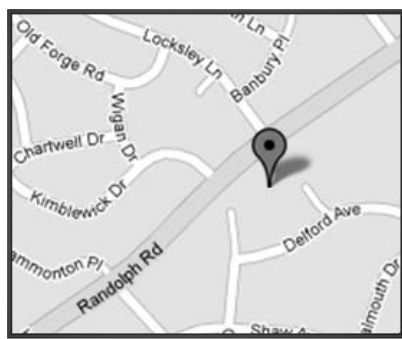


SUMMARY OF BUILDING SPACE ALLOCATION

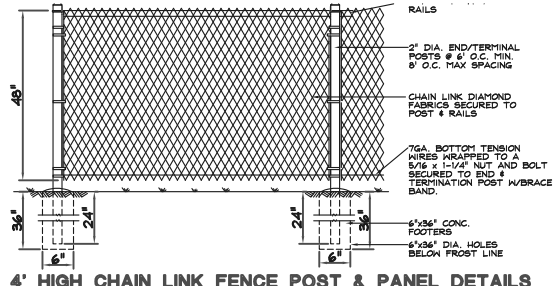
	BUILDING TOTAL GROUPS AREA	BUILDING TOTAL NET AREA	GROUPS TOTAL TOTAL FLOOR AREA	NON-ASSIGNED
BASEMENT	1287 SQ. FT.	1137 SQ. FT.	974 SQ. FT.	163 SQ. FT.
MAIN FLOOR	1588 SQ. FT.	1718 SQ. FT.	1382 SQ. FT.	336 SQ. FT.
TOTAL AREA	2875 SQ. FT.	2855 SQ. FT.	2356 SQ. FT.	499 SQ. FT.



A-1b SHEET NO.	ABC CHILD DAY CARE CENTER 170 RANDOLPH ROAD SILVER SPRING MARYLAND 20904 BUILDING APPROXIMATE MINIMUM SPACE ALLOCATIONS	COPYRIGHT © 2006	ARCVANTAGE GROUP, LLC 6601 NICHOLSON LANE SUITE 1033 NORTH BETHESDA, MARYLAND 20862 (301) 661-9044	JOB NO. DATE DRAWN BY DRAWING NO.
				REVISIONS NO. DATE / DESCRIPTION



VICINITY LOCATION MAP



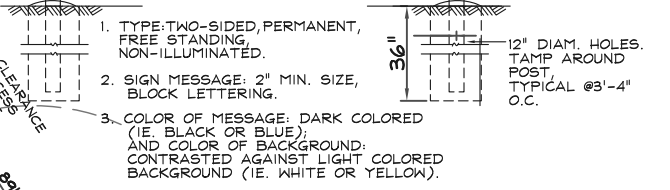
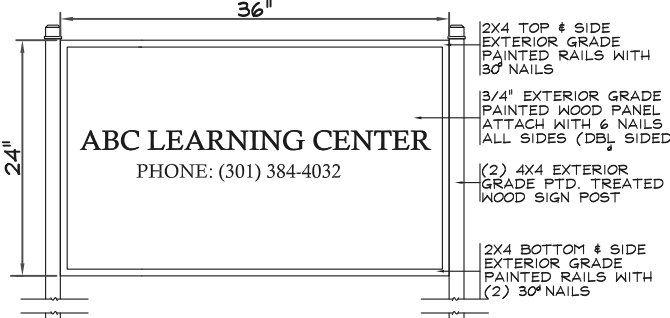
4' HIGH CHAIN LINK FENCE POST & PANEL DETAILS

LEGEND

- 1. NEW PARKING SURFACE
2. EX. CONC. WALK
3. OUTDOOR PLAY AREA
4. SITE LIGHTING FIXTURE
6. TRASH SCREENED CONTAINER ON CONC. PAD
7. 4-SIDED LANTERN W/CLEAR PANELS AND TYPE 3 REFLECTOR
8. 4-SIDED LANTERN W/CLEAR PANELS AND TYPE 4 REFLECTOR
9. 4-SIDED LANTERN W/CLEAR PANELS AND TYPE 2 REFLECTOR
PROPOSED DECIDUOUS TREES
SPECIMEN TREE W/ CRITICAL ROOT ZONE
LIMITS OF FOREST AREA
WOOD STOCKADE FENCE
4'-0" HIGH CHAIN LINK FENCE
LIMIT OF DISTURBED AREA

GENERAL ZONING ORDINANCE NOTES (Montgomery County):
1. Subject Property Identified: Plat 2009; Block: 1; Lot: P2; Tax Map: JR 41; Assessment District: 01; Master Planning Area: White Oak; Election District: 5th; Subdivision: 35, North Springbrook; COG Traffic Analysis Zones (TAZ No.): 092
2. Property's Gross Site Area: 39,846 S.F. or 0.9147 Acre, per new site survey data; and 40,367 S.F. or 0.92 acre, per county records.
3. Lot Coverage calculations: (County Code: Sect. 59-C-1.328)
Net Areas: Ex. Site Records New Site Work
Net Lot Area in SF (20,000 Min) 40,379.00 S.F. (Co. Record) 39,846.00 S.F. (New Survey)
Required 25% Max. Area Covered by Bldg: 4.64% 4.64%
Main Building Net Area Covered: 1,850.00 S.F. 1,850.00 S.F.
Drive & Parking Net Area Covered: 5,779.00 S.F. 3,352.00 S.F. (Ex+New=9,191.00 S.F.)
Total Building, Drive & Parking 7,629.00 S.F. 10,981.00 S.F.

Table with columns: REVISIONS, NO., DATE / DESCRIPTION, JOB NO., DATE, DRAWN BY, DRAWING NO.



