



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

MCPB
Item No.: 7B
Date: 11-07 2019

Primrose Schools CU-18-08: Day Care Center

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Elsabett Tesfaye, Planner Coordinator, Area-3	Elsabett.Tesfaye@montgomeryplanning.org	301-495-1301
Fred Boyd, Master Planner, Area 3	Fred.Boyd@montgomeryplanning.org	301-495-4654
Richard Weaver, Chief, Area 3	Richard.Weaver@montgomeryplanning.org	301-495-4544

Completed: October 25, 2019

Description

Request for a Conditional Use to operate a child day care center for 195 children, on a 2.54-acre lot located at 7430 Needwood Road, Rockville, MD, at the southeast corner of its intersection with Carnegie Avenue, approximately 500 feet east of Redland Road, identified as Lot 8, Block B, Derwood Heights Subdivision RE-1 Zone, 2004 Upper Rock Creek Area Master Plan.

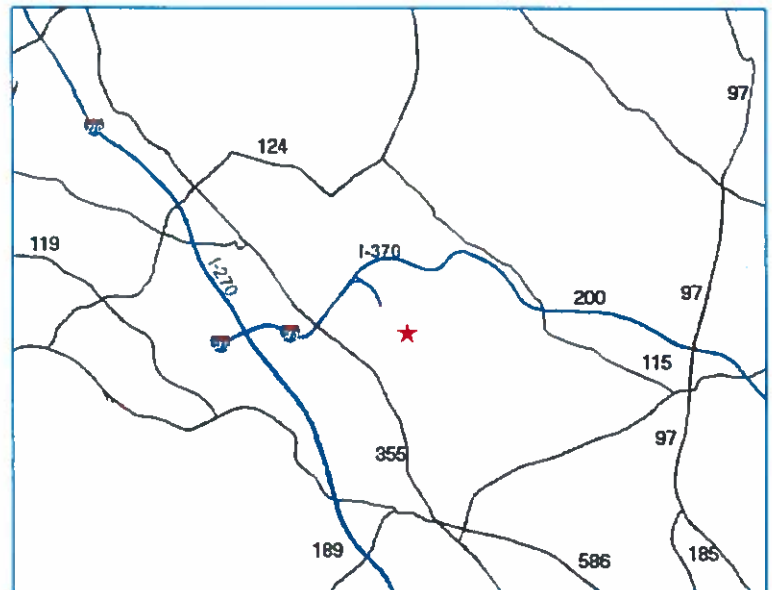
Staff Recommendation: Approval with conditions

Application Filed: May 24, 2018

OZAH Public Hearing: November 22, 2018

Planning Board Hearing: November 7, 2018

Applicant: Primrose School Franchising Corporation



Summary

- With the recommended conditions, the subject use conforms to all applicable requirements and regulations for approval of a Day Care Center Conditional Use, Section 59.3.4.4.F. of Montgomery County Zoning Ordinance and the applicable development standards under the RE-1 Zone (Section 59. 4.4.6)
- The subject use is consistent with the recommendations of the 2004 Upper Rock Creek Area Master Plan and compatible with the character of the surrounding area.
- Approval of the requested Conditional Use will not cause undue harm or adverse impact on the immediate neighborhood.
- There are no traffic, circulation, noise or environmental issues associated with the Application, provided that the recommended conditions are satisfied.
- This Application complies with the Montgomery County Environmental Guidelines.
- The Applicant is requesting a setback waiver, which Staff supports.
- Staff received community correspondence expressing concerns with Traffic, building massing, and compatibility.



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SECTION I: STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

Staff recommends approval of CU-18-08 subject to the following conditions:

1. The proposed use is limited to a 195-child day care center and 32 employees.
2. No more than 32 employees including two administrators should be on site at any one time.
3. A 6-foot sidewalk must be constructed on the east side of Carnegie Ave. to provide a continuous connection to the temporary turnaround of Carnegie Avenue to the south.
4. A minimum 3-foot-wide gravel or natural surface pathway must be constructed running from Carnegie Ave. to the main building entrance on the south side of the building.
5. A fence must be constructed along the eastern property line adjacent to the parking lot and driveway capable of blocking headlight glare. Prior to the public hearing with the Hearing Examiner, the design and materials must be approved by Planning Department Staff.
6. The Applicant must obtain a sign permit from MCDPS for the proposed freestanding sign. A copy of the sign permit obtained from MCDPS must be submitted to the Hearing Examiner before the sign is installed on the property.
7. The hours of operation are 6:00 a.m. to 6:30 p.m., Monday through Friday.
8. School oriented special events and periodic staff training activities must not exceed six events per calendar year and such events may not extend beyond 9:00 p.m.
9. No more than three play areas shall conduct outdoor activities at the same time.
10. Children must not play outside prior to 8:00 a.m.
11. Landscaping must be in accordance with the Landscape Plan submitted on October 21, 2019.
12. The Applicant must obtain a storm water management plan concept approval prior to the public hearing with the Hearing Examiner.

SECTION II: PROJECT DESCRIPTION

A. Site Description

The subject property is located at 7430 Needwood Road, Rockville, MD, at the southeast corner of its intersection with Carnegie Avenue, approximately 500 feet east of Redland Road. The property consists of approximately 2.95 acres of land and is zoned RE-1. The subject property is rectangular, improved with a 1234 square-foot single family detached dwelling. The property is generally flat with smooth slopes. It has approximately 210 feet of frontage on Needwood Road and 633 feet of frontage on Carnegie Avenue. The property is in the Crabbs Branch subwatershed of Middle Rock Creek.



Figure 1: The Subject Site

There are no streams, wetland areas, 100-year floodplains or highly erodible soils on the property. There are no rare, threatened or endangered species on the property.

C. Neighborhood Description

For purposes of this Application, staff defines the surrounding neighborhood boundaries as follows:

North: Mill Creek Stream Valley Park (SVP) and Rock Creek Regional Park
 East: Rock Creek Regional Park
 South: Needwood Golf Course, Crabbs Branch (SVP) and Crabbs Branch Way
 West: I-370 interchange and Shady Grove Road



Figure 2: The surrounding area

Staff's definition of the surrounding area includes residential developments that are surrounded by parks on three sides and a major roadway on one side. The neighborhood is bisected by Redland Road from north to south and developed with residential dwellings in the R-90, R-200, RE-1, RE-2 and PD 5 Zones. Non-residential uses within the neighborhood boundaries include Candlewood Elementary School, two places of worship, a local park, a cultural center, and a Montgomery County Parks Department maintenance depot. Needwood Road is a 70-foot-wide primary residential road and it bisects the neighborhood

east to west. Within the defined neighborhood, the area north of Needwood Road is located within the Gaithersburg Master Plan area. The portion of the neighborhood that is south of Needwood Road, with in which the subject property is located, is within the 2004 Upper Rock Creek Area Master Plan.

The subject site is located on the southern portion of the neighborhood. It is surrounded by three RE-1 zoned properties. The subject property has frontages on Needwood Road (north) and Carnegie Avenue (west). Carnegie Avenue is a neighborhood connector street, approximately 900 feet in length, that runs from north to south between Needwood Road and Ottenbrook Terrace. About 40 percent of Carnegie Avenue (southern portion) is fully constructed. The constructed portion of this Road ends at the southern property line of the subject property. The remaining portion of Carnegie Avenue, which extends the entire length of the subject property, is not constructed and is currently a gravel driveway that provides access to three properties, including the subject property, from Needwood Road.

D. Zoning and Land Use History



Figure 3: Zoning

The property was placed in the R-A Zone when the zoning was enacted and mapped in the 1954 Regional District Zoning. The 1958 County-Wide Comprehensive Zoning confirmed the R-A Zone (renamed RE-2 in 1973). The 1967 Sectional Map Amendment (SMA) for Rock Creek, E-1009, reclassified the property to R-E (renamed RE-1 in 1973). The 1970 SMA (F-657) and

1986 SMA (G-516) confirmed the property's RE-1 (Residential Estate One-acre minimum lot size) zoning. The 2004 Upper Rock Creek Area Master Plan and the subsequent Sectional Map Amendment (G-827) also confirmed the property's RE-1 zoning. There are no previously approved conditional uses for the Property. There is one active Conditional Use (Special Exception) S-2668, that was approved in 2007 for a service organization.

