



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MCPB
Item # 3
1/17/2002

MEMORANDUM

DATE: January 11, 2002
TO: Montgomery County Board of Appeals
VIA: John Carter, Chief, Community-Based Planning *JC*
 Sue Edwards, I-270 Corridor, Team Leader
FROM: Nkosi Yearwood, Community-Based Planning *NY*
REVIEW TYPE: Special Exception
APPLYING FOR: Child Daycare Facility
APPLICANT: Kids N Care Learning Center
CASE NUMBER: S-2471
REVIEW BASIS: Chapter 59, Zoning Ordinance
ZONE: R-200
LOCATION: Dawson Farm Road and Mateney Hill Road
MASTER PLAN: Germantown Master Plan
FILING DATE: February 9, 2001
PLANNING BOARD: January 17, 2002
PUBLIC HEARING: January 28, 2002

STAFF RECOMMENDATION: APPROVAL with the following conditions:

1. The applicant is bound by all submitted statements and plans.
2. The facility is limited to six daycare employees and the hours of the facility are limited to the following: Monday through Friday from 6:30 a.m. to 7:00 p.m. and Saturday from 8:00 a.m. to 6:00 p.m.
3. Enrollment for the proposed child daycare center is limited to 40 children.
4. The applicant must comply with Maryland State and Montgomery County standards for the operation of a daycare center.
5. The proposed use is limited only to child daycare services. The building must not be leased or rented to the public.

6. Student play outdoor activities must be staggered during scheduled hours and must not exceed 15 students. Soft materials, such as wood chips, should be utilized for the play area's surface.
7. The applicant must implement and adhere to the Transportation Management Plan (TMP) for the proposed daycare facility.
 - a) Provision fourteen (14) of the TMP should state: A "Community Council" must be established by the Director, with the People's Council as an ex-officio member, to discuss transportation and other issues related to the daycare facility and must be held on a quarterly basis.
8. During the first two weeks the daycare facility is opened, the applicant must fully assess on-site and off-site peak hour vehicular operations in order to assure compliance with the Transportation Management Plan. If necessary, the applicant must undertake additional management and operational steps, as maybe necessary, to assure compliance with the TMP, including:
 - a) Additional on-site staff to manage morning and afternoon peak periods.
 - b) Changes in arrival and dismissal times, including staggering of student arrival and departure.
9. The applicant must coordinate with Department of Public Works and Transportation (DPWT) and Department of Permitting Services (DPS) to construct a sidewalk, with street trees and lights, across the frontage of the property along Mateny Hill Road. Also, widen Mateny Hill Road to a minimum of 20 feet.
10. Compliance with Department of Permitting Service (DPS) stormwater management and erosion control requirements.
11. The applicant must adhere to the Montgomery County Noise Ordinance.
12. The applicant must adhere to Montgomery County Sign Standards as established by Section 59-F of the Zoning Ordinance.

PROPOSAL DESCRIPTION

The applicant, Kids N Care Learning Center, proposes to construct and operate a child daycare center at 19002 Mateny Hill Road, Germantown, in the R-200 zone. The applicant is a contract purchaser for the undeveloped site and operates a group daycare facility for 12 children at his residence. The maximum capacity for the proposed facility

is 40 children between the ages of infant to 11 years with six staff members, including a director.

Staff has reviewed several site plans and statement of operations from the applicant since this application has been filed. Each revision has attempted to address various site design and operational issues, such as building setback and parking circulation. The following is a brief history of this proposal:

- A staff report was submitted to the Board of Appeals in June, 2001 recommending deferral/denial of the proposed facility. The public hearing was subsequently deferred.
- The Planning Board reviewed the petition for the daycare facility, along with a variance, on September 13, 2001 and recommended denial to the Board of Appeals. The building's size and queuing of vehicles were reasons for the Planning Board's recommendation. The public hearing was once again deferred.
- In response to the concerns of the Planning Board, the applicant has revised the proposal, including reducing the building's size and the number of children for the facility. The number of parking spaces has been increased, and a Transportation Management Plan (TMP) has been prepared. A variance is no longer required for the proposal. The Hearing Examiner will review this project on January 28, 2002.

Site Description

The subject site is located at the intersection of Dawson Farm Road and Mateney Hill Road. It is a recorded lot, described as Lot 4, Block A in the Mateney Subdivision, and is comprised of 25,137 square feet. The irregular shape is undeveloped with trees and grass. An asphalt driveway from Mateney Hill Road provides access to the site. The site has frontage along both Dawson Farm Road and Mateney Hill Road.

Neighborhood Description

The primary land use surrounding the proposed daycare facility is residential. The adjacent residential properties to the west are in the R-200 zone along Mateney Hill Road. Properties to the north and east of the subject site are townhouses zoned RT-12.5 and properties to the south, across Dawson Farm Road, are townhouses in the R-200/TDR zone. Germantown Elementary School is located further to the west of the subject site at Dawson Farm Road and Liberty Hill Road. The Germantown Historic District and MARC commuter rail are both located north of the subject site.

There are four approved special exceptions within proximity to the proposed daycare facility: (S-113) for a nursing home at 19310 Germantown Road, which was approved in 1972; (S-728) a non-resident medical office at 19330 Germantown Road,

approved in 1980; (S-1186), a child daycare facility for 40 children at 12648 Grey Eagle Court, approved in 1985; and (S-2220) an automobile filing station and convenience store, located at Crystal Rock Drive, south of MD 118.

Elements of Proposal

The applicant proposes to construct a two-story building to accommodate the proposed child daycare facility. As proposed, the building will have a basement, first and second floors. Storage, utilities and mechanical space and an unfinished basement will comprise the lower level. On the first floor, the main activities for the daycare center will take place in four classrooms, a computer room, bathrooms, reception area, and kitchenette. An office is the only habitable space on the second level.

The applicant has made several changes to the proposed daycare facility design since the Planning Board reviewed this petition in September, 2001. These changes result in a much smaller building and include the elimination of the balcony, staff lounge, and meeting room from the second floor. Additionally, the applicant has changed the type of windows facing Mateny Hill and Dawson Farm and added additional brick along the facade of the building. The following table illustrates the size difference between the original proposal and the current proposal:

<i>Floor</i>	<i>Original Proposal</i>	<i>Current Proposal</i>
Basement	3,207 square feet	2,280 square feet
First Floor	3,470 square feet	2,664 square feet
Second Floor	1,110 square feet	385 square feet

The length of the “W” shaped building along the western property line is 46 feet; along the southern property line it is 63 feet in length; and varies in length along the northern and eastern sides. The eastern and northern sides of the building vary since the entrance is located near the intersection of the “W” shape of the facility. Dormers will face Dawson Farm Road, the adjacent single-family dwelling and the entrance along Mateny Hill.

A play area is proposed for the south-eastern portion of the site and a parking area for 16 cars, including one handicapped space, is proposed for the western side of the building. Trees, shrubs and other plantings are proposed for the perimeter of the site, parking area, play area and walkway leading to the entrance and play area. In addition, a walkway is proposed from Dawson Farm Road and an unlit identification sign is planned for the southern portion of the site. No more than 15 children will play in the outdoor play area at one time.

The facility will operate Monday through Friday between the hours of 6:30 a.m. and 7:00 p.m. as well as Saturdays from 8:00 a.m. to 6:00 p.m. The applicant’s most recent revised statement of operations states that “all employees will arrive prior to the commencement of operations at 6:30 a.m. Monday through Friday and

8:00 a.m. on Saturdays. The employees will depart after 7:00 p.m. Monday through Friday and after 6:00 p.m. on Saturday.” Additionally, the applicant states that “children will be transported by parental or carpool vehicles, arriving generally between 7:00 a.m. and 9:00 a.m. and leaving at various times during the day.”

The revised statement of operation states that one classroom will have children from 18 months to 2 years with a maximum of two toddlers and eight children between the ages of two and three. A second classroom will accommodate 10-three to four year olds. Another classroom will have 10 children between the ages of 4 years and 5 years and the final classroom will accommodate 10 children five years of age and higher.

The applicant has indicated that some artistic teaching or instruction of students may occur on Saturdays at the facility. If any instruction would occur at the site, then the applicant must apply for a private educational institution special exception to comply with zoning standards.

