

A. Plans and Drawings

Attachment-A



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JONATHAN JOLLEY
MARYLAND LICENSED
LANDSCAPE ARCHITECT - LICENSE NUMBER: 3497

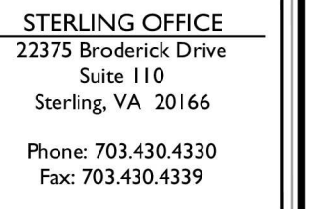
CONDITIONAL USE PLAN

FOR

PRIMROSE SCHOOLS
FRANCHISING CORP.

DERWOOD HEIGHTS
SECTION A, LOT 8

MONTGOMERY COUNTY
MARYLAND

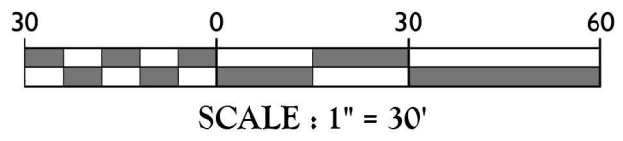
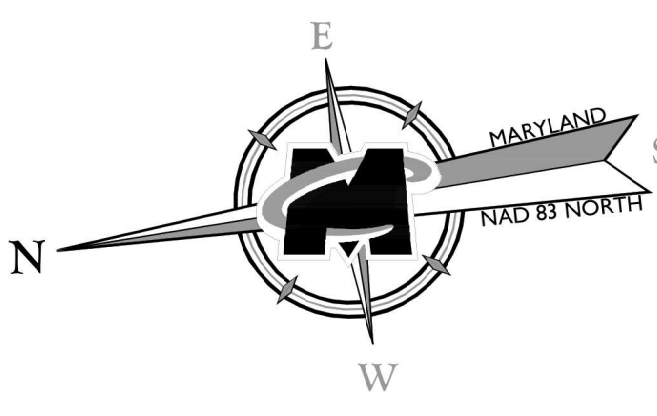


SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	05/03/19	PAP/CME	Ejl
PROJECT NUMBER:	DRAWING NAME:		
16003398A	C-LAND		

SHEET TITLE:

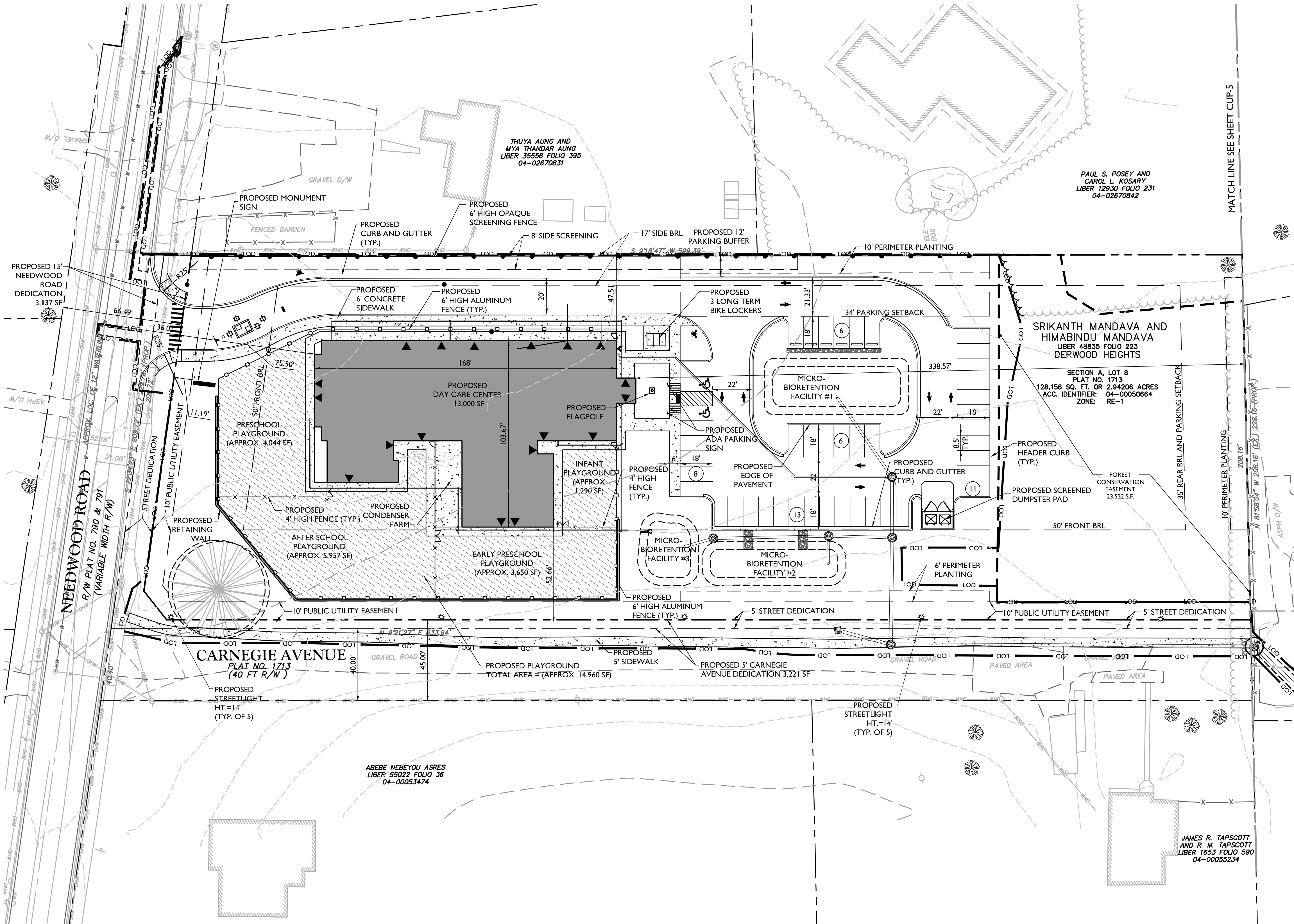
LANDSCAPE PLAN

SHEET NUMBER: CUP-9



GENERAL NOTES:

1. THERE ARE NO SPECIAL PROTECTION AREAS (SPA) ASSOCIATED WITH THIS PLAN.
2. THIS SITE IS ZONED RE-1 RESIDENTIAL AS DEFINED IN THE GENERAL DEVELOPMENT PLAN.
3. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A REGISTERED HISTORIC DISTRICT.
4. THERE ARE NO KNOWN ARCHEOLOGICAL SITES LOCATED ON THE SUBJECT PROPERTY.
5. MARLBORO CLAY AND CHRISTIANA COMPLEX ARE NOT FOUND TO OCCUR ON OR WITHIN THE VICINITY OF THIS PROPERTY.
6. STREETLIGHTS SHOWN ALONG CARNEGIE AVENUE ARE TO BE 14' TALL ACORN STYLE LIGHTING, OR APPROVED EQUIVALENT.
7. WE COMPLY WITH THE BUILDING BUFFER WITH THE FOREST CONSERVATION EASEMENT.



PROJECT DATA

SITE DATA:

EXISTING LOT AREA:	128,156 SF (2.94 AC)
NEEDWOOD ROAD DEDICATION:	3,137 SF (0.07 AC)
CARNEGIE AVENUE DEDICATION:	3,221 SF (0.07 AC)
NET LOT AREA:	121,798 SF (2.80 AC)
LIMITS OF DISTURBANCE:	110,641 SF (2.54 AC)

BUILDING:

PRIMROSE SCHOOL (DAY CARE)	+13,000 SF
MAXIMUM CAPACITY	195 CHILDREN

BULK ZONING INFORMATION:

ZONE:	RE-1 RESIDENTIAL DETACHED ZONE
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	REQUIRED/ALLOWED	PROVIDED
LOT (MIN)		
LOT AREA	40,000 SF	121,798 SF
LOT WIDTH AT FRONT		
BUILDING LINE	125 FT	202.71 FT
LOT WIDTH AT FRONT LOT LINE	25 FT	188.49 FT
LOT COVERAGE (MAX)	15% (18,269 SF)	10.67% (13,000 SF)

BUILDING SETBACK:

FRONT (NEEDWOOD ROAD):	50 FT	75.50 FT
REAR:	35 FT	338.57 FT
SIDE STREET (CARNEGIE AVE):	50 FT	52.66 FT
SIDE (DETACHED):	17 FT	47.51 FT

MAX. BUILDING HEIGHT:	50 FT	21.58 FT
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PARKING DATA:

JURISDICTIONAL PARKING REQUIRED:	
DAY CARE CENTER:	
3/1000 S.F. OF FLOOR AREA:	39 SPACES
PROPOSED:	
8.5' x 18' SPACES	42 SPACES
ADA SPACES	2 SPACES
TOTAL	44 SPACES

BICYCLE PARKING REQUIRED:

