



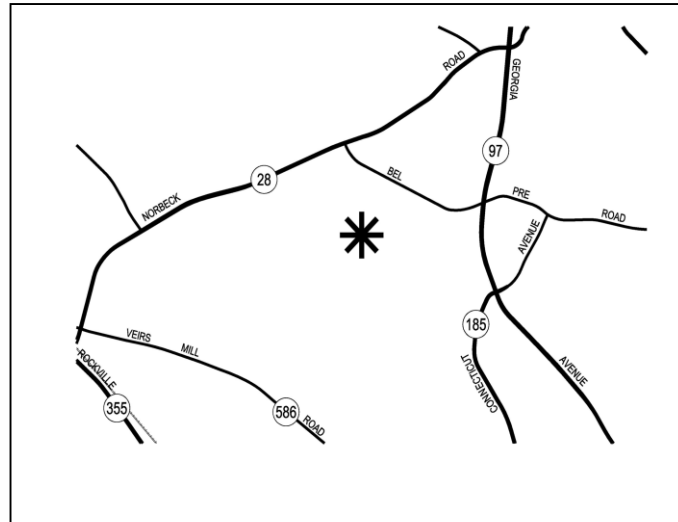
James Moy and Ambor Primm – A Mum’s Touch Day Care Center, Conditional Use, CU 16-03

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Completed: 10/19/15

Description

- Request for conditional use to expand an existing family day care facility from a maximum of eight children to a Group Day Care with up to 12 children, under Zoning Ordinance Section 59-3.4.4.D.;
- Location: 14227 Woodcrest Drive;
- R-90 Zone, 9,916-square feet (0.227 acres) in the *1994 Aspen Hill Master Plan*;
- Applicant: James Moy and Ambor Primm;
- Filing Date: July 22, 2015.



Summary

Staff recommends Approval with Conditions.

STAFF RECOMMENDATION

Staff recommends approval of this Conditional Use Application subject to the following conditions:

1. The day care use is limited to 12 children (up to five years old) and 2 non-resident full-time employees, not including the owner/operator who is a resident.
2. The hours of operation must be limited to 7:30 a.m. until 5:30 p.m., with the first non-resident employee arriving at 8:30 a.m., and the last employee leaving no later than 5:30 p.m., Monday through Friday. No weekend or overnight day care is permitted.
3. The Applicant must schedule staggered drop-off and pick-up of no more than two vehicles every 15 minutes to distribute the vehicular trips to/from the site for safe on-site and on-street circulation.
4. The Applicant must provide parental agreements to the Hearing Examiner, indicating that the drop-off and pick-up times of all children attending the day care will be limited to no more than two vehicles at any one time.
5. Employees for the child day care facility must park off-site on nearby streets where on-street parking is allowed.
6. Outdoor play times must be staggered and may not start prior to 9:00 a.m.
7. No more than eight children are permitted to play outdoors at any one time.
8. The Applicant must provide an eight-foot wide landscape screen using native planting materials along the east and south lot lines shared with the abutting houses to meet the requirements of Sections 59-6.5.3.A and 59-6.5.3.C.7.

PROJECT DESCRIPTION

Site Description

The 0.22-acre Site is zoned R-90 and described as Lot 1, Block 1 of the Manor Woods Subdivision, located at 14227 Woodcrest Drive in the *Aspen Hill Master Plan* area. It is bound by Woodcrest Drive to the west, Bauer Drive to the north, and single-family lots in the R-90 Zone to the south and east. The Site is currently improved with a split-level single family detached home and gradually slopes from south to north. Vehicular access is from Woodcrest Drive (see Figure 1). A speed hump is located to the northwest along Bauer Drive.



Figure 1: Site Aerial

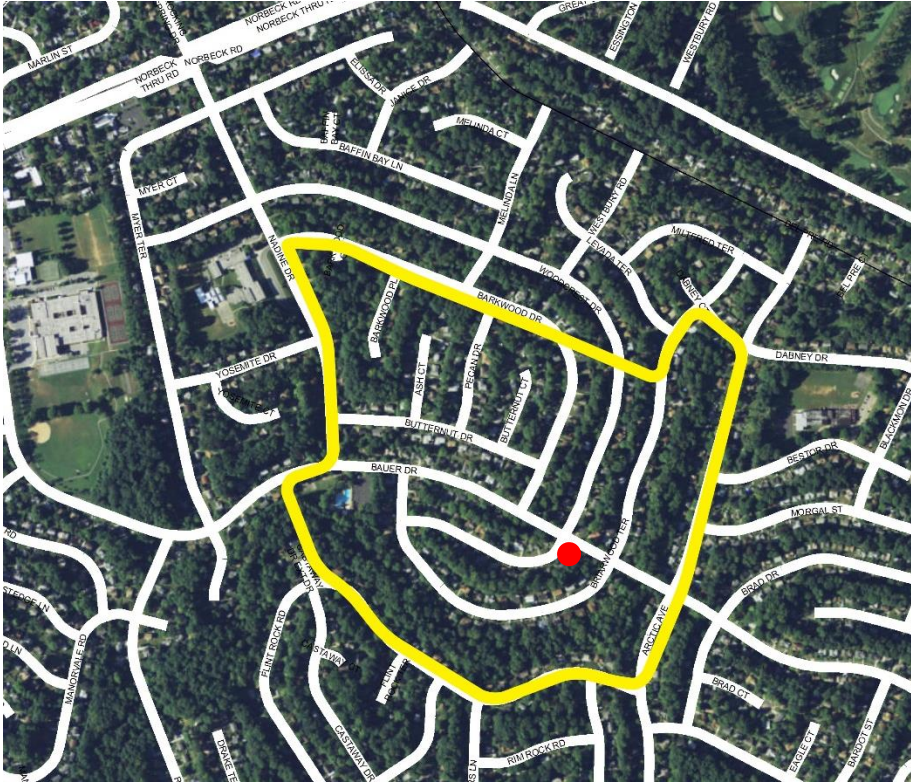


Figure 2: Staff-defined neighborhood boundary

Neighborhood Description

The Staff-defined neighborhood is generally bounded by Barkwood Drive and Dabney Drive to the north, Nadine Drive to the west, Flint Rock Road to the south, and Arctic Avenue to the east. The neighborhood comprises primarily single-family detached houses. There are no other existing Conditional Uses within the Staff-defined neighborhood.