ANALYSIS

Master Plan

The proposed project meets the requirements of the Germantown Master Plan as summarized in the following paragraphs. The Germantown Master Plan (Approved and Adopted 1989) notes that child daycare services are important for the planning area. The Master Plan acknowledges there are various types of child daycare facilities, including family and group daycare homes in Germantown and that there is a “very strong unmet need for child daycare facilities, particularly for infants, and for before-and after-school programs for older children” (p.140). The 1989 Plan also notes that “the many requests for child daycare services for infants and comments from providers of services suggest that there is a significant need for both infant care and school-age care facilities and opportunities in the area.”(p.140)

Between 1990 and 2000, the Plan projects that the number of children in the planning area will increase and then will taper off for the next decade. The Plan recognizes that “additional child daycare facilities and opportunities should be explored to meet the increasing needs...” (p.140). The proposed site is located in Analysis Area 1 of Clopper Village (CL-1) of the Master Plan, while portions along Dawson Farm Road and the site’s eastern edge is in Analysis Area (CL-3). Analysis area CL-1 includes the southern side of Germantown Road (MD 118) and Germantown Historic District around the train station at the north end of Mateney Hill Road. Analysis Area (CL-3) is located between MD 118 and Great Seneca Highway and is north of Clopper Road. (*See attached map for more information*).

Development Standards

The proposed child daycare facility is in the R-200 Zone. Since the building fronts on both Mateney Hill Road and Dawson Farm Road, the front is considered at both sides. The Zoning Ordinance, Section 59-A-2.1, states that the front lot for "A corner lot may front on either street if large enough to provide all minimum setbacks and yard area requirements." Staff has defined the building as having two fronts: Dawson Farm Road and Mateney Hill Road. The revised site plan does meet the development standards for the zone, which the previous application did not.

The following table shows the development standards for the proposed daycare facility:

R-200 Zone	Requirement	Provided
Land size	20, 000 square feet	25, 136 square feet
Building Setback		
Front (Mateney Hill)	40 feet	40 feet
Front (Dawson Farm)	40 feet	40 feet
Side	12 feet	73 feet
Building Height	50 feet	24 feet
Building Coverage	25 percent	11 percent
Parking Spaces		
-1 space for each employee		
-1 space for every 6 students	13 spaces	16 spaces

Traffic

Transportation Planning staff has reviewed the subject petition and recommends its approval subject to various conditions, including the widening of Mateney Hill (*See attachment for Transportation Planning Staff Memos*). Staff recommends that all parking spaces adjacent to the building be designated with signs for only drop-off and pick-up of students. Parking for staff members will take place on the opposite side of the parking area and remaining spaces could also be used for additional drop-off and pick-up of students.

The applicant has conducted traffic counts to gauge morning and afternoon traffic along surrounding roads, including the intersection of Mateney Hill Road and Dawson Farm Road, and examined additional child daycare centers in the Germantown area. These counts reveal that there is low volume of traffic on Mateney Hill Road and from the Germantown subdivision. Specifically, counts from the Germantown subdivision revealed that 27 morning peak hour trips and 33 evening peak hour trips emanate from this subdivision. The applicant has also examined a larger daycare facility in

Germantown, Inman Learning Center located on Bandermill Drive, east of MD355 at Middlebrook, as a comparative model to the proposed facility.

Local Area Transportation Review

For Local Area Transportation Review (LATR), the proposed daycare facility for 45 children would generate thirty-five trips and fourteen trips during the AM and PM peak periods, respectively. Thus, the proposed development would not require a traffic impact study.

Policy Area Review

For Policy Area Transportation Review, the current FY01 AGP indicates that the Germantown West Policy Area has employment staging ceiling capacity available (1,566 jobs as of April 30, 2001) to accommodate the proposed development.

Access

Access to the site is proposed from Mateney Hill Road. From near the proposed entrance of the facility to Dawson Farm Road, double yellow lines mark Mateney Hill Road. These lines terminate close to the proposed entrance to the facility. An increase in paving and sidewalks are recommended.

Parking Standards

The parking standard for a child daycare facility, Section 59-E-3.7, notes that one space for every six children is required as well as one space for each employee and adequate parking and pick-up for children. The submitted site plan indicates that 16 spaces, including one handicapped will be provided onsite; 13 spaces are required for the subject use.

Transportation Management Plan

The applicant has proposed a Transportation Management Plan (TMP) in association with the petition for a child daycare center. The goal of the TMP is to reduce any queuing along the public right-of-way, on-site circulation of vehicles and carpooling of students. The TMP will be implemented upon the opening of the subject facility. Staff would require that the applicant revise the TMP to require quarterly meetings with the "Community Council" and all provisions must be adhered to and implemented.

Environmental

Environmental Planning staff has reviewed the subject petition and notes that the application is exempt from Forest Conservation Law (#4-96006E) as a small property. This site is located in the Gunners Branch of the Great Seneca Creek Watershed. The *Countywide Stream Protection Strategy (CSPS)* assesses Gunners Branch as having fair

stream conditions and fair habitat conditions, labeling it as a Watershed Restoration Area. The applicant has received approval of the stormwater management concept plan submitted to the Department of Permitting Services (DPS). Water quality shall be provided on-site via sand filters and water quantity control shall be provided off-site via an existing pond.

Inherent/Non-inherent

Inherent and non-inherent adverse effects of the special exception use must be considered on nearby properties and the general neighborhood at the proposed location. Section 59-G-1.2.1 of the Zoning Ordinance states:

Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception."

When reviewing inherent and non-inherent adverse effects, it is recommended that seven points or physical operating effects be considered. These relate to: size, scale, scope, light, noise, traffic, and environment. It is understood that 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 will create adverse impacts sufficient to result recommending denial of the proposal.

The size of a daycare facility varies based upon the number of students and employees in the facility. The applicant has reduced the overall size of the building, as compared to the earlier proposal reviewed by the Planning Board, including reducing the size of the second floor. The first floor and second floor of the current proposal is more than 800 feet and 700 feet, respectively, smaller than the previous proposal. Staff and the Planning Board had significant reservations that the previous proposal's second floor with its three rooms could have been utilized for other functions besides a daycare facility.

Staff believes that the size of the building is compatible with the existing single-family character of the surrounding neighborhood. Compatibility of the proposed building should be considered in relationship with the "general character of the neighborhood" as noted in the general conditions for a special exception, Section 59-1.21 (4) and not by the notion that the proposed building should be identical to other buildings in the surrounding neighborhood. The neighborhood surrounding the subject site includes townhouses to the southwest, single-family detached dwellings to the north, and townhouses to east. These buildings, all built in different eras, have various heights and

scales, and the proposed building will not be out of character with the variety of building scales and sizes that are in the neighborhood.

The size of a single family detached dwelling, for example, could be the same or larger than the proposed daycare facility. A detached dwelling could be as close as 12 feet, as determined by development standards of the zone, rather than the 73 feet of the proposed building. The proposed daycare center will have significant landscaping surrounding the building, including a board on board fence, which is more than required for a single family dwelling. Road improvements, including sidewalks with lights, are also beneficial to the public.

Traffic is an inherent element for a daycare facility with parents dropping off and picking up children during the day. Parking, as an associated element, is needed for parents and staff. There are sufficient parking spaces to accommodate the nature of the proposed use. Trips to a daycare facility are scattered throughout the morning and evening peak hour periods. Since parents or guardians who utilize the facility have different arrival times for work or other activities, children will arrive based upon those working hours.

Unlike a private or public school where classes start at a particular time, for instance 8:30 a.m., children at a daycare center do not have a time when they must arrive. The applicant states that children will arrive "generally between 7:00 a.m. and 9:00 a.m." and leave at "various times during the day." Therefore, trips to the facility will be scattered throughout the morning and will be based on when parents or guardians arrive at the facility. Unlike morning drop-off, afternoon pick-up at some daycare facilities is more active than morning drop-off because additional fees are charged if pick-up does not occur within an established time.

At a worse case scenario, 10 parking spaces could be occupied for parental use. However, based upon the normal scattered arrival and departure time of parents or guardians, parking spaces will be available. The applicant has examined a larger daycare facility in Germantown, with 18 parking spaces instead of 16 as proposed, and states that a maximum of 75 percent of parking spaces are occupied during morning drop-off and afternoon pick-up. This worse case scenario also assumes that there is full capacity for the facility. The goal of the applicant's TMP is to avert any queuing, which may occur in a worse case scenario.

A non-inherent feature of this proposal is the curvature of Mateny Hill Road. The curvature of the road creates an unusual characteristic of the site since the north-eastern frontage of the property is reduced and constrained. If the curvature of the road did not exist, then the site would have been rectangular in shape. This application will widen Mateny Hill Road, and provide a sidewalk to improve existing conditions. Staff is of the position that this non-inherent feature does not warrant the denial of the subject application.