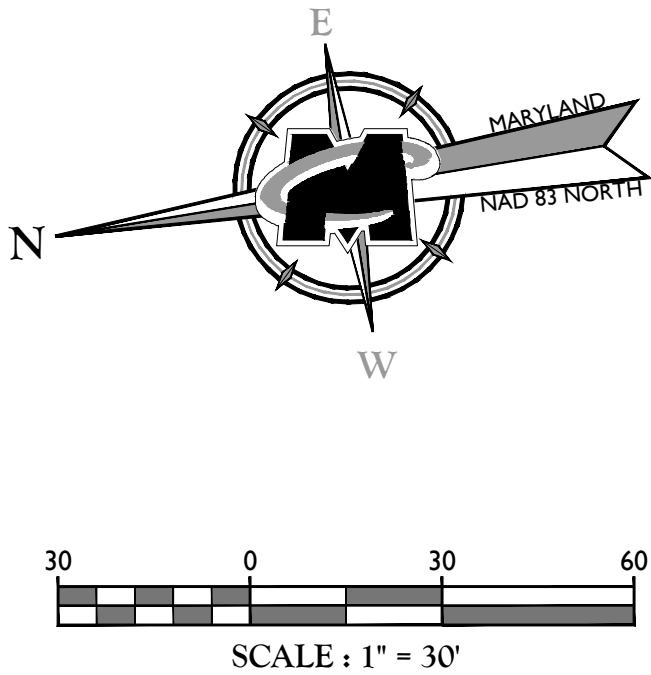
DAY CARE CENTER:	
1/5000 S.F. OF FLOOR AREA:	3 SPACES

PROPOSED:

PROVIDED	3 SPACES
(85% LONG TERM REQUIRED = 3 SPACES)	

LEGEND:

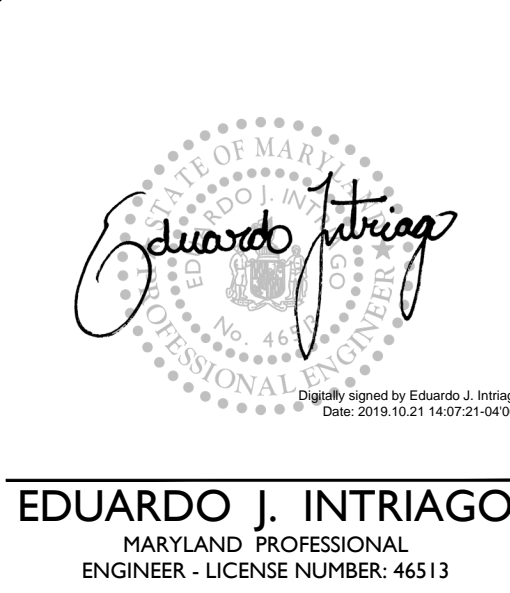
"X"GRASS SYNTHETIC TURF (PLAYGROUND)



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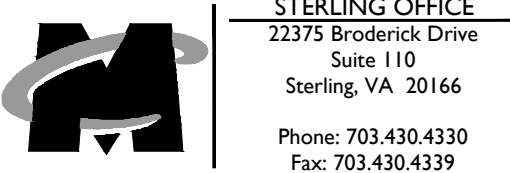


REV	DATE	DRAWN BY	DESCRIPTION
1	02/11/19	CHE	PLANS REVISED PER COMMENTS RECEIVED UP TO 10/16/19.




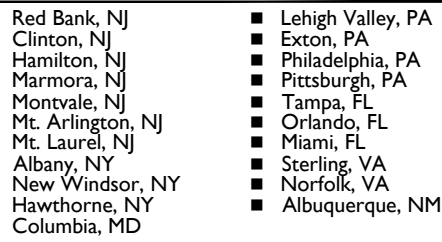
CONDITIONAL USE PLAN
FOR
PRIMROSE SCHOOLS
FRANCHISING CORP.

DERWOOD HEIGHTS
SECTION A, LOT 8
MONTGOMERY COUNTY
MARYLAND



SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	05/03/19	PAP/CHE	EJI
PROJECT NUMBER:	DRAWING NAME:		
16003398A	CLAYT		

SHEET TITLE:
CONDITIONAL
USE PLAN
SHEET NUMBER:
CUP-4



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EXCAVATORS, DESIGNERS, OR ANY PERSON
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CONDITIONAL USE PLAN

FOR
PRIMROSE SCHOOLS
FRANCHISING CORP.

DERWOOD HEIGHTS
SECTION A, LOT 8

MONTGOMERY COUNTY
MARYLAND



STERLING OFFICE
22375 Broderick Drive
Suite 110
Sterling, VA 20166

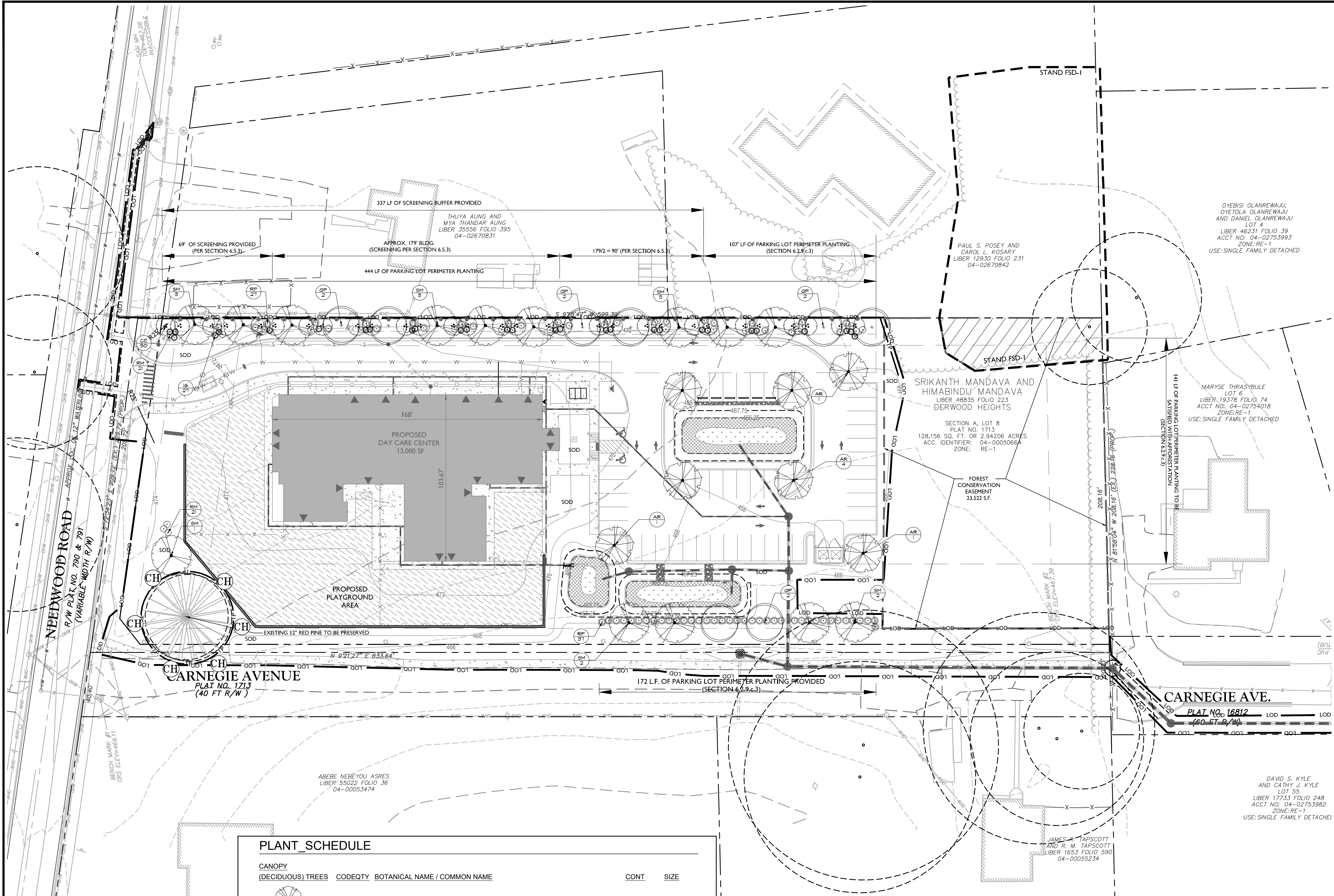
Phone: 703.430.4330
Fax: 703.430.4339



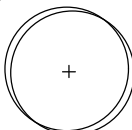
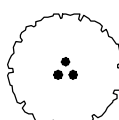



SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	05/03/19	PAP/CME	EJI
PROJECT NUMBER:		DRAWING NAME:	

SHEET TITLE:

LANDSCAPE PLAN

SHEET NUMBER: CUP-9



PLANT SCHEDULE					
CANOPY					
(DECIDUOUS) TREES	CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	SIZE
	AR	7	ACER RUBRUM / RED MAPLE	B & B	2 - 3.5" CAL.
	SM	14	ACER SACCHARINUM / SILVER MAPLE	B & B	2 - 3.5" CAL.
	QP	8	QUERCUS PHELLLOS / WILLOW OAK	B & B	2 - 3.5" CAL.
UNDERSTORY					
(FLOWERING) TREES	CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	SIZE
	CE	30	CERCIS CANADENSIS / EASTERN REDBUD MULTI-TRUNK	B & B	2 - 2.5" CAL.
SHRUBS					
	CODE	QTY	BOTANICAL NAME / COMMON NAME	CONT	SIZE
	IG	27	ILEX GLABRA / INKBERRY HOLLY	3 GAL.	4" MIN.
	RP	64	TAXUS FPP / YEWE	5 GAL.	8" MIN.
	RM	24	RHODODENDRON MAXIMUM / ROSE DAY		24" - 30"