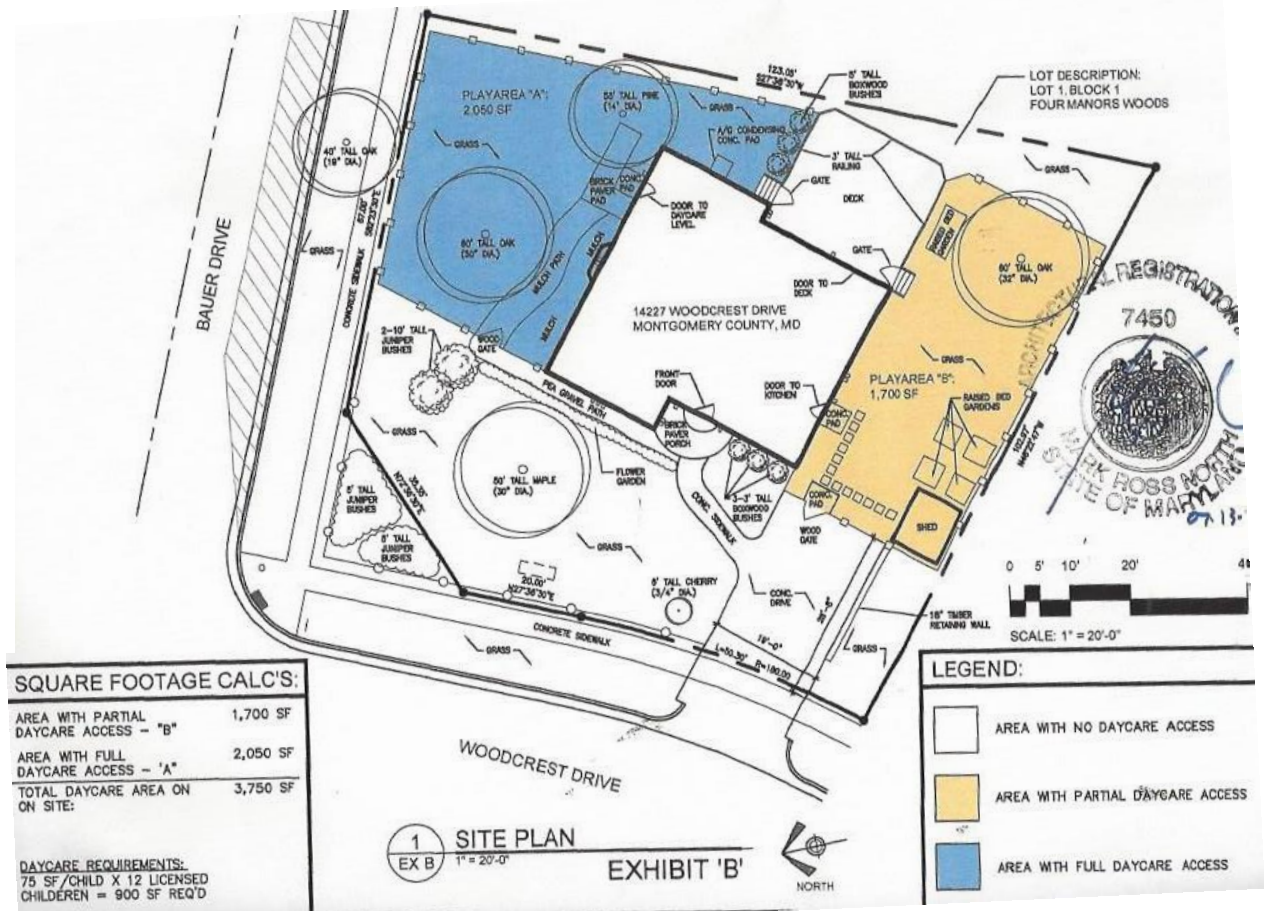


Figure 3: Site Plan

Proposed Use

The Applicant is requesting a conditional use for converting the current family day care with up to eight children into a Group Day Care of up to 12 children ranging from three months to five years of age. The day care facility will be located in the lower and main levels of the existing single-family detached home owned by the Applicant. The day care facility currently has one full-time employee and one part-time employee in addition to the business owner residing in the house. The proposed Group Day Care will employ two full-time employees in addition to the resident-owner. The proposed hours of operation are Monday through Friday, 7:30am to 5:30 pm. No weekend or overnight hours are proposed.

The proposed Group Day Care's schedule for drop-offs and pick-ups will be staggered between the hours of 7:30 am and 5:30 pm, Monday through Friday. The drop-off and pick-up will be limited to two vehicles in 15-minute intervals to distribute the vehicular trips to/from the site. The two full-time staff members will arrive at 8:30 am. One full-time employee will leave at 4:30 pm and the second will leave at 5:30 pm.

One of the two existing parking spaces will be available for pick-up and drop-off of children. The employees will park on the adjoining Woodcrest Drive or other nearby streets including Bauer Drive.