Community Concern

Since this daycare center has been proposed, staff has met several times with the adjacent property owner of the single-family dwelling to discuss various issues with the proposal. The adjacent property owner has continued to oppose the petition, including the revised layout for the following reasons: non-residential character of the proposed building and its compatibility to the neighborhood and safety issues related to transportation. Staff has spoken to a resident from the Germantown Station subdivision who expressed reservation of the proposal because of several factors, including the building's size (*See attachment for letter*). Prior to the first Board of Appeals hearing, the applicant held an informational meeting on May 30, 2001 at Germantown Elementary School for neighboring residents.

Compliance with Specific and General Special Exception Provisions

Staff has reviewed the application for compliance with all applicable special exception provisions and finds the following:

Sec. 59-G-2.13.1. Child day care facility.

- (a) The Hearing Examiner may approve a child day care facility for a maximum of 30 children if:

- (1) a plan is submitted showing the location of all buildings and structures, parking spaces, driveways, loading and unloading areas, play areas, and other uses on the site;

The applicant has submitted a site plan that illustrates the above criteria.

- (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:

The subject application provides three more parking spaces than is required for the use; 13 spaces are required and 16 spaces are provided.

- (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

Not applicable.

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

Not applicable.

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

The applicant has dedicated spaces in the parking area for parent drop-off and pick-up and is adequate for the use.

- (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 condition of approval for this special exception; and

The applicant has submitted an affidavit regarding compliance with State and County requirements.

- (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 surroundings properties from any adverse impacts resulting from the use.

The proposed daycare facility is compatible with the surrounding single-family residential neighborhood. The proposed facility will not create an adverse impact since there is sufficient screening to the adjacent property, noise is limited during outdoor play activities, and physical activity is limited to morning drop-off and afternoon pick-up.

- (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) above, 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

A landscaping plan has been submitted showing all proposed landscaping for the site.

- (2) in the one-family residential zones, facilities providing care for more than 30 children must be located on a lot containing at least 500 square feet per child.

The subject site is 25, 137 square feet; therefore, 50 children could be permitted on the site. The applicant is requesting 40 children for the site.

- (c) The requirements of section 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; or
 - (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; or
 - (3) a structure used for private parochial educational purposes which is exempted from the special exception standards under section 59-G-2.19(c); or
 - (4) a publicly owned building.

Not applicable.

59-G-1.21. General conditions.

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

A child day care facility is a permitted 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.

The proposed use will comply with Section 59-G-2.13.1 for a daycare facility.

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan thereof adopted by the Commission. Any decision to grant or deny special exception must be consistent with an recommendation in an approved and adopted 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 the 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.

The proposal is consistent with the Approved and Adopted 1989 Germantown Master Plan. It is also compatible with the residential character of the surrounding neighborhood.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

The building will be in harmony with the general character of neighborhood when considering design, scale and bulk.

- (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.

The adjacent property owner has stated that the proposed use will impact his opportunity to sell his property in the future. Staff does not agree that the proposed use will adversely impact the peaceful enjoyment or economic value of the surrounding neighborhood.

- (7) 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.

During outdoor play activities, noise levels on the subject site will increase. However, this is inherent with the use and the play area is located towards the intersection of Mateney Hill and Dawson Farm Road and away from the adjacent residence.

- (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.

Given the number of existing and approved special exceptions in the neighborhood, the proposed petition will not increase the number or intensity of special exceptions in the neighborhood.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective on any adverse effects the use might have if established elsewhere in the zone.

The revised petition will not impact the health and safety of residents and visitors. The applicant's Transportation Management Plan (TMP) addresses operational and transportation issues related to safety and security.

- (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.

The subject site is served by public water and sewer.

- (i) 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.

Not applicable.

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner or the District Council, as the case may be, must further determine that the proposal will have

no detrimental effect on the safety of vehicular or pedestrian traffic.

The revised petition with its TMP and other road improvements will not create a detrimental effect on public roads. Moreover, traffic counts indicate that there is sufficient traffic capacity available on surrounding roads.

Conclusion

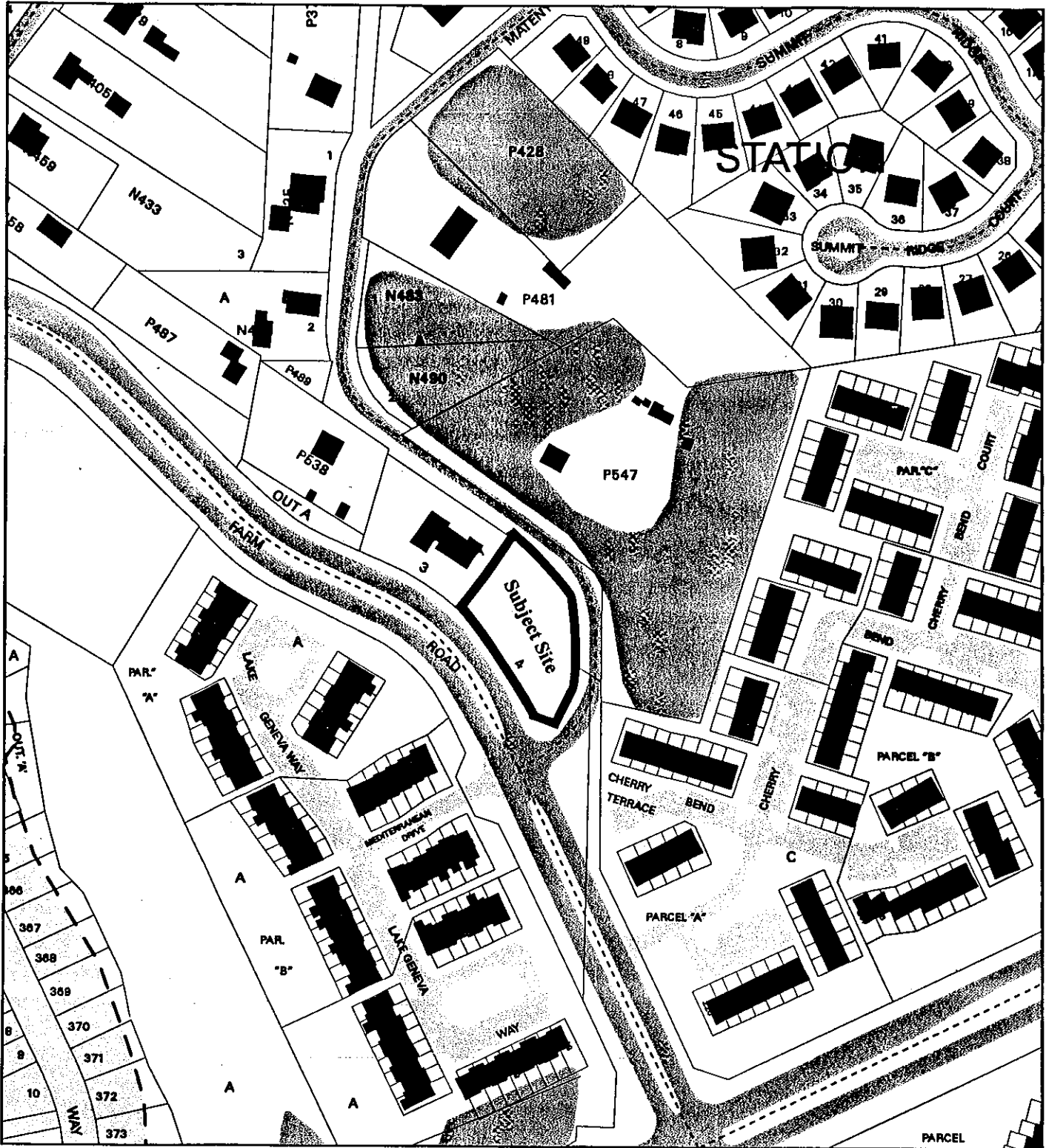
Based upon the applicant's revised petition, staff recommends approval of the subject special exception. The proposed building is compatible with the surrounding residential character of the neighborhood and adheres to the development standards of the zone. Additionally, the applicant's proposed Transportation Management Plan (TMP) addresses operational, onsite and off-site transportation issues related to improving onsite and off-site transportation. Staff recommends the approval of the special exception with the conditions listed at the beginning of this report.