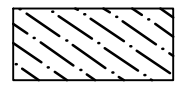
LEGEND



CHAMPION TREE SIGN



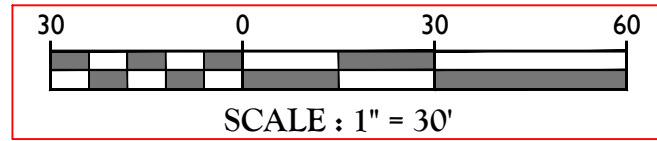
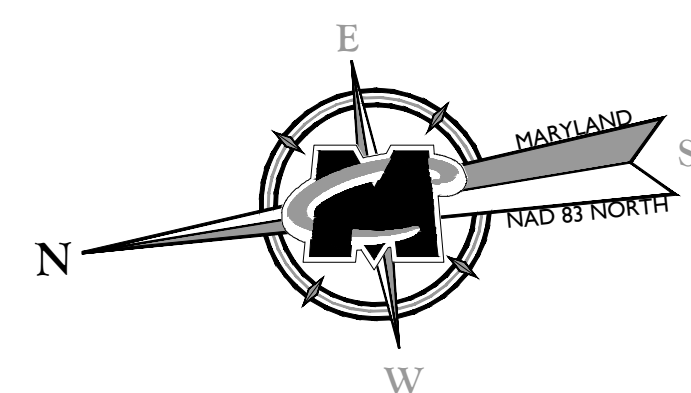
TREE PROTECTION

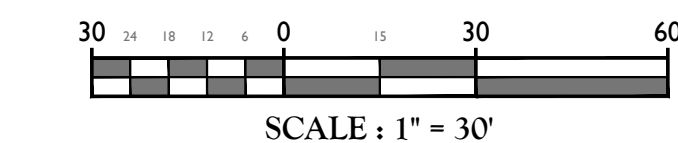


"XGRASS" SYNTHETIC TURF (PLAYGROUND)

NOTE

AREAS WITH CONCENTRATED LANDSCAPING AND INDIVIDUAL TREES TO RECEIVE A 3" DEEP MULCH BED. AREAS OUTSIDE MULCH BEDS ARE TO BE SODDED.



[illegible]

SHEET NUMBER: PFCP-4

TRASH ENCLOSURE GATES (POST & HINGES)	#BM HC 112 TATE OLIVE (INDUSTRIAL ENAMEL, EXTERIOR APPLICATION)
EXTERIOR WD. TRIM , EXTERIOR DOORS, FRAMES, LOUVERS, CUPOLA WALLS, GUTTERS AND DOWNSPOUTS, SOFFITS.	TO MATCH HARDIE TRIM SANDSTONE BEIGE JH30-20 (BM HC-82 OR SW SW 6157)
EXTERIOR HARDIE SIDING, TRIM, FASCIA, FRIEZE	SANDSTONE BEIGE JH30-20 (MB HC-82 OR SW SW 6157)
WINDOWS	TYPE: VINYL/ ALUMINUM COLOR: ALMOND OR BEIGE
BRICK:	MFG: BORAL MOUNT VERNON MODULAR GROUT: BUFF COLORED MORTAR
ASPHALT SHINGLES:	MANUF. : GAF STYLE: TIMBERLINE SERIES, T-30 WITH "SHADOW ACCENT" COLOR: WEATHERED WOOD
NOTE: ALL ROOF MOUNTED EQUIPMENT SHALL BE PAINTED TO MATCH ROOF COLOR	
VINYL SHUTTERS	BOARD AND BATTEN STYLE: PAINT PRIMROSE GREEN (BM HC 112 TATE OLIVE)
STANDING SEAM ROOF	AEP-SPAN SNAPSEAM - 12" COLOR = DARK BRONZE
STEEL AWNING SUPPORTS & WOOD BRACKETS:	#BM HC 112 TATE OLIVE (INDUSTRIAL ENAMEL, EXTERIOR APPLICATION)
STONE:	MFG: BORAL LONESTAR STONE - LIBERTY CLASSIC -AUTUMN GROUT: BUFF COLORED MORTAR



4



3



2

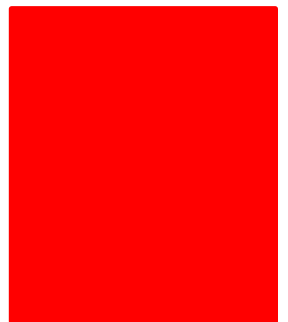


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B. Forest Conservation Plan Recommendation

Attachment-B





Primrose Schools: Preliminary Forest Conservation Plan No. CU2018-08

Katherine E. Nelson, Planner Coordinator, Area 3 Katherine.Nelson@montgomeryplanning.org, 301-495-4622

Frederick V. Boyd, Supervisor, Area 3 Fred.Boyd@montgomeryplanning.org, 301-495-4654

Richard A. Weaver, Chief, Area 3 Richard.Weaver@montgomeryplanning.org, 301-495-4544

Staff Report Date: 10-25-2019

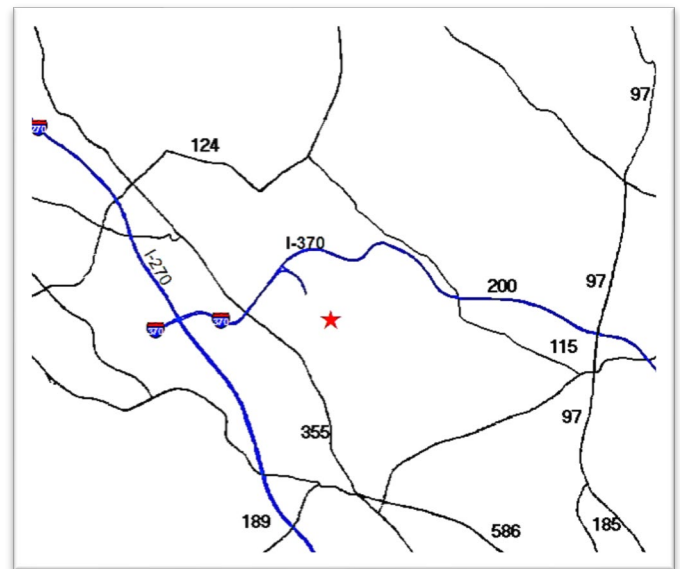
Description

A. Preliminary Forest Conservation Plan CU2018-08

Request for approval of a Preliminary Forest Conservation Plan as part of a Conditional Use application to construct a child day care center for 195 children, on a 2.95-acre 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.

Applicant:	Primrose School Franchising Corp.
Application Filed:	November 16, 2018
Review Basis:	Chapter 22A, Forest Conservation Law

Staff Recommendation: *Approval with conditions (Planning Board Action)*



Summary

- **Staff Recommendation: Approval with Conditions**
- The Planning Board must take action on the Forest Conservation Plan for Conditional Use Application CU2018-08. The development proposed under this application fully complies with Chapter 22A, the Forest Conservation Law.

STAFF RECOMMENDATION:

Approval of the Preliminary Forest Conservation Plan No. CU2018-08 subject to the following conditions:

1. This Preliminary Forest Conservation Plan (PFCP) is conditionally approved and final approval is contingent upon approval by the Montgomery County Hearing Examiner of Conditional Use No. CU2018-08.
2. Within ninety days of the date of the Hearing Examiner's Opinion approving the Conditional Use Application CU2015-04, the Applicant must Submit a Final Forest Conservation Plan (FFCP) to M-NCPPC Staff for and approval. The FFCP must be approved Prior to any clearing, grading or demolition on the project site. The FFCP must be consistent with the final approved PFCP and include the following:
 - a. Changes to the plan as required by the Planning Board and/or the Hearing Examiner
 - b. Planting Plan for the afforestation area required by the FFCP
 - c. Signage along the boundaries of the forest conservation easement
3. Mitigation for the loss of specimen trees as determined by the FFCP must be clearly shown and labelled on the Final Forest Conservation Plan. The mitigation trees must be planted outside of any right-of-way, or utility easements, including stormwater management easements and not counted as part of the screening requirement under Division 6.5 of the Montgomery County Zoning Ordinance. The mitigation trees must be installed and accepted by M-NCPPC within one year of construction completion.
4. The limits of disturbance shown on the final Sediment Control Plan must be consistent with the limits of disturbance shown on the Final Forest Conservation Plan.
5. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
6. The Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Preliminary Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property

SITE DESCRIPTION

This site is located in an upland area of the Crabbs Branch subwatershed of Middle Rock Creek, a Use IV Stream area that was originally developed with homes in the 1940's. This 2.95-acre property is currently developed with one home. The RE-1 zone would allow up to two single-family detached homes on this acreage. Water quality in the Crabbs Branch watershed was identified as "good" in the January 2000 Environmental Resources Inventory of the Upper Rock Creek Watershed. Its quality has fallen to "poor" in recent years. The Department of Environmental Protection 2017 monitoring reports a "Fair" 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.

The subject property is fairly open in places but does contain significant individual and groups of trees onsite. This includes six large trees ranging in size from twenty-four to twenty-seven inches dbh.



Figure 1. PFCP showing site vicinity

PROJECT DESCRIPTION

The PFCP (Attachment A) was prepared as part of Conditional Use Application No. CU2018-08 ("Application"). This Application proposes to construct a child day care center for 195 children. While the Planning Board is technically advisory on Hearing Examiner applications per 59.7.3.1 of the Zoning Ordinance, the Planning Board must make a finding that the pending Application complies with Chapter 22A and approve the Forest Conservation Plan.