4. Existing Structure Gross Floor Area: 3,137.00 S.F.; Capacity: 35 S.F. Each Occupant Min. Floor Area @ Proposed enrolled 62 Students and 11 Staffs
5. The Property is Zoned: R-200 Served by Public Water and Sewer; Surrounding Properties Zoned: R-200 (One-Family Detached Residential).
6. Existing Use: Child Daycare Center (Case #: SE-02-2, Approved up to 30 Students).
7. Proposed Use: Same (SE- 02-2, Modification Application for up to 62 Students).
8. Building Setbacks: (County Code: Sect. 59-C-1.323.)
Main Bldg. Setbacks: Required Provided
Min. Front Setback from Randolph Road 40ft. (from PL) 55ft. (from PL)
Min. Front Setback from Gaffney Street 40ft. (from PL) 59ft. (from PL)
Min. Side Setback from Adjoining Lot.-PT.1 12ft. (sum 25ft) 56ft. (from PL)
Min. Side Setback from Adjoining Lot.-3 13ft. (sum 25ft) 67ft. (from PL)
Min. Rear Setback from Adjoining Lot 30ft. (10ft +/PL) 190ft. (10ft +/PL)

9. Parking Setbacks (County Code: Sect. 59-E-2.71 and Sect. 59-E-2.83.)
Parking & Drive Aisle Setbacks: Required (Ft.) Actual Provided (Ft.)
Min. Front Setback from Randolph Road 10ft. (from PL) 25.58ft. (from PL)
Min. Side Setback from Adjoining Lot.-PT.1 12x2=24ft. 12ft. (from PL)
Min. Side Setback from Adjoining Lot.-3 13x2=26ft. 26ft. (from PL)
Min Rear Setback from Adjoining Lots-5,6 30ft. (from 10ft+/PL) 90ft. (from 10ft+/PL)

*Note: A waiver is being requested for the parking facility. The Applicant is seeking permission to have a 12 foot side yard setback (rather than requisite 24 feet) along the East common boundary with Lot PT. 1. Justification for the waiver is submitted in the Applicant's Statement of Operations.

Table with columns: Rate, Space Types, Space Size. Includes rows for 1:6 Students, 1:1 Staffs, and Total.

11. (County Code: Sect. 59-E-3.7)
Parking Required: 22 Spaces total (11 students Drop Off/Pick-Up, 11 Staffs)
Parking Provided: 22 Spaces Total (11 students Drop-Off/Pick-Up, 11 Staffs)
Minimum Tree Shading: Required Provided
Parking Lot # Drive Area: 10,981 S.F. 3,295 S.F.
Minimum 30% Tree Shade 3,295 S.F. *3,790 S.F.
*Note: Existing mature shade trees & 3 proposed deciduous shade tree

- 12. Area to be disturbed=4,630sf; Area to be left undisturbed= 35,216sf, per new survey data; and 35,749sf, per county record.
13. Permit is NOT Required and therefore this Site is Exempt from "SWM concept plan" approval under the listed Circumstances as contained in referenced code, and which applies to proposed site improvements.
14. This site is exempt from woodland conservation and tree preservation ordinance because it is less than 40,000sf in area and does not have a current previously approved tree conservation plan.
15. There are no wetlands or 100-year floodplains on the property.
16. The property is not within the boundary of an Aviation Policy Area nor Chesapeake Bay Critical Area.
17. There are no cemeteries on or contiguous to the property.
18. There are no historic sites located within 2000ft from subject property
19. Site grading, drainage, property corner and landscape observations and certifications must be performed by licensed professional upon completion of the work, confirming that all work has been completed in accordance with the permit, approved plans, and codes. These certifications are required to finalize the permit and release bonds.
20. All grades, elevations, earth quantities, etc., are to be verified by the contractor. Any earth quantities shown or implied are measured to final grade and are approximate. No allowance has been made for unsuitable material encountered during construction. Suitability of soil for use in fill areas or stability of cut areas, compaction, etc., should be determined by soils engineer.
21. The contractor will be responsible for any damage to the existing structures and underground utilities.
22. The contractor will have sole responsibility for the construction means, methods, and techniques of executing his work, including safety Radii on islands or curbs to be 5ft unless otherwise shown.
23. All painted striping, curb-work, and signage to be constructed per the standards and specifications provided by owners and must meet minimum Montgomery County DPS/DOT standards.
24. Topographic information prepared by RESD, LLC.
25. WSSC 200 ft map reference #: 217NW01
26. Water/Sewer designation : W10"/S4" (existing)
27. A public utility easement shall be provided adjacent to all right-of-way.
28. Outdoor Play Area Calculations: (Hours Operated: 10:00AM-1:00PM, and 3:30PM-6:00PM)
Z.O. Play Area Allowed: 75sf Each Student for 50% Licensed Capacity
Play Area By Category Existing Play Area (sf) Provided Play Area (sf)
Licensed Capacity: 30 Students Approved 62 Students Proposed
Total Req. Play Area: 30Std. x50%x75sf Ea. or 1,125 S.F. 62 Std. x50%x75sf Ea. or 2,325 S.F.
Total Actual Play Area 9,189 S.F. 3,864 S.F.

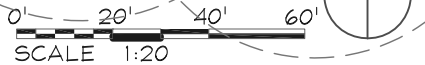
NOTE: SEE SHEET NO. SP-1a FOR LANDSCAPE SITE PLAN SEE LIGHTING LEVEL STUDY PLAN FOR PHOTOMETRICS READING

LOT 3/BLOCK 1/Plat 2009 SHEPHERD, MICHAEL L & BETH E 12911 GAFFNEY ROAD SILVER SPRING, MD 20904-3516 ZONE: R-200 USE: S.F. RESIDENTIAL

LOT 5/BLOCK 1/Plat 2009 GELAK, MARGARET L ET AL TR 115 DELFORD AVE SILVER SPRING, MD 20904-3403 ZONE: R-200 USE: S.F. RESIDENTIAL

LOT 6/BLOCK 1/Plat 2009 KYTE CLAREICE O & D H 111 DELFORD AVE SILVER SPRING, MD 20904 ZONE: R-200 USE: S.F. RESIDENTIAL

EXISTING CONDITIONS & PROPOSED SITE PLAN

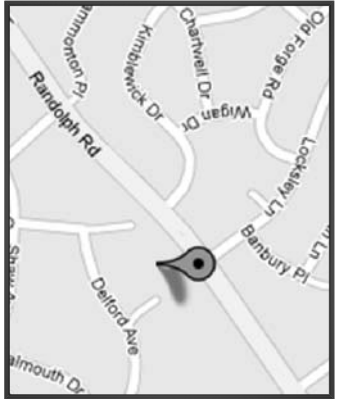


ARC VANTAGE GROUP, LLC 5801 NICHOLSON LANE SUITE 1033 NORTH BETHESDA, MARYLAND 20852 (301) 881-9044

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ABC CHILD DAY CARE CENTER 170 RANDOLPH ROAD SILVER SPRING MARYLAND 20904 EXISTING CONDITIONS & PROPOSED DETAILED SITE PLAN

SHEET NO. SP-1 AMERICAD



VICINITY LOCATION MAP
N.T.S.