Attachments

Vicinity Map	A-1
Site Plan	A-2
Landscaping and Lighting Plan	A-3
Basement Level	A-4
First and Second Floor Level	A-5
Building Elevations	A-6
Master Plan Map of Analysis Areas	A-7
Transportation Memos	A-8
Transportation Management Plan (TMP)	A-9
Citizen Letter	A-10
Department of Permitting Services (DPS) Letter	A-11

VICINITY MAP FOR
KIDS N CARE

A-1



Map compiled on January 10, 2002 at 10:27 AM | Site located on base sheet no - 228NW13

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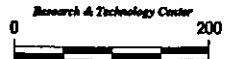
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Key Map

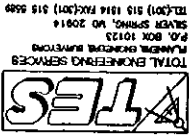


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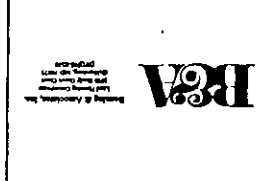


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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



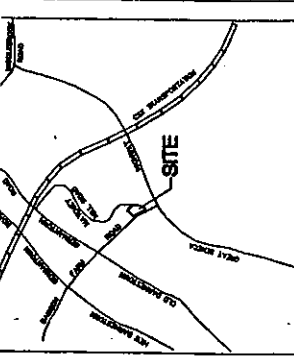
REVISION :



PROJECT NAME
MATNEY DAYCARE CENTER
 LOT 4, BLOCK 1
 MATNEY DISTRICT
 MONTGOMERY COUNTY, MARYLAND

DRAWING TITLE :
**SPECIAL EXCEPTION PLAN
 SITE PLAN
 LANDSCAPING PLAN**

Scale: 1" = 20'
 Sheet: 1 OF 2



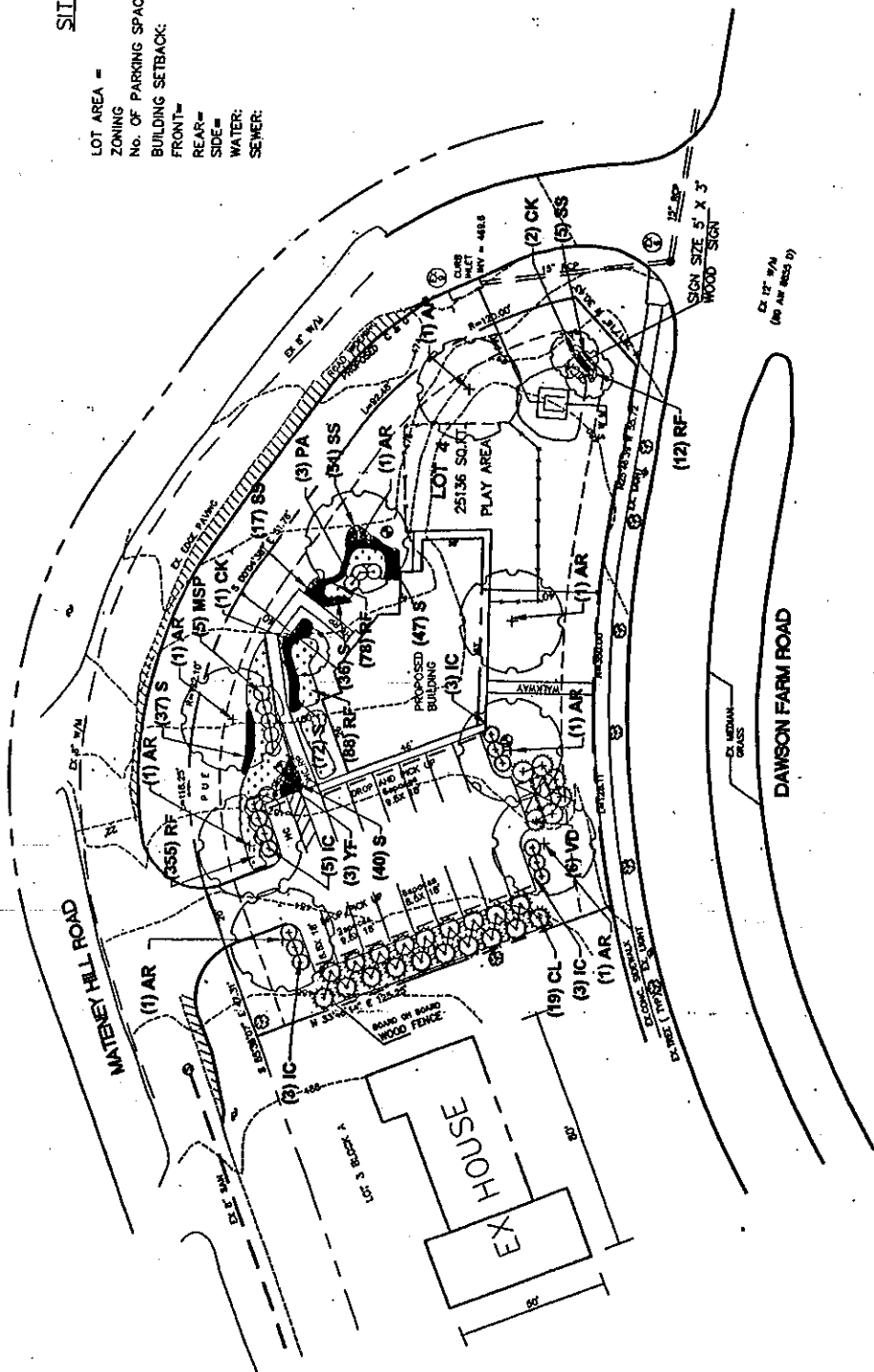
VICINITY MAP

SITE DATA:

- LOT AREA = 25,136 sq. ft.
- ZONING = R-200
- No. OF PARKING SPACES PROVIDED: 15
- BUILDING SETBACK:
 - FRONT = 40'
 - REAR = 40'
 - SIDE = 13'
- WATER: PUBLIC
- SEWER: PUBLIC

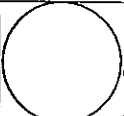
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KENNETH R. WALLICH
 P. 547
 ZONE RT.