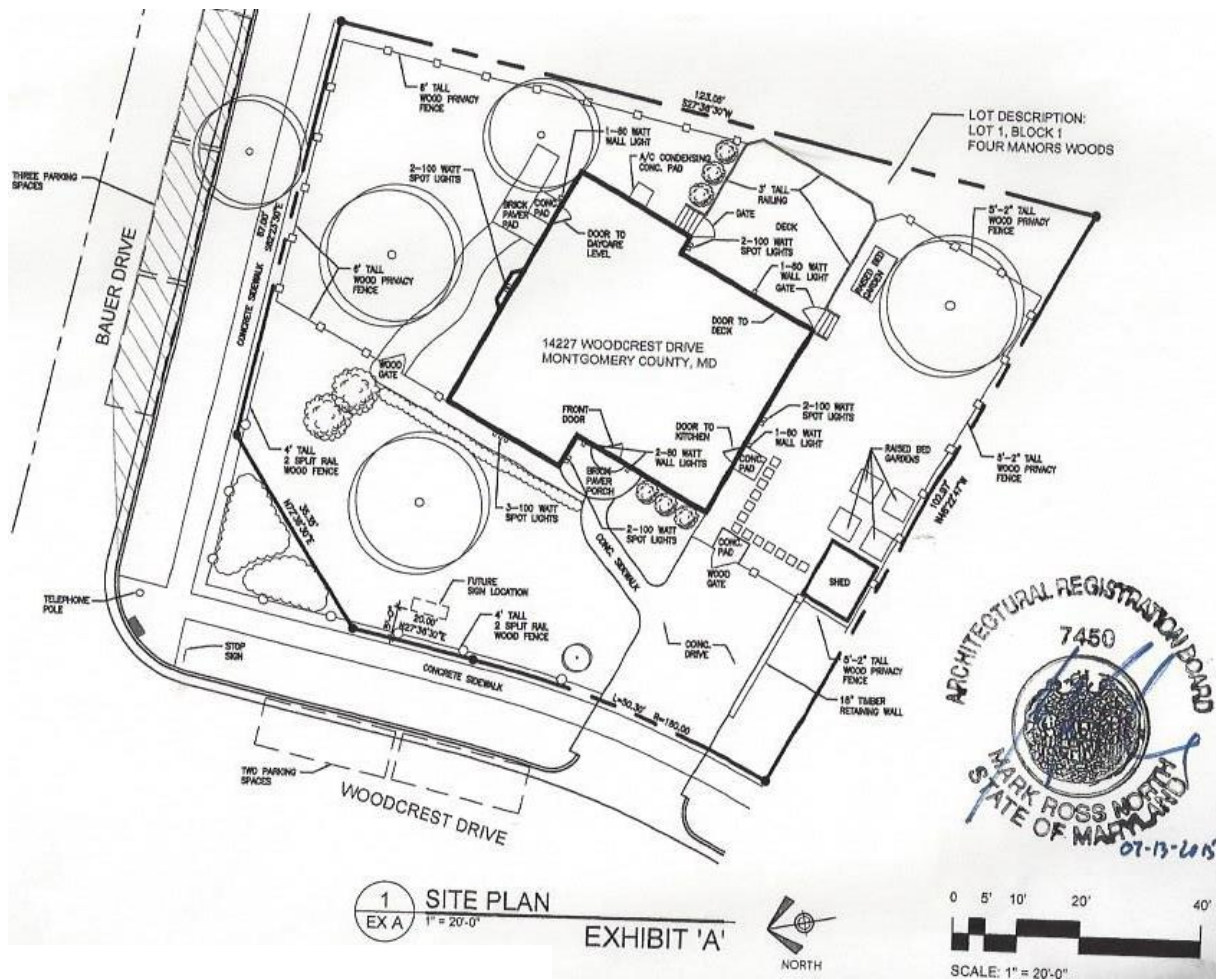


Figure 4: Proposed on-street parking options (two spaces on Woodcrest Drive, three possible on Bauer Drive)

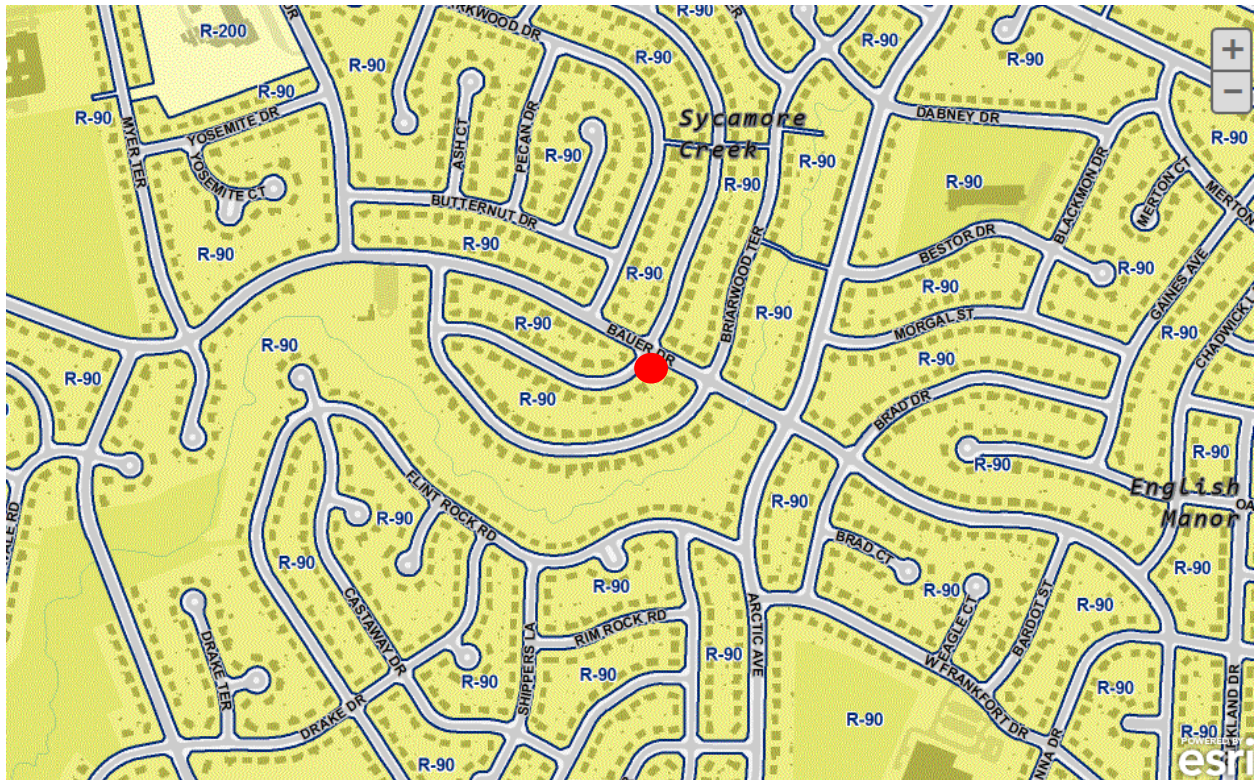


Figure 5: Site and Surrounding Zoning



Figure 6: Site Photo (View from Woodcrest Drive)



Figure 7: Site Photo (View from Bauer Drive)



Figure 8: Wood Privacy Fence surrounding outdoor Play Area "B" with neighbor's property and building to the south.