E. Proposed Use

The Applicant, Primrose School Franchising Corporation, is the contract purchaser of the subject property. The Applicant proposes to develop the 2.95-acre property with a one-story, 13,000 square-foot child daycare facility. The facility will have a playground with approximately 30,568 square feet of area and a parking facility with 44 spaces. The facility will provide care for infants through preschool children (Six-week-old to 5-year-old) as well as older children for after-school-care. The Applicant's statement of justification indicates that the facility would have a total of 30 staff and 2 administrators on site at any one time. Hours of operation for the facility will be Monday to Friday from 6:00 a.m. to 6:30 p.m. The Applicant indicated that the school will conduct school oriented special events and periodic staff training; these activities will not exceed six events per calendar year. Staff recommends that such events may not extend beyond 9:00 p.m.

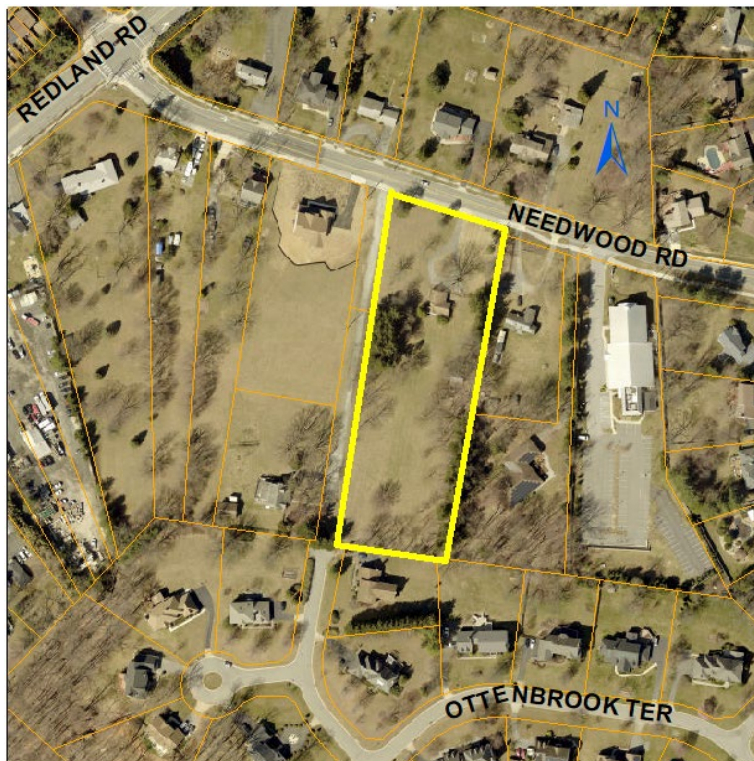


Figure 4: The Subject Site (outlined in yellow) and Adjoining Properties

The statement of justification further stated that on-site training and organizational meetings for staff and administration will typically be held during regular business hours.

The entire play area will be encircled by a six-foot high opaque fence, with four (4) interior fencing partitions separating the respective play areas. The Applicant's statement of justification indicates that the classroom building is organized so that access can be made from the building directly into the outdoor play areas with age appropriate surfaces and equipment for the group of children each play area serves. The playgrounds are divided into four areas: Preschool, After School, Early Pre School and Infant Playground. Use of the outdoor space is rotated so that there are no more than three of four playground areas involved in outdoor activities at the same time. Staff also recommends that children may not play outside prior to 8:00 a.m.

SECTION III: ANALYSIS AND FINDINGS

A. Master Plan

The property is located within the 2004 Upper Rock Creek Area Master Plan. The area is located within the southern portion of the planning area south of Muncaster Mill Road.

The Master Plan has no specific recommendation for Conditional Uses on the subject property or the surrounding area. On Page 7, "Plan Concept" the Master Plan states that a primary goal of the Plan is to protect environmental resources and maintain stream quality by keeping streams, forests and wetland in a natural state.

On pages 12 and 13, the Master Plan makes overall recommendations for the Residential Wedge including some applicable to the subject property:

- Encourage new development that preserves natural resources.
- Encourage community design that is compatible with adjacent development, protects views from local roads, offers harmonious road design and maintains open space.
- Enhance the character of new communities by increasing natural open space where appropriate.
- Preserve additional open space and maintain views along local roads by locating large or conservation lots along them and by protecting views of meadows and woodlands.

The Master Plan's goal for connecting communities (page 13) focuses on enhancing the ability of local residents to reach community facilities safely by bicycle or on foot. To that end the Master plan set an objective of establishing a transportation system that includes roads, open section streets, bikeways, trails, and pedestrian pathways.

The 2004 Upper Rock Creek Area Master Plan confirmed the site for RE-1 Zoning. The Master Plan does not provide explicit recommendations for the property, and it does not identify specific areas that are deemed suitable for the proposed use.