ARCON, Ltd.
 5272 RIVER ROAD, SUITE 600, BETHESDA, MD 20816
 TEL. 301.694.9299 FAX. 301.654.7870



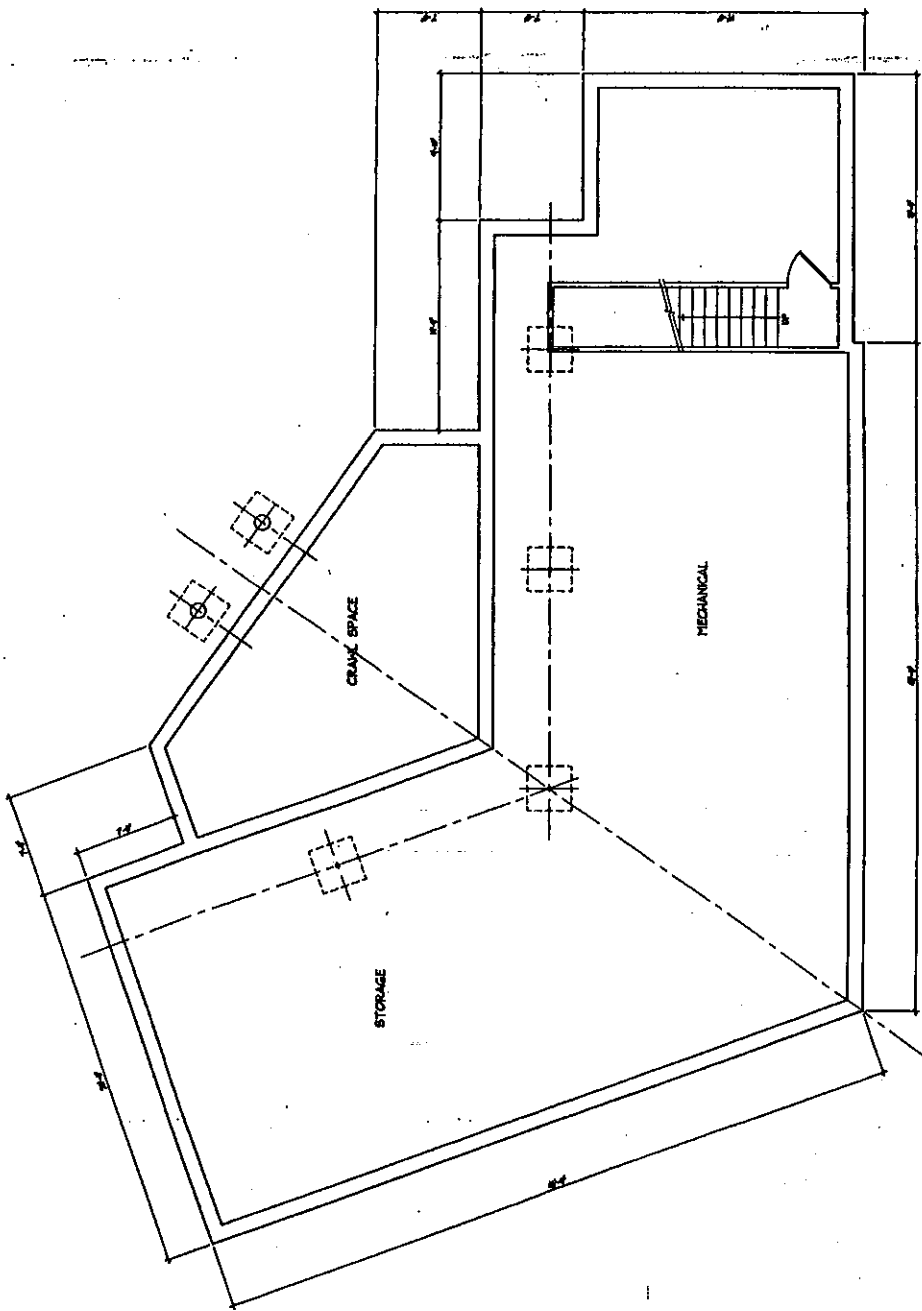
NO.	REVISION	DATE

BASMENT FLOOR PLAN
 MATERNITY DAYCARE CENTER
 8002 MATERNITY HILL RD.
 GERMANTOWN, MARYLAND

DATE: 11/11/94
 PROJECT NO.: 94-001
 SHEET NO.: 11/01/94
 SCALE: 1/8" = 1'-0"

A-1

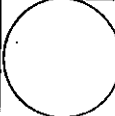
A-4



BASMENT FLOOR PLAN (2280 s.f.)



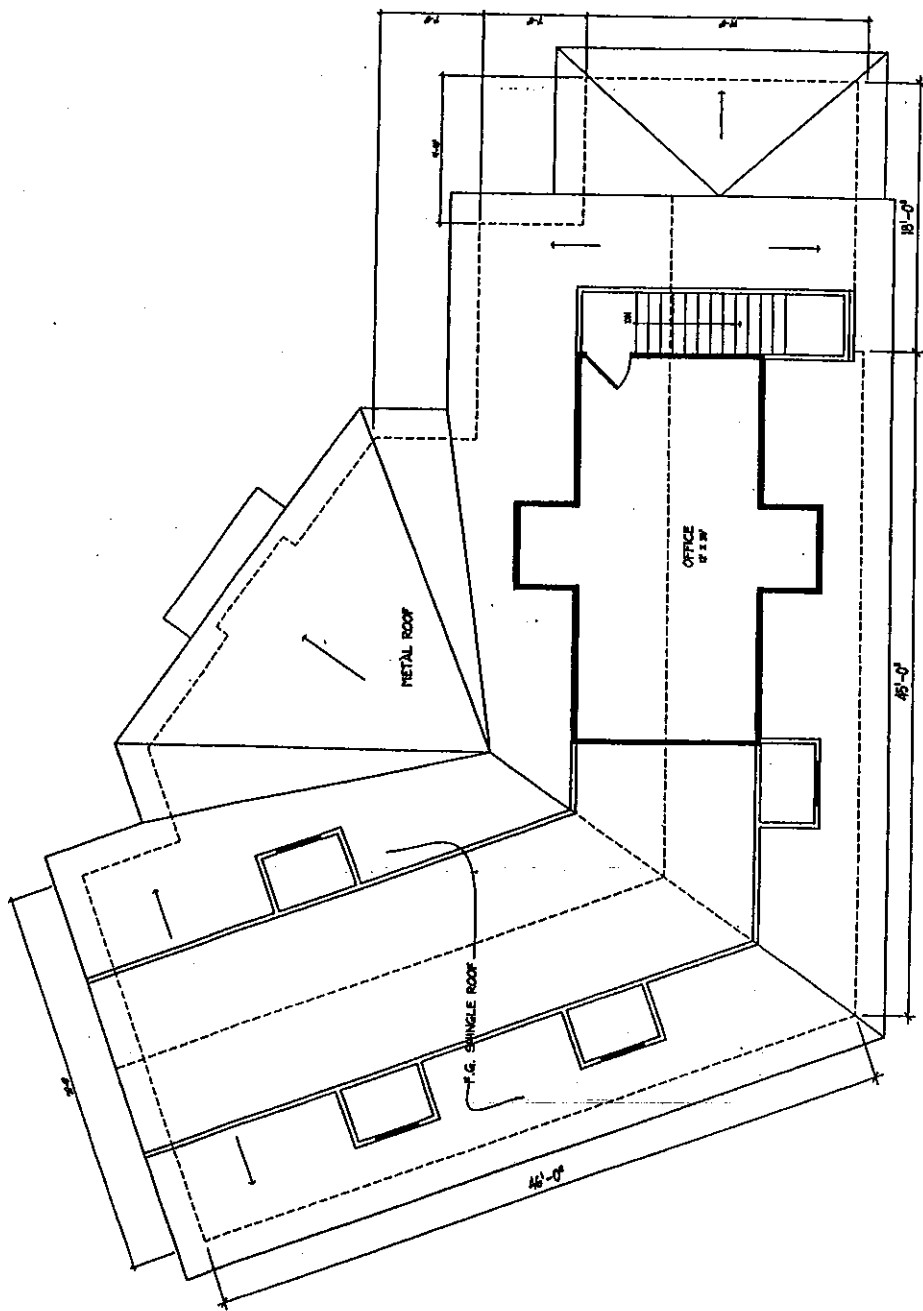
ARCON Ltd.
 5272 RIVER ROAD, SUITE 600, PENNSDA, MD 20816
 TEL. 301.654.9299 FAX. 301.654.7870



NO.	REVISION	DATE

MEZZANINE FLOOR PLAN
 MATENY DAYCARE CENTER
 8002 MATENY HILL RD.
 GERMANTOWN, MARYLAND

DATE: 11/11/91	BY: J.C.
PROJECT NO.: 10000000	SCALE: 1/8" = 1'-0"
A-3	



MEZZANINE FLOOR PLAN (305 s.f.)
 11/11/91

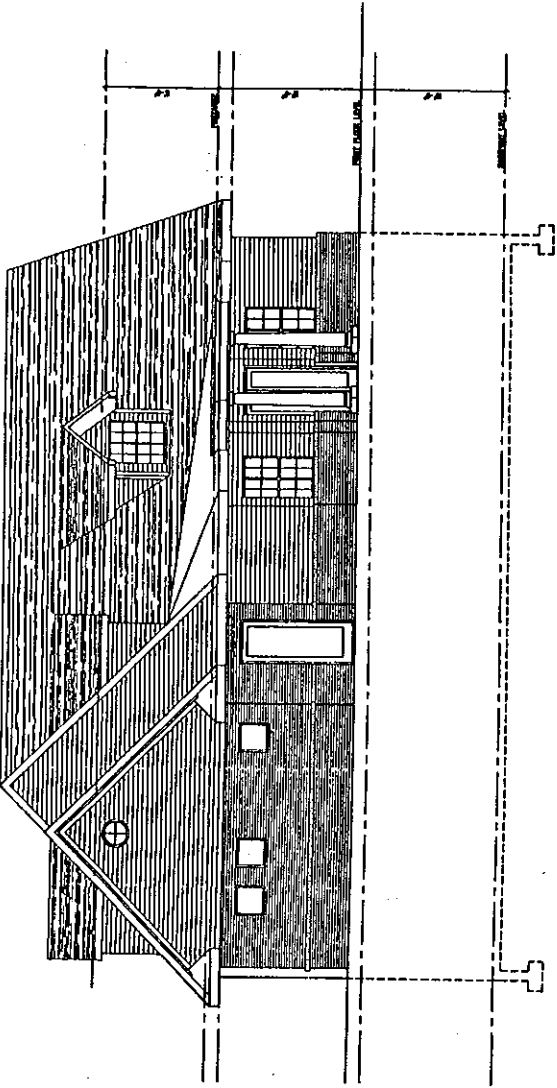
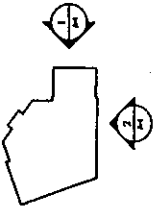