- PREVENT THE FOLLOWING IMPACTS:**
- | | | | |
|---------------------------|---------------------------------------|--------------|------------------------------|
| CROWN | * Broken or damaged limbs | TRUNK | * Sun scald |
| | * Wounds to bark | | * Wounds to bark |
| | * Disease/Insect infestation | | * Disease/Insect infestation |
| | * Upper crown dieback | | * Wind-throw |
| CRITICAL ROOT ZONE | * Tearing/ Removal/ Crushing / Burial | | |
| | * Soil compaction | | |
| | * Flooding | | |
| | * Desiccation | | |
| | * Toxins | | |
| | * Removal of soil PH | | |

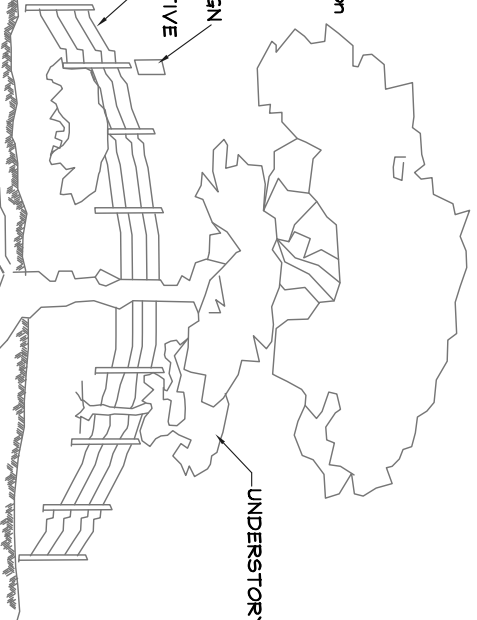
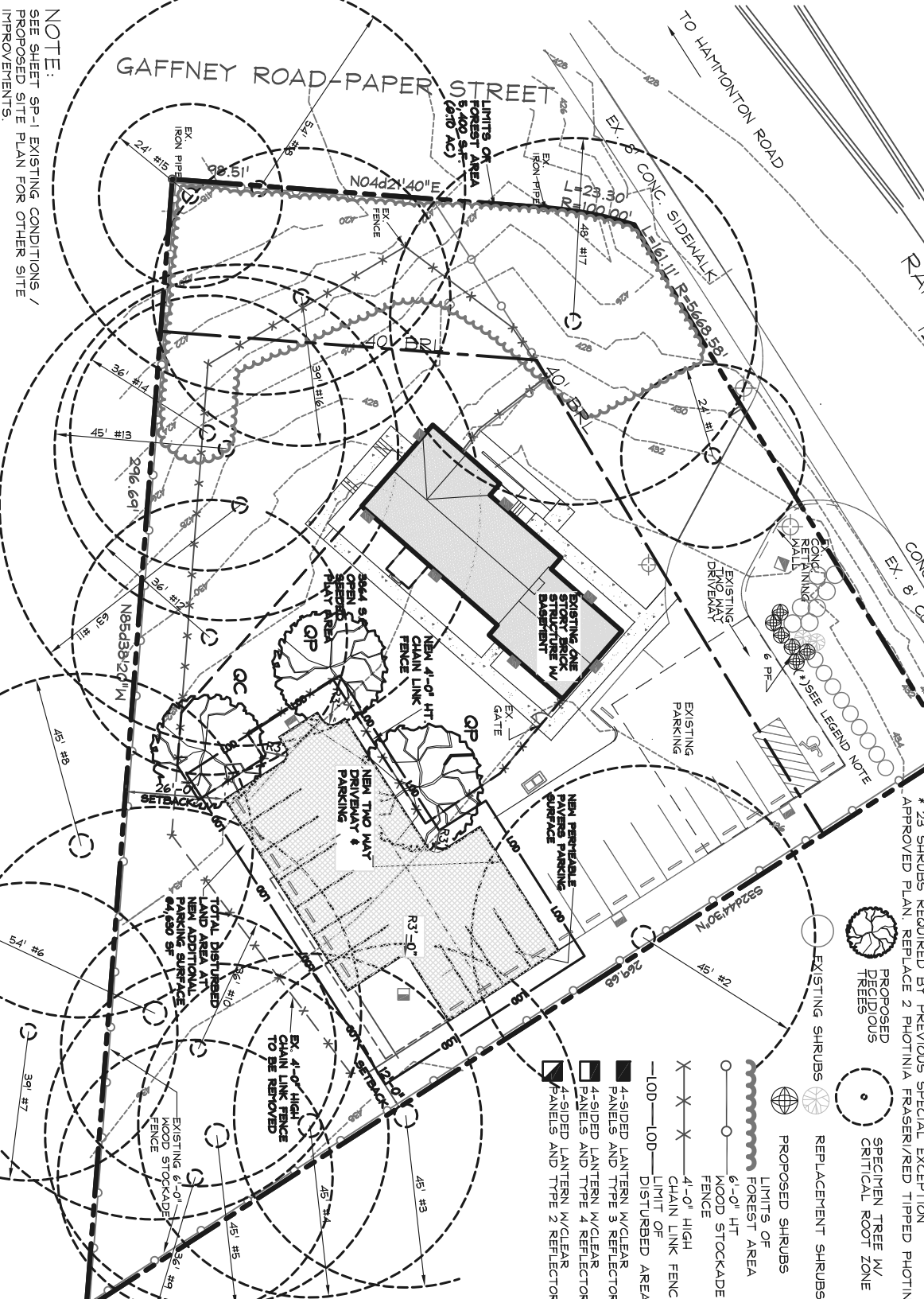


