



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

MCPB No. 20-026  
Site Plan No. 820200070  
Quality Time Learning Center Annex  
Date of Hearing: April 16, 2020

**APR 24 2020**

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on November 20, 2019, ERNA, LLC ("Applicant") filed an application for approval of a site plan for a 21,840 square foot day care center on 0.28 acres of CR 3.0 C 2.0 R 2.75 H 110T and Fenton Village Overlay Zone zoned-land, located on the northeast quadrant of the Georgia Avenue and Sligo Avenue intersection ("Subject Property"), in the Silver Spring Takoma Park Policy Area and 2000 Silver Spring Central Business District Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820200070, Quality Time Learning Center ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated April 3, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 16, 2020, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820200070 for a 21,840 square foot day care center, the Subject Property, ~~subject to the following conditions:~~<sup>1</sup>

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

Approved as to Legal Sufficiency:   
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M-NCPPC Legal Department

### **Density, Height & Housing**

1. Density

The Site Plan is limited to a maximum of 21,840 square feet of commercial development (daycare center) on the Subject Property with up to 32 staff and up to 140 students.

2. Minor Subdivision

Prior to certification of the Site Plan, the Applicant must obtain Planning Board approval of Minor Subdivision 220200390.

3. Height

The development is limited to a maximum height of 50 feet, as measured from the building height measuring point illustrated on the Certified Site Plan.

### **Open Space, Facilities and Amenities**

4. Silver Spring Streetscape

The Applicant must install the 2019 Silver Spring Streetscape, modified to provide a minimum fire department operational access area, along the site's Georgia Avenue frontage as shown on the Certified Site Plan. The modified streetscape section must include continuous soil panels, or similar as determined by Staff, to mitigate loss of depth for street tree planting.

5. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 664 square feet of public open space (10% of site area) off-site, as shown on the Certified Site Plan.
- b. If the off-site area is modified to be inconsistent with the definition of public open space, the Applicant must amend this Site Plan to address the public open space requirement.

### **Site Plan**

6. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off or BUG-equivalent fixtures.

- c. Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from onsite lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e. Street lights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

## **Environment**

### **7. Stormwater Management**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated February 20, 2020 (revised) and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Stormwater Management easements and facilities.

## **Transportation & Circulation**

### **8. Pedestrian & Bicycle Circulation**

- a. The Applicant must provide 5 long-term and 2 short-term bicycle parking spaces on-site.
- b. The long-term spaces must be in a secured, well-lit bicycle room and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's Georgia Avenue frontage. The specific locations of the bicycle parking spaces must be identified on the Certified Site Plan.

### **9. Validity**

The Adequate Public Facility Review (APF) will remain valid for sixty (60) months from the date of mailing of the Planning Board Resolution for the Site Plan.

- 10. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated January 23, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which



MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

11. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Right-of-Way Plan Review Section in its memorandum dated March 6, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.
12. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated April 2, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Site Plan approval.
13. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated March 11, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Site Plan approval.
14. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
15. Site Plan Surety and Maintenance Agreement  
Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:
  - a. Any cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
  - b. Any cost estimate must include applicable Site Plan elements, including, but not limited to plant material, onsite lighting, trash enclosures. The surety must be posted before issuance of any building permit of development and will be tied to the development program.

- c. Any bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

16. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

17. Certified Site Plan

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

- a. Provide an exhibit demonstrating conformance with the building transparency and blank wall requirements set forth in Section 59.4.5.3.C. of the Zoning Ordinance.
- b. Include the following approval letters on the Site Plan cover sheet(s): stormwater management concept, MD SHA, MCDOT, MCDPS Right-of-Way Plan Review Section, MCDPS Fire Department Access and Water Supply Section development program, and Site Plan resolution on the approval or cover sheet(s).
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820200070, Quality Time Learning Center Annex, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

1. *The development satisfies any previous approval that applies to the site.*



The Site is not subject to any previous approvals.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014, was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Development Standards

The Subject Property includes approximately 0.28 acres of tract area, zoned CR 3.0 C 2.0 R 2.75 H 110T and Fenton Village Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table. As conditioned, the Applicant must obtain approval of Minor Subdivision 220200390 prior to certification of the Site Plan.

Site Plan Data Table			
Section	Development Standard	Permitted/ Mapped Density	Approved
59.4	<b>Tract Area</b> CR 3.0 C 2.0 R 2.75 H 110T and Fenton Village Overlay Zone	n/a	<b>12,173 sf (0.28 ac)</b>
	Prior Dedication Proposed Dedication	n/a	4,552 sf (0.10 ac) 983 sf (0.02 ac)
	<b>Site Area</b>		<b>6,638 sf (0.15 ac)</b>
	<b>Commercial Density (GFA/ FAR)</b> CR 3.0 C 2.0 R 2.75 H 110T	<b>24,346 sf (2.0)<sup>1</sup></b>	<b>21,840 (1.79 FAR)</b>
	<b>Building Height (max)</b>	110 feet	50 feet
	<b>Public Open Space (min)</b>	10%	664 sf (10%) <sup>2</sup>
	<b>Minimum Setbacks</b>	0	0
59.6		<b>Spaces Required</b>	<b>Spaces Provided<sup>3</sup></b>
	<b>Vehicle Parking (Min/ Max)</b>	(65 Min./ 87 Max.)	0
	<b>Vehicle Loading</b>	0	0
	<b>Bicycle Parking</b>		
	Long Term	5	5
	Short Term	0	2
	<b>Bicycle Parking Total</b>	5	7

<sup>1</sup> In accordance with Section 59.4.9.8.C.4. of the Zoning Ordinance, Standard Method projects within the Fenton Village Overlay Zone may provide up to 2.0 FAR of commercial uses.