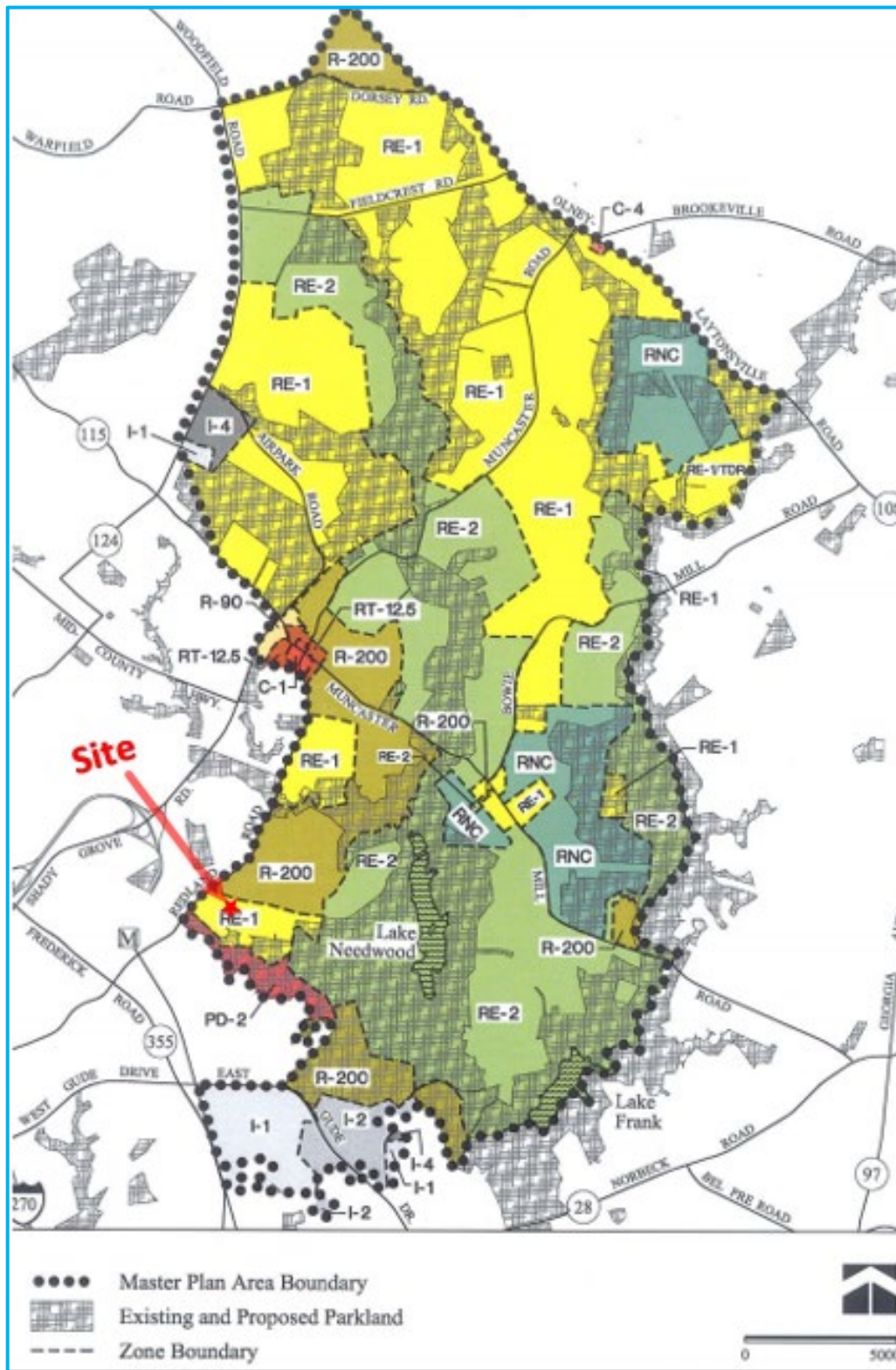


Figure 5: Rock Creek Master Plan Area Zoning

The Master Plan also recommends keeping the residential wedge areas at a low density that is compatible with the existing community. On page 12 the plan encourages “community design that is compatible with adjacent development, protects views from local roads, offers harmonious road design and maintains open space”.

Impervious Surface

Within the Upper Rock Creek Master plan area, typical impervious levels for development vary with the zone and the availability of sewer service. The subject property is located within a neighborhood in the RE-1 zone with 23 percent typical impervious level with sewer service. The property confronts, across Needwood Road, a neighborhood within the R-200 zone with a typical impervious level of 26 percent.

The Application proposes an impervious level of 36 percent to 38 percent as shown on Figure 6. As an older neighborhood, the impervious levels are lower than typically expected with more contemporary development. For example, the combined imperviousness of the lots to the east of the subject property have an 18 percent impervious level. The one exception within the immediate neighborhood is the recently built place of worship, one lot to the east of the subject property which was built at an impervious level of 55 percent. See Figure 7.



Figure 6: Proposed impervious surface



Figure 7: Neighboring impervious surface

B. Development Standards

The following table summarizes the RE-1 Zone development standards:

Table 1: Development Standards

RE-1 Zone Development Standards	Zoning Ordinance 59-4.4.6.B	Proposed
Minimum Lot Area	40,000 SF	128,156 SF (2.95 ac) 121,798 SF (Net)
Minimum Lot width: <ul style="list-style-type: none">▪ at building line▪ at front lot line	125 ft. 25 ft.	202.71 ft. 188.49 ft.
Maximum lot Coverage	15 percent	10.67 percent
Minimum Building Setback Principal Building: <ul style="list-style-type: none">• front• side street (Needwood Rd)• side• rear yard	50 ft. 50 ft. 17 ft. 35 ft.	51 ft. 75.50 ft. 47.51 ft. 338.57 ft.
Maximum Building Height	50 ft.	21.58 ft.
Parking: 59-6.2.4		
Min. Vehicle Parking spaces Day Care 3/1000 GFA (See Table 4 below under: D Parking)	39 sp	44 sp

C. Transportation

Site Access, Parking, and Public Transportation

The site is located on the south side of Needwood Road approximately 500 feet to the east of the intersection of Redland Road and Needwood Road. The Applicant included a Transportation Study as part of this Application, revised May 2019.

Needwood Road is classified as a Primary Residential street with 2 lanes and 70-foot right-of-way, according to the Master Plan of Highways and Transitways. The Applicant proposes to provide full dedication of Needwood Road.

The Subject Property, as proposed, will access Needwood Road via a single driveway on the northeastern corner. A waiver from the required setback for a parking facility is requested as part of this Application. The proposed driveway location and a waiver request from a side yard setback requirement is dictated by sight distance constraints; the driveway access point is roughly along a ridge in Needwood Road that falls on either side. The Applicant has stated, and MCDOT confirmed, that this narrow section along the ridge crest is the only viable location for an access point along the frontage of the Subject Property.

Early in the review process and at Staff's request, the Applicant agreed to draw access from Carnegie Ave., a public road, along the western frontage of the Subject Property and improve the road to current Montgomery County Department of Transportation (MCDOT) standards. However, the proposed improvements to Carnegie would be unable to resolve the existing inadequate sight distance issue at its intersection with Needwood Road; therefore, efforts to improve the road and require the Subject Property to draw access from it were dismissed.

The Subject Property is within a one-mile walk of the Shady Grove Metro station (Red Line) and is served by Ride-on bus routes 53 and 57 on Redland Rd., approximately 700 ft away.

Adequate on-site vehicle and bicycle parking are being provided.

Master Plan Transportation Facilities

The 2018 Bicycle Master Plan recommends a side path to run along the south side of Needwood road. An 8-foot wide side-path has been recently constructed along the subject property's frontage. The side path will be reconstructed and pushed in from the road along the narrower cross section of the driveway to limit bike and vehicular conflict. The Application conforms to the 2018 Bicycle Master Plan.

Local Area Transportation Review (LATR)

The proposed 195-child day care will create 181 AM peak period person trips and 173 PM peak period person trips as calculated using the 2017 LATR guidelines with the following vehicle generation rates detailed in Table 2.

Table 2: Site Vehicle Trip Generation

Use	Development	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Day Care Center (ITE 565)	195 Students	68	61	129	58	65	123
<i>Pass-by (Credit)</i>		<i>(18)</i>	<i>(16)</i>	<i>(34)</i>	<i>(7)</i>	<i>(8)</i>	<i>(15)</i>
Net New Trips		50	45	95	51	57	108

*Trip generation rates are based on the 10th Edition *ITE Trip Generation Report*

According to the standard LATR estimates following current ITE trip generation rates detailed above, roughly 129 total (both entering and exiting) vehicular movements can be expected during the morning peak period and 123 total movements may be expected during the evening peak period, or roughly two vehicular movements per minute. To mitigate some of the negative impacts of these maneuvers, particularly glare from headlights, the Applicant will be required to construct a fence along the eastern property line with the design to be approved by Staff Prior to the public hearing with the Hearing Examiner.

The Applicant's revised transportation study analyzes the following four intersections:

1. Redland Road/Needwood Road;
2. MD 115/Needwood Road;
3. Needwood Road/ Carnegie Avenue;
4. Needwood Road/Site Access.

Following LATR guidelines, MD 115/Needwood Road was studied under the Critical Lane Volume (CLV) and Highway Capacity Model (HCM) analysis standard as shown in Table 3 and Table 4. Additionally, intersections 1, 3 and 4 are in the orange policy area and were studied using under the HCM methodology, detailed in Table 4.

Table 3: CLV Intersection Analysis

Intersection	CLV Standard	AM Peak Hour Delay			PM Peak Hour Delay		
		Existing	Background	Total	Existing	Background	Total
2. MD 115/Needwood Rd.	1350	1332	1351	1366	1271	1298	1315

The MD 115/Needwood Road intersection exceeds the policy area CLV threshold of 1350 in the AM peak hour but did not exceed the threshold for the PM hour and no additional study or mitigation is required for that period. As per LATR guidance, the same intersection was further studied using HCM analysis for the AM peak hour in Table 4.

Table 4: HCM Intersection Analysis

Intersection	HCM Delay Standard (sec/veh)	AM Peak Hour Delay (sec/veh)			PM Peak Hour Delay (sec/veh)		
		Existing	Background	Total	Existing	Background	Total
1.Redland Rd./Needwood Rd	59	23.2	23.2	24.4	11.2	11.7	13.2
2. MD 115/Needwood Rd.	41	20.5	22.2	23.3	*	*	*
3. Needwood Rd./ Carnegie Ave	59	No movements					
4. Needwood Rd./Site Access	59	-	-	1.6	-	-	1.6

*Studied under CLV methodology and determined to be adequate; see Table 3

All intersections performed below the HCM delay thresholds throughout both the AM and PM peak hours; no mitigation is required.