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 5272 RIVER ROAD, SUITE 600, PENTAGON, MD 20816
 TEL. 301.654.9299 FAX. 301.654.7870

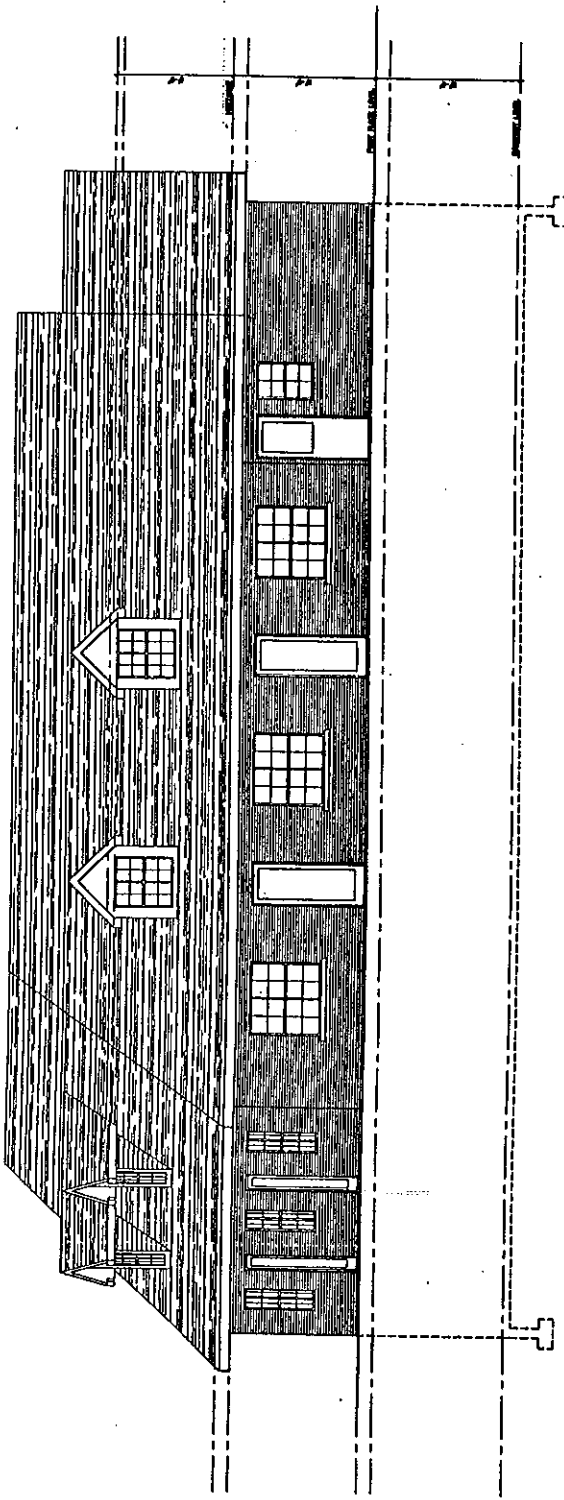
NO.	REVISION	DATE

BUILDING ELEVATIONS
 MATENY DAYCARE CENTER
 9002 MATENY HILL RD.
 GERMANTOWN, MARYLAND

SCALE: 1/4" = 1'-0"
 DRAWN BY: [blank]
 PROJECT NO.: [blank]
 SHEET NO.: A-4



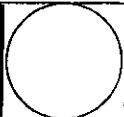
⊕ SOUTH-EAST ELEVATION



⊕ DONSON FARM ROAD (SOUTH-WEST ELEVATION)



ARCON LTD.
 5272 RIVER ROAD, SUITE 600, PENNSDA, MD 20816
 TEL. 301.654.9299 FAX. 301.654.7870

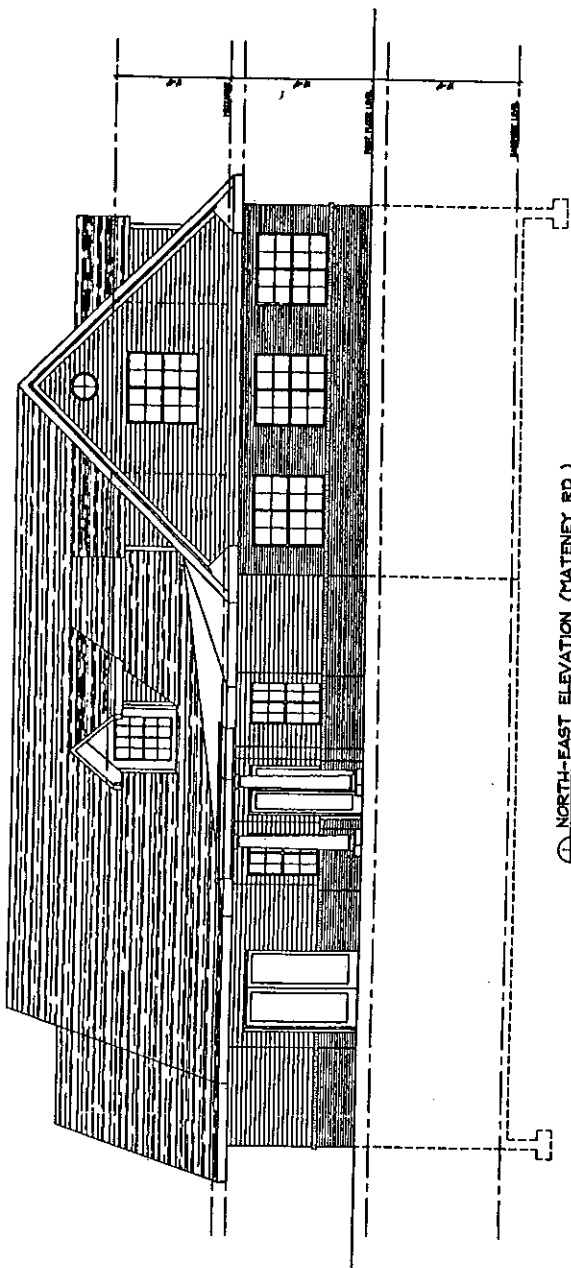
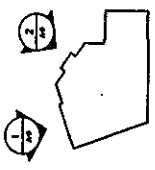


NO.	REVISION	DATE

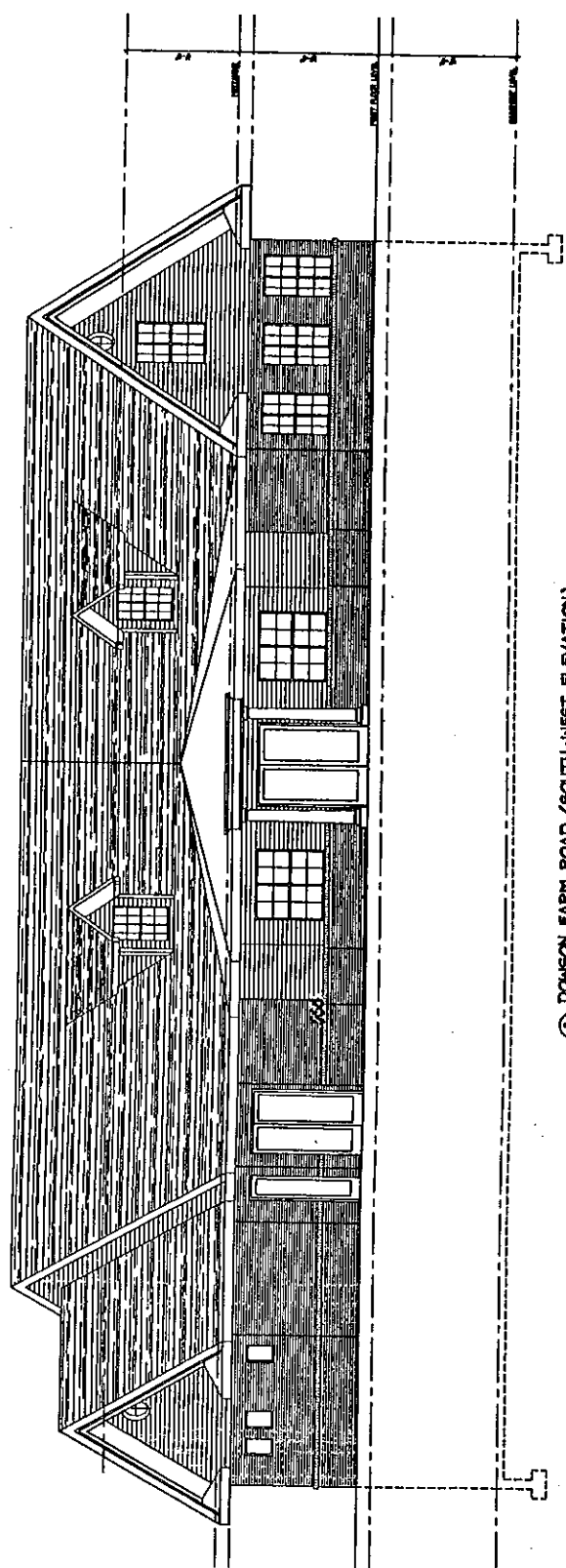
BUILDING ELEVATIONS
 MATEYNY DAYCARE CENTER
 9002 MATEYNY HILL RD.
 GERMANTOWN, MARYLAND

DATE: 10/15/93
 DRAWN BY: J. J. ...
 CHECKED BY: ...