ANALYSIS AND FINDINGS

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County code. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Property on February 12, 2018. There are no forest or environmentally sensitive features on the Property. A Preliminary Forest

Conservation Plan has been submitted for review as part of this Application (Attachment A). There is 0.07 acres of existing forest in the southeast corner of the property. This forest will be preserved and augmented with 0.54 acres of forest planting. This will result in 0.61 acres of forest planting and protection. This area will be protected by a Category I Conservation Easement.

Tree Loss

Of the seven on-site trees, five, including three along the eastern property boundary will be removed, substantially altering the nature of the area. The arrangement of these and other smaller trees along the property boundary provide them with additional value. Grouped nearly continuously along the eastern and southern property boundaries are numerous large, medium and small trees. In addition, there is a large group of trees located along the western property boundary. All of the boundary trees in the front three quarters of the site are proposed for removal. The trees in the rear of the property will be incorporated into a 0.61-acre afforestation/forest protection area, providing screening to the south. Tree loss along the eastern property boundary is a large part of the neighborhood's objection to this project.

Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Property requires impact to trees identified as high priority for retention and protection; therefore, the Applicant has submitted a variance request for these impacts.

Variance Request - The Applicant submitted a variance request in a letter dated October 25, 2019 (Attachment B). The Applicant proposes to remove three (2) specimen trees and impact the CRZ of six (6) trees that are 30 inches or greater DBH. The County Champion Red Pine is also proposed for impact and relocation. Although relatively small, this tree is the largest of its kind known to be growing in Montgomery County. These trees are considered high priority for retention under Section 22A-12(b)(3) of the County code (Table 1).

Tree Number	Species	DBH Inches	Impact
CH-1	Red Pine <i>Pinus resinosa</i>	12"	7.2% of Critical Root Zone to be impacted
SP-1	Silver Maple <i>Acer saccharinum</i>	45"	100% impact - To be removed.
SP-2	Black Maple <i>Acer Nigrum</i>	36"	1% of Critical Root Zone to be impacted
SP-3	Yellow (Tulip) Polar <i>Liriodendron tulipifera</i>	32"	1.7% of Critical Root Zone to be impacted
SP-5	Silver Maple <i>Acer saccharinum</i>	48"	1% of Critical Root Zone to be impacted
SP-6	Silver Maple <i>Acer saccharinum</i>	56"	11.7% of Critical Root Zone to be impacted
SP-7	Silver Maple <i>Acer saccharinum</i>	48"	21% of Critical Root Zone to be impacted
SP-8	Silver Maple <i>Acer saccharinum</i>	36"	3% of Critical Root Zone to be impacted
SP-9	Silver Maple <i>Acer saccharinum</i>	44"	60% of Critical Root Zone to be impacted Proposed for removal.

Table 1: Variance Trees to be impacted or removed

Unwarranted Hardship Basis

Per Section 22A-21(a), an applicant may request a variance from Chapter 22A if the applicant can demonstrate that enforcement of Chapter 22A would result in an unwarranted hardship.

The Applicant proposes to remove three (2) variance trees and impact the critical root zone of seven (7) others. All trees except Ch-1, SP-1 and SP-9 are located offsite, but along the site perimeter. Tree SP-1 is internal to the site. Tree SP-9 is located along the eastern property boundary. Tree CH-1 is located along Needwood Road. (Figure 3).

The arboriculture industry standard for construction impacts to trees is to limit those impacts to no more than approximately 30 percent of the Critical Root Zone (CRZ). More than 30 percent impact to the CRZ and the overall healthy viability of the tree comes into question. Trees SP-1 is proposed to have 100 percent of its CRZs impacted while Tree SP-9 will have approximately 60 percent of its CRZ impacted. The Champion Red Pine (CH-1) will have 7.2 percent of its CRZ impacted.

Trees SP-1 is internal to the site and located close to the existing site such that protection of this tree would be difficult under any redevelopment process. Denying the variance request would create an unwarranted hardship to develop this site and not impact less than 30 percent of the CRZ's of Tree SP-1.

Tree SP-9 is located along the eastern site perimeter. Because of all the trips associated with this use, the location of the drive was moved from Carnegie Avenue to its present location. Development according to RE-1 standards with far fewer trips would allow much more flexibility with the driveway location and the ability to preserve SP-9. The proposed use could give SP-9 the potential for survival if the driveway and parking lot configuration could be altered and special measures used to protect the

tree during construction. Preservation of this tree would also provide a better opportunity for the survival of other smaller trees along the eastern property boundary. These trees, although significant as a group, are neither forest, nor specimen trees and are simply shown as canopy cover on the FCP. Allowing the removal of this tree provides this developer with a benefit that is unique to this conditional use application.

The remainder of the trees listed on Table I will be preserved. Most, if not all, of their impacts take place within existing right-of-way and under either pavement or gravel roads. This existing condition makes it likely that fewer roots will be located in those disturbance areas.

Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request for all specimen trees with the exception of Tree SP-9.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. M-NCPPC staff ("Staff") has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings - Staff has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the removal of Tree SP-1 and impact to the other trees is due to the location of the trees and necessary site design requirements. The Applicant proposes removal of this tree with mitigation. Therefore, Staff believes, with the exception of SP-9, that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this conditional use application.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed or impacted are not located within a stream buffer. The Application proposes mitigation for the removal and impact to these trees. The mitigation trees will eventually provide shade runoff mitigation, and cooling to the site.

Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

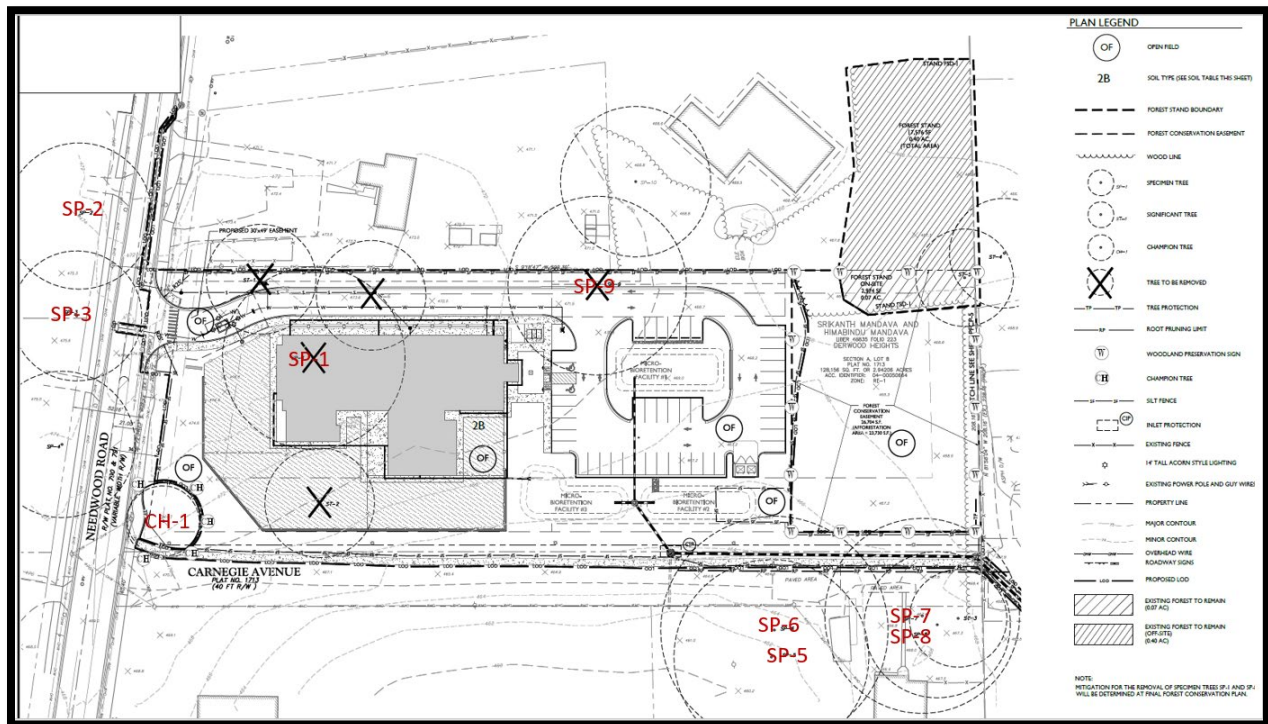


Figure 3. PFCEP showing impacted variance trees

Mitigation for Trees Subject to the Variance Provision - For removal of specimen trees associated with a variance request, Staff recommends mitigation for the tree loss by replacing the total number of DBH removed with $\frac{1}{4}$ of the amount of inches replanted using 3-inch caliper overstory trees native to the Piedmont Region of Maryland. These trees will be located on the Property outside of the rights-of-way for Needwood Road, outside of any utility easements. The number type and location of trees will be addressed in the Final Forest Conservation Plan. The specific details of the Champion Tree relocation will also be addressed in the Final Forest Conservation Plan.

County Arborist's Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on several occasions during the plan process. Under Section 22A-19(c), the County Arborist is provided with the opportunity to comment on the variance request. Staff has not received a response from the County Arborist.

Variance Recommendation - Staff recommends approval of the variance request with the exception of tree SP-9.