Staff finds that with the recommended conditions, the proposed access to the site, as shown on the Conditional Use Plan, to be adequate to serve the traffic generated by the development. Staff also finds that the internal pedestrian circulation and walkways, with the implemented conditions, will provide adequate movement of pedestrian and bicycle traffic.

D. Parking

In general, the Application meets the applicable requirements of Article 59-6. The parking table in **Section 59.6.2.4** requires a base minimum of 0.50 spaces per employee plus 1 space per each vehicle operated in connection with the Daycare use located within the RE-1 Zone:

Table 5: Parking

Section 59.6.2.4 Parking	Required	Provided
Vehicle spaces 3 sp/1,000 SF of GFA	13,000 ÷ 1,000 X 3 = 39 sp including 2 van-accessible handicapped spaces	44 sp including 2 van-accessible Handicapped spaces
Bicycle parking 1/5,000SF, 85% long term	13,000 ÷ 5 X 1 = 2.60 = 3 sp	3 long term spaces

The Application provides adequate parking for the proposed use.

1. Section 6.2.5. Vehicle Parking Design Standards

6.2.5.B.

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

All proposed parking is within 295 feet, or 0.056 miles, of the entrance to the day care building.

6.2.5.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.

All proposed parking spaces will directly be accessed from Needwood Road via a single driveway located on the northeastern corner of the property.

6.2.5.D.

Marking

1. Any off-street parking area must be arranged and marked to provide for orderly and safe loading, unloading, parking, and storage of vehicles.
2. Each individual parking space must be clearly marked, and directional arrows and traffic signs must be provided as necessary for traffic control.
3. Each space or area for compact parking must be clearly marked to indicate the intended use.

The drive lanes serving the parking spaces will be arranged and marked to allow for safe, adequate and efficient circulation within the parking areas.

No compact spaces are proposed. However, handicapped and bicycle parking spaces are identified on the amended Conditional Use Plan and will be similarly marked and identified in the field when installed. All parking spaces are perpendicular in orientation and are designed to be 8.5 feet in width and 18 feet in length.

6.2.5.G.

Drive Aisles

1. If a drive aisle has parking stalls along the sides it is an interior drive aisle. A drive aisle with no parking stalls along the sides is an entrance or exit drive aisle.
2. A drive aisle must have the following minimum width based on the configuration of the adjacent parking spaces and travel direction:

The Conditional Use site plan show that all drive aisles are twenty-two (22) feet wide.

6.2.5.H.

Parking Separation

1. Each parking space must be separated from any road, street, alley, or sidewalk by curbing or wheel stops.
2. Any road, street, alley, sidewalk, or other public right-of-way must be protected from vehicular overhang by wheel stops, curbs, spacing between the right-of-way line and the parking area, or other method approved by DPS.

No parking space is located adjacent to a road, street or alley. Sidewalks are separated from parking and drive lanes by curbing.

6.2.5.I.

Walkways

An off-street parking facility must have pedestrian walkways or sidewalks as needed for pedestrian safety. A pedestrian walkway or sidewalk must be distinguished by stripes, wheel stops, curbs, or other methods approved by the applicable deciding body.

As mentioned in the Transportation section (III-C) of this report, the recently constructed 8-foot-wide side path along the subject property's frontage will be

reconstructed and pushed in from the road along the narrower cross section of the driveway to limit bike and vehicular conflict.



Figure 8: Parking area and walkways

The Conditional Use plan shows a lead walkway providing pedestrian access from Needwood Road to the daycare center building. There is also a pathway from the eight-parking spaces along the main entrance to the building. In addition, staff recommends the following conditions:

- A six-foot sidewalk must be constructed on the east side of Carnegie Ave. to provide a continuous connection through to the temporary turnaround of Carnegie Ave. to the south.
- A minimum three-foot-wide gravel or natural surface pathway must be constructed running from Carnegie Ave. to the main building entrance on the south side of the building

6.2.5.J

Drainage: Any off-street parking facility must be drained to prevent damage to abutting properties and public streets and must be constructed of material that will assure a surface resistant to erosion. All drainage must satisfy the principles of Environmental Site Design (ESD) as specified in the Stormwater Management Manual adopted by the County.

All surface runoff will be collected in two stormwater management facilities located at the northern and southern ends of the parking areas. The Applicant's statement of justification indicates that the storm water management facilities are designed in accordance to Environmental Site Design Principles. The stormwater management concept plan has been submitted to MCDPS Water Resource Section and is awaiting approval. Meanwhile, the Applicant has submitted an email communication between the Applicant's engineer and DPS staff, dated October 15, 2019 suggesting the viability of the proposed storm drain system:

"I have done a quick review of the downstream storm drain analysis you provided. Per your study, just about the entire downstream system will be upgraded; as such, we can generally accept it with the understanding the details will be finalized at R-O-W permit stage."

6.2.5.K

Facilities for Conditional Uses in Residential Detached Zones

Any off-street parking facility for a conditional use that is located in a Residential Detached zone where 3 or more parking spaces are provided must satisfy the following standards:

- 1. Location: Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.**

The west side of the parking lot is close to the adjacent paper road that serves as an access to Needwood road to three other properties. Efforts have been made to minimize impact of a parking area that is associated with the proposed non-residential use by placing the parking area at the rear portion

of the property. However, the location of the driveway which traverses the eastern side yard fails to meet the side yard set-back requirement for a conditional use in a residential zone (see discussion below), requiring a parking waiver.

2. Setbacks

- a. The minimum rear parking setback equals the minimum rear setback required for the detached house.**
- b. The minimum side parking setback equals 2 times the minimum side setback required for the detached house.**
- c. In addition to the required setbacks for each parking facility:**
 - i. the required side and rear parking setbacks must be increased by 5 feet for a parking facility with 150 to 199 parking spaces; and**
 - ii. the required side and rear parking setbacks must be increased by 10 feet for a parking facility with more than 199 parking spaces.**

The Application meets the rear yard requirement. As shown on Table-2, side yard setbacks in the RE-1 zone are a minimum of 17 feet with the sum of both sides being not less than 35 feet.

As mentioned above, the proposed parking lot does not meet the Specific Requirement of 6.2.5.k.2.b that specifies “the minimum side parking setback equals 2 times the minimum side setback required for the detached house.” The side setback requirement for a detached house in the RE-1 Zone is 17 feet and therefore, the minimum side parking setback for the proposed Conditional Use is 34 feet. As Part of this Application, the Applicant is requesting a parking waiver, under Section 6.2.10, to reduce the 34-foot minimum side parking setback requirement to 12 feet.

Initially, staff’s preference was to have Carnegie Avenue (a paper road adjoining the property on the west side and currently used as a driveway access to Needwood Road for two other properties) as a part of the proposed project. Although the Applicant had agreed to construct the road, staff later found that the envisioned road connection would be unsafe because of a lack of sight distance. Consequently, staff advised the Applicant to move forward with a project design that accesses Needwood Road directly via a driveway at a point with adequate sight distance.

Staff supports this waiver because the proposed driveway access point provides for the safest and efficient length of distance of sight along a ridge on the adjoining road where sight distance is not constrained. To minimize and mitigate potential impacts, on adjoining properties, of glare and noise from vehicles entering and exiting the site, the Applicant will provide a combination of a landscape buffer and screening.

With the requested waiver and recommended conditions, the proposed design meets the intent of Section 6.2.1 to ensure that adequate parking is provided in a safe and efficient manner.

E. Landscaping

Section 6.2.9.C. Parking Lot Requirements for 10 or More Spaces

1. Landscaped Area

- A surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5 percent of the total area of the surface parking lot. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.
- A maximum of 20 parking spaces may be located between islands.
- A landscaped area may be used for a stormwater management ESD facility.

The submitted Landscape Plan revised on October 21, 2019 satisfies these requirements.