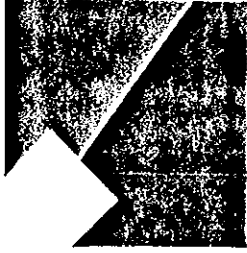
A-51



⊕ NORTH-EAST ELEVATION (MATEYNY RD.)



⊕ DONSON FARM ROAD (SOUTH-WEST ELEVATION)



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

January 9, 2002

A-8

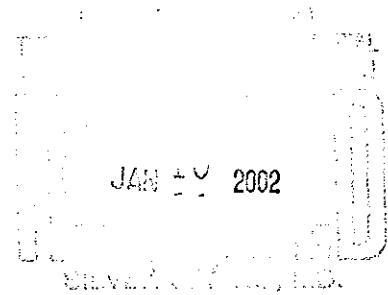
MEMORANDUM:

TO: Nkosi Yearwood, Planner
Community-Based Planning Division

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Ki H. Kim, Planner *KHK*
Transportation Planning

SUBJECT: Special Exception Application No. S-2471
Kids N Care Learning Center at 19002 Mateney Hill Road
Germantown



This memorandum represents Transportation Planning staff's review and recommendations on the revised special exception application that includes a Transportation Management Plan (TMP) and reduces the maximum enrollment to 40 children. The revised plan addresses all the transportation-related issues that were raised on the initial application and described in our June 7, 2001 memorandum.

Transportation Planning staff supports implementation of the TMP described as the traffic and parking management plan that is included in the revised statement of operation. Staff also supports the Department of Permitting Services (DPS) position that includes construction of a sidewalk along the site frontage on Mateney Hill Road without providing for a left-turn storage lane at their entrance. Staff agrees with the DPS staff's assessment that widening the secondary residential Mateney Hill Road to three lanes within a 60-foot right-of-way is unnecessary while extension of the existing sidewalk from Dawson Farm Road along the site frontage on Mateney Hill Road would enhance pedestrian safety in this area.

Staff concludes that the granting of the requested special exception to allow the proposed child day-care center for up to 40 children on the subject site with provisions included in the revised statement of operation would not have an adverse effect on the nearby road system. Therefore, staff supports approval of the subject special exception application.

KHK:cmd



September 6, 2001

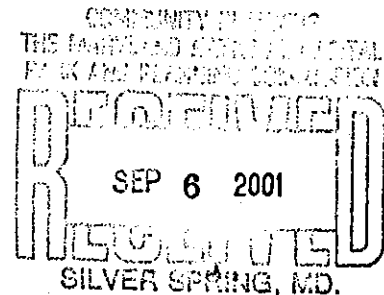
MEMORANDUM:

TO: Nkosi Yearwood, Planner
Community-Based Planning Division

VIA: Daniel K. Hardy, Coordinator *DKH*
Transportation Planning

FROM: Ki H. Kim, Planner *KHK*
Transportation Planning

SUBJECT: Special Exception Application No. S-2471
Day-Care Center at 19002 Mateney Hill Road
Germantown



This memorandum represents Transportation Planning staff's review and comments on the revised site plan and additional traffic information submitted for the subject special exception application.

Staff's review indicates that the traffic issues, raised in our June 7, 2001 memorandum, related to the internal traffic circulation associated with the parking facility are now addressed on the revised site plan. The revised site plan also includes widening Mateney Hill Road to 20 feet of pavement in accordance with our recommendation.

Staff has also reviewed the additional traffic information submitted by the applicant and confirms that there are no traffic capacity issues related to the development of this site as a day-care center. The current traffic count indicates that there is sufficient traffic capacity available on Mateney Hill Road and Dawson Farm Road as well as at the intersection of Mateney Hill Road and Dawson Farm Road. Mateney Hill Road carries 650 vehicles daily on a 2-lane road and Dawson Farm Road carries 5,000 vehicles daily on a 4-lane divided roadway. These volumes are significantly lower than the capacity of the 2-lane and 4-lane facilities. Also, the critical lane volume (CLV) at the intersection of Dawson Farm Road and Mateney Hill Road is less than 200, which is far below the congestion standard (1,500 CLV) in the Germantown West Policy Area.

Based on our review of the revised site plan and additional traffic information submitted, staff concludes that the granting of the requested Special Exception to allow the proposed day-care center up to 45 children would not have an adverse effect on the nearby road system. Therefore, staff supports approval of the subject special exception application.

KHK:cmd

Day Care Center S-2471 SPEX memo.doc



June 7, 2001

MEMORANDUM

TO: Nkosi Yearwood, Planner
Community-Based Planning Division

VIA: Daniel K. Hardy, Coordinator *for KHK*
Transportation Planning

FROM: Ki H. Kim, Planner *KHK*
Transportation Planning

SUBJECT: Special Exception Application No. S-2471
Day-Care Center at 19002 Mateney Hill Road
Germantown

This memorandum represents Transportation Planning staff's review and recommendations on the subject special exception application for the proposed child day-care center for up to 47 children on a site located in the northeast quadrant of the intersection of Dawson Farm Road and Mateney Hill Road in the Germantown area.

RECOMMENDATION

Based on our review of the submitted traffic analysis, Transportation Planning staff recommends approval of the subject special exception application with the following conditions:

1. Limit the maximum enrollment to 47 children.
2. Designate three parking spaces in the southern section and one parallel parking space next to the building for employee parking only, leaving eight spaces located away from the building for drop-off and pick-up activities.
3. Widen Mateney Hill Road to a minimum of 20 feet across the site frontage.
4. Provide three parking spaces using 8.5-foot minimum width in the southern section by removing one space from the four spaces using 7-foot width as shown on the site plan.

TRAFFIC IMPLICATION OF PROPOSED DEVELOPMENT UNDER APF REVIEW

For Local Area Transportation Review (LATR), the proposed day-care facility for 47 children would generate 36 trips and 14 trips during the AM and PM peak hours, respectively. Thus, the proposed development would not require a traffic study.

For Policy Area Transportation Review, the current FY01 AGP indicates that the Germantown West Policy Area has employment staging ceiling capacity available (1,566 jobs as of May 31, 2001) to accommodate the proposed development.

DISCUSSION ON SITE ACCESS AND PARKING

Access to the site is proposed from Mateney Hill Road, a public street linking Dawson Farm Road to the south to the Germantown MARC Commuter Rail station to the north. The proposed access point and traffic circulation system shown on the site plan are adequate with the following comments.

The area residents raised issues related to the adequacy of the parking facility associated with the drop-off and pick-up activity at the beginning and end of the day. An inadequate number of parking spaces for these activities could result in over-flow parking and/or developing a queue along Mateney Hill Road which may cause safety issues since Mateney Hill Road is narrow (approximately an 18-foot width of pavement without shoulder) with a sub-standard horizontal curve in the vicinity of the site.

Based on the applicant's traffic survey of the parking activity during the drop-off and pick-up periods on a comparable facility, the proposed day-care center for 47 children will need 12 parking spaces for these activities. The site plan includes 15 parking spaces including one space for handicapped persons. Staff recommends that the site plan be revised to reduce the four parking spaces to three in the southern section since the proposed 7x19-foot space is not acceptable. A seven-foot-wide parking space is too narrow to park vehicles safely. Staff recommends that these three spaces and one parallel parking space be reserved for employee parking only, leaving eight parking spaces located across from the building for the drop-off and pick-up activities. This will reduce potential traffic conflicts during the drop-off and pick-up activities. It is staff's opinion that designating eight parking spaces away from the building for the use of drop-off and pick-up activities and employee parking spaces provides acceptable on-site traffic circulation, although the maneuver area, i.e., pulling out of parking spaces, is somewhat restricted on site.