<sup>2</sup> Open Space to be provided offsite

<sup>3</sup> No vehicular parking is provided onsite because the Site is within the Silver Spring Parking Lot District.

#### Section 4.5.3 – Standard Method Development Form Standards

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances, as illustrated on the Certified Site Plan. The Project proposes pedestrian entrances on both Georgia Avenue and Mayor Lane and will improve upon the existing Georgia Avenue street frontage adjacent to the Property through the provision of wide sidewalks and attractive streetscaping features.

#### b. General Requirements

##### i. *Site Access*

The development is not providing on-site circulation or parking. Parents may park in the metered spaces along the Georgia Avenue service drive or the County Parking facilities across Mayor Lane



and walk their children to the site. As a property within the Silver Spring Parking Lot District, the Applicant is not required to provide parking on-site.

Pedestrian and bicycle access to the Property will be provided along the Property's frontage on Georgia Avenue and Mayor Lane. Bicycle parking is provided in the basement of the Annex, the precise location and details of which will be approved by Staff as part of the Certified Site Plan. The Applicant will be providing improvements to the frontage of the Subject Property including improving the sidewalk to the Silver Spring Streetscape Standard (modified for Fire Department Access). The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

ii. *Parking, Queuing, and Loading*

No parking or loading operations will occur onsite because the daycare center Annex is located within the Silver Spring Parking Lot District and comprises less than 25,000 square feet of gross floor area. Parking demand and queuing will be accommodated via nearby public parking facilities and on-street metered parking. Additionally, travel demand to and from the site will be accommodated through the robust public transit system available in Silver Spring.

iii. *Open Space and Recreation*

The Applicant is required to provide at least 10% of the site area, a minimum of 664 square feet, as public open space. The Sector Plan and Fenton Village Overlay Zone allow the transfer of public open space off-site per section 59.4.9.8.A.4. The Project includes 664 square feet of existing public open space improvements off-site within the Georgia Avenue right-of-way. Use of these existing improvements is supported by the Planning Board and has been accepted by the Maryland State Highway Administration in an e-mail from the Maryland State Highway Administration District 3 Regional Engineer, dated March 10, 2020. If the area is modified to be inconsistent with the definition of public open space, the Applicant must amend the Site Plan to satisfy the requirement.

iv. *General Landscaping and Outdoor Lighting*

*Landscaping and lighting will be provided to ensure that the Annex will be safe, adequate, and efficient for students, staff, and visitors to the Project. The Project will include streetscaping along the*



*Georgia Avenue frontage, with widened sidewalks, street trees, and lighting.*

*As shown in the Development Standards table, the Site Plan meets the general requirements and development standards of Section 4.5 of the Zoning Ordinance and the general development requirements of Article 59-6 of the Zoning Ordinance.*

*5. The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

This Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant requested, and received, a full stormwater concept waiver approval from the Montgomery County Department of Permitting Services Water Resources Division on February 20, 2020 (revised).

b. Chapter 22A, Forest Conservation

This Application is subject to Chapter 22A, the Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet. An exemption was confirmed for this Site Plan Application on November 12, 2019 under Forest Conservation Exemption No. 42020070E.

*6. The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The Project provides adequate, safe, and efficient parking and circulation patterns. Access for bicyclists and pedestrians will be provided along the Property frontages on Georgia Avenue and Mayor Lane. No parking or loading will occur onsite because the Site is within the Silver Spring Parking Lot District and below the minimum gross square footage threshold at which an onsite loading space is required. The Project will provide open space offsite in accordance with Section 59.6.3.6.C. of the Zoning Ordinance and as conditioned.

*7. The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Project lies within the “Fenton Village” area of the 2000 Silver Spring CBD Sector Plan. The Sector Plan describes the vision for this area of Silver Spring as having “an upgraded streetscape, new housing, and a lively mix of multi-cultural, specialty, and convenience shops serving local and regional customers” (Sector Plan, p. 60). The Project’s redevelopment of an existing surface parking lot to a daycare and advanced learning center for children directly aligns with the goals stated for the Fenton Village area.

The Project, which also lies within the Silver Spring Parking Lot District, proposes zero onsite vehicular parking, supporting the use of transit, bicycles, and walking in lieu of automobile transportation. Further, the Project will follow the Silver Spring Streetscape Standards, as modified to accommodate fire apparatus access, to improve upon the existing street frontage along Georgia Avenue and adjacent to the Property.