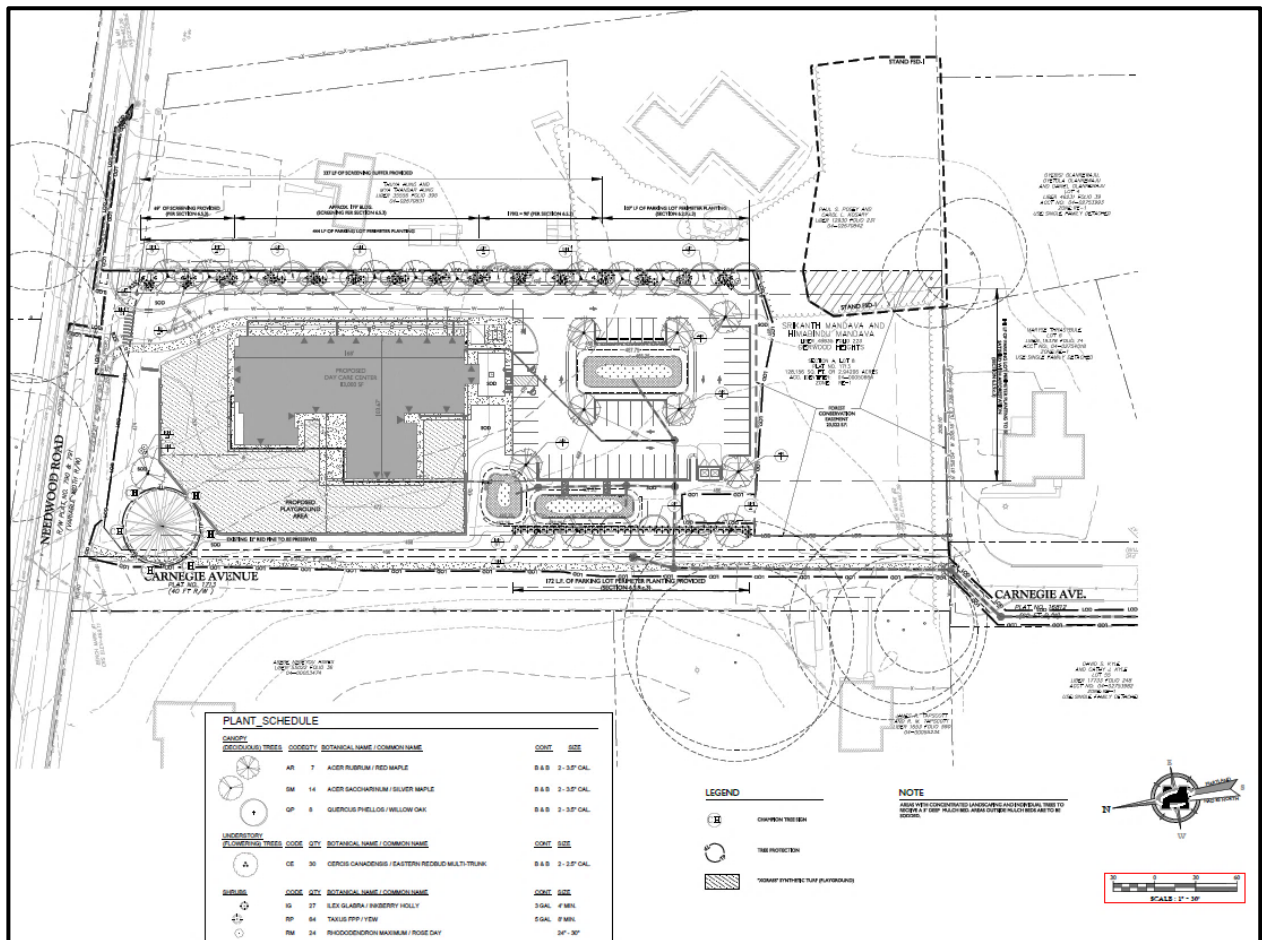


Figure 9 Proposed Landscape Plan

The Application complies with the 100 square foot and five percent requirement for the size of landscaped islands by providing landscaped islands accounting for six percent of the parking area.

2. Tree Canopy

Each parking lot must maintain a minimum tree canopy of 25 percent coverage at 20 years of growth, as defined by the Planning Board's Trees Technical Manual, as amended.

The proposed Landscape Plan shows that the tree canopy requirements under Section 59-6.2.9.C.2 have been met by the installation of seven red maple trees, providing a 44 percent coverage for the 28,432 square foot parking lot at 20 years.

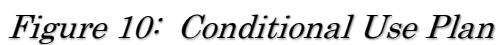
3. Perimeter Planting

a. The perimeter planting area for a property that abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use must:

- i. Be a minimum of 10 feet wide;**
- ii. Contain a hedge, fence, or wall a minimum of 6 feet high;**
- iii. Have a canopy tree planted every 30 feet on center; and**
- iv. Have a minimum of 2 understory trees planted for every canopy tree.**

The Application meets the requirements by providing a perimeter parking buffer that is 12 feet wide along the eastern property line, 39.86 feet wide along the western property line and utilizing existing trees and proposed afforestation.

Section 59-6.4.3, General Landscaping Requirements specifies and defines the types of plant materials, canopy trees, understory trees, and evergreen trees. In response to Staff's comments, the Applicant submitted a revised Landscape Plan. The revised landscaping meets the General Landscape Requirements as defined and specified under Section 59-6.4.3., Section 6.5.3.A: Location, and 6.5.3.C.7 Screening Requirements by Building Types.