ANALYSIS

Environmental

The Site contains no forest, streams, wetlands, 100-year floodplains, steep slopes, or known habitats of rare, threatened or endangered species. On July 14, 2015, Staff determined that this Conditional Use is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code (see Attachments).

Transportation

Master-Planned Roadway and Bikeway

In accordance with the approved and adopted 1994 *Aspen Hill Master Plan*, Bauer Drive is designated as a primary residential street, P-3, with a 70-foot wide right-of-way and a proposed Class III bikeway. It has a 34-foot wide roadway, with two through travel lanes and permitted parking on both sides.

Along Bauer Drive, the 2005 *Countywide Bikeways Functional Master Plan* recommends a signed shared roadway, SR-35. The existing right-of-way is approximately 67 feet, or three feet less than the recommended master-planned 70 feet, along the frontage of the Property. It has 34-feet of pavement, with two through travel lanes and permitted parking on both sides.

Woodcrest Drive is a secondary residential street with a 60-foot wide right-of-way that is not listed in the Master Plan.

Parking and Circulation

Two vehicles can park on-site in the existing driveway. Two on-street parking spaces are permitted along the Site frontage of Woodcrest Drive; and three on-street parking spaces are permitted along the Property frontage on Bauer Drive.

Woodcrest Drive between Briarwood Terrace and Bauer Drive is approximately 1,080 feet long with a 22-foot wide pavement with parking permitted on both sides. Woodcrest Drive provides access for 24 single-family houses. In a typical scenario during the weekday evening peak hours, these houses could generate 13 peak-hour trips, or three trips every 15 minutes, on average. Therefore, two vehicles can safely drop off and pick up children by either pulling into/out of the existing driveway or park safely on Woodcrest Drive given the very low volume of vehicular traffic on Woodcrest Drive.

Pedestrian Facilities

Both Woodcrest Drive and Bauer Drive have 4-foot wide sidewalks with an 11-foot wide and a 12-foot wide green panel, respectively. At the adjacent intersection of Bauer Drive and Woodcrest Drive, pedestrian handicap ramps exist at each corner and pedestrian crosswalks are on both legs of Woodcrest Drive.

Transit Service

Transit service is not available along Woodcrest Drive. Along Bauer Drive, Ride On route 48 operates with 30-minute headways between the Wheaton Metrorail Station and the Rockville Metrorail Station. The nearest bus stops along Bauer Drive are located approximate 270 feet to the east at the intersection of Briarwood Terrace and to the west at the intersection of Barkwood Drive.

Local Area Transportation Review

The proposed day care center with up to 12 children and two non-resident staff persons is estimated to generate up to 14 peak-hour trips each during the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods. A traffic study was not required to satisfy the Local Area Transportation Review (LATR) test because the proposed use will generate fewer than 30 total peak-hour trips within the weekday morning and evening peak periods. The adjoining streets, specifically Woodcrest Drive, will be able to safely accommodate the additional trips.

Transportation Policy Area Review

For the roadway portion of current TPAR test, for the Aspen Hill Area policy area is inadequate, but the transit test is adequate. However, a TPAR payment will not be required because the square footage of the existing single-family house will not be increased to accommodate the additional number of children or employees.

Community Comments

Staff has not received any correspondence from the surrounding community in relation to this application.

FINDINGS

Conditions for Granting Conditional Use

Section 7.3.1.E Necessary Findings

Section 7.3.1.E.1

To approve a conditional use application, the Hearing Examiner must find that the proposed development:

- a. satisfies any applicable previous approval on the Site or, if not, that the previous approval must be amended;*

Not applicable; no previous approvals exist.

- b. satisfies the requirements of the zone, use standards under Article 59-3, and applicable general requirements under Article 59-6;*

The Application satisfies the requirements of the zone use standards under Article 59-3 and applicable general requirements under Article 59-6 as follows:

Section 59.3.4.4.D.2 Day Care Facility Use Standards

Section 59.3.4.4.D.2.a.

Where a Group Day Care (9-12 Persons) is allowed as a limited use, it must satisfy the following standards:

Not applicable; the Applicant proposes a Group Day Care for up to 12 persons allowed as a Conditional Use in the Zone.

Section 59.3.4.4.D.2.b.

Where a Group Day Care (9-12 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards and Section 7.3.1, Conditional Use.

The proposed facility meets the applicable limited use standards (of Section 59.3.4.4.D.2.a) as follows:

- i. The facility must not be located in a townhouse or duplex building type.*

The proposed facility is not located in a townhouse or duplex building type.

- ii. In a detached house, the registrant is the provider and a resident. If the provider is not a resident, the provider may file a conditional use application for a Day Care Center (13-30 Persons).*

The Applicant of the proposed facility is the provider and a resident.

iii. *In a detached house, no more than 3 non-resident staff members are on-site at any time.*

No more than two non-resident staff members are proposed to be on site at any time.

iv. *In the AR zone, this use may be prohibited under Section 3.1.5, Transferable Development Rights.*

Not applicable; the Site is not located in the AR zone.

The Applicant meets the Development Standards for the R-90 Zone under Article 59-4 as shown in the Development Standards Table below:

Table 1: Development Standards

Residential Zone (R-90)	Permitted/Required	Existing/Proposed
Lot and Density - 59.4.4.8.B		
Min. Lot area (sf.)	9,000	9,916
Min. lot width at front bldg. line (ft.)	75'	75'+
Min. lot width at front lot line (ft.)	25'	25'+
Max. density (units/acre)	4.84	4.39
Max. lot coverage	30%	<30%
Development Uses		
	Permitted/Required	Existing/Proposed
Group Day Care 59.3.4.4.D	9-12 Persons	9-12 Persons
Parking Req. - 59.6.2.4.B		
	Permitted/Required	Existing/Proposed
Single-Unit Living	2.00	2.00
Non-resident employee (in addition to the residential spaces) - Group Day Care (9-12 Persons)	1.00 per non-resident employee	2.00 (on-street parking spaces area available on the adjacent streets)

General Development Requirements under Article 59-6

The Application meets the applicable General Development requirements as detailed below:

59.6.1 Site Access

Division 6.1 applies to development in the Residential Multi-Unit, Commercial/Residential, Employment, Industrial, and Floating zones if:

- A. an apartment, multi-use, or general building type is proposed; and*
- B. a site plan or conditional use approval is required.*

Not applicable; the Site is not a development in the Residential Multi-Unit, Commercial/Residential, Employment, Industrial, and Floating zones.

