



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

MCPB No. 12-151
Site Plan No. 820120110
Goddard School - Olney
Date of Hearing: November 8, 2012

JAN 23 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review site plan applications; and

WHEREAS, on March 8, 2012, Morningwood Drive, L.L.C., ("Applicant"), filed an application for approval of a site plan for a 9,000 square foot child daycare facility for a maximum of 156 children and up to 22 staff on 1.15 acres of land zoned MXTC, located on the north side of Morningwood Drive approximately 500 feet west of Georgia Avenue ("Subject Property"), in the Olney master plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820120110, Goddard School – Olney ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 29, 2012, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 8, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on November 8, 2012 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Anderson, seconded by Commissioner Wells-Harley, with a vote of 4-0; Commissioners Anderson, Carrier, Dreyfuss and Wells-Harley voting in favor, with Commissioner Presley absent.

Approved as to
Legal Sufficiency:

Christina Somers 1/10/13

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MNCPPC Legal Department
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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820120110 for a 9,000 square foot child day care facility for a maximum of 156 children and up to 22 staff on the Subject Property, subject to the following conditions:¹

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120120150, unless amended. This includes, but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, MCDOT conditions, and MCDPS stormwater conditions.

Environment

2. Forest Conservation & Tree Save

The development must comply with the conditions of the approved final forest conservation plan as per the conditions of Preliminary Plan No. 120120150.

3. Stormwater Management

The development is subject to Chapter 19 of the County code which requires a stormwater management concept. A concept was approval on February 1, 2012 by the Montgomery County Department of Permitting Services that addresses the requirements of this Chapter. The Site Plan must satisfy the conditions of the stormwater management concept as specified by Preliminary Plan No. 120130150.

Transportation & Circulation

4. Transportation

The development must comply with the conditions of approval for Preliminary Plan No. 120120150, unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, MCDOT conditions, and MCDPS stormwater conditions.

5. Pedestrian Circulation

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Provide sidewalks in accordance with the Site Plan and show on the certified Site Plan a connection of the Morningwood Drive sidewalk to the bus stop pad located at the southeast property corner.

Site Plan

6. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet 1 of 1 of the submitted architectural drawings, as determined by M-NCPPC Staff.

7. Landscaping

Final Landscape Plan to be incorporated into Certified Site Plan set. Landscape material and location must be provided in conformance with the Landscape Plan and must include Tree Mitigation plantings as specified on the Tree Mitigation Exhibit.

8. Private Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite down-light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles shall not exceed 12 feet including the mounting base.

9. Surety

Prior to issuance of the first building permit within each relevant phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.

- d. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

10. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, retaining walls, decorative fencing and bicycle facilities must be installed prior to release of any building occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing for installation of on-site landscaping, retaining walls, decorative fencing and lighting.
- e. Landscaping and sidewalks associated with each parking lot shall be completed as construction of each facility is completed.
- f. Pedestrian pathways associated with each facility must be completed as construction of each facility is completed.
- g. Provide each section of the development with necessary roads.
- h. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

11. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Ensure consistency off all details and layout between Site Plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on Goddard School - Olney drawings stamped by the M-NCPPC on October 1, 2012, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

Development of the Property for a child day care facility did not require approval of a development plan, diagrammatic plan, schematic development plan, or a project plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The day care facility is defined as a "Service" use by the Zoning Ordinance which is a permitted use in the MXTC Zone. As the project data table indicates, the Site Plan meets all of the development standards under the standard development method of the MXTC zone. With respect to building height, the proposal for a 37 foot tall building is under the 42-56 foot height allowance permitted by the MXTC Zone as a standard method development. The building meets the maximum setback of 10 feet from the front property line and the 20 foot setbacks from the side and rear property lines. Density is within MXTC standards at 0.17 FAR which is less than the 0.35 FAR permitted under the standard method of development. The 10% public use space provided satisfies the minimum standards of the zone.

Pursuant to §59-C-11.3.1 (1), a site plan is required for standard method development projects in the MXTC zone that include one of more of the following:

- a. A net lot area of five acres or more;

The net lot area of this development is 1.08 acres; therefore this standard does not apply.

- b. Certain uses with more than 20,000 square feet for each establishment as specified in Sec. 59-C-11.4;

The Application proposes a 9,000 square foot day care facility; therefore this standard does not apply.

- c. A modification of the maximum front setback or the street façade requirements, or;

The Application requires no modification to the front setback or street façade.

- d. A recommendation for site plan review in the applicable master or sector plan.