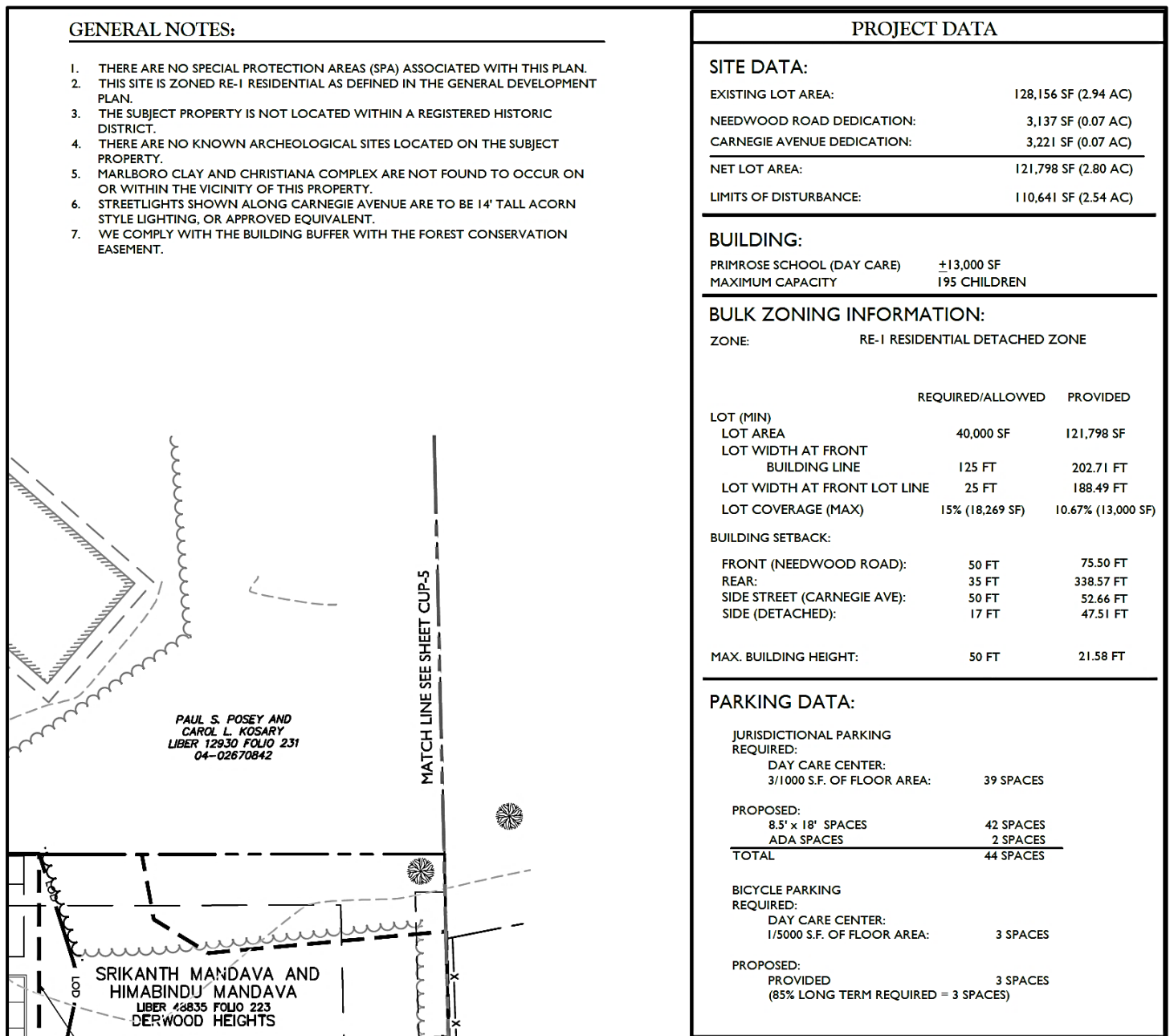


Figure 11: Proposed Conditional Use Plan, General Notes, and Project Data

F. Lighting

Pursuant to Section 59 6.4.4.E, outdoor lighting for Conditional Uses must be directed, shielded or screened to ensure that the illumination is 0.1 foot-candles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or employment zone.

The Lighting Plan is adequate and safe for vehicular and employee movement. The proposed lighting serves multiple purposes, including illumination of the site entrance, visibility lighting in the parking area and area lighting near the structures. A photometric study submitted with the Application shows measured lighting intensity across the entire property in foot-candles, the locations of lighting fixtures and the manufacturer's specifications on the proposed lighting fixtures. The Photometric Plan shows that the lighting will not cause glare on adjoining properties, nor will it exceed the 0.1 foot-candle standard at the side and rear property lines.

G. Signage

The Applicant is proposing one freestanding sign. The sign is subject to the regulations of Section 59.6.7.7. Agricultural and Rural Residential Zone are applicable to the proposed sign.

A. Base Sign Area

The maximum total area of all permanent signs on a lot or parcel in a rural residential zone is 200 square feet, excluding the additional area allowed by other provisions of Division 6.7.

1. Freestanding Sign

- a. One freestanding sign may be erected at each building or driveway entrance.**
- b. The maximum sign area is 40 square feet.**
- c. The minimum setback for a sign is 10 feet from the property line.**
- d. The maximum height of a sign is 10 feet.**
- e. Illumination is prohibited.**

The site plan shows a 51.8-square foot (7.4 feet W X 7feet H), two-sided monumental identification sign located approximately 11 feet behind the right-of-way and approximately 56 feet from the front (north) property line.

2. Wall Sign

- a. One wall sign is allowed.**
- b. The maximum sign area is 40 square feet.**
- c. The sign may be placed up to 26 feet above the ground.**
- d. Illumination is prohibited.**

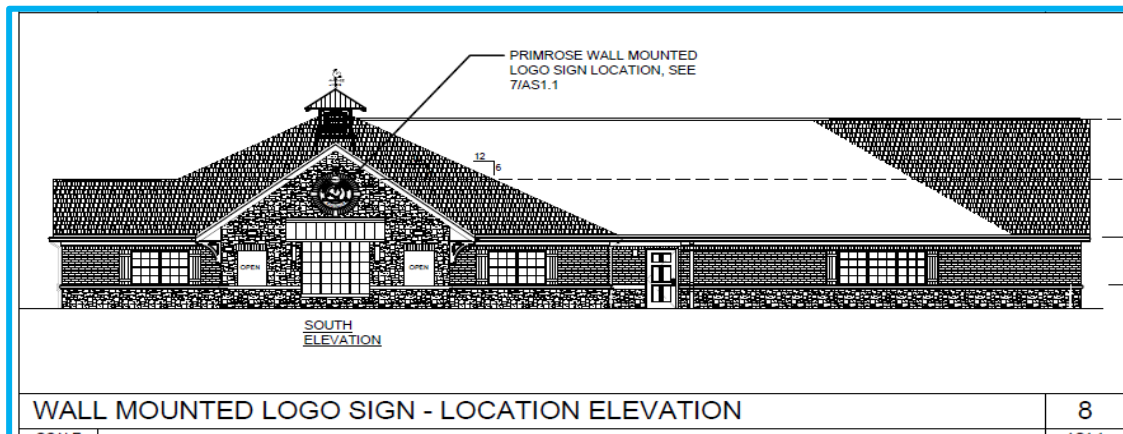
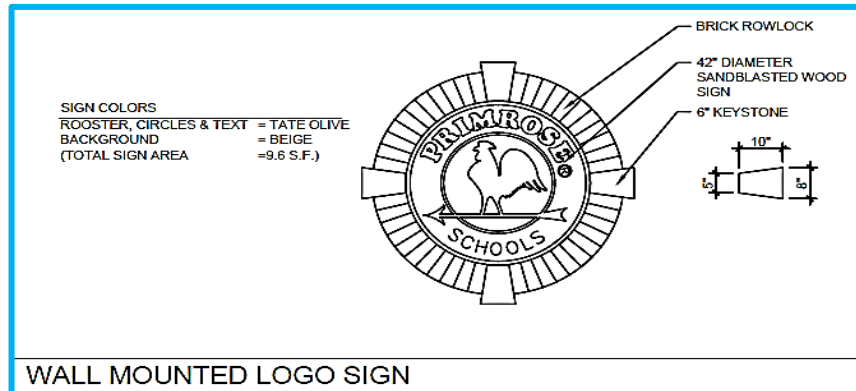
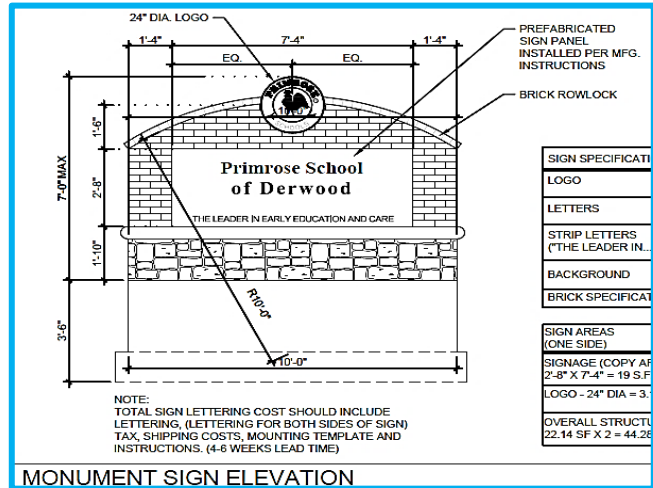


Figure 12: Proposed Wall Sign

The Application proposes a wall mounted logo sign that will be placed on the south side of the building. The sign meets the requirements for wall signs.

The Applicant must obtain a sign permit for the proposed freestanding sign. A copy of the sign permit obtained from MCDPS must be submitted to the Hearing Examiner before the sign is installed on the property.

H. Environment

Consistency with Environmental Guidelines

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420181150 was approved for the original 3.53- acre Property on February 12, 2018. There is a fragment of forest in the southeast corner of the property that extends onto the adjacent property. This forest will be preserved and augmented with 0.72 acres of forest planting. The planted area will meet the forest mitigation requirements of the forest conservation plan. This new forest area will be protected by a Category I Forest Conservation easement (see attached Forest Conservation report).

This site is located in the Crabbs Branch subwatershed of Middle Rock Creek, a Use IV Stream that, as of 2015, has poor stream water quality. Although located in the Upper Rock Creek Master Plan area, this property is not within the Upper Rock Creek Special Protection Area. According to the NRI/FSD (420181150) no sensitive areas such as streams, wetlands or their buffers exist on site.