The Sector Plan is organized around six themes, which are applicable to the Project, including transit-oriented downtown, commercial downtown, residential downtown, civic downtown, green downtown, and pedestrian friendly downtown. (Sector Plan, pp. 14-25)

#### Transit-Oriented Downtown

The Sector Plan identifies Silver Spring as a transportation center where regional train, bus, road and trail systems come together (Sector Plan, p. 13). Through both location and active design choices, the Project embodies the elements of the transit-oriented downtown theme in many ways. The Project will be less than a mile walking distance from the Silver Spring Metro and from the multi-modal Paul S. Sarbanes Transit Center that includes the MARC commuter rail station, WMATA Metrobus, Montgomery County Ride-On Bus service, and the University of Maryland bus. The future Purple Line stop will be located near the Silver Spring Metro Station. Additionally, the Project leverages ample garage and street parking to discourage the use of single-occupancy vehicles by residents, employees, and patrons. Future Bus Rapid Transit (BRT) is also proposed along Georgia Avenue. The potential for BRT service at the running along doorstep of the Project will enhance the Sector Plan's transit-oriented vision for Downtown Silver Spring.

#### Commercial Downtown

The Sector Plan’s commercial downtown theme seeks to create a rejuvenated mix of commercial uses that will combine with housing and civic uses, all linked to the area by transit, to create a complete and active downtown (Sector Plan, p. 18).



Silver Spring's location, infrastructure, and position in the metropolitan area market will continue its role as an employment center. New retail development will serve the local community with a mix of chain and independent businesses offering convenience and specialty shopping, restaurants and entertainment. (Sector Plan, p.18).

This Project will further expand the mix of uses within Silver Spring, which relates to the Sector Plan's goals of a rejuvenated and diverse commercial area. The Applicant also directly addresses goals regarding Silver Spring as an employment center through their planned development program which aims to increase staff by 48% from current figures.

#### Residential Downtown

The Sector Plan's residential downtown theme seeks to create a mix of housing choices supported by parks, shopping, cultural, civic and employment uses with transit. While this Project is not residential in nature, the proposal aims to expand Silver Spring's capacity for educational programs for young children. This use supports the increased presence of families within Downtown Silver Spring and allows for residents to find their childcare and early education needs locally.

#### Civic Downtown

"Civic structures are often tied to the services they provide...Other structures are more flexible in their use and character. Meeting rooms, for example, can be used for public gatherings or private parties" (Sector Plan, p. 21). The Project consists of an innovative building designed to be an active and inviting part of the community.

#### Green Downtown

The green downtown theme of the Sector Plan envisions shaded, tree-lined streets and well-placed green parks and plazas, creating a comprehensive system of open spaces that provide economic, environmental and aesthetic benefits throughout downtown (Sector Plan, page 22). Despite the site's limited footprint, the Application is able to work towards the green downtown theme in various ways. The Project proposes the incorporation of the design elements of the Silver Spring streetscape standards as well as two large tree pits to be planted with canopy trees and understory perennials. Additionally, the conversion of the site from a surface parking lot will improve water quality because the runoff will no longer contain oil, grease, and heavy metals typical of surface parking lots.

#### Pedestrian-Friendly Downtown

The pedestrian-friendly downtown theme of the Plan encourages the development of active streets and sidewalks, busy with people walking to shop,

commute, or for pleasure. The Sector Plan states "An urban area's greatest economic asset and strongest physical definition comes from its pedestrian environment" (Sector Plan, page 24). The site's pedestrian environment will be enhanced by an improved sidewalk along the Site frontage, which includes street tree plantings to provide shade. Additionally, the 48% increase in employment contributes to the activation of downtown Silver Spring. When viewed in combination with the aspects already detailed within the transit-oriented theme, this Project displays a clear improvement in the pedestrian experience along Georgia Avenue.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

The development will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. The Project does not require an evaluation of public school adequacy because it does not generate any students for the public school system.

The Project is estimated to generate more than 50 new peak hour person trips, therefore, a transportation study was submitted to analyze the Project in accordance with the Local Area Transportation Review Guidelines. The study concluded that the Project will be served by adequate transportation facilities and that conclusion was accepted by the County Department of Transportation, Maryland State Highway Administration, and Planning Board. Other public facilities and services are available and will be adequate to serve the Project.

9. *The development is compatible with existing and approved or pending adjacent development.*

The Project's design and scale is compatible with existing adjacent buildings and approved or pending adjacent development. The redevelopment of an existing surface parking lot with an expanded daycare center is compatible with the existing and approved development in the vicinity of the Property and throughout the Fenton Village district of the Silver Spring CBD. The density and building heights proposed by the Project is consistent with the Fenton Village Overlay Zone. Given location of the Property, the constrained parking proposed by the Project will encourage the use of alternative forms of transportation and utilization of nearby public parking facilities. The relationships of building massing and the improved streetscape along Georgia Avenue will help to further activate the street level of this location in a manner that is compatible with the surrounding urban neighborhoods in Silver Spring.



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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 24 2020 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy and Verma voting in favor, and Vice Chair Fani-González and Commissioner Patterson absent at its regular meeting held on Thursday, April 16, 2020, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board