Figure 15: PROTECTING TREES DURING CONSTRUCTION
APPROVED PLAN. REPLACE 2 PHOTINIA FRASER/RED TIPPED PHOTINIA

LEGEND

- PROPOSED SHRUBS
- REPLACEMENT SHRUBS
- EXISTING SHRUBS
- PROPOSED SPECIMEN TREES
- REMOVED SPECIMEN TREES
- CRITICAL ROOT ZONE
- LIMITS OF FOREST AREA
- WOOD STOCKADE FENCE
- 4-10' HIGH CHAIN LINK FENCE
- 4-SIDED LANTERN W/ CLEAR PANELS AND TYPE 3 REFLECTOR
- 4-SIDED LANTERN W/ CLEAR PANELS AND TYPE 2 REFLECTOR
- PROPOSED SHRUBS
- REPLACEMENT SHRUBS
- EXISTING SHRUBS
- PROPOSED SPECIMEN TREES
- REMOVED SPECIMEN TREES
- CRITICAL ROOT ZONE
- LIMITS OF FOREST AREA
- WOOD STOCKADE FENCE
- 4-10' HIGH CHAIN LINK FENCE
- 4-SIDED LANTERN W/ CLEAR PANELS AND TYPE 3 REFLECTOR
- 4-SIDED LANTERN W/ CLEAR PANELS AND TYPE 2 REFLECTOR



NOTE:
SEE SHEET SP-1 EXISTING CONDITIONS / PROPOSED SITE PLAN FOR OTHER SITE IMPROVEMENTS.

PROPOSED TREE SAVE LANDSCAPE PLAN

SCALE 1:20

EXISTING SPECIMEN TREE LIST

No.	Scientific Name/Common Name	DBH/CRZ	Condition
1	Acer Rubrum/Red Maple	8", 10", 16", 16"/24"	Multi-stem, adjacent to drive; Fair to good condition
2	Robinia Pseudacacia/Black Locust	30"/45"	Multi-stem, adjacent to parking, outside fence; deadwood in canopy; Fair condition
3	Robinia Pseudacacia/Black Locust	30"/45"	Multi-stem, on adjacent property, outside fence; Fair condition
4	Robinia Pseudacacia/Black Locust	30"/45"	Some deadwood in canopy; Fair condition
5	Robinia Pseudacacia/Black Locust	30"/45"	Some deadwood in canopy; Fair condition
6	Prunus Serotina/Black Cherry	36"/54"	Some deadwood in canopy; Fair condition
7	Liriodendron Tulipifera/ Tulip Poplar	26"/39"	Off site on adjacent property
8	Acer Rubrum/Red Maple	30"/45"	Off site on adjacent property
9	Acer Rubrum/Red Maple	24"/36"	Some deadwood in canopy; Good condition
10	Robinia Pseudacacia/Black Locust	24"/36"	Some deadwood in canopy; Fair condition
11	Acer Rubrum/Red Maple	42"/63"	Good condition; full canopy
12	Robinia Pseudacacia/Black Locust	30"/45"	Fair condition
13	Prunus Serotina/Black Cherry	30"/45"	Some deadwood in canopy; Fair condition
14	Prunus Serotina/Black Cherry	24"/36"	Good condition
15	Acer Rubrum/Red Maple	16"/24"	Multi-stem, Good condition
16	Robinia Pseudacacia/Black Locust	26"/39"	Good-fair condition, some deadwood in canopy
17	Prunus Serotina/Black Cherry	32"/48"	Good-fair condition, in forest area along Randolph Rd
18	Acer Rubrum/Red Maple	22", 36"/54"	Multi-stem Good condition

PROPOSED NEW PLANT SCHEDULE:
KEY REMARKS: QTY: BOTANICAL: COMMON: SIZE-CONDITION:
QP DECIDUOUS TREES 2 QUERCUS PHELLOS WILLOW OAK 2 1/2"-3" CAL:12-14" B&B
QC DECIDUOUS TREES 1 QUERCUS COCCINEA SCARLET OAK 2 1/2"-3" CAL:12-14" B&B
PF EVERGREEN SHRUBS 6 PHOTINIA FRASER/RED-TIPPED PHOTINIA 24"-30" CONT.

PRE-CONSTRUCTIONS
1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance and discuss tree protection and tree care measures if applicable and determined by Department of Permitting Services (DPS), the developer's representative, or superintendent, ISA-certified arborist or Maryland-licensed tree expert that will implement the tree protection measures, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.
2. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate stress-reduction measures, but not limited to:
a. Root pruning
b. Crown reduction or pruning
c. Fertilizing
d. Vertical mulching
e. Root aeration mounding
f. Root protection
g. Watering
h. Applicable measures not specified on the forest conservation plan may be required as determined by the forest conservation inspector in coordination with the arborist.
3. If applicable, a Maryland-licensed tree expert or an International Society of Arboriculture-certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the forest conservation inspector or sent to the inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The forest conservation inspector will determine the exact method to convey the stress reductions measures during the pre-construction meeting.
4. Temporary tree protection devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any construction activities. Tree protection fencing location should be staked prior to the pre-construction meeting. If applicable, and determined by Department of Permitting Services (DPS), the forest conservation inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:
a. Chain link fence (four feet high)
b. Super silt fence with wire strung between support poles (minimum 4 feet high) with high visibility flagging.
c. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
5. Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from the forest conservation inspector. No equipment, trucks, materials or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior approval of forest conservation inspector.

DURING CONSTRUCTIONS
6. Forest retention area signs shall be installed as required by the forest conservation inspector, or as shown on the approved plan.
7. Long-term protection devices will be installed per the Forest Conservation Plan/Tree Save Plan and details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.
8. Periodic inspections by the forest conservation inspector will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by forest conservation inspector, must be made within timeframe established by the inspector.
POST-CONSTRUCTIONS
(See Figure 15 for protecting trees during constr.)
9. After construction is completed, an inspection shall be requested. Corrective measures may include:
a. Removal and replacement of dead and dying trees
b. Pruning of dead or declining limbs
c. Soil aeration
d. Fertilization
e. Clean up of retention areas
f. Watering
10. After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from site. If applicable and determined by Department of Permitting Services (DPS), removal of tree protection devices must be coordinated with both the Department of Permitting Services and the forest conservation inspector. No additional grading, sodding or burial may take place after the tree protection fencing is removed.