CONCLUSION

The PFCP meets all applicable requirements of Chapter 22A of the County Code. Therefore, Staff recommends that the Planning Board approve Applicant's request for a variance from Chapter 22A and the Preliminary Forest Conservation Plan with the conditions cited in this Staff Report.

Attachments

Attachment A – Preliminary Forest Conservation Plan

Attachment B – Tree Variance Request Letter

C. Community Correspondence

Attachment-C

PETITION IN OPPOSITION TO PRIMROSE DERWOOD COMMERCIAL DAYCARE FRANCHISE

I oppose the Conditional Use Application (CU 18-08) of Primrose Schools Franchising Corporation for the operations of a 195-child daycare center at 7430 Needwood Road at the corner of Carnegie Avenue in Derwood, for many reasons, including:

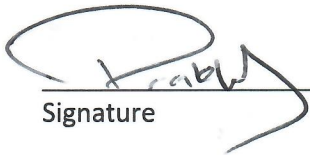
(1) A 13,000 square foot daycare center is a commercial structure, not a residence. It is not in keeping with the Single-Family Residential Zoning of our community, and our Master Plan. Our neighborhood is already burdened by too many non-residential or commercial uses on Needwood Road or near the Primrose operation. Why do we have zoning laws and invest resources to create Master Plans if they are not enforced by Montgomery County Officials?

(2) This Conditional Use will increase traffic. Primrose anticipates 60-plus cars per hour entering and exiting their property during maximum traffic times. Needwood Road is a two-lane residential street and is already overwhelmed by west-bound morning commuters to the Shady Grove Metro station, the ICC, Routes 270 and 355; and east-bound traffic to Magruder HS, Alfred House Assisted Living, the ICC bike path, the Olney area, Needwood Mansion, Park, Lake, and Golf Course! We local residents already risk life and limb trying to enter or exit Needwood Road from, or to, our driveways or side streets during rush hours, particularly when attempting west-bound turns. Most cars exiting Primrose in the morning will need to make dangerous, low-visibility left-hand west-bound turns from Carnegie Avenue onto Needwood Road or exit through a newly-connected Carnegie Avenue along Ottenbrook Terrace and other neighborhood side streets, to get to west-bound Needwood Road. Primrose will create tremendous traffic and safety issues along Needwood Road and in its surrounding communities.

(3) This Conditional Use will greatly increase the amount of impervious surface on the Primrose site, which is within the Upper Rock Creek watershed and drains to the Crabbs Branch Stream. The storm water ecosystem is already stressed.

(4) This Conditional Use will result in the loss of forest cover and specimen level trees, both on this and adjacent properties, and will require decades to replace the beauty that was destroyed.

(5) The Primrose large commercial structure and playground will occupy a high elevation on Needwood Road and will be an unsightly non-residential landmark to travelers in either direction.


Signature

9/18/18
Date

MICHAEL PRAKHYE
Name (Print)

mprakhya@outlook.com
Email

7400 OTTENBROOK TER
Address

DERWOOD MD
City

20855
Zip Code

3 June 2018

To whom it may concern,

I would like to go on record in opposition to the proposed Primrose School at 7430 Needwood Road. I have several concerns, which I list and outline below.

1. The intersection of Needwood Road and Redland Road already handles a significant volume of traffic, especially during rush hour, for its size. Traffic trying to turn west on Redland Road frequently backs up on Needwood Road awaiting the traffic signal. The proposed school will be in close proximity to this intersection adding additional traffic volume to an already busy intersection. Furthermore, traffic on Needwood Road does back up to Carnegie Avenue, which will serve as the access road to the Primrose School. Thus, drivers exiting the school and hoping to turn left from Carnegie Avenue on to Needwood Road will be attempting to do so into already stopped traffic.

2. With the proposed school comes the possible connection of Carnegie Avenue from Needwood Road to Ottenbrook Terrace. Essentially this connection would do nothing to serve the affected residents, despite what is written in the Primrose School's Statement of Justification. I do not know how individuals who do not reside in the neighborhood can draw conclusions about how this extension will affect those living in the immediate neighborhood. As a resident, I fear that an extension of Carnegie Avenue will turn our quiet neighborhood roads into an alternative ingress and egress route for those utilizing the Primrose. The only result from this extension will be an increase in traffic volume on residential streets. With this, and of even greater concern, is the potential for a disastrous accident involving the many kids who live and play in the immediate neighborhood or the many residents who routinely walk the streets for exercise. I invite any member of the Planning Board or who is otherwise determine the fate of this construction project to visit the neighborhood and determine for himself or herself whether the existing neighborhood should be transformed from its current status to a pass-through for the benefit of the Primrose School only.

3. With respect to the proposed extension of Carnegie Avenue, who will be responsible for funding this construction? Has the Primrose School agreed to shoulder the cost of improving and extending Carnegie Avenue from its current state? As a taxpayer, I do not feel that it is appropriate for Montgomery County to bear the cost of these road projects for the benefit of a private business.

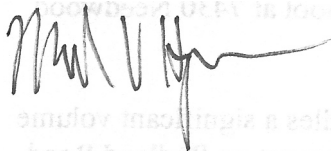
4. If one drives down Needwood Road, it is clear that the road is residential. With the exception of two religious buildings and the public golf course, the road is solely lined by residential neighborhoods. How can anyone justify the construction of a corporate school on such a road?

I am personally inviting any member of the Planning Board to tour the proposed school site and the surrounding neighborhoods to determine for himself or herself whether my concerns put forth are valid. If you do visit, I am confident that you will quickly realize that the proposed site is not suitable for a school of any size. I do not disagree with the claim put forth by the Primrose School in its conditional use application that there is need for more child care facilities in Montgomery County. As a parent with children in child care, I can personally attest that their claim is valid. However, there is a correct time



and a place for everything, and the establishment of the Primrose School at 7430 Needwood Road will in the end serve to reduce the quality of life for many while benefiting few.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Huppmann', with a long horizontal flourish extending to the right.

Michael Huppmann
7416 Ottenbrook Terrace
Derwood, MD 20855
2404268134

June 6, 2018

Dear Planning Department and the Office of Zoning and Administrative Hearings,

I was just made aware of an application for a Conditional Use permit (CU18-08) for the Primrose School daycare to be located at 7340 Needwood Road in Derwood, MD. I have read the application and relevant documents concerning the application and want to state for the record that I oppose the addition of this new business. This is NOT a small daycare center that you are considering to ensconce itself and be a part of our community. According to the application, over 30 people would be employed at Primrose School – with spots for nearly 200 kids. That to me would indicate a rather large commercial business -that really would over-utilize the 3 acre proposed location. I would ask that you deny the Conditional Use permit on the grounds of traffic, safety, and the adverse effect it would have on this community.

I live on Ottenbrook Terrace and would be affected by this daycare facility in the amount of traffic that will increase on my street. If you open up Carnegie Avenue as a through street, I am certain that many people would like to 'cut through' the back streets to get to Needwood Road east of the school (or even coming west to get to the daycare). Traffic is already bad on Needwood Road in the mornings as cars back up from the traffic light at the intersection of Redland Road and Ottenbrook Terrace. There will be no easy way to get back on Needwood Road heading west from Carnegie Avenue, so I can imagine many parents will try to go the back route within the neighborhood to get to Needwood via Deer Lake Lane. Neither Ottenbrook Terrace, Deer Lake Lane, nor Deer Lake Road have sidewalks built on them, so many people – including kids, bicyclists, and people with dogs on leashes walk or cycle on the side of the road. I would see this as a very dangerous proposition to open up traffic on Carnegie Avenue.

I used to bring my kids to a MCPS bus stop at KinderCare daycare facility at the Shady Grove shopping Center off of Crabbs Branch Way in the mornings. (My kids went to a special program and did not get regular in-neighborhood busing.) I saw how busy it was during drop offs in the morning. Parents were rushing into the parking lot to bring their kids into daycare and then run off to work. I had to make sure my kids got on safely to their MCPS bus. I have no illusions that the drop-off at this proposed Primrose daycare would be any different than that at KinderCare. At least KinderCare is in a public, commercial location, and not within a neighborhood. This business would be located on Needwood Road which is only a two lane road; it is not designed for business traffic. I worry for the safety of the pedestrians and drivers in our neighborhood.

I also don't believe there is enough parking spaces addressed to accommodate the 30+ staff in addition to the drop off of children by their parents at peak times. How would there be room for all these people to park their cars with only 44 car spaces? I would not want to see staff parking their cars in our neighborhood to make room for their customers. Also, according to their proposal, there would be periodic school-oriented events during the year, which will go well into the evening, and I'm sure will well exceed the 44 car space limit as well. Primrose is only accounting for drop offs and pick up occurring within staged time increments, but this is only an estimate of what may happen, and may not adequately reflect the needs of the parents it plans to support. I feel if this business cannot hold and support enough space for their clientele, then they are in a location much too small for their business to operate.

I am not opposed to a small business locating to the lot at 7340 Needwood Road, but I do feel that a large business such as the Primrose School is not in keeping with this residential neighborhood, and should not be granted a Conditional Use permit. This area was zoned as residential, and should remain thus for the residents who pay taxes and live in this community. We bought our houses here because it was a residential community – a quiet, nice place to live and raise our families. There already is a Taiwanese Culture Center and a Taiwanese Presbyterian Church located nearby, but both those entities are (supposedly) limited by their size of their dwelling/lot space and also do not operate as businesses for 60+ hours during the work week. I would oppose any efforts by either of those places to expand their structures on the same principles that I oppose this daycare. A Conditional Use permit should not be granted for a business that would adversely affect this community.