Staff further recommends that Mateney Hill Road along the site frontage be widened to 20 feet of pavement from the 18 feet as shown on the site plan to provide a minimum two-lane roadway standard.

CONCLUSIONS

Staff concludes that the granting of the requested Special Exception to allow the proposed 47-children day-care facility with the recommended conditions would not have an adverse effect on the nearby road system. Therefore, staff supports approval of the subject special exception application with conditions as recommended.

KHK:kcw

mno to yearwood re S 2471.doc

Traffic Management and Parking Management Plan

The following Traffic and Parking Management Plan will be implemented upon commencement of operations of a day care center for forty children with a staff of six at the property located at 19002 Mateney Hill Road, Germantown, Maryland.

1. Nine parking spaces are reserved for drop off and pick up of children. Six of the nine spaces are located adjacent to the building and the remaining spaces are located directly across from the walkway to the building. All reserved spaces will be so indicated by appropriate signage.
2. The parking space closest to the driveway across from the building is reserved for employee parking.
3. Employees are required to arrive and depart outside of peak travel hours and to park only in spaces that are designated as employee parking.
4. All persons picking up or dropping off children are to park in a designated drop-off/pick-up parking space. No child may be dropped off or picked up from a vehicle parked or stopped in the public right-of-way, street or driveway.
5. The person dropping off or picking up a child must accompany the child into the building and pick up the child inside the building.
6. No one will be permitted to wait in a vehicle or queue within the Mateney Hill right-of-way in order to pick-up or drop-off children.
7. A minimum of one staff member will have the primary responsibility of enforcing this transportation management plan and the parking plan.
8. The Center shall encourage the formation of carpools and the Director shall maintain a geographic list of persons who desire to form carpools and shall assist in the formation of carpools by providing carpool information to persons who drop off or pick up children. Such information shall be included with the orientation information for newly enrolled children and provided annually for reenrolled children.
9. The Center shall offer a discount to families with more than one child enrolled or who drop off and pick up a minimum of three enrolled children.
10. Parents desiring to meet with the Director or other staff shall be encouraged to pre-arrange such meeting to minimize the time vehicles are parked in drop off and pick up spaces.

11. Parents shall comply with the provisions of this Plan as agreed to in the enrollment contract.
12. A copy of the plan shall be provided to each family upon enrollment and any changes shall be distributed upon adoption.
13. The day care center shall submit an annual report of compliance with this Traffic and Parking Management Plan to the Board of Appeals and the surrounding community.
14. A "Community Council" shall be established by the Director to discuss transportation and other issues related to the day care center and shall meet on a regular basis.

Scott P. Rosenberg, AIA
 8 Summit Ridge Court
 Germantown, Maryland 20874-1502
 (240) 386-0140 Office (240) 632-8350 Fax

1 PAGE VIA FAX & MAIL

A-10

January 5, 2002

Mr. Nkosi Yearwood, Community Based Planning
 and Arthur Holmes Jr., Chairman
 Maryland-National Capitol Park and Planning Comm.
 8787 Georgia Avenue
 Silver Spring, Maryland 20910
 (Via Fax 301-495-1304 & by Mail)

Mr. Donald H. Spence, Jr., Chairman
 The Montgomery County Board of Appeals
 100 Maryland Avenue, Suite 217
 Rockville, Maryland 20850
 (Via Fax 240-777-6615 & by Mail)

Re: Special Exception Case No. S-2471, Child Care Center, Germantown, MD

Dear Mr. Yearwood, Mr. Holmes, Mr. Spence, and respective Boards,

This letter serves as a follow up to my previous correspondences of September 5, 2001 and June 1, 2001. I have **updated this letter** to take into consideration for the revisions that the applicant has made to his submission. Please consider the following points in your review of the Petitioner's latest submission:

- **This stand alone center does not satisfy the Master Plan's intent.** Per Land Uses, "child day-care centers be developed in conjunction with recreational facilities in residential communities" and "specifically recommends that child day-care centers be included in community centers within subdivisions and at employment centers," while this center is "stand alone".
- **The project's size and scale is inconsistent** and out of character with the size and scale of nearby homes.
- **Transportation Management Plan is limited.** I was happy to see the applicant submit a TMP for this project. What are the ramifications if the plan is not enforced by the user? A "condition" on an approval shall require Petitioner to ENFORCE this **Transportation Management Plan [TMP]** for the life of the special exception, that includes meetings with the community members and a mediator, 3-4 times a year to mitigate and CURE problems that are caused by the Petitioner's use, or **risk being shut down.**
- **Need.** About 30 day care centers have been identified in the case file within about 5 miles of this parcel, and there are numerous nearby open commercial sites that are available to purchase for this use if it is needed.
- **The cellar's size implies that the cellar might be used for child activities.** A "condition" on an approval shall limit the cellar to mechanical and storage only.
- **The 2nd floor implies use by others.** A "condition" on an approval shall limit the 2nd floor to use by the director or child care staff, and prevent other business uses or child related activities on the 2nd floor.
- **Life of Plantings.** A "condition" on an approval shall require Petitioner to guarantee the successful life of the trees and plantings and to maintain the grass at regular intervals normally associated with a residence.
- **Noise.** A "condition" of an approval shall require screening the playground towards the north and west.
- **Lighting.** A "condition" on an approval shall limit lighting to 7-foot-high maximum along the parking area, drives, walks and playground, with lights on the building only at the entrances. All light fixtures shall be residential style.
- **Plans submitted.** A "condition" on an approval shall require that the plans/elevations submitted to the Dept. of Permitting Services match the plans/elevations submitted in this Special Exception application. A change in the plans/elevations shall require a Modification to the Special Exception.

I was happy to see the applicant eliminate their request for any Variances for reducing setbacks that would have made the project denser than would normally be allowed by right for this site.

I request to speak at the January 17, 2002 and January 28, 2002 hearing dates. I am still looking for a project which meets the requirements of the zoning ordinance and for a special exception. The building still needs to be reduced in scope and size. Please feel free to call me at (240) 386-0140, Extension 223, if you have any questions. Thank you for your consideration.

Sincerely,



Scott P. Rosenberg, AIA



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

December 12, 2001

A-11

Martin J. Hutt
Lerch, Early & Brewer
3 Bethesda Metro Center
Bethesda, MD 20814-5367

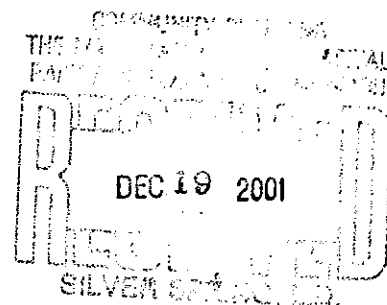
Re: Kids N Care -Special Exception 2-2471

Dear Mr. Hutt:

I am writing to clarify my comments regarding the need for a left turn storage lane on Mateny Hill Road to accommodate traffic generated by the proposed facility.

My evaluation of the site access requirements assumed free flow in and out of the site (e.g. no queuing onto Mateny Hill Road). I was not furnished information regarding the arrival rates and parking space turnover for day care centers, so I was not commenting on that issue. Provision of a left turn storage lane would not be the correct solution to an on-site queuing problem. All site-related traffic should be contained within the site. Storing site traffic on the public roadway is not appropriate.

Given the secondary residential nature of Mateny Hill Road, widening the road to three lanes within a 60 foot right-of-way, is out of character and unnecessary for the actual volumes of traffic using the road. On a relatively, low speed secondary road, having to wait briefly behind a vehicle turning left, generally, would be considered acceptable (this assumes no bottleneck on site.) Creation of a left turn lane into the site would require widening to the north of the site on Mateny Hill Road, as well, to create the necessary transition width. In addition, the extra pavement width would eliminate all or most of the buffer between the road and a future sidewalk along the site frontage on Mateny Hill Road (which this Department would require at the permitting stage if the day care facility is approved). I believe provision of a safe sidewalk through the curve supercedes the need for a left turn lane.



I hope this clarifies my position. Please contact me if you have any further questions.

Sincerely,



Sarah R. Navid
Permitting Services Specialist II

srn\matenyhill2.doc

cc: Nkosi Yearwood – MNCPPC
Lynn Primo – DuFour & Kohlhoss
Steve Petersen - STS
Joseph Cheung - DPS