INSPECTIONS
All field inspections must be requested by the applicant. Inspections must be conducted as follows:
TREE SAVE PLANS AND FOREST CONSERVATION PLANS WITHOUT PLANTING REQUIREMENTS
1. After the limits of disturbance have been staked and flagged, but before any clearing or grading begins.
2. After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begins.
3. After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation plan.
4. Before the start of any required reforestation and afforestation planting.
5. After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start of the maintenance period.
6. At the end of the maintenance period to determine the level of compliance with the provisions of the performance bond.

NO.	DATE / DESCRIPTION
1	
2	
3	
4	
5	

JOB NO.
DATE: 11-29-18
DRAWN BY: AMER-CAD
DRAWING NO.

ARC VANTAGE GROUP, LLC
5801 NICHOLSON LANE
SUITE 1033
NORTH BETHESDA, MARYLAND 20852
(301) 881-9044

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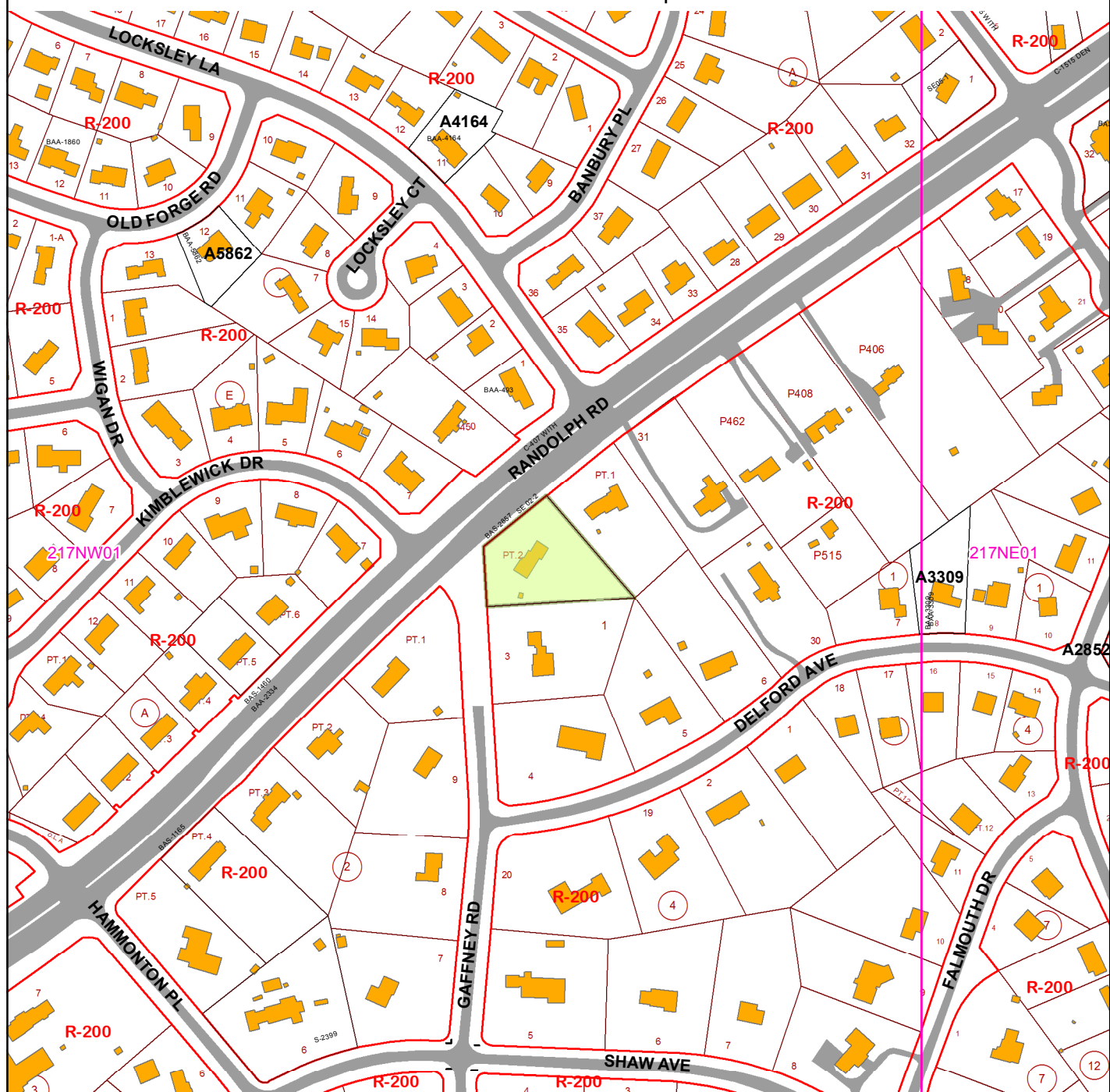
JOB TITLE
ABC CHILD DAY CARE CENTER
170 RANDOLPH ROAD SILVER SPRING
MARYLAND 20904
DRWG TITLE **TREE SAVE LANDSCAPE PLAN**

SHEET NO.
SP-1a



ATTACHMENT 4

General Location Map



LEGEND

-  Subject Site
-  Parcel
-  Building
-  Paved Area
-  Lake and Pond
-  Stream and River

NOTICE:

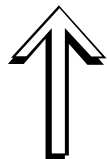
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

1 inch = 300 feet
Address: 170 Randolph Road, Silver Spring

Key Map



ATTACHMENT 5



Figure 1: Front of Structure



Figure 2: Front of Structure



Figure 3: Play Area and Parking



Figure 4: Side Yard (Gaffney St—paper street)



Figure 5: View from Randolph Road



Figure 6: Play Area (rear yard)



ATTACHMENT 6
MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

December 20, 2012

MEMORANDUM

TO: Renee Kamen, Planner/Coordinator
Area 2 Planning Division

VIA: Khalid Afzal, Team Leader, Eastern County Team
Area 2 Planning Division

FROM: Marc Lewis-DeGrace, AICP, Planner
Area 2 Planning Division

SUBJECT: ABC Daycare
Special Exception Case No. S-2857
170 Randolph Road
Fairland/White Oak Policy Area

This memorandum is Area 2 transportation staff's Adequate Public Facilities (APF) review of the subject Special Exception. The Applicant is proposing to increase an existing child care center from 30 children and 6 staff to a maximum of 62 children and 11 staff. The current child care center is located in an existing single-family detached residence.