I am enclosing a signed copy of this letter to be included in the public record for this case.

Sincerely,
Mary Anne Hays
7427 Ottenbrook Terrace
Derwood, MD 20855

From: kosaryc@gmail.com
To: [Tesfaye, Elsabet](#)
Cc: [Weaver, Richard](#); [Boyd, Fred](#); douglas.johnson@montgomeryplanning.org; [Hodgson, Laura](#); chris.vanalstyhe@montgomeryplanning.org; [Duke, Roberto](#); ["Paul Posey"](#); ["C.C. English"](#)
Subject: August 21st Meeting - CU 18-08 (Primrose)
Date: Thursday, August 30, 2018 9:40:54 AM

Ms. Tesfaye,

On behalf of Paul Posey, C.C. English, and myself I want to thank you and the rest of the MNCPPC staff who met with us on August 21st.

Since this meeting the three of us have had subsequent discussions concerning the numerous questions we received related to the number of children which would be acceptable to us in a daycare facility at the 7430 Needwood Road site. In retrospect and after some consideration we have concluded that no daycare facility requiring a Conditional Use is appropriate for this site. There are just too many site issues which would have a significant negative impact on our neighborhood. I would also have to say that after being asked these questions several times we felt pressured to give a response.

Sincerely,

Carol Kosary

From: kosaryc@gmail.com
To: [Tsfaye, Elsabet](#)
Cc: [Weaver, Richard](#); [Boyd, Fred](#); paul_posey@verizon.net; ["C.C. English"](#)
Subject: Follow-up on recent Primrose School site visit
Date: Tuesday, September 3, 2019 1:46:23 PM

Ms. Tsfaye,

During your recent site visit the possibility of a two-story building was discussed. After discussions with neighbors, we want to make it clear that this is an unacceptable alternative. A two story, 195-child building on the top of the ridge on Needwood Road is much too large and totally incompatible with the character of our residential neighborhood. It would stand out as a commercial landmark in what we hope to keep a residential area.

One story or two story, the proposed use is too intense for this location.

Carol Kosary

Door to Door Campaign Summary

Adjacent Neighbors on the West Side

There are two adjacent properties across Carnegie Avenue. I spoke to both of them and their comments are as below:

Mrs. Rosemary Tapscott-Smith – 16200 Carnegie Avenue

Very supportive as she told me that she does feel that the community needs more childcare/pre-schools. Her concern is primarily around potential loss of 2-3 trees in her front yard if Carnegie avenue is connected. These trees are quite behind from the road but the root system extends quite long and if more than 40-50% of roots are lost with the road construction, they might be affected.

She attended the community meeting and when I asked her if she wants to talk to the civil engineer present during that meeting, she said that she is okay and will talk another time if warranted.

Like others, she had some initial concern with traffic but she attended the community meeting, and the minimal traffic impact has been explained by Glen.

Mrs. Martha Abera – 7500 Needwood Road (Corner of Needwood and Carnegie Avenue)

Spoke to her on the phone and was very supportive. She told me that this is a good thing for young families and we discussed how it could positively impact the desirability of the community. She did not attend the community meeting although invited, and had some concerns on traffic. I explained to her the minimal impact due to the distribution of drop-off's and pick-up's across a long window of 3 hours in the morning and 3 hours in the evening, and the typical flow pattern, and she was very convinced.

In conclusion, she was very supportive and offered me advice to keep talking to people around.

Neighbor right across on Needwood Road:

Mr and Mrs. Jakkampudi (7425 Needwood Rd)

They are very supportive and excited that a very upscale child care center is coming up. Mr. Jakkampudi is a realtor himself and knowledgeable about real estate. They are also long-time residents in this community. They see this development enhancing the profile of the community, creating a very nice aesthetic and upscale look in place of current old house, and

the positive impact on property values attracting young families. They also allowed us to host the community meeting in their home.

Adjacent Neighbors on the East Side (Two Properties laid out as a pipe stem)

There are two adjacent properties on the east side.

Dr. Kosary (7416 Needwood Rd) – Back side of the pipestem

Went to her house to speak with her but she refused to talk.

Mr. and Mrs. Aung (7420 Needwood Rd)

Couldn't meet them yet and will try again. So far, they do not seem to be concerned and haven't even attended the community meeting although invited.

D. Supplemental Information

Attachment-D

Law Offices Of
MILLER, MILLER & CANBY
MM&C
CLIENT FOCUSED. RESULTS DRIVEN.

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SEAN P. HUGHES (DC)
CATHY G. BORTEN (DC)
MICHAEL G. CAMPBELL (DC, VA)

SOO LEE-CHO (CA)
DAVID A. LUCAS (DC)
DIANE E. FEUERHERD
CHRISTOPHER L. YOUNG (VA)
CALLIE CARNEMARK (VA)
JAMES T. ROTH (DC)

JSKLINE@MMCANBY.COM

MEMORANDUM

TO: ELSABETT TESFAYE

CC: DOUG JOHNSEN
CHRIS VAN ALSTYNE

FROM: JODY S. KLINE

DATE: 24 SEPTEMBER 2019

RE: PRIMROSE SCHOOL / DERWOOD,
CASE NO. CU 18-08;
SUBMISSION OF SUPPLEMENTARY MATERIAL

Elsabett / Doug / Chris,

Thank you for your patience. If you have any questions or require any clarification,
please call.

JSK:sda

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JAMES T. ROTH (DC)

September 24, 2019

VIA EMAIL

Ms. Elsabet Tefaye
MNCPPC
Planner Coordinator, Area 3
8787 Georgia Avenue, 3rd Fl.
Silver Spring, MD 20910

Re: Conditional Use Application No. CU 18-08,
Application of Primrose Schools Franchising Corporation;
Submission of Supplementary Materials

Dear Elsabet,

In accordance with your recent requests, the Applicant is pleased to submit the following information and materials in support of its application for a conditional use for a child day care center for over 30 persons.

I. Transportation Related Issues

A. Revised Traffic Study.

1. In response to comments received from Staff, a revised Traffic Impact Analysis dated May 3, 2019, was prepared and submitted on that date. Please advise us if you need another copy of that Study.

B. Queuing Analysis.

The Traffic Impact Study Analysis submitted in May, 2019 addressed queuing issues. Text on page 18 of the May 3 Revised Traffic Impact Analysis answers Staff's questions about the westbound approach of Needwood Road at Redland Road. Due to the fact

that the intersection of Needwood Road and Redland Road has two westbound lanes extending almost to the Carnegie Avenue intersection there is no evidence or expectation that traffic will have to queue to unacceptable lengths at that intersection.

C. Gap Analysis.

Staff has suggested that a gap analysis be conducted but that it be deferred until the time of preliminary plan review. It was also recognized that any gap analysis could not be conducted until after schools opened in September, 2019.

The Applicant will not be required to proceed through the preliminary plan amendment process but the Applicant feels that the need for a gap analysis is unnecessary due to details contained in the traffic impact analysis dated May 3, 2019 and facts observed in the field. The intersection of Needwood Road and Redland Road is located approximately 600 west of the proposed driveway to the Primrose facility. The operation of the signal light at that major intersection will create gaps in flow of vehicles along Needwood Road. Furthermore, there are a series of speed humps along Needwood Road which cause traffic to move at moderate speeds and which themselves cause artificial gaps. These features indicate that there should be adequate spacing to allow vehicles to enter or exit the subject property.

D. Site Related Traffic Issues

1. Relocate bike path crossing closer to property line to reduce crossing distance across driveway.

The attached revised site shows how the bike way crossing has been adjusted to minimize the length of the pathway crossing the driveway.

2. Illustrate ADA Ramp on Both Sides of the Driveway for the Shared Use Path.

The attached revised site plan shows ADA ramps on either side of the driveway at the shared use path crossing.

3. Mark Turning Radii for Driveway at Needwood Road.

The attached revised site plan shows the adjusted turning radii for the driveway at its connection to Needwood Road. The turning radii will be 25 feet per Staff's recommendations.

4. Reduce Pavement Width of Driveway to 20 feet to Minimize Setback Encroachment.

Primrose Schools typically likes to have circulation lanes within its site to measure 22 feet in width in order to provide a measure of comfort for parents driving on the site.

However, the Applicant understands the purpose of Staff's request. Accordingly, the attached revised site plan has reduced the driveway width to 20 feet which is consistent with Zoning Ordinance standards for a two-way driveway.

5. Provide Sidewalk from Carnegie Avenue to the School entrance.

The attached revised site plan does not include a lead walk for the following reasons. The number of children that will be walking to the proposed facility is deemed to be infinitesimal. Furthermore, important and essential micro bio-retention facilities (numbered #2 and #3) are located between the proposed six-foot public sidewalk running parallel to Carnegie Avenue and the entrance to the building. It is not possible to connect the public sidewalk to the front of the School building without material changes to the site's proposed stormwater management system which is unnecessary in light of the limited value of the lead walk. There is a 5' grade difference between the proposed public sidewalk and the landing at the building's entrance. A lead walk would have to have two switchbacks to overcome the grade differences, a design feature which would destroy the applicant's finely tuned SWM program.