The Olney Master Plan makes specific recommendations for the relationship of new buildings to the front street line and for the treatment of the front façade of new buildings in the Town Center. The Master Plan applied the MXTC zone to provide the regulatory requirements to achieve certain urban design goals for the Town Center. In addition, the building is subject to a "maximum" building setback of 10 feet from the front Property line under the MXTC zoning standards. As such, a site plan is required to establish and bind the Applicant to construct the building in a fixed location within the Property boundaries and to assure that the building facades are treated in a certain architectural manner as envisioned by the Master Plan and required under the MXTC zone.

Pursuant to §59-C-11.5.1, a new development must meet certain *Street Façade Requirements*. The Site Plan satisfies the street façade requirements as addressed below:

1. Any development must provide at least one street façade for a minimum of 75 percent of the lot frontage along a street or other publicly accessible sidewalk, way or space. The street façade must be located within 10 feet of: 1) the front lot line; or 2) the public use space along a street or other publicly accessible sidewalk, way or space.

The street façade identified for the day care building accounts for at least 75 percent of the lot frontage and is accessible in two locations from Morningwood Drive. The total lot frontage along Morningwood Drive equals 304 feet measured from the western lot line to the public alley access. The building façade measures 252 feet, which is 83 percent of that required frontage. The primary entrance for the day care facility faces the parking lot and public alley due to daily operations of the facility including pick up/drop off of children and parking for visitors. The portion of the building fronting Morningwood Drive is located within 10 feet of the front lot line. Other points of pedestrian access are provided from the Morningwood Drive frontage, public alley and parking facilities.

2. The ground floor portion of any street façade in a non-residential development must have windows and principal entrances to stores and retail establishments from the adjoining sidewalk or public use space. Off-street parking structures, if located along required street facades, must have retail or other pedestrian-oriented uses at the ground floor level fronting the street with direct access to the sidewalk or a public use space.

A day care facility is a non-residential use in the MXTC Zone but does not have the typical ground floor features associated with a retail or commercial establishment. There are no ground floor retail establishments associated with the day care; however, the building has been carefully designed to provide pedestrian access points and windows along Morningwood Drive. The undulations in the building minimize the potential canyon effect and the provided public use space improves the pedestrian experience. The façade, including the front wall of the building, has been lowered so that the window and other architectural elements on the upper part of the building face are more visible from the sidewalk.

3. The Planning Board may modify a street façade requirement including the location or the minimum length of a required street façade during site plan review to achieve the objectives of the applicable master or sector plan. For lots with more than one street frontage, the Planning Board may establish which side would be subject to the street façade requirements during the site plan review based on a layout that best achieves pedestrian oriented streets.

While there is no modification to the street façade, the Planning Board established Morningwood Drive as the frontage in which to concentrate efforts to foster pedestrian activity, while approving more modest sidewalk and street tree plantings along the Property's frontage on the public alley and North High Street. The siting of the building to within 10 feet of the Morningwood Drive frontage takes better advantage of the existing sidewalk and street trees within the right-of-way and improves the pedestrian experience with a public use space, a visually interesting building façade, points of pedestrian access to the facility and additional landscaping and street trees. The improvement to the public alley with pavement, adjacent sidewalks and street trees, initiates an important north-south vehicular/pedestrian/bikeway connection from Morningwood Drive to the Town Center of Olney. The construction of a sidewalk connection from the existing Morningwood Drive sidewalk to an offsite bus stop near the south east corner of the Property will improve access for users of public transportation. The landscaping enhances the physical environment and provides an urban design element that is currently lacking among the commercial businesses fronting Morningwood Drive and North High Street.

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the MXTC zone.

<i>Development Standard</i>	<i>Zoning Ordinance Permitted/ Required</i>	<i>Approved and Binding on the Applicant</i>
Gross Tract Area (ac.):	<i>n/a</i>	1.15
Dedication (ac.):	<i>n/a</i>	0.07
Net Tract Area (ac.):	<i>n/a</i>	1.08
Max. Non-Residential Density (FAR)	0.35 (17,494 sf.)	0.17 (9,000 sf.)
Min. Front Setback (feet)	0	10
Max. Front Setback (feet) from a street line:	10	10
Min. side or rear setback from another lot in the same zone, or from an adjacent commercial zone (feet):	0	0
Min. side or rear setback from an adjacent residential zone (feet):	20	20
Main building (feet):	42	37
For lots of more than 40,000 sf.	10% (4708 sf.)	10% (4800sf.)
Parent Drop-off (1 sp/6 children)	26	26
Staff/Teachers (1 sp/employee)	22	22
Total	48	48

3. The locations of the: a) buildings and structures, b) open spaces, c) landscaping, d) recreation facilities, and e) pedestrian and vehicular circulation systems are adequate, safe, and efficient.