RECOMMENDATIONS

We recommend the following conditions to satisfy the APF test as part of transportation requirements related to the approval of the subject Special Exception:

1. The child care center must be limited to a maximum of 62 children and 11 staff.
2. The Applicant must pay \$11,700 to the Montgomery County Department of Transportation (MCDOT) to satisfy the Policy Area Mobility Review (PAMR) test.
3. The Applicant must not allow more than 11 child drop-off or pick-ups at any time. This is to ensure that there is adequate parking and eliminate possible queuing onto Randolph Road.

With the conditions above, transportation staff finds that the proposed Special Exception satisfies the Local Area Transportation Review (LATR) and PAMR tests and will have no adverse traffic impact on existing area roadway conditions or pedestrian facilities.

DISCUSSION

Site Location

The current child care center is located in an existing single-family detached residence on the south side of Randolph Road between Locksley Lane and Kemp Mill Road, approximately 300 feet west of the intersection of Locksley Lane.

Vehicular Access Points, Parking and Circulation

The child care center has a driveway from Randolph Road. Parking is provided by an on-site parking lot with a total of 22 parking spaces (11 designated for staff and 11 designated for parents), and there is no nearby on-street parking on Randolph Road. The existing driveway and parking lot provides parking for staff and an area for parents to pick-up and drop-off their children. The Applicant must not allow more than 11 child drop-off or pick-ups at any time. This is to ensure that there is adequate parking and eliminate possible queuing onto Randolph Road.

Available Transit Service

Transit service is available to/from the site with two bus routes serving Randolph Road:

1. The Metrobus Route C8, College Park to White Flint, has a stop located on each side of Randolph Road approximately 200 feet west and approximately 300 feet to the east of the site. This bus runs every 15 to 30 minutes during the weekday.
2. The Ride-On bus Route 10, Twinbrook Metrorail Station to Hillandale, runs every 30 minutes during the weekday and has the same bus stops described in #1 for Metrobus Route C8.

Pedestrian Facilities

Six-foot wide sidewalks with no green panel exist along both sides of Randolph Road.

Master-Planned Roadways and Bikeways

The 1997 *White Oak Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan* designate Randolph Road as a major highway, M-17, with a 120-foot wide right-of-way and a shared use path, SP-26, on the north side of the road.

Local Area Transportation Review (LATR)

The proposed hours of operation, from 7:00 a.m. to 6:30 p.m. overlap the weekday morning peak period (6:30 a.m. to 9:30 a.m.) and the evening peak period (4:00 p.m. to 7:00 p.m.). The Applicant requests to increase the number of children from 30 to 62 children and the number of staff from 6 to 11. The resulting increase in primary peak-hour trips is shown in the table below. Primary trips do not include pass-by and diverted automobile trips which are those that are already on the road and drop-off/pick-up their children at the subject site on their way to and from other origins or destinations.

Based on trip-generation rates in the *Local Area Transportation Review and Policy Area Mobility Review Guidelines*, the net increase will be 2 primary trips in the weekday morning peak-hour and 3 primary trips in the weekday evening peak-hour.

Child Daycare Facility	Number		Weekday Peak Hour	
			Morning	Evening
	Children	Staff	Primary Trips	Primary Trips
Expanded	62	11	11	11
Existing	30	6	9	8
Net Increase	32	5	2	3

Based on the submitted traffic study, the table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic conditions as they exist now.
2. Background: The existing condition plus the trips generated from approved, but un-built nearby developments.
3. Total Future: The background condition plus the new site-generated trips.

Analyzed Intersection	Critical Lane Volume						
	CLV Standard	Existing		Background		Total Future	
		AM	PM	AM	PM	AM	PM
Randolph Road & Kemp Mill Road	1,475	1,171	1,145	1,187	1,182	1,187	1,183
Randolph Road & Site Driveway	1,475	468	818	485	855	490	863
Randolph Road & Locksley Lane	1,600	1,051	891	1,097	928	1,100	930

The CLV values at all intersections are below the congestion standard for the appropriate policy area and thus the LATR test is satisfied.

Policy Area Mobility Review (PAMR)

The subject site is located in the Fairland/White Oak Policy Area where the mitigation requirement is 45% of the new peak-hour vehicular trips. The expansion of child care center from 30 to 62 children will generate a maximum of 3 new peak-hour trips (based on *LATR and PAMR Guidelines*). A 45% mitigation of 3 new peak-hour trips will result in PAMR mitigation of 1 new peak-hour trip (1.35 trips rounded to 1 trip). The Applicant is required to, and has agreed to, make a payment of \$11,700 to MCDOT to satisfy the PAMR test.

MLDG

Attachment

Lenhart Traffic Consulting, Inc.

Transportation Planning & Traffic Engineering

Memorandum:

Date: December 10, 2012

TO: Renee Kamen
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

FROM: Mike Lenhart

RE: Expansion of ABC Daycare (S-2857) at 170 Randolph Road

This letter report has been provided to address Staff's question regarding the need to maintain or revise the Transportation Management Plan (TMP) for the center.

As you are aware, the proposal involves the expansion of the existing/approved day care from the current enrollment of 30 existing children and a total of 6 staff, to a proposed maximum of 62 children with a total of 11 staff.

It should be noted that the current TMP requires that the existing day care center limit the morning drop-off of children to a maximum of no more than 6 vehicles per half hour period from 7:00 to 9:30 AM. Afternoon/evening pick-ups would be limited to no more than 6 vehicles per half hour period from 4:00 to 6:30 PM. I have reviewed the Hearing Examiner's Opinion and Decision for the original 30 child daycare (SE-02-2) and offer the following:

- At the time of the approval of SE-02-2, the Fairland/White Oak Policy Area was in a moratorium for new development approvals under the County's Fiscal Year 2002 Annual Growth Policy.
- Staff issued findings based on the Guidelines in effect at that time that a 30 child daycare would generate five or fewer *new* peak hour trips, and thus would have a de minimus impact on traffic. (It should be noted that a daycare center will generate new, pass-by, and diverted trips, but that the new trips generated by the application were deemed to be five or fewer, therefore de minimus).