6. Provide Detailed Justification for Side Setback Waiver for the Parking Facility.

See paragraph IV following.

7. Provide additional details on proposed screening and fence.

In Section IV.E. of this letter there is a description of the generous and varied landscaping that is intended to be planted along the subject property's eastern boundary line to screen views from residences to the east. Moreover, a "6 foot high opaque screening fence" will be installed along the entire developed area of the eastern property line.

II. Landscape and Lighting Plans.

A. Landscaping.

1. Additional Landscaping to Achieve 25% Canopy Coverage.

Pursuant to Staff's recommendations, additional trees (4) have been installed to satisfy the canopy coverage requirements of Section 6.2.9.C.2. These trees will be installed around the middle parking lot island.

The Applicant was not able to install a tree near the southeast corner of the proposed building due to a fire hydrant located in that area.

2. Landscaping is not recommended by the Applicant to be planted along the southern edge of the parking lot because the adjacent forest conservation area will already perform the screening function and trees to be planted in the parking lot have already satisfied the 25% canopy requirement.

B. Lighting Plan.

1. The application materials include two photometric sheets. Sheet PM1-B represents the footcandles that will be generated by light installed on the subject property by the Applicant, no reading of which exceeds 0.1 footcandles at the property line. Sheet PM1-A represents the footcandle readings that will occur when streetlights are installed along Carnegie Avenue. Sheet PM1-B is the relevant lighting plan for staff analysis.

III. Building Height

Elsabett, you have been kind to provide a study about how the subject property could be developed with a two-story building containing up to 13,000 square feet of building area. Matt Taylor of Primrose School, or Jim Alt of Alt Architecture, Inc., the project architect, are much more articulate and comprehensive in their explanations about why a two-story child day care facility is not a good idea for many reasons. I will try to summarize their reasoning:

A. Design Considerations.

1. Building size.

Converting to a two-story building does not simply reduce the proposed 13,000 square foot structure to two floor plates of 6,500 square feet each. Because of the second floor, there must be escape stairwells, an elevator shaft and elevator equipment rooms introduced which increase the footprint of the building by 15 – 20%. Furthermore, Primrose would have to duplicate certain staff and storage spaces on the upper floor so that they exist on both floors. Accordingly, with a two-story building, the ground floor footprint is materially larger than one-half (1/2) of the proposed 13,000 square foot building.

2. Building Bulk and Mass.

The addition of a second story onto a building materially larger than 6,500 square feet in area creates a structure that projects more mass than would a typical single family detached residence. And because the extra internal floor-to-floor design for a child day care facility as compared to a typical residence (to accommodate all of the HVAC systems) results in a taller building, the mass of the structure is magnified.

In short, Primrose believes that it can do more to make a one-story building residential in appearance and scale than it can with a two-story building.

B. Operational Considerations.

1. As you have heard, Primrose designs its buildings so that every classroom has direct access to the outdoors to a safe and secure play area with age appropriate playground. The School feels that this feature is a major asset in its child care program. That benefit for the children is lost to half of the enrollment with a two-story building.

2. If the School is located in a two-story structure, the movement of children up and down hallways and staircases through the building to get to outdoor play areas

causes commotion and a distraction in classrooms that remain in session. This problem is not experienced in the Primrose one-story model building.

3. In the case of emergencies, it is much safer and easier to evacuate the building through a readily available ground floor classroom door than to move children from a second floor to the outdoors.

4. Having a two-story building determines what age groups can be located on what levels because there are specified egress requirements for designated age groups.

5. A two-story structure complicates food preparation and distribution. Either food will have to be transported from a ground floor warming kitchen to the upper floor or there will need to be a warming kitchen located on the second floor, a feature that adds square footage to the building.

In summary, converting the proposed Primrose School facility into a two-story structure will likely make it less compatible with its surroundings than would a single story building with admittedly a larger footprint but with much less mass and bulk. Furthermore, the operational complications described above detract from the facilities proven efficient management and the benefits to the enrollees.

IV. Parking Facility Setback Waiver.

Elsabett, you have asked that we provide a more detailed explanation about why a waiver of the setback of the proposed Primrose School facility is necessary and appropriate. The following sets forth the Applicant's position on its request for a waiver from the requirements of Section 59.6.2.5.K.2 of the Zoning Ordinance.

A. A Parking Waiver is Mandatory to Provide Access to the Site.

Although not defined the same in the post-2014 Zoning Ordinance as it was in Section 59-E.-2.81 of the pre-2014 Zoning Ordinance, we understand that your agency interprets the phrase "parking facility" to mean all "parking surfaces, spaces and driveways" when applying setback requirements imposed in Section 59.6.2.5.K.2.

In this instance, due to line of sight requirements, the only place where a driveway connection to Needwood Road could be located is as close as possible to the eastern property line of the subject property. Since that driveway is considered part of a "parking facility", access to the site for the proposed use would not be permitted since the driveway initially abuts the eastern property line and then shifts to being located now 12 feet from and parallel to the eastern property line.

B. A Driveway Leading to the Rear of the Site is Required Because Parking in Front of the School Building Is Not Permitted.

The Applicant cannot solve the parking facility setback problem by eliminating the proposed driveway along the eastern edge of the subject property by placing all of its parking

in front of its proposed building. Section 59.6.3.4.4.F.2.b.1 states that for a child day care center subject to conditional use standards “[a]ll required parking must be behind the front building line”. This section provides relief from that requirement but the Applicant felt that creating 44 parking spaces in the front yard of the property made the proposed use too institutional in appearance and that it was better to use the School building to screen parking from view from Needwood Road by placing its parking lot to the rear of the structure.

C. It is not Practical or Possible to Contort the Driveway To Eliminate its Alignment Along the Eastern Edge of the Property.

Realigning the driveway so that it would bend upon entering the property, then run through the front yard and then head south on a routing parallel to Carnegie Avenue to the proposed parking lot was evaluated. Such a routing of the driveway was rejected, however, because it was extremely circuitous. But, more particularly, it would merely place the driveway within the parking facility setback area from Carnegie Avenue from which a separate, and even greater, waiver would be required.

D. The Geometry of the Subject Property, and the Zoning Ordinance Restrictions, Dictate that a Parking Facility Waiver is Required In Order to Accommodate the Proposed Parking for the Use.

It is interesting to note that while a single family residence could occupy the subject property with a driveway immediately adjacent to the eastern property line, any proposed conditional use would have to deal with challenging parking facility setbacks and a substantially limited area for construction and operation of a parking lot and associated driveways.

The subject property is located in the RE-1 zone. In that zone, the side yard setback is a minimum of 17 feet. But, due to the operation of Section 59.6.2.5.K.2, parking areas and drive lanes on the property should be setback 34 feet from a property line abutting single family attached residences.

On the opposite side of the property (west side), the parking facility must comply with the side street setback but that setback on the west side is 50 feet since it abuts the dedicated right-of-way of Carnegie Avenue, a street that will be increased in width by the dedication of ten (10) additional feet through a condition of the requested use approval.

The simple fact of the matter is that the subject property is a relatively narrow rectangular piece of land; its length (633 feet) is more than three (3) times what will be its ultimate width after dedication for Carnegie Avenue (202 feet). What the exaggerated setbacks on the east and west side of the property do is to substantially narrow the on-side area where the parking surfaces, spaces and drive lanes can be located without a waiver. The width of the subject property available for location of a parking facility is usurped by as much as 84 feet. The result of this mathematical exercise shows that the “envelope” for a parking facility, including the driveway, is quite constrained. A sketch showing the geometry of the site, and the applicable setback requirements, highlights the limited available area for parking and circulation and shows why an access driveway along the eastern edge of the property is the most efficient way to circulate on the property.

E. Mitigation Proposals.

It is first important to note that no parking or loading spaces are proposed to be located within the parking facility setback. Only the driveway on to and off the site will be located within that 34 foot wide strip of land.

In order to minimize the amount of encroachment into the parking facility setback on the east side of the property, the Applicant has reduced the driveway width, per Staff's recommendation, from 22 feet to 20 to create an additional two (2) feet of separation along the common boundary lines with properties to the east.

Additionally, within the now 12 foot planting area, the Applicant proposes to install and maintain a vigorous combination of trees (silver maples), understory flowering trees (redbud) and shrubs (rhododendron, yew, holly). It is expected that this planting arrangement will screen parked cars and moving vehicles from view from the residences to the east.

F. Conclusion.

The Applicant believes that the analysis above explains why the parking waiver requested in this application is not required due to the size of the proposed facility but rather is necessitated by the geometry of the subject property and the strict application of rigorous standards in the Zoning Ordinance that can in this case be waived on the basis that they are not necessary to accomplish the objectives of Section 59.6.2.

Elsabett, notwithstanding the volume of information contained herein, there may be additional information that you need, or some clarification required. If that is the case, let me know and we will respond promptly.

Sincerely Yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink, appearing to read "JODY", with a horizontal line above it.

Jody S. Kline

JSK:sda

Enclosures

cc: Rich Weaver
Doug Johnsen
Chris van Alstyne
Matt Taylor
Terry Owens
Srikanth Mandava
Scott Wolford
Eduardo Intriago
Glenn Cook

From: Farhadi, Sam <Sam.Farhadi@montgomerycountymd.gov>
Sent: Tuesday, October 15, 2019 1:59 PM
To: Eduardo Intriago <EIntriago@maserconsulting.com>
Cc: Robert Pease <RPease@maserconsulting.com>
Subject: RE: CU Application 18-08, Application of Primrose School, 7430 Needwood Road; SWM Concept #282828

Hi Eduardo,

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 ROW permit stage.
Please let me know if you have any question.