59.6.2 Parking, Queuing, and Loading

Section 6.2.2 Applicability

Under Division 6.2, any use must provide off-street parking that permits a vehicle to enter and exit the property. Any change in floor area, capacity, use, or parking design requires recalculation of the parking requirements under Division 6.2, and may be subject to a payment under Chapter 60. The parking ratios of Division 6.2 do not apply to any:

- 1. structure on the National Register of Historic Places; or*
- 2. expansion or cumulative expansions of less than 500 square feet in gross floor area or impervious cover.*

Not applicable; the Site is not on the National Register of Historic Places and will not expand its square feet of gross floor area or impervious cover.

59.6.2.3.A.5

Any on-street parking space in a right-of-way counts toward the minimum number of required parking spaces if the space is:

- a. not located within a Parking Lot District;*
- b. abutting or confronting the Site;*
- c. constructed by the applicant; and*
- d. for a Retail/Service Establishment or Restaurant use, or a car-share space.*

Any such space removed by a public agency at a later date is not required to be replaced on-site.

The Applicant is proposing to count the existing on-street parking spaces towards the minimum required parking spaces, which is acceptable since the Site is not located within a Parking Lot District, on-street parking spaces are abutting and confronting the site, not constructed by the Applicant, and the Applicant is not proposing a Retail/Service Establishment or Restaurant use, or a car-share space.

59.6.2.4 Parking Requirements

A. Using the Parking Tables

Parking requirements for a Group Day Care within a residential zone require a baseline minimum of one parking space per non-resident employee (in addition to residential spaces). Required spaces may be allowed on the street abutting the site. Therefore, the proposed use is required to provide a minimum of two parking spaces in addition to the two spaces needed for the residents of the house (Table 1: Development Standards).

The Site will use the existing driveway to accommodate resident's parking requirements. The Applicant proposes to meet the parking requirement for employees by using five existing on-street parking spaces - two along Woodcrest Drive and three along Bauer Drive, per Section 6.2.3.A.5 as described below:

59.6.2.5 Vehicle Parking Design Standards

A. Building Type Exemptions

The vehicle parking design standards under Section 6.2.5.D and Section 6.2.5.F through Section 6.2.5.H do not apply to a:

1. detached house;
2. duplex; or
3. townhouse that provides parking on individual lots.

The application is for a detached house, therefore the vehicle design standards under Section 6.2.5D and Section 6.2.5.F through Section 6.2.5.H do not apply.

B. Location

Each required parking space must be within ¼ mile of an entrance to the establishment served by such facilities.

Each of the existing five on-street parking spaces is within ¼ mile of the primary entrance to the establishment.

C. Access

Each parking space must have access to a street or alley open to use by the public. Vehicle access crossing primary pedestrian, bicycle, or transit routes must be limited wherever feasible.

Each of the five on-street parking spaces has access to a street open for use by the public (Bauer Drive and Woodcrest Drive).

E. Size of Spaces

1. Each parking space must satisfy the following minimum dimensional requirements:

Parking Angle	Standard Space		Compact Space	
	Width	Length	Width	Length
Perpendicular	8.5'	18'	7.5'	16.5'
60 to 75 degrees	10'	23'	8.5'	21'
45 to 59 degrees	12'	26.5'	Not allowed	Not allowed
Parallel	7'	21'	6'	19.5'

The existing driveway is 28'-8" long by 19'-0" wide; therefore it meets the minimum dimensional requirements for two cars. The proposed on-street parallel parking spaces are approximately 21' long by eight feet wide, and therefore comply with the Standard Space requirements for parallel parking spaces.

59.6.2.9.b Parking Lot Requirements for Conditional Uses Requiring 3 to 9 Spaces

1. If a property with a conditional use requiring 3 to 9 parking spaces is abutting Agricultural, Rural, Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use, the parking lot must have a perimeter planting that:

- a. Satisfies the minimum specified parking setback under Article 59.4 or, if not specified, is a minimum of 8 feet wide;
- b. Contains a hedge, fence, or wall a minimum of 4 feet high; and

- c. *Has a minimum of 1 understory or evergreen tree planted every 30 feet on-center.*
2. *The Hearing Examiner may increase the perimeter planting requirements for a conditional use application under Section 7.3.1.*

Not Applicable; the proposed Conditional Use requires two parking spaces for full-time employees in addition to the two spaces for the residents. The Applicant proposes that the two full-time non-resident employees will park on the adjacent streets. There will be no parking lot for the proposed Conditional Use on site. Therefore, no parking lot screening is required.

Division 6.4.2 General Landscaping and Outdoor Lighting

Division 6.4 applies to landscaping required under this Chapter, the installation of any new outdoor lighting fixture, and the replacement of any existing outdoor fixture. Replacement of a fixture means to change the fixture type or to change the mounting height or location of the fixture.

The Application does not propose any modifications to the existing outdoor lighting, and there is no required landscaping for this application under this Chapter.

59.6.5.2 Screening Requirements

A. Method of Development

Division 6.5 only applies to standard method development.

B. Agricultural, Rural Residential, and Residential Detached Zones

In the Agricultural, Rural Residential, and Residential Detached zones, a conditional use in any building type must provide screening under Section 6.5.3 if the subject lot abuts property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use.

1. *The conditional use standards under Article 59-3 may exempt the development from this requirement.*
2. *The Hearing Examiner may increase the amount of screening required for conditional use approval under Section 7.3.1.*

The Site is in a Single-Family Residential Detached zone and abuts property in a Single-Family Residential Detached zone that is improved with a residential use. The Site is not exempt from the requirements of providing screening under Article 59-3. Therefore, it must provide screening per Division 6.5.

The Site has a five to eight-foot tall wood privacy fence along the shared property line with two adjacent residential uses to the south and east. The proposed site design does not meet the minimum required depth or planting requirements of Sections 59-6.5.3.A and 59-6.5.3.C.7. Therefore, the Applicant must provide an eight-foot wide landscape screen using, preferably native, planting materials (trees and shrubs) along the east and south lot lines shared with the abutting houses to meet the requirements of Section 59-6.5.3.C.7. Per Sections 59-6.5.3.A., the screening must extend along the full length of the subject structure

or use plus an additional 50% in length in each direction or to the end of the shared lot line, whichever is less.