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331 Redwood Grove Court
Millersville, MD 21108

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Transportation Planning & Traffic Engineering

- The opposition testified that they were concerned about ingress and egress to the site from Randolph Road, and concerned about potential queuing issues on-site. M-NCPPC Staff (Mr. Ed Axler) testified that he found the site access and queuing to be more than adequate.
- In light of the moratorium and as a means of addressing traffic concerns, the applicant proposed the TMP limiting drop-off and pick-up to 6 vehicles per half hour period as described above.

We have evaluated the proposed expansion in light of the current Guidelines and projected parking operations to ensure that a 62 child daycare with 11 staff will operate acceptably, from a traffic operations and parking perspective. With this in mind, it is our opinion that a TMA is not necessary for the day care center for the following reasons.

1. Observations were conducted when the traffic counts were obtained at the existing daycare center. At no time during the morning or evening peak periods were any traffic operational, parking, or queuing concerns observed.
2. A Local Area Transportation Review (LATR) was conducted for the proposed expansion. It should be noted that all of the study intersections, including the site access on Randolph Road, operate well within acceptable parameters with no restrictions. The trips generated by the facility are based on standard practices for trip generation of a 62 child daycare with no restrictions on pick up or drop off of children.
3. The Growth Policy has changed significantly, and the White Oak / Fairland Policy Area is no longer in a moratorium as it was in the 2002 Annual Growth Policy. The 2012 Annual Growth Policy establishes a 45% trip mitigation requirement for Fairland / White Oak to satisfy the Policy Area Mobility Review (PAMR). The Traffic Impact Study addressed this issue and identified the need for an \$11,700 PAMR mitigation fee to satisfy the Growth Policy. It should be noted that the Growth Policy and PAMR are being replaced with the Subdivision Staging Policy and the Transportation Policy Area Review (TPAR) as of January 1st 2013; however, the current application was submitted in the current Growth Policy and is therefore subject to the PAMR mitigation fee as discussed above.

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4. A parking assessment has been conducted for the proposed 62 child daycare with 11 staff. The findings of the parking assessment is as follows:
 - a. The Institute of Transportation Engineers (ITE) has issued the 4th Edition of the ITE Parking Generation Manual, which includes parking characteristics for daycare facilities (Land Use Code 565). The Parking Generation Manual contains actual parking demand studies at daycare centers and has provided design guidelines based on the number of children and based on the number of staff.
 - i. The ITE Parking Generation Manual provides two methods for calculating the parking demand for a daycare center. One method uses the number of children as the variable and the other method uses the number of staff as the variable. Both methods provide the overall peak parking demand for the facility and both methods provide the combined parking demand for staff and parents.
 - ii. The Parking Manual identifies a design range (85th percentile) of 0.33 parked vehicles per student. This indicates that the parking demand for a 62 child daycare would yield a peak parking demand of 21 vehicles (rounded up from 20.46). It should be noted that the 21 vehicles includes parking for staff as well as child pick-up and drop-off. The proposed expansion of the site includes 11 spaces for staff, which would leave a maximum parking demand of 10 vehicles associated with child pick-up and drop-off. The site is proposed to contain 11 parking spaces for child pick-up and drop-off, therefore there will be sufficient parking to handle the parking demand.
 - iii. The Parking Manual also identifies a design range (85th percentile) of 1.78 parked vehicles per staff. This indicates that the parking demand for a daycare with 11 staff would yield a maximum parking demand of 20 vehicles (rounded up from 19.58). Again, the 20 vehicles is the overall parking demand for staff and parent pick-up and drop-off of children. The parking demand includes 11 staff members, which would leave a parking demand of 9 vehicles associated with child pick-up and drop-off. Again, based on this metric, there will be sufficient parking to handle the parking demand.

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- iv. Both methods from the ITE Parking Generation Manual provide consistent results and confirm that the site will have ample parking. As a result, there would be no onsite queuing of vehicles entering or exiting the parking lot and/or waiting for an available parking space.
- b. ITE contains further research and publications, including “Parking and Trip Generation Characteristics for Day Care Facilities” (ITE Journal – July 1994).
 - i. This study included 29 field studies to identify the number of cars parked (minus staff vehicles) during the morning and evening peak periods. The study resulted in the preparation of a parking formula that yields the following results when applied to the ABC Daycare Center. The parking formula reveals that the maximum number of parked cars for parents (not including staff) is $(8 + (\text{Number of Children})/40)$.
 - ii. This study indicates that the maximum number of parked vehicles for parents picking up and/or dropping off children would be 10 cars (rounded up from 9.55).
 - iii. This also correlates very well with the ITE Parking Generation Manual, and confirms that the site will have more than sufficient parking with 11 parent spaces, and that there will be no onsite queuing problems.

In summary, there have been significant changes in the Growth Policy, and the Fairland / White Oak Policy Area is no longer in a moratorium. Second, the Traffic Impact Study conducted for the LATR assessment shows that all of the intersections (including the site access) operate well within acceptable parameters. Finally, there has been substantial evidence provided that confirms that the site will have more than enough parking spaces and will not experience any queuing or operational problems.

It appears that the original TMP was proffered in an effort to satisfy concerns that have changed substantially. In addition, evidence has been provided to confirm that the site will satisfy all LATR and PAMR requirements, and that the site will not experience any queuing or parking problems.

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Based on this information, it is our opinion that the TMP is no longer needed for this operation. However, if Staff or the Hearing Examiner believes that it is necessary to maintain and update the TMP, it is recommended that the updated TMP be based on the hourly trip generation totals for the proposed 62 child (11 staff) daycare. This would provide a reasonable basis for the TMP considering that the LATR analysis, PAMR findings, and parking assessments are based on a 62 child daycare with 11 staff. Based on the trip generation for the site contained on Exhibit 5 of the LATR analysis, this would result in a total of 19 entering vehicles per hour (a maximum of 10 per half hour period). This is a negligible increase over the current TMP of 6 vehicles per half hour period, and would only result in an increase of 4 vehicles per 30 minutes (or one additional vehicle every 7.5 minutes which would not result in a measurable impact).