Forest Conservation

There is a fragment of forest in the southeast corner of the property that extends onto the adjacent property. This forest will be preserved and augmented with 0.72 acres of forest planting. The planted area will meet the forest mitigation requirements of the forest conservation plan. This new forest area will be protected by a Category I Forest Conservation easement.

A Preliminary Forest Conservation Plan has been submitted for review and is recommended for approval as a separate action by the Planning Board as part of this Conditional Use Application (see attached Forest Conservation report-Attachment B).

I. Community Concerns

Some area residents, including an adjoining neighbor, have voiced concerns in person and by letters regarding the proposed use (Attachment C). Their concerns include the following:

- The proposed facility will add significant traffic to the already congested intersection of Needwood Road and Redland Road.
- The high volume of traffic coming to and leaving from the property during peak hours will create congestion near and at the site access point, affecting adjoining properties.
- The proposed use is not appropriate for the subject location.
- The Proposed building and use are not consistent with the character of the neighborhood.
- An Excessive number of trees will be removed to accommodate the proposed building.

The Applicant has indicated that, at the time of the initial submittal of the Application, an attempt was made to reach a consensus with the community regarding the proposed development. However, some members of the community have remained unsatisfied with the proposed project and are contesting the proposal.

SECTION IV COMPLIANCE WITH THE NECESSARY FINDINGS IN SECTION 59.7.3.1.E AND SPECIFIC CONDITIONAL USE REQUIREMENTS IN SECTION 59-3

Section 59.7.1.E. Necessary Findings

- 1. Section 59.7.3.1.E.1 states that, to approve a Conditional Use application, the Hearing Examiner must find that the proposed development satisfies the following requirements of Sections 59.7.1.E.a through g.**

- a. Satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;**

There are no prior Conditional Use approvals associated with the subject property. However, a prior Special Exception, S-2718, had been filed but was withdrawn before the review of the case reached a final decision.

- b. Satisfies the requirements of the zone under Division 59-3, the use standards (Division 4), and applicable general requirements under Article 59-6.**

With Staff's recommended conditions of approval, the proposal satisfies the specific Conditional Use standards and requirements of Section 59. 3.4.4.: Day Care Center (Over 30 Persons). As shown on the Use Standard Table in Section III of this report the Application meets the requirements of the RE-1 Zone development standards per Section 59.4.4.B and the applicable parking, screening, perimeter landscaping, and sign requirements of Article 6, with the exception of a parking setback requirement for which a waiver is requested. Staff supports the waiver.

Section 59. 3.4.4.F.: Day Care Center (Over 30 Persons): Specific Conditional Use Requirements:

1. Defined

Day Care Center (Over 30 Persons) means a Day Care Facility for over 30 people where staffing, operations, and structures comply with State and local regulations and is not located in a townhouse or duplex building type.

The Applicant is proposing a day care center for up to 195 children ranging in age from six weeks old to pre-kindergarten. The Application meets the definition for Day Care Center (Over 30 Persons).

2. Use Standards

- a. Where a Day Care Center (Over 30 Persons) is allowed as a limited use, and the subject lot abuts or confronts property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 7.3.4.**
- b. Where a Day Care Center (Over 30 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:**
 - i. All required parking must be behind the front building line; however, required parking may be located between the structure and the street where the Hearing Examiner finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.**

All required parking spaces are located behind the building. With the approval of the requested setback waiver for the access driveway, the parking area, as shown on the plan, is safe and adequate.

- ii. An adequate area for the discharge and pick-up of children is provided.**

The site plan provides for a total of 44 spaces with six regular parking spaces and two handicap parking spaces located in front of the building near the front entrance.

The Applicant proposes the following Staff/Children arrival and departure time during a 12.5-hour day at the child day care center:

Table 5: Staff/Children Arrival and departure time

6:00 AM	School opens. Some staff arrive.
6:30 AM	<ul style="list-style-type: none"> •Vehicles begin to arrive with children •Vehicles are parked, and children are escorted into the classroom building by parents and are signed in.
6:30 AM – 9:30 AM	During this period, all students arrive and are in class. Vehicles tend to arrive at a steady pace of approximately 16 cars per 15-minute increments although there tend to be “clusters” of arrivals at 8:00 AM and 9:00 AM. But, absent any special circumstances, all students have arrived and are in class by 9:30 AM.
9:30 AM – 3:30 PM	There is some traffic arriving and departing during this period. Generally, that would involve parents coming to pick up a child for a special appointment; or parents arriving for a meeting with school administration; or special instructors (e.g., music teacher) arriving for a special purpose; or deliveries
3:30 PM – 6:30 PM	Pickup of children by parents tends to run at an even pace between 3:30 PM and 5:00 PM. Classes are formally over at 5:00 PM, but the School offers after-hours programs until 6:30 PM and approximately 15-20 students would stay over beyond 5:00 PM and would be picked up by their parents between 5:00 PM and 6:00 PM.

Source: Applicant Justification Statement May 15, 2019

iii. The Hearing Examiner may limit the number of children outside at any one time.

The Applicant indicated that only three of the four play areas will be active at any one time. In addition, the play areas are located away from the adjoining residential neighborhood separated by the building and the driveway and buffered by fencing and perimeter planting. Staff does not find a need for limitation on the number of children outside at any one time.

v. In the RE-2, RE-2C, RE-1, R-200, R-90, R-60, and R-40 zones, the Day Care Center (Over 30 Persons) must be located on a site containing a minimum of 500 square feet of land area per person.

The property contains 657 Square feet of area for each of the proposed 195 children.

c. Substantially conforms to the recommendations of the applicable Master Plan.

The Application substantially conforms to the recommendations in *2004 Upper Rock Creek Area Master Plan* as discussed under **SECTION III. A: Master Plan.**

- d. Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan.



Figure 13: Proposed development

With the recommended conditions, the proposed use will be in harmony with the general character of the neighborhood. The Conditional Use Site Plan and the Landscape and Lighting Plan provide for extensive landscaping and, adequate setbacks, meeting code requirements.

- 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 predominately residential nature of the area; a Conditional Use application that conforms with the recommendations of a Master Plan does not alter the nature of the area.**

There is one active Conditional Use; Special Exception S-2668, that was approved in 2007 for a service organization. The Conditional Use is Currently being used as the Taiwanese Cultural center and is located northwest of the subject property at 7509 Needwood Road. Although the proposed use introduces a new institutional use to the area, given its location along a Primary Residential street with two lanes and 70-ft right-of-way with a proposed full right-of-way dedication, it is not likely that the approval of the subject Conditional Use would increase the intensity and scope of approved special exceptions/Conditional Uses in the area enough to affect the area adversely or alter its residential nature. There is a small day care

center located in a residential dwelling about a block east of the subject site at 7309 Needwood Road but the proposed daycare will be the only daycare center exclusively providing child care services for the wider portion of the community.