Sam

From: Farhadi, Sam
Sent: Tuesday, October 15, 2019 9:13 AM
To: Eduardo Intriago <EIntriago@maserconsulting.com>
Cc: Robert Pease <RPease@maserconsulting.com>
Subject: RE: CU Application 18-08, Application of Primrose School, 7430 Needwood Road; SWM Concept #282828

Hi Eduardo,

I just left a voicemail for you, when you get a chance, please give me a call so we can discuss this project.

Thank you,



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October 21, 2019

VIA DELIVERY

Mr. Doug Johnsen, Planning Area 3
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

**Re: Conditional Use Application, CU201808
Primrose Derwood
7430 Needwood Road
Derwood, MD 20855
MC Project No.: 16003398A**

Dear Mr. Johnsen:

In response to the comments, received October 16, 2019, we offer the following responses for your review and approval:

Landscape Plan Sheet

1. The Planting Schedule needs to be moved from the detail sheet to the plan sheet for clarity.

Response: The planting schedule has been moved to the plan view sheet, as requested.

2. The tree symbology denoting both the *Acer saccharinum* and the *Quercus phellos* is the exact same symbol. This creates confusion on the plan. Please make each plant symbol different and distinct.

Response: The symbols were very similar, with only slight distinctions between the two. The symbol for the Willow Oak has been changed for better plan clarity.

3. In the upper left corner of the lot there is a plant call-out specifying 2 *Quercus phellos* trees to be planted, but only one is there. The very next call-out specifies 13 *Acer saccharinum* trees, but there are 14.



Response: The “count” was intended to tally all the Willow Oaks along the easterly property line, with the second Willow oak being planted at the far right (southerly) end of the property line plantings. The “count” methodology has been revised to label trees in sequence. Different trees along the buffer get a new label, multiple trees (in sequence) use the same label with the total number of trees within that series of similar trees.

4. Along the top entry drive, planting a row of 14 *Acer saccharinum* tree and one *Quercus phellos* at the end make no planting design sense. Make this a row of the same species of tree or possibly alternate between two species.

Response: The plantings along this row have been changed to a more balanced mix of the Willow Oak and the Silver Maple.

5. In the lower left corner of the lot is a tree designated as CH-1. This symbol and call-out are not on the planting schedule.

Response: This tree is an existing Red Pine, which is to be preserved. The plan view has been clarified, accordingly.

6. In the lower middle of the lot along Carnegie Ave. there is a row of trees. The symbology says these are all *Acer saccharinums*, but the call-outs specify *Acer rubrum* and *Acer saccharinum*. Once again, this planting design makes no sense with 4 *Acer saccharinums* in a row with 2 *Acer rubrums* at the end.

Response: The symbol for the Willow Oak has been changed for better plan clarity. In addition, the mix has been revised to achieve a better balance.

7. Why is there not a tree planted in the island to the upper right of the day care center adjacent to the parking lot entry drive?

Response: There is no tree here due to the locations of the proposed Fire Hydrant and the Siamese Connection on the building and the workspace required in this area during an emergency.

8. What is the symbology along the bottom and left side of the day care center? This needs to be called out in the Legend and specified on the Planting Schedule.

Response: This symbol was used to depict the area that receives a proprietary cover within the playground area (“XGrass”), which is considered impervious for the purposes of SWM computations. As such, the limits that receive this treatment had to be clearly delineated. This information (brand of treatment and hatch pattern) has been included in a



legend. In addition, the symbol has been changed to avoid conflict with the symbol used to depict groundcover within the bio-retention facilities.

9. Why are trees not planted along the frontage of Needwood Rd.?

Response: The trees along Needwood are not required. Additionally, there is concern regarding sight distance while leaving the site as well as visibility for the proposed monument sign at the entrance. One tree and two shrubs have been added outside the line of sight, as established by the existing evergreen at the northwest corner which is to be preserved.

10. What is happening on the ground surface outside of the day care center fencing and along the west side of the parking lot? Are these areas left as dirt or will it be stabilized with grass?

Response: The areas described will be sodded. The plan has been clarified to include the appropriate detail(s) in these areas.

Landscape Details Sheet

1. A detail is shown for Tree Protection, but the location of this fencing is not shown on the plan sheet. A symbol needs to be added to the Legend to identify this tree protection and where it is located. Ensure that this tree protection detail is not confused with the tree protection detail on the forest conservation plan.

Response: The tree protection is for the existing tree located at the northwest corner of the property, which is to be preserved. The limits of the tree protection has been indicated on the plan view.

2. A detail is needed for evergreen trees planting.

Response: There are no evergreen trees associated with this landscape plan.

3. Some notes and/or details may be required for what is being installed within the day care center fencing.

Response: The symbol used within the fencing was intended to depict the limits of a surface treatment used for the playground area. It has since been revised due to the conflict with the groundcover symbol used within the bio-retention facilities. In addition, a call-out and spec has been added to the plans for clarity.



Mr. Doug Johnsen, Planning Area 3
Montgomery County Planning Department
Primrose Derwood
Conditional Use Application, CU201808
October 21, 2019
Page 4 of 4

Lighting Plan

1. Prior comments from 07/23/2019 have been addressed. Lighting Plan complies with Section 6.4.4 of the Zoning Ordinance.

Response: Lighting plan compliance acknowledged.

Should you have any questions or require any additional information, please do not hesitate to contact our office at (703) 430-4330.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in blue ink that reads 'Eduardo J. Intriago'.

Eduardo J. Intriago, P.E.
Associate

E. Memoranda and Letters

Attachment-E

Primrose at Derwood Daycare – Conditional Use Transportation

CONDITIONS

- 1) This Applicant is limited to a 195-child day care center.
- 2) A 6-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.
- 3) 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.
- 4) A fence must be constructed along the property line adjacent to the parking lot and driveway capable of blocking headlight glare. The design and materials must be approved by Planning Department Staff.

Site Access, Parking, and Public Transportation

The site is located on the south side of Needwood Rd. approximately 600 ft to the east of the intersection of Redland Rd. and Needwood Rd. The applicant included a Transportation Study as part of this application, revised May 2019 (Attachment XX).

Needwood Rd. is classified as a Primary Residential street with a 70 ft. Right-of-Way according to the Master Plan of Highways and Transitways. The applicant proposes to provide full dedication as part of a subsequent Preliminary Plan application.

The Subject Property as proposed will access Needwood Rd via a single driveway on the north-eastern corner. As mentioned previously in this report, a variance from the required setback for a parking facility is requested as part of this application. The proposed driveway location and variance request is dictated by sight distance concerns; the driveway access point is roughly along a ridge in Needwood Road that falls on either side. The applicant has stated that this narrow section along the ridge crest is the only viable location for an access point along the frontage of the Subject Property. At Staff's request, the Applicant had earlier agreed to draw access from Carnegie Ave., a public road, along the western frontage of the Subject Property and improve the road to current 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 serviced by Ride-on bus routes 53 and 57 on Redland Rd., approximately 700 ft away.

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

Master Plan Transportation Facilities

The 2018 Bicycle Master Plan recommends a sidepath to run along the south side of Needwood road. An 8-ft wide sidepath 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.

Local Area Transportation Review (LATR)

The proposed 195-child day care will create 181 AM peak period person trips and 173 AM peak period person trips as calculated using the 2017 LATR guidelines. This equates to the following vehicle generation rates detailed in **Table 1** below:

Table 1: 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
Pass-by (Credit)		(18)	(16)	(34)	(7)	(8)	(15)
Net New Trips		50	45	95	51	57	108

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

Concerns have been raised by adjacent property owners to the level of vehicular traffic entering and exiting the Subject Property. According 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 2 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 property line with eh design to be approved by Staff.

A transportation study was produced for this application. The current revised version, published in May of 2019 (**Attachment XX**), analyzed four intersections: 1. Redland Rd./Needwood Rd; 2. MD 115/Needwood Rd.; 3. Needwood Rd./ Carnegie Ave; 4. Needwood Rd./Site Access. Following LATR guidelines, intersection 2 was studied under the CLV and HCM analysis standard as seen in **Table 2 and Table 3**. Additionally, intersections 1, 3 and 4 are located in the orange policy area and were studied using under the HCM methodology, detailed in **Table 3**.

Table 2: CLV Intersection Analysis

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

Intersection 2 (MD 115/Needwood Rd.) exceeds the policy area CLV threshold of 1350 in the AM peak hour. Intersection 2 did not exceed the threshold for the PM hour and no additional study or mitigation is required for that period of time. As per LATR guidance, intersection 2 was further studied using Highway Capacity Model (HCM) analysis for the AM peak hour in **Table 3**.

Table 3: HCM Intersection Analysis

Intersection	HCM Delay Standard (sec/veh)	AM Peak Hour Delay (sec/veh)			PM Peak Hour Delay (sec/veh)		
		Existing	Back-ground	Total	Existing	Back-ground	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 2**

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

Conclusion

The Conditional Use has been evaluated by Staff, which supports the transportation elements of the Plan with the conditions as recommended. Staff finds 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 traffic.