Division 59.6.7.2 Signs

- A. *A property owner must obtain a permit under Division 6.7 before a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered, except for signs covered by Section 6.7.3, Exempt Signs, Section 6.7.11, Limited Duration signs, and Section 6.7.12, Temporary Signs.*
- B. *A property owner must maintain a sign in good repair and in a safe condition. Routine maintenance does not require a permit. Routine maintenance includes painting, cleaning, changing copy where permitted, or changing copy to satisfy a sign concept plan.*
- C. *A sign not listed in Division 6.7 or that does not satisfy the requirements in Division 6.7 may be constructed if the applicant obtains a variance from the Sign Review Board.*

Two signs are currently located along the abutting streets. One sign faces Woodcrest Drive and the other faces Bauer Drive. The existing signs is two-square-foot each, or less, in area. The Application does not propose any new signage.

Section 7.3.1.E.1.c.

substantially conforms with the recommendations of the applicable master plan;

The Site is located within the 1994 *Aspen Hill Master Plan* (the Plan). The Land Use section of the Plan does not specifically address the Site; however, it provides guidance about Conditional Uses (formerly Special Exceptions) and their compatibility with existing residential uses. The Plan emphasizes that *any modification or addition to an existing building should be compatible with the architecture of the adjoining neighborhood, front yard parking should be avoided because of its commercial appearance, and scrutiny should be given to screening and buffering from the abutting residences* (page 81). In addition, the Facilities chapter of the Plan includes a section on child day care facilities. The Plan states that *child care facilities should be encouraged to meet the needs of the residents of Aspen Hill, and that this Plan supports various types of child day care facilities within the planning area, particularly those providing care to the youngest children* (page 196).

The proposed Conditional Use is consistent with the 1994 *Aspen Hill Master Plan*. The Applicant's proposal to expand the existing day care to a maximum of 12 children addresses a need identified in the Plan. No physical alterations are proposed for the Site or the house. An existing fence around the perimeter of the back and side yards provides a buffer from the adjacent residences. No new front yard parking will be installed. The proposed use is required to provide adequate landscaping and screening per the screening requirements of the zone. The proposed facility will retain the existing residential character of the neighborhood.

Section 7.3.1.E.1.d.

is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;

The proposed use will not alter the exterior of the existing house and therefore will continue to maintain the current character of the surrounding neighborhood.

Section 7.3.1.E.1.e.

will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;

There are no existing and approved conditional uses within the Staff-defined neighborhood boundary surrounding the Site. The proposed use is in compliance with the Conditional Use requirements for the zone. No alterations to the exterior of the facility are proposed. The request conforms to the *Aspen Hill Master Plan* and will not alter the nature of the community.

Section 7.3.1.E.1.f.

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. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:

The Site is currently served by public services and facilities. The proposed use will not impact schools. It will not modify or expand the existing building. Police and fire protection, water, sanitary sewer, and storm drainage currently serving the site will remain adequate. The proposed use will not adversely impact the weekday peak-hour trips.

- i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or*

Not applicable; a preliminary plan of subdivision is not required. The proposed use will continue to be served by adequate public services and facilities.

- ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; and*

Not applicable; a preliminary plan of subdivision is not needed and is not filed concurrently with this application.

Section 7.3.1.E.1.g.

will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories;

The inherent physical and operational characteristics necessarily associated with a Group Day Care 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 non-inherent characteristics associated with the proposed facility.

The proposed facility meets the applicable standards of the standards of Section 59.7.3.1.E.g as follows:

- i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;*

The proposed facility is consistent with the Conditional Use requirements for the zone (R-90). There is no expected undue harm to the neighborhood either as a result of non-inherent adverse effects or a combination of inherent or non-inherent adverse effects. The children will take turns playing outdoors and the outside play area is buffered from the adjoining properties utilizing a fence and staff recommended landscaping. No more than eight children are permitted to play outdoors at any one time.

- ii. traffic, noise, odors, dust, illumination, or a lack of parking; or*

The proposed Conditional Use will have no adverse impact on traffic, noise, odors, dust, illumination, or a lack of parking. Additional persons served by the Group Day Care will generate minimal new traffic or parking impact as the day care schedule for drop-offs and pick-ups will be staggered between the hours of 7:30am and 5:30pm, Monday through Friday. The children will take turns playing outdoors in the play areas. The play areas are adequate, and the proposed use will generate limited additional noise.

- iii. the health, safety, or welfare of neighboring residents, visitors, or employees.*

There will be no undue harm to the health, safety, or welfare of neighboring residents, visitors, or employees because the proposed Conditional Use meets all applicable development standards, has adequate and safe circulation in and around the site, and will be adequately served by public services and facilities.

Section 7.3.1.E.2

Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.

No alterations to the existing structure are proposed. The proposed Conditional Use will continue to be compatible with the character of the residential neighborhood.

Section 7.3.1.E.3

The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.

The proposed Conditional Use will continue to be compatible with the character of the residential neighborhood. Staff recommends approval with conditions.

Section 7.3.1.E.4

In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.

Not applicable; the proposal is not for an agricultural conditional use.

Section 7.3.1.E.5

The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:

- a. Filling Station;*
- b. Light Vehicle Sales and Rental (Outdoor);*
- c. Swimming Pool (Community); and*
- d. the following Recreation and Entertainment Facility use: swimming pool, commercial.*

Not applicable; the proposed Conditional Use is for a Group Day Care.

Section 7.3.1.E.6

The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use and due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:

- a. Funeral Home; Undertaker;*
- b. Hotel, Motel;*
- c. Shooting Range (Outdoor);*
- d. Drive-Thru*
- e. Landfill, Incinerator, or Transfer Station; and*
- f. a Public Use Helipad, Heliport or a Public Use Helistop.*

Not applicable; the proposed Conditional Use is for a Group Day Care.

Conclusion

The proposed Group Day Care complies with the general conditions and standards of a conditional use for a Group Day Care because it proposes to care for up to 12 children. The proposed use is consistent with the goals and recommendations of the approved and adopted *1994 Aspen Hill Master Plan*, will not alter the residential character of the surrounding neighborhood, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval with conditions.