The results of the parking study show that there will be sufficient parking to accommodate the expanded day care center.

Thanks,
Mike

Cc: Marc Lewis-DeGrace
Rebecca Walker
Norman Howell
Monika Mahabare

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Kamen, Renee

From: Lindsey, Amy
Sent: Thursday, December 06, 2012 11:53 AM
To: Kamen, Renee
Subject: S-2857

Environmental Guidelines

The property is within the Northwest Branch watershed - a Use IV watershed. The proposed project does not have any proposed activities within any streams, wetlands, or environmental buffers and is in compliance with the Environmental Guidelines.

Forest Conservation

This property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). However, this property is exempt from the requirements of submitting a forest conservation plan per 42011135E, approved on September 27, 2011. This exemption covers an activity occurring on a tract less than 1 acre that will not result in the clearing of more than 20,000 square feet of existing forest, or any specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet. Forest in any priority areas on-site must be preserved. Any changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a separate amendment must be submitted to M-NCPPC for review and approval prior to those activities occurring.

Amy Lindsey
Area 2 Planning Division
Maryland-National Capital Park and Planning Commission

ATTACHMENT 8

--- On Sat, 1/7/12, Damon Manningobby <communitylobby@gmail.com> wrote:

From: Damon Manningobby <communitylobby@gmail.com>

Subject: ABC Learning special exception

To: monikamahabare@yahoo.com

Cc: "Damon Manning" <damonmannning@gmail.com>

Date: Saturday, January 7, 2012, 10:23 PM

To whom it may concern,

As the owner and inhabitant of 160 Randolph rd, Colesville, MD, 20904, I would like to state that I have no objection to a special exception being issued to my neighbor, ABC learning. I am writing not only to state that I have no objections to proposed project but also to urge the granting of the special exception.

As the former director of Kids Therapy Works Inc., a pediatric occupational therapy practice for children, I have seen the services and child care resources in this area grow more and more scarce.

Our practice lost its owner in the middle of the economic collapse. We were not able to recover. While tying up loose ends for Kids Therapy Works I took many phone calls from parents in this area. Many parents were quite frustrated that there were no services or facilities with openings for their children. Personally I know quite a few centers for children that went under during these last 2 years.

Its sad for me to see this. I grew up in this area. Looking back I realize I was quite lucky to have attended a private school which offered morning and after care. There were other activities in the area that I was able to get involved with as well. The Boys and Girls clubs of Wheaton and Silver Spring were certainly better funded back then. I hate seeing children's services have to suffer because the adults couldn't get their fiscal house in order.

I realize that the line I have drawn between a special exception and children's services may be hard to follow. The 2 may have nothing to do with each other in this permitting process. If so I ask that this be taken into consideration.

Since moving in next door to ABC Learning I have to say that there is not a single complaint I could register. They do not make a lot of noise. They keep they're property neat and maintained.

I see ABC Learning as an asset to the community and I ask that the special exception be granted.

Sincerely,
Damon D.C. Manning
301-814-5584

ATTACHMENT 9

KAREN S. MONTGOMERY
14th Legislative District
Montgomery County



James Senate Office Building
11 Bladen Street, Room 202
Annapolis, Maryland 21401
301-858-3625 · 410-841-3625
800-492-7122 Ext. 3625
Fax 301-858-3618 · 410-841-3618
Karen.Montgomery@senate.state.md.us

Education, Health, and
Environmental Affairs Committee
Subcommittees
Education
Environment
Ethics and Election Law
Labor, Licensing, and Regulation

The Senate of Maryland
ANNAPOLIS, MARYLAND 21401



September 20, 2012

Ms. Katherine Freeman
Executive Director
Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

Dear Ms. Freeman:

It has come to my attention that the ABC Learning Center on 170 Randolph Road Silver Spring, MD has applied for a special exception to their existing Zoning Ordinance to permit an increase in the maximum number of children on the site at one time to 62. I oppose this effort.

The area of Silver Spring where the ABC Learning Center is located is zoned as a residential neighborhood. An increase of the maximum capacity of this Child Day Care Facility risks changing the nature of this neighborhood into a commercial area. Furthermore, 62 children under the age of six is far too many to be in such a small place (3,137 square feet) located on such a busy road.

I thank you for your considerations.

Sincerely,

Karen S. Montgomery
Senator: District 14

EXHIBIT NO. 16
REFERRAL NO. S-2857

ATTACHMENT 10

**BOARD OF APPEALS
FOR MONTGOMERY COUNTY, MARYLAND**

IN THE MATTER OF:

Hira More, a/k/a Monika Mahabare and
Jalindar Mahabare request for a special
exception for a child day care facility on
property located at 170 Randolph Road,
Silver Spring being known as
Lot P2, Block 1, North Springbrook
Subdivision, in the R-200 Zone

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Board of Appeals Case No. S-2857
(Prior OZAH Petition Case No. SE-02-2)

AFFIDAVIT OF MONIKA MAHABARE

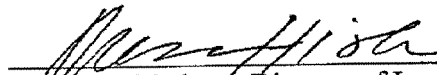
I, Monika Mahabare, avers as follows:

1. I am over eighteen (18) years of age, am competent to be a witness and testify in this matter, and have personal knowledge of the facts stated herein.
2. I am a Co-Petitioner in the above-referenced special exception application for a child day care center located at 170 Randolph Road, Silver Spring, Maryland (the "Subject Property").
3. I caused Layhill Learning Center, Inc. to be formed as a close corporation pursuant to the laws of the State of Maryland for the purpose of providing daycare and child care services.
4. I am the Director of Layhill Learning Center, Inc., d/b/a ABC Learning Center.
4. I will comply with all State and County requirements applicable to the requested child day care center at the Subject Property.
5. I will correct any deficiencies found in any government inspection of the requested child day care center at the Subject Property.

6. I will be bound by this affidavit as a condition of approval of the requested special exception for a child day care center at the Subject Property.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE TO THE BEST OF MY PERSONAL KNOWLEDGE, INFORMATION, AND BELIEF.

12/11/12
Date



Monika Mahabare, Director of Layhill Learning Center, Inc. d/b/a ABC Learning Center