a. Buildings and Structures

The buildings and structures of the development are located along the interior curve of Morningwood Drive, which is appropriate for the character envisioned by the Master Plan. This location provides easy access to the building from adjoining sidewalks and parking. The design of the building is visually prominent to the curve of the road and is characteristic of a residential building with pitched roofs and traditional masonry features. The interval openings in the building break up the massing of the building façade, take advantage of the topography and articulate the façade treatments. The location of the day care building, retaining walls, decorative fences, and parking are adequate and efficient, while meeting the aesthetic concerns of the area.

b. Open Spaces

The open spaces are adequate, safe and efficient and address the needs of the site and surrounding community. The MXTC zone requires a minimum of 10 percent (4,708 square feet) of the net tract area attributed to public use space. The Application satisfies this requirement by providing the minimum 10 percent (4,800 square feet). The public use space provided is predominately adjacent to Morningwood Drive and the building façade facing the road. The space is ornately defined by a low retaining wall that follows the contours of the street and includes landscaping that enhances the public realm and pedestrian experience. The space also emphasizes the entrances to the building from Morningwood Drive. A small section of public use space is located along the public alley oriented between the parking area and drop-off area for vehicular traffic. Both spaces satisfy the public use space requirements of the zone. The public use space that is provided expands on the street façade of the building and along the entry area and parking facility on the west side of the public alley. The public use spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

c. Landscaping and Lighting

Landscaping accentuates the building footprint with a mix of low evergreen and deciduous shrubs and ornamental trees. Shade trees provide ample screening for the parking facilities and open play area associated with the tot lots, open space is used for stormwater management, a traditional foundation planting area for the building, and as a colorful space for ornamental plantings. Street trees and lighting are provided along the street to enhance the pedestrian environment. Interior

lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. Lighting proposed is residential in character with 12 foot poles and full cut-off recessed fixtures

d. Recreation Facilities

There are no recreation facilities required for this Site Plan, but benches and bicycle facilities are provided. The daycare facility is also providing separate recreational outdoor facilities for both the toddler and preschool age children.

e. Vehicular and Pedestrian Circulation

Pedestrian access from adjacent sidewalks along Morningwood Drive adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by improvements to the public alley allowing efficient circulation on the site. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. Three separate parking areas are provided and satisfy the parking needs of the day care. The parking area immediately to the east side of the building is situated to accommodate drop-off activities in the morning and evening as well as accessible parking. The other parking area east of the building will accommodate visitors and the staff needed for the day care operations. The northernmost parking area will likely be for staff parking and will not have the intensity of use that the other two parking areas will have. This balance of design with the site, the recommendations of the Master Plan, and the general need for this type of use is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The day care facility is compatible with the adjacent and confronting residential and commercial uses opposite Morningwood Drive and the smaller commercial establishments and residential uses surrounding the site to the north and east. The building has been designed to be compatible with the residential neighborhoods to the west through building articulation, fenestration, traditional masonry materials and a façade that activates the street through pedestrian access and accentuated foundation planting. The use is consistent with the surrounding commercial establishments through similar hours of operations, parking and circulation. The nominal height of the building is lower than the adjoining buildings confronting on Morningwood Drive.

The structure itself is in scale with the nearby buildings and is located such that it will not adversely impact existing or proposed adjacent uses. The size of the building is typical of many existing commercial structures in the Olney area but is kept at a lower height to meet the Master Plan goals as an "edge" property. The proposed use is an appropriate transition at the edge of the Town Center from the residential neighborhoods to the retail establishments to the east. The operational characteristics do not create a conflict with the commercial establishments based upon the specific hours of operation associated with the use. The vast majority of activities inherent to this use are directed towards Morningwood Drive and not on to North High Street.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Department of Permitting Services approved a stormwater management concept on February 1, 2012. The stormwater management concept consists of on-site water quality control via construction of 3 micro-bioretenion facilities, planter box bioretention and a bio-swale. The concept meets the requirements of Chapter 19 which addresses protection of water resources and drainage.

The 1.38 acre tract area for purposes of forest conservation contains approximately 0.82 acres of forest, all of which will be removed. A 0.69 acre reforestation requirement will be met by off-site planting in an approved forest bank. On-site plantings will provide shade to paved areas and sidewalks, and replace some of the forest lost through tree removal.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 23 2013 (which is the date that this Resolution is mailed to all parties of record); and

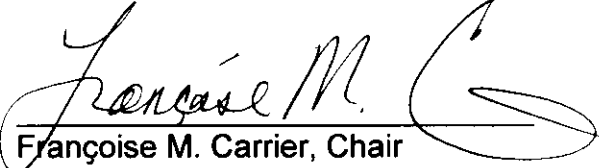
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, November 8, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board