Attachments:

1. Exhibit of Playground Area
2. Exhibit of Parking Lot and Drop-off Area
3. Traffic Statement
4. FCP Exemption Approval

ATTACHMENT 1

SQUARE FOOTAGE CALC'S:

AREA WITH PARTIAL DAYCARE ACCESS - "B"	1,700 SF
AREA WITH FULL DAYCARE ACCESS - "A"	2,050 SF
TOTAL DAYCARE AREA ON SITE:	3,750 SF

DAYCARE REQUIREMENTS:
75 SF/CHILD X 12 LICENSED CHILDREN = 900 SF REQ'D

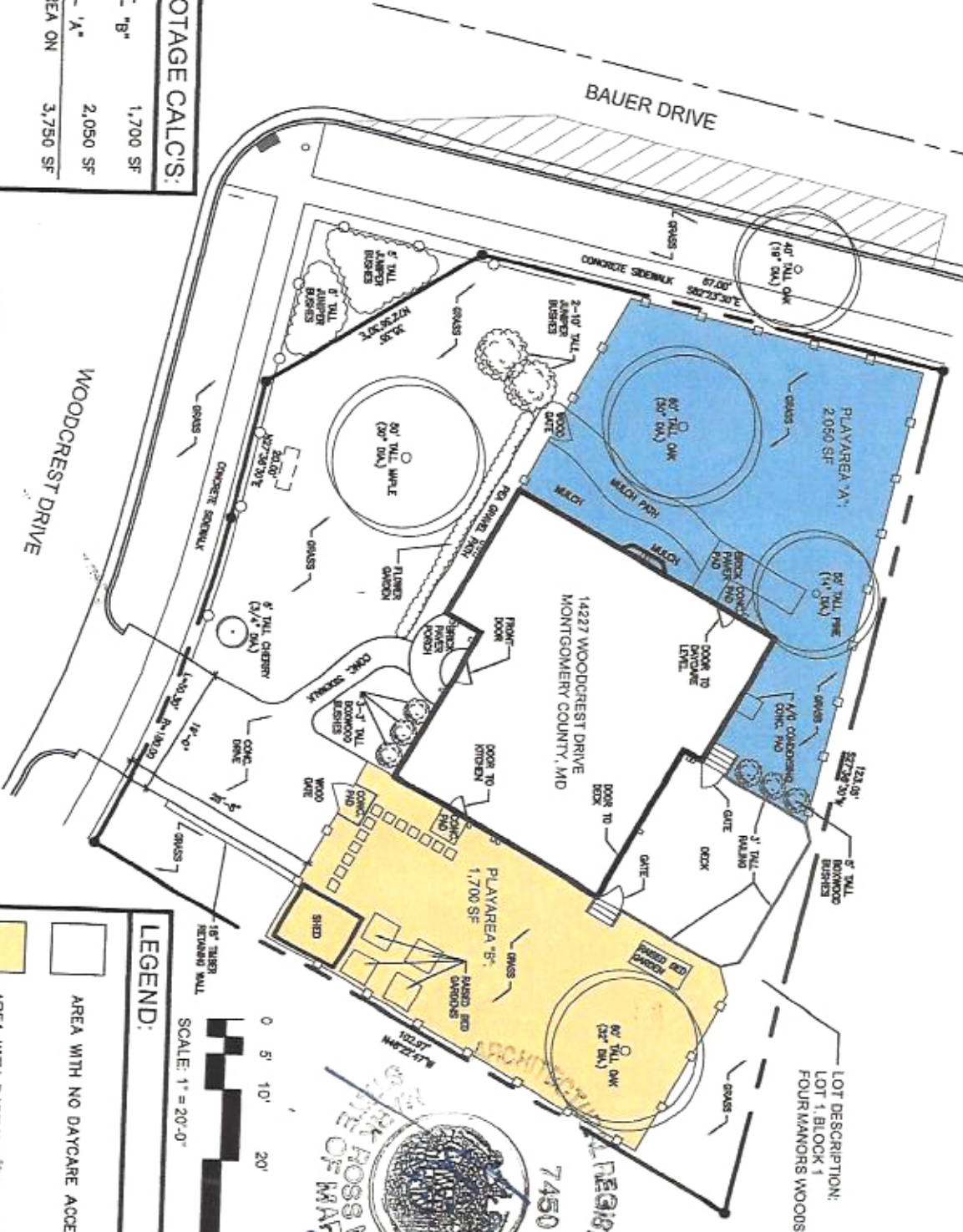
1 SITE PLAN

EX B 1" = 20'-0"

EXHIBIT 'B'

WOODCREST DRIVE

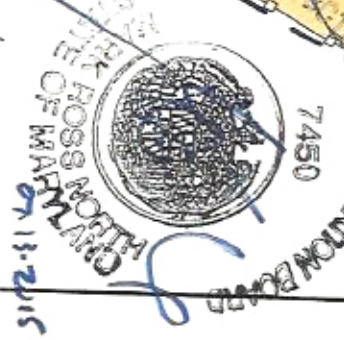
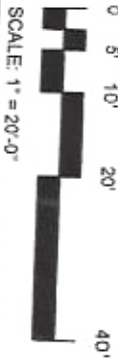
BAUER DRIVE



LOT DESCRIPTION:
LOT 1, BLOCK 1
FOURMANNORS WOODS

LEGEND:

- AREA WITH NO DAYCARE ACCESS
- AREA WITH PARTIAL DAYCARE ACCESS
- AREA WITH FULL DAYCARE ACCESS





ATTACHMENT 3

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

August 6, 2015

MEMORANDUM

TO: Mike Bello, Planner/Coordinator
Area 2 Planning Division

VIA: Khalid Afzal, Supervisor
Area 2 Planning Division

FROM: Ed Axler, Planner Coordinator
Area 2 Planning Division

SUBJECT: A Mum's Touch- Large Family Child Care Center
14227 Woodcrest Drive, Rockville
Condition Use No. 15-03
Aspen Hill Policy Area

This memorandum is Area 2 transportation planning staff's review of the subject Conditional Use to expand the existing child day care Center from 8 to 12 children located in the existing single-family detached residential unit.