- 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 or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:

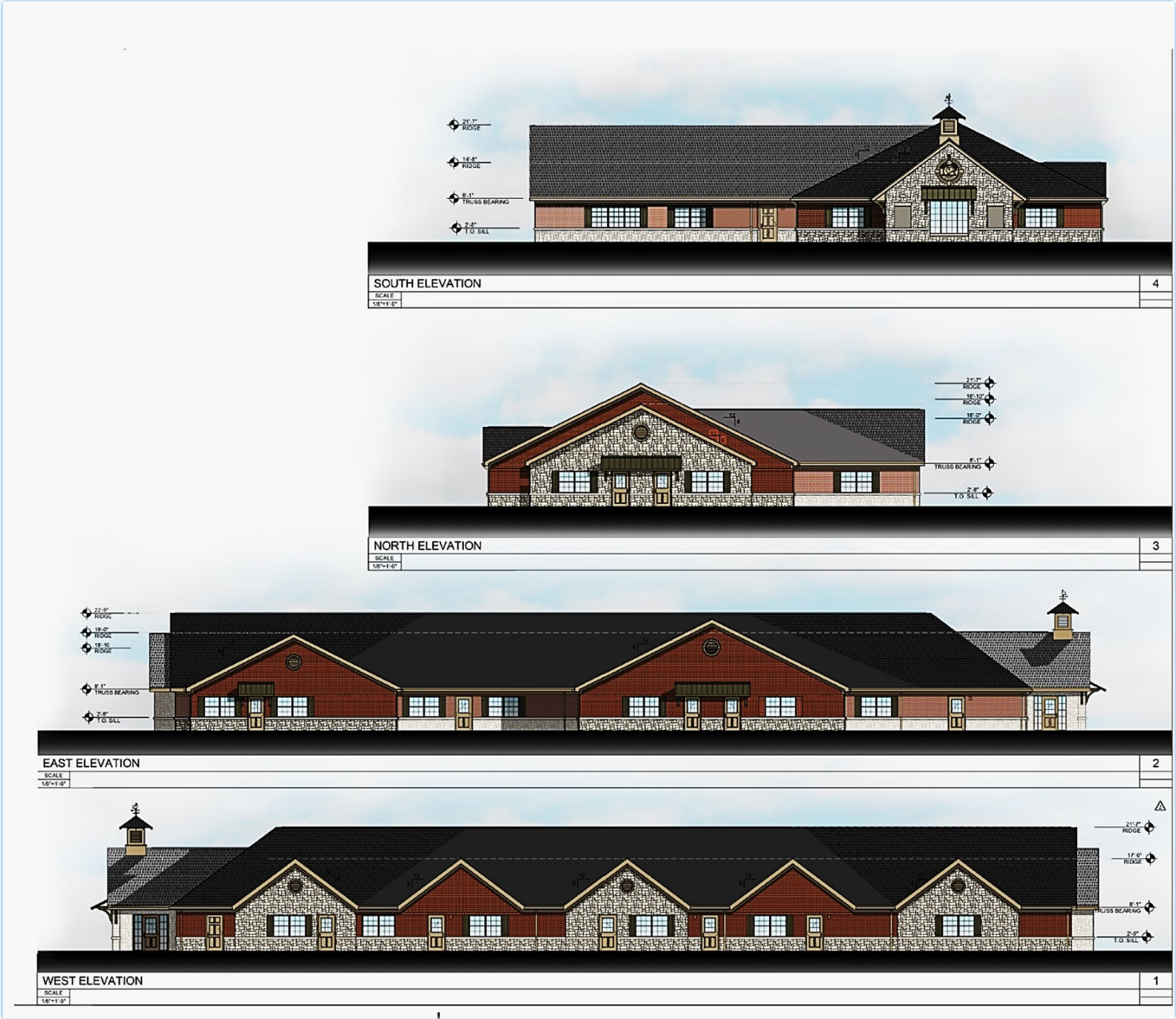


Figure 14: Proposed Building Elevations

- 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 facilities, including schools, police and fire protection, water, sanitary sewer, public roads, or storm drainage; or
- ii. If a preliminary plan of subdivision 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;

The Application is not subject to approval of a Preliminary Plan. Existing public facilities—public roads, fire and police protection—are adequate to serve the proposed use. Due to the nature of the Conditional Use, it does not generate any school aged children; therefore, school facilities review is not necessary.

a. Water and Sewer Service

The subject property, a platted lot, is served by public water and sewer service.

b. Storm Water Concept Plan

The stormwater management concept plan proposes to meet required stormwater management goals using micro-bioretenention and an alternative surface. The stormwater management concept plan has been submitted to the MCDPS Water Resource Section. There will not be a preliminary plan submitted. The Applicant will address remaining storm drain issues during the permit phase. However, as noted earlier in this report, the MCDPS Water Resource Section has indicated that the submitted *downstream storm drain analysis* can generally be accepted with the understanding the details will be finalized at ROW permit stage. Staff recommends that a more detailed information on the stormwater concept plan must be submitted to the hearing examiner at the time of the public hearing.

c. Transportation

Adequate Public Facilities Review (APF) and Local Area Transportation Review (LATR)

As noted in Section III C: Transportation the proposed 195-child day care center will create 181 AM peak period person trips and 173 PM peak period person trips as calculated using the 2017 LATR guidelines. Roughly 129 total (both entering and exiting) vehicular movements can be expected during the morning peak period and 123 total movements may be expected during the evening peak period, or roughly two vehicular movements per minute. The adjoining neighbors have voiced concerns about the level of vehicular traffic entering and exiting the Subject Property.

Staff recommends that the Applicant must construct a fence along the property line to mitigate some of potential negative impacts of increased vehicular movements and glare from headlights with the design to be approved by Staff.

Staff's review of the Applicant's transportation analysis indicates that the proposed access to the site to be adequate to serve the traffic generated by the development. Staff also finds that the internal pedestrian circulation and walkways, with the recommended conditions, will provide adequate movement of pedestrian traffic.

- 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:**
- i. The use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;**
 - ii. Traffic, noise, odors, dust, illumination or lack of parking; or**
 - iii. The health, safety or welfare of neighboring residents, visitors or employees.**

The inherent, generic physical and operational characteristics associated with a child care center are (1) buildings and related outdoor child care equipment (2) parking areas, (3) lighting, (4) noise generated by children (5) drop-off and pick-up areas, (6) outdoor play areas (7) long hours of operation (8) employees of the child care facility (9) and vehicular trips to and from the site.

The scale of the proposed daycare center building, the proposed access point, the internal vehicular circulation system and the onsite parking area are operational characteristics typically associated with a landscape contractor operation. Staff, however, considers the fact that the location of proposed driveway is restricted by sight distance and is located at the only viable access point on the property's frontage on Needwood Road to be a noninherent characteristic. However, Staff believes that this non-inherent characteristic does not rise to a level that warrants

a denial. As noted, the Applicant is requesting a waiver from the side yard setback requirement for parking facilities to allow the proposed driveway.

With the recommended conditions of approval, the inherent and non-inherent impacts associated with the proposed uses do not rise to a level sufficient to warrant a denial of the Application.

2. 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.

The Applicant has made notable effort to integrate the 13,000 square-foot, one-story building into the area in a manner that is compatible with existing residential and nonresidential developments in terms of scale, bulk, height materials, texture and architectural features. The building's physical presence will be offset by a combination of setbacks, a residential building façade, extensive landscaping, and forest retention. Adequate off-street parking spaces are provided to satisfy the needs of the proposed daycare center.

Staff has also conducted a comparative study of a single-story versus a two-story building to assess potential alternative site and building design and, as discussed below, found pros and cons in both styles. In addition, the two-story option was rejected by both the Applicant and the opposition (the immediate neighbors) as not being desirable for various reasons including operational as well as compatibility with existing developments in the area.

Single Story Building Option: The proposed massing and architecture are mostly compatible with the neighborhood; however, the building footprint, even as a single-story option, is larger than almost everything else within the vicinity of the site. The massing of the single-story option would have less impact on the neighbors, in terms of height but the larger footprint pushes the driveway closer to the edge of the property line and in turn could potentially impact the adjacent neighbors. The architecture of the single-story and two-story options should be similar in order to fit in with the context of the surrounding neighborhood. Both options are positive in placing the parking behind the building, while providing screening along the edges of the site – between the neighbors and along Carnegie Avenue.

Two-Story Building Option: The realigned driveway avoids the 34-foot parking setback, while maintaining the same opening out to Needwood Road. The parking area would have to be extended partially into the proposed forest conservation easement in order to meet their parking count - Primrose would gain an extra space in this option. The overall building footprint would be reduced to approximately 6,500 GSF, while maintaining the same entry layout and relationship to the parking

SECTION V. CONCLUSION

Based on the foregoing analysis, Staff recommends **Approval** of Conditional Use CU-18-08, subject to the conditions found on Page 2 of this report.

ATTACHMENTS

- A. Plans and Drawings
- B. Forest Conservation Plan Recommendation
- C. Community Correspondence
- D. Supplemental Information
- E. Memoranda and Letters