RECOMMENDATIONS

Area 2 transportation planning staff recommends the following conditions related to the transportation requirements for the subject Conditional Use:

1. The Conditional Use must be limited to an increase of up to 12 children, 2 full-time non-residential staff, and the owner who live on-site in the existing single-family detached unit.
2. The Applicant must schedule staggered drop-off and pick-up of no more than two children every 15 minutes to distribute the vehicular trips to/from the site for safe on-site and on-street circulation.

DISCUSSION

Site Location and Vehicular Site Access Point

The subject site is located in the southeastern corner of the intersection of Woodcrest Drive and Bauer Drive. The driveway to the existing single-family detached house is from Woodcrest Drive.

Master-Planned Roadway and Bikeway

In accordance with the approved and adopted 1994 *Aspen Hill Master Plan*, Bauer Drive is designated as a primary residential street, P-3, with a 70-foot wide right-of-way and a proposed Class III bikeway.

Along Bauer Drive, the 2005 *Countywide Bikeways Functional Master Plan* recommends a signed shared roadway, SR-35. The existing right-of-way is approximately 67 feet or 3 feet less the recommended master-planned 70 feet along the frontage of the Property,

Woodcrest Drive is a secondary residential street with a 60-foot wide right-of-way that is not listed in the Master Plan.

On-Site and On-Street Parking and Circulation

Seven vehicles can park on the Property's driveway from Woodcrest Drive and on the streets fronting of the house. Two vehicles can park on-site in the existing driveway; two on-street parking spaces are permitted along the Property frontage of Woodcrest Drive; and three on-street parking spaces are permitted along the Property frontage of Bauer Drive.

Woodcrest Drive between Briarwood Terrace and Bauer Drive is an approximately 1,080-foot long secondary residential street with a 22-foot wide paved travelway, parking permitted on both sides, and has no centerline or other pavement markings.

Bauer Drive is a primary secondary residential street with a 34-foot wide paved travelway, two through travel lanes, a centerline, and marked pavement lines delineating permitted parking on both sides.

The Applicant proposes to schedule staggered drops-off and picks-up to no more than two children every 15 minutes to distribute the vehicular trips to/from the Property. One parent is proposed to use 1 of the 2 parking spaces on the existing driveway and another parent use one of two on-street parking spaces along the Woodcrest Drive frontage. Both drivers can safely maneuver by either pulling into/out of the driveway space or parallel to the Woodcrest Drive curb given the very low volume of vehicular traffic on Woodcrest Drive.

Woodcrest Drive serves as access for 24 single-family residential houses. In the worse-case scenario during the weekday evening peak hours, these houses would generate 13 peak-hour vehicular trips or only 3 every 15-minutes.

Pedestrian Facilities

Woodcrest Drive and Bauer Drive have 4-foot-wide sidewalks (as required under the old Road Code) and an 11-foot wide and a 12-foot wide green panel, respectively. At the adjacent intersection of Bauer Drive and Woodcrest Drive, pedestrian handicap ramps exist at each corner and pedestrian crosswalks on both legs of Woodcrest Drive.

Available Transit Service

Transit service is not available along Woodcrest Drive. Along Bauer Drive, Ride-On route 48 operates with 30-minute headways between the Wheaton Metrorail Station and the Rockville Metrorail Station. The nearest bus stops along Bauer Drive are located approximate 270 feet of Woodcrest Drive to the east at the intersection of Briarwood Terrace and to the west at the intersection of Barkwood Drive.

Local Area Transportation Review

Without the current and proposed scheduled staggered child drop-off/pick-up times, the existing day care center serving up to 12 children and having 3 staff persons generates up to 14 peak-hour trips during the weekday morning peak-period (6:30 to 9:30 a.m.) and up to 14 peak-hour trips during the evening peak-period (4:00 to 7:00 p.m.) A traffic study was not required to satisfy the Local Area Transportation Review (LATR) test because the proposed child day care center expansion generates fewer than 30 total peak-hour trips within the weekday morning and evening peak periods.

Transportation Policy Area Review

The Transportation Policy Area Review (TPAR) test would typically be satisfied by paying 25% of the transportation impact tax for the square footage located in the Aspen Hill Policy Area. For the current TPAR test, the roadway test for this policy area is inadequate, and the transit test is adequate. However, a TPAR payment of the transportation impact tax will not be required because the square footage of the existing single-family residential unit will not be expanded to accommodate the increase in the number of children in the child care center.

EA

mmo to Bello re A Mum's Touch CU 16-03.doc

ATTACHMENT 4

Development Applications and Regulatory Coordination

Effective 9/30/2013

M-NCPPC • 8787 Georgia Avenue, Silver Spring, MD 20910 • 301-495-4550, fax: 301-495-1306

APPLICATION

Forest Conservation Law Applicability for Special Exceptions

PROPERTY LOCATION

Street Address: 14227 Woodcrest Dr

Subdivision: Manor Woods Parcel(s) # N/A Lot #(s): 1 Block(s): 1

Property Tax Identification Number: 13-01446748

Applicant (Owner or Contract Purchaser):

Name: AMBOR PRIMM
Street Address: 14227 Woodcrest Dr
City: Rockville State: MD Zip Code: 20853
Phone No: 520-404-3673 Fax No: _____

Total Area of Property: .227 acres 99.16 square feet

APPLICANT ATTESTS THAT THE FOLLOWING STATEMENTS APPLY TO THE SUBJECT SPECIAL EXCEPTION APPLICATION

Applicant attests that the following statements apply to the subject special exception:

- The application does not propose any clearing or grading activities on or near the special exception site.

OR, all of the following:

- The application applies to a property of less than 40,000 square feet.
- The property is not subject to a previously approved Forest Conservation Plan.
- The special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Board.

JEFFREY E. LEE
Notary Public
Montgomery County
Maryland
My Commission Expires September 18, 2017

Signature of applicant (Owner or Contract Purchaser) [Signature] - AMBOR PRIMM

[Signature] - JAMES THOR
Signature _____ Date 6/23/2015

FOR STAFF USE ONLY

M-NCPPC acknowledges that the special exception for the above property:

- is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code
- is exempt from the Forest Conservation Plan requirements under Section 22A-5 (q)(1) of the Forest Conservation Law

Signature of M-NCPPC Environmental Planning staff reviewer:

[Signature]
Signature _____ Date 7